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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

Complaints on stand-by

**Possible negative impact of a harbor's
construction on the confluence of the Sava into
the Danube (Serbia)**

- REPORT BY THE COMPLAINANT -

*Document prepared by
EPAR-OIPA-Serbia / Alliance for Nature Protection, the rights of animals and people, Serbia*

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UPDATED REPORT ON COMPLAINT NO. 2017/3**POSSIBLE NEGATIVE IMPACT OF A HARBOR'S CONSTRUCTION ON THE
CONFLUENCE OF THE SAVA INTO THE DANUBE (SERBIA)****New facts**

During the current period from the 23rd of November 2017 and up to now, we were not able to obtain an answer from the Ministry of Construction, Transport and Infrastructure of the Republic of Serbia for our request for information of public significance concerning the environment and strictly protected wildlife in the same area where the construction of the harbor is planned.

The planning documentation is made according the Memorandum signed by the representatives of the company „China Environmental Energy Holdings“ and the Minister for the “Ministry of Construction, Transport and Infrastructure of the Republic of Serbia“, Mrs. Zorana Mihajlovic, thus she must have had answers to our questions, but during all this time, she sends us nothing.

The initiative for the protection of this area was submitted by the Secretariat for Environmental Protection for the City of Belgrade on the 18th of July, 2013 on the basis of which a suggestion was elaborated by the Institute for the Protection of Nature of Serbia as a study named ”Study on the Protection of the Foreland on the Left Bank of the Danube by Belgrade“, by which this area has been already protected as an Area of Exceptional Characteristics : „Foreland on the Left Bank of the Danube by Belgrade“ and with this, measures of protection were confirmed which must be applied, as clearly determined by article 42, paragraphs 1 and 6 from the Law on Nature Protection (Official Gazette of the Republic of Serbia No 36/09, 88/10 and 91/10 – corr. 14/2016).

For this designated area, during the procedure for its protection on the initiative of the City of Belgrade and making the study by the relevant authority, it is ruled by article 42, paragraph 6 from the Law of Nature Protection ("Official Gazette of the Republic of Serbia No 36/2009, 88/2010, 91/2010 - correction., 14/2016 and 95/2018 –and other) the laws stating that : “Areas for which procedures for protection have started according to this Law, are considered already as protected and measures as stated in paragraph 1 of the Study are applied “

On the basis of above mentioned, the designated area is already protected, but measures for protection are not applied and respected.

Additional changes and amendments to article 42, appeared in the later period, during 2016 and are not related to what has already been done.

The area concerned is a very sensitive region, large Danube bay, important for the protection of Belgrade from floods and this area is already a protected natural heritage, basically important for conserving biological diversity on which there is huge documentation about the protection and intention for this region as a natural heritage.

On what has been said, the relevant authoritative law is not the Law on Planning and Construction, onto which refers in her letter Mrs. Snežana Prokic.

“The analysis is in line with the Law on Planning and Construction, and the regulations adopted on the basis of this law in the corrected version of the draft planning document bearing in mind that the boundaries of the planned coverage at this stage are approximately defined” this being basically wrong since this is already a protected area into which it is impossible to encompass almost 900 ha of harbor and its infrastructure, in the most precious area.

“Spatial Plan for Special Purposes of the Harbor in Belgrade with a Free” (“Official Gazette of RS“, No 22/16, page 7) and “Strategy for the Development of the City of Belgrade, Strategic Aim, Priorities and measures for Sustainable Development until 2021.” (No 020-366/17-C), accepted in the Parliament of the City of Belgrade on the 29th of June 2017 are two documents accepted, opposed to

the existing documents on planning, opposite to the Law on Nature Protection, Law on the evaluation on the Effects to the Environment („Official Gazette RS", No 135/2004 and 36/2009) and other rules.

In case you read the "Study on the Protection of the Foreland of the Left Danube Bank by Belgrade" which was made by the professional organization of the Serbian Government, Institute for Nature Conservation, based on the contract with the secretariat for Environmental Protection of the City of Belgrade, No 401.1-76/13-V-01, from the 18th of July 2013, it may be clearly seen that this area is of exceptional importance for numerous reasons and what are all responsibilities towards natural values present on this locality.

Thus, our responsibilities are to protect the designated area which belongs to the Ecological Net, International Important Bird area IBA „Confluence of Sava into Danube", Classification Code "RS017IBA", take care of, save from all damage and destruction as suggested by the Study, the Law on Nature Protection to be applied.

Beside domestic law directives with which the harbor project is in collision, here are also signed and verified International Conventions which have already been breached and will be violated:

- Convention on the Protection of European Wild Flora and fauna and their Habitats, Bern Convention („Official Gazette RS "International Agreements", No 102/2007) - 45 bird species from Annex II of the mentioned Convention are registered in the Foreland area and even 91 bird species from Annex III.
- Convention on the Protection of Migratory Species of Wild Animal Species („Official Gazette RS-International Agreements No 102/2007) - 2 species: White-tailed Eagle (*Haliaeetus albicilla*) and Ferruginous Duck (*Aythya nyroca*) and Annex II, in the Foreland area are 64 species present.
- Directive on the Protection of Wild Birds („Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds") - Annex I on the Foreland area are 24 species. Species of European Importance for Protection (Species of European Concern - SPEC, Birdlife International, 2004). SPEC1; 2 species are present in the Foreland area; SPEC2 - 12 species in Foreland area; SPEC3 – 37 bird species.
- „Action Plan for the Conservation of the White-Tailed Sea Eagle (*Haliaeetus albicilla*) along the Danube. Nature and environment No. 163“.

Links on which one may see newspaper articles confirming that the harbor construction is planned and has not been given up:

<http://www.rts.rs/page/radio/sr/story/24/radio-beograd-2/2796327/cekajuci-vetar.html>

<http://rs.n1info.com/a281264/Lifestyle/Lifestyle/Peticija-zbog-Beljarice-luka-moze-da-ugrozi-zivotinje.html>

<http://www.novosti.rs/vesti/beograd.74.html:625274-Luka-u-gnezdu-ugrozenih-vrsta>

<https://www.vice.com/rs/article/pa3gx7/bio-sam-u-pravoj-amazoniji-na-samo-par-kilometara-od-beograda>

<https://www.lobi-info.rs/unistice-beogradsku-amazoniju-na-levoj-obali-zbog-nove-luke/>

<https://www.blic.rs/vesti/beograd/spasimo-beogradsku-amazoniju-peticija-protiv-izgradnje-nove-luke-na-beljarici/s4bv4g0>

<http://www.novosti.rs/vesti/naslovna/ekonomija/aktuelno.239.html:728912-Mihajlovic-Gradicemo-nove-luke-Arapi-zainteresovani>

Please excuse us for sending this addition to our complaint slightly late and we thank you for understanding.

With the great appreciation for all that the Secretariat of the Bern Convention has done and we hope will in the future concerning Nature protection and the protection of the Natural Heritage in Serbia, we greet you sincerely, hoping for better news during the forthcoming period.

Thank you in advance.

Kind Regards,

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PETICIJA GRADANI NEĆE NOVU LUKU

Spasimo beogradsku Amazoniju!

Više od dve hiljade građana podržalo je peticiju Lige za ornitološku akciju Srbije „Spasimo beogradsku Amazoniju od uništenja“ kako bi se sačuvalo područje Beljarica (Balaton, Crvenka) u okolini Pupinovog mosta, gde se, kako se na-

ljarica trajno zaštiti, predlog je u poslednjem trenutku 2015. godine povučen sa glasanja u skupštini grada, a 2016. najavljeno je da će oazu prirode potpuno uništiti radi izgradnje nove beogradske luke unutar zaštićenog područja i pored toga što se „područje u postupku zaštite“ po Zakonu o zaštiti prirode smatra već zaštićenim - navodi se u opisu peticije i dodaje da će „sadi svih 900 hektara pokriti beton i to u trenutku kada Srbija pokušava da otvori poglavje 27 prepristupnih pregovora sa EU, o životnoj sredini i klimatskim promenama“.

Gradani podsećaju da se pre nekoliko godina krenulo sa postupkom zaštite kako bi Beljarica možda postala čak deo budućeg beogradskog nacionalnog parka, kakav ima Beč, i da smo dužni da zaštitimo staništa retkih vrsta po Bernskoj konvenciji Direktivi o pticama Evropske unije koje je naša zemlja potpisala i ratifikovala. **K.G.**

Petiција za spas beogradске Amazonije

Planovi o gradnji velike rečne luke u zoni dunavskog prirodnog rezervata Beljarice su u direktnoj suprotnosti sa Bernskom konvencijom i Direktivom o pticama EU, koje je naša zemlja potpisala, ratifikovala i dala je za promenu. Tada pre što predstavnici gradnje i direktivni o pticama Evropske unije koje je naša zemlja potpisala, ratifikovala i dala je za promenu. Tada pre što predstavnici gradnje i direktivni o pticama Evropske unije koje je naša zemlja potpisala, ratifikovala i dala je za promenu.

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LIKAĆE ISTREBITI STICENE ROSTE

Gradani se organizuju da bi sprečili da se prestonička oaza prirode pretvori u beton. Time će na ovom području biti ugroženo 210 vrsta ptica, od kojih je 108 strogo zaštićeno

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