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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

39<sup>th</sup> meeting  
Strasbourg, 3-6 December 2019

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**Possible File**

**Development of a commercial project in Skadar  
Lake National Park and candidate Emerald site  
(Montenegro)**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by  
the Informal Citizens Group from Virpazar, Montenegro*

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- November 2019 –

**Iva Obretenova**

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Virpazar 05.11.2019 (supersedes earlier version dated 23rd October 2019)

REPORT

**Subject : Complaint No. 2016/4: Development of a commercial project in Skadar Lake National Park and candidate Emerald site (Montenegro)**

We would like to thank The Bureau to the Standing Committee of the Bern Convention for keeping complaint number 2016/4 on the agenda and considering our suggestions for this file to be OPEN.

We believe that evidence submitted in our last report regarding building works on the location of the White Village will be sufficient for the Bureau to OPEN this file.

We would like to stress that our concerns regarding this particular project or indeed any other mega or small projects in the National Park Skadar Lake in the current unregulated environment are still standing. Recent developments have only reinforced these concerns.

Conclusions:

This is a clear example of the Montenegrin authorities' ongoing non-compliance and surface-level approach to their commitments and obligations.

To ensure that the Montenegrin authorities take recommendations 201(2018) seriously and comply in this matter we strongly urge The Bureau of the Standing Committee of the Convention to upgrade the complaint 2016/4 from **possible file** to **OPEN file** on its next meeting.

We are at your disposal for any further information.

Best regards,

Milan Knezevic  
Informal Citizens group from Virpazar  
Montenegro



CC

Ms Iva Obretenova (Secretary of Bern Convention)  
Mr Tobias Salathé (Ramsar Convention)  
Mr Gianluca Silvestrini (Bern Convention)  
Ms Anne BURRILL – Directorate General for the Environment, European Commission, European Union Focal Point to the Bern Convention

- August 2019 –

**Subject : Complaint No. 2016/4: Development of a commercial project in Skadar Lake National Park and candidate Emerald site (Montenegro)**

Virpazar 02.07.2019

We would like to thank The Bureau to the Standing Committee of the Bern Convention for keeping complaint number 2016/4 on the agenda.

As a complainant we would like to inform The Bureau that Montenegrin authorities, primarily the Ministry for Sustainable Development and Tourism, are in direct breach of their commitments to the Bureau's Standing committees 201(2018) recommendation:

1.(i)

*“Halts any further development on the mainland as well as the shore zone and water body of the Mihailovići location unless a detailed habitat map on a 1:10,000 scale has been provided for “Mihailovići”, Poseljanski Zaliv Bay, Biški Rep, the mouth of Crnojevića river, the mouth of Bazagurska matica and the islands Liponjak and Galići. The habitat map, ideally based on earth observation images, shall clearly classify any habitat type pursuant to the EUNIS habitat classification and EU Habitat Directive. The detailed habitat map provides the basis for any environmental impact assessments.”*

(xi).

*“No installations or constructions shall be allowed in the shorezone stretches classified with Shorezone Functionality Index under category I (high) and category II (good)“.*

Preparatory ground construction on a new road, ground leveling and drainage work on a new development by MJ Property Ltd. - White Village (UP2/UP3) has begun in March 2019 and has lasted for approximately 20 days.

*Recent photo and video evidence attached.*

The Directorate for Inspection Affairs and Licensing in the Ministry of Sustainable Development and Tourism has visited site on the 25th of March 2019 as a part of monitoring adherence to EIA issued by the Nature and Environmental Protection Agency (NEPA). When asked about activities in the area visible from satellite, the directorate issued a statement on 17th of June 2019 and concluded that activities are in accordance with :

1. Current building permit 1054/87/12 issued on 6th of June 2016 by Ministry for Sustainable Development and Tourism.
2. EIA for the project approved by NEPA - 02UPI-1595/42 issues on 26th of January 2015.
3. Permit for road construction in protected areas issued by NEPA - UPI-101-1556/1-2-136/16 issued on 17th of October 2017.

From the available evidence, it seems that this latest activity on the ground is, in fact, the actual true commencement of field works. This is contrary to MORiTs claims in the last report that they started field works on the 1st of June 2018 (number 107/4-1522/1). If it is true that they have only just started work in March 2019, this would be well after the legal time limit of two years from the date of initial granting of their permit. Therefore, this would mean the latest activity is of questionable legal status, as it is not covered by a valid building permit. It would be for legal experts to determine, according to law, what are the necessary requirements governing the commencement of preparatory works. *Original report ( in montenegrin) and translated attached.*

This means that the Investor has been allowed to continue with the degradation of the location, despite the fact that the recommended mapping of the habitat of the area has not even started.

At the end of May 2019, on behalf of the authorities and NEPA, the German Society for International Cooperation (GIZ) GmbH commenced habitat mapping of the area with a scale 1:10,000. Their work is not due to be finished until early September 2019 (at the earliest), with results following soon after.

#### Conclusions:

This is a clear example of the Montenegrin authorities' ongoing non-compliance with nature protection requirements and practices, and surface-level approach to their commitments and obligations, especially those involving expert and scientific recommendations (e.g. Shore Functionality Index Study).

Decades of destructive and unsustainable policies under this administration have led to detrimental effects in previously protected areas that had been free of development. Additional examples include the developments in the UNESCO protected Tara river canyon and NP Durmitor.

It is extremely unlikely that these government policies and approach are going to change any time soon. This violation is a clear example of that.

Therefore, if the area of Poseljanski zaliv Bay and Biški Rep is to be designated a Zone I in the new Special Purpose Spatial Plan for Skadar Lake National Park, that same Plan needs to ensure that NP Skadar Lake become an Emerald Site and, further, be fully recognised as a Natura 2000 site to escape any further degradation. As such, it is essential that the authorities actually live up to and deliver to their commitments on the ground in practice, not just on paper.

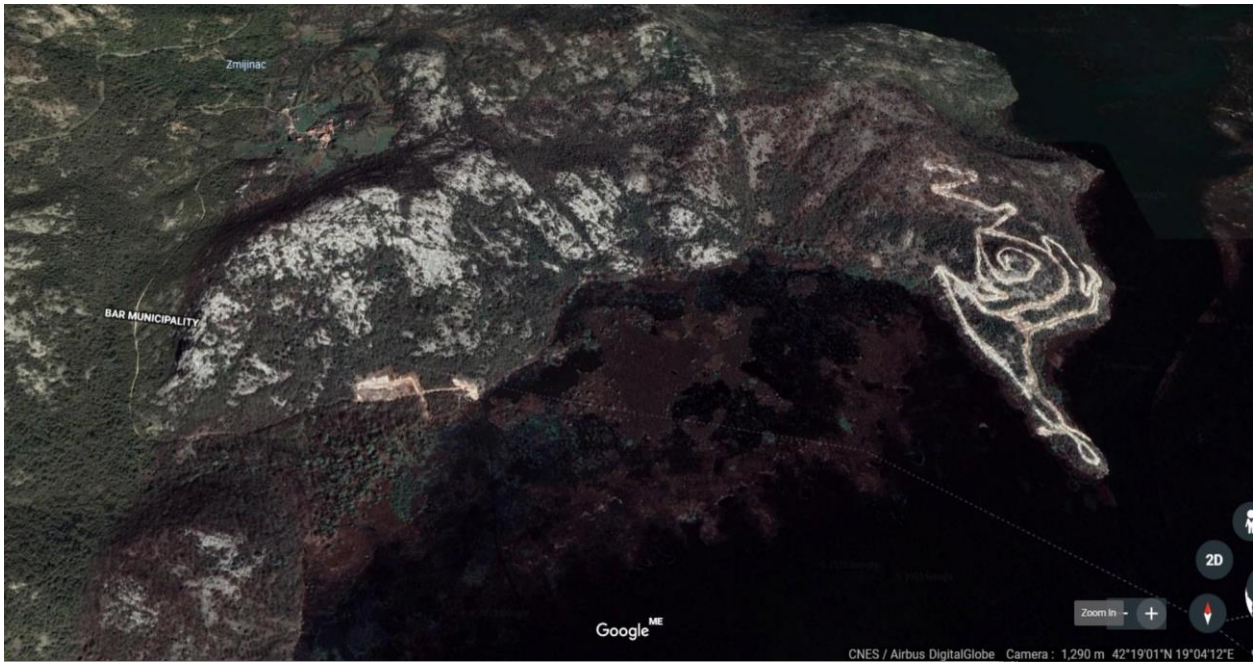
To ensure that the Montenegrin authorities take recommendations 201(2018) seriously and comply in this matter we strongly urge The Bureau of the Standing Committee of the Convention to consider upgrading the complaint 2016/4 from possible file into open file on its next meeting.

We are at your disposal for any further information.

Best regards,

Milan Knezevic  
Informal Citizens group from Virpazar  
Montenegro







- February 2019 –



Virpazar, Montenegro  
20.02.2019

Dear Ms de Cussac,

We would like to thank the Standing Committee to the Bern Convention for keeping the complaint No 2016/4 as possible file. It was our honour to be able to host OSA/RAM fact finding mission last June to the NP Skadar Lake in Virpazar.

We fully support the findings of this report and Standing Committees Recommendations No. 201. The fact that MORiT has withdrawn poorly prepared Spatial Plan for the National Park from Parliamentary procedure is encouraging.

However, close monitoring of the process is essential so that Montenegrin government is fulfilling its obligations on the ground and not only declaratively, as it was constant practice previously.

It is therefore important that new Spatial plan for Skadar Lake takes this recommendation seriously.

Members of our Informal Group from Virpazar will be closely monitoring situation locally and are at the disposal to the Standing Committee.

Yours Sincerely,

Milan Knezevic  
Informal Citizens Group  
Virpazar

**Appendix – Translation of Inspectorate’s statement****THE GOVERNMENT OF MONTENEGRO  
INSPECTION MANAGEMENT BOARD**

Podgorica, June 17, 2019. years

Subject: Answers to newspapers “Dan” journalists questions

**Questions:**

- Did the Ecological Inspection visit recent construction in NP Skadar Lake? The satellite imagery (see attached) from March this year shows construction works on the left side of the Porto Skadar Lake (on the left side of the photo). This was not seen previously.

- What is being built on this site and is it in compliance with the regulations?

For clarification, I attach following photos (first before March 2019 and March of the same year). Please could you answer my questions promptly?

**Answers:**

In particular, on the photo that you have provided, the section on the White Village project is shown. The legal entity "MJ Property" doo received a permit from the Environmental Protection Agency on the Environmental Impact Assessment Study for the project for the construction of a tourist settlement standard 5 \* on urban parcels UP2 and UP3, cadastral parcels No. 504/3, 504/4 and 505, as well as parts of cadastral parcels 504/2 and 506 in the DSL Mihailovići municipality, municipality of Cetinje (UPI-101 / 2-02-577 / 49 of 28 September 2018).

In the process of realization of this project, a Study of the site was first done.

For this project, the Investor obtained a building permit from the Ministry of Sustainable Development and Tourism No. 1054/87/12 of 06.06.2016.

During the month of March, works on the fieldwork and preparation for drainage were performed. Works lasted about 20 days. No works are currently underway at the locations in question. Pursuing Environmental Inspection Order, the investor has developed a Waste Management Plan and obtained consent from the competent body of the Agency for Nature Protection and Environment.

On 25.03.2019. an inspection of the site was carried out with "Montenegro resort company" in order to establish level the implementation of the measures from the Environmental Impact Assessment Report, which was approved by the competent body - Environmental Agency No. 02UPI-1595/42 dated 26.01.2015. years). The procedure for development of project documentation on the construction of the access road Mihailovići S1 and S3 (Biški rep) was in progress. Investor possesses a permit for the reconstruction activities in a protected natural property, issued by the Agency for Protection of Nature and Environment (UPI-101-1556 / 1 - 02- 134/16 of 17 October 2017) .

The Inspector issued a decision to implement the Environmental Monitoring Program, as prescribed by the Environmental Impact Assessment Report for the tourist resort "Porto Skadar Lake", which has been given the environmental consent by the competent authority regarding the biodiversity monitoring. The subject acted according to the given permit, hired a team of professors from the University of Montenegro. Field research has been carried out and a report is pending.

Public Relations Service of the Directorate for Inspection Affairs

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