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AND NATURAL HABITATS

Standing Committee

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New complaint: 2022/04

**Hydropower plant development on Emerald Network site
Komarnica (ME000000P)
(Montenegro)**

- GOVERNMENT REPORT -

*Document prepared by
Ministry of Ecology, Spatial Planning and Urbanism of Montenegro*

I) INTRODUCTION

The Ministry of Ecology, Spatial Planning and Urbanism of Montenegro was requested from the Secretariat of the Bern Convention to prepare a report on the compliant No.2022/04: Hydropower plant development on candidate Emerald Network site Komarnica (ME000000P), submitted on behalf of three NGOs: Montenegrin Ecologists Society, KOD and Društvo mladih ekologa Nikšić.

Construction of a hydropower plant on Komarnica river was planned in the Energy Development Strategy of the Republic of Montenegro until 2025, and it is a part of updated Energy Development Strategy of Montenegro until 2030. Moreover, the construction of this hydropower plant is one of the recommendations in fulfilling the national goal for renewable energy sources.

The area of hydropower plant Komarnica was considered and defined in the Detailed Spatial Plan for the Area of Multi-purpose Accumulation on the Komarnica river. In accordance with legal regulations, the process of strategic environmental impact assessment was implemented for this document. The Strategic Environmental Impact Assessment of the Detailed Spatial Plan for the multipurpose accumulation on the Komarnica River, has clearly recognized and defined the scale of negative impact of realization of activities on Komarnica river, and defined set of recommendations, guidelines and measures of protection. The evaluation procedure of the Environmental Impact Assessment Elaborate is the process.

According to the Environmental Impact Assessment the value of the Komarnica canyon where the construction of the hydropower plant is planned, from the aspect of biological diversity is exceptional, which includes all levels of diversity, from genes to species, a and diversity of habitats, ecosystems and biomes. Due to this exceptional richness, the area was established in 2017 as Nature Park „Dragišnica and Komarnica“ and holds an official nomination as a candidate Emerald site „Komarnica“ (Site Code: ME000000P).

II) Basic information on ecological network for Montenegro

In the frame of the EU Acquis and as signatory to the Bern Convention Montenegro committed itself to set up an ecological network throughout Montenegro. Since 2011 Montenegro has already nominated 32 candidate Emerald sites covering about 17% of the countries surface. In the past 5 years also, significant progress could be made to map habitats, species and birds, which are listed in the respective annexes of the EU Habitat and bird directives as well as the Bern convention. To date about one third of the country has been mapped under the habitat directive and 33 candidate SPAs (special protected areas) have been identified covering 53.5% of the countries surface. In addition, about 13% of the country has a national protection status.

The establishment and management of the ecological network for Montenegro is described in the law on nature conservation (Article 41 to 54) and a closing benchmark for chapter 27 on the Environment of the EU Acquis.

The Emerald and Natura 2000 network are interchangeable as the EU is as a whole is member in the Bern Convention. As only EU-Members can establish Natura 2000 sites for all other European Countries including Montenegro the Emerald Network under the Bern Convention is the international tool on hand at the moment. A last sufficiency evaluation of the Montenegro's ecological network will have to take place under Natura 2000, prior to a possible accession to the EU. However, experience with the most recent EU Member States showed that it takes three to four iterations of sufficiency assessments before a country network of designated sites reaches the desired level of sufficiency. Therefore, the full establishment of the Emerald Network during the EU Acquis process is an ideal stepping-stone for the establishment of the Natura 2000 network.

The preliminary data shows, that all municipalities in Montenegro will have to deal with one or another ecological network area. Therefore, it is planned to start the communication with the local communities and all stakeholders at an early stage. The ecological network will allow a zonation of the country balancing all needs of the society. Ultimately it will be mirrored in the spatial plan of the country. To facilitate and coordinate the process of establishment of the ecological network two working groups are planned to be established in the following period.

III) Positions of the government of Montenegro regarding the complaint

Energy Development Strategy of Montenegro until 2030

According to the Energy Development Strategy of Montenegro until 2030, the main priority of Montenegro's Energy Policy is the increased utilization of renewable energy sources, which is in line with the obligation to the Energy Community Treaty (Directives 2009/28/EC, 2001/77/EC and 2003/30/EC). The energy policy of Montenegro took into account the radical structural and technological changes in global energy that are expected in the next decades. The plan included intensive activation of the State's energy potentials with a special reference to hydropower. Construction of Komarnica hydropower plant was in the previous Energy Development Strategy that was not implemented, and in the valid Strategy, the construction of this hydropower plant represents a national priority along with the construction of Morača hydropower plants. The public discussion of the Energy Development Strategy of Montenegro until 2030 was held in 2013, after which the document was corrected in accordance with the received comments. A strategic environmental impact assessment was prepared and the document had received official consent from the Environmental Protection Agency. The Government of Montenegro has adopted the Decision on the concession award, where concession includes three phases, 1st - Preparation of technical documentation and EIA Elaborate, 2nd – Construction of the hydropower plant and 3rd - Operation of the hydropower plant. The Electric Company Montenegro (EPCG – Elektroprivreda Crne Gore) who got the concession is in the first phase.

Environmental Impact Assessment Elaborate

The final decision on the construction of the Komarnica hydropower plant of the Government will be directly related to the results of the evaluation of the Environmental Impact Assessment (EIA Elaborate) which is currently underway for the construction project for the Komarnica hydropower plant. In Montenegro, the process of impact assessment of projects on the environment is precisely defined by laws and bylaws, which are largely brought in line with the requirements of the European Union. The role of the EIA Elaborate is to determine the size and significance of the impact on the environment that can result from the actions and activities carried out with an aim to implement the project, which is defined by the Urban Technical Conditions issued on the basis of the valid Spatial Plan, so as to define the conditions under which the given project can be implemented in order to reduce and eliminate those impacts in the most acceptable way possible in accordance with the relevant environmental laws.

According to the Environmental Impact Assessment Law ("State journal of Montenegro" № 75/18) the evaluation of the EIA Elaborate is carried out by the commission formed by the Environment Protection Agency of Montenegro that decides if the project can be implemented by giving consent. The commission has the right to return twice EIA Elaborate on the amendments. Environment Protection Agency, by a decision from 30.03.2022. and supplementary decision from 08.04.2022. formed a commission for the evaluation of the EIA Elaborate for the construction of Komarnica hydropower plant along the lower reaches of the Komarnica river, in Municipality of Šavnik and Municipality of Plužine. In the Commission, a member of the NGO sector is present, who was elected through a public call.

The Commission prepared the Report No. 03-UPI-1618/47 dated 20.05.2022, with 87 remarks, suggestions, and comments, and the main conclusion that the EIA Elaborate cannot be accepted until

the stated deficiencies are eliminated. Concerning the number of objections in the Report, the Commission set the deadline of 855 days from the date of receipt of the Commission's Report.

IV) Final observations towards the complaint

As mentioned above, the final decision on the construction of the Komarnica hydropower plant of the Government will be directly related to the results of the evaluation of the Environmental Impact Assessment (EIA Elaborate). As the EIA is currently still in process, the government cannot give at this point of time a definite answer to the question whether or not the Komarnica hydropower plant will be constructed.