

Convention on the Conservation
of European Wildlife and Natural Habitats

Recommendation No. 201 (2018) of the Standing Committee, adopted on 30 November 2018 on the development of a commercial project in Skadar Lake (Montenegro)

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under Article 14 of the Convention,

Having regard to the objectives of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1, of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Noting that a complaint on the presumed negative impacts on biodiversity from the development of a commercial project in Skadar Lake National Park and candidate Emerald site (Montenegro) has been filed with the Convention in 2016 (Complaint No. 2016/4);

Recalling that Skadarsko Jezero (Lake Skadar), a transboundary lake between Montenegro and Albania, is the largest freshwater lake in the Balkans, a National Park, a candidate Emerald Site (ME0000003) and a Ramsar Site (No. 784);

Noting also that the lake has a particular European importance due to the sheer size and representativeness of its complexes of floating vegetation;

Noting that the lake and its terrestrial area form an extremely biodiversity rich ecosystem, where endemic flora and fauna species are present alongside strictly protected species of the Bern Convention;

Recalling that the Skadar Lake National Park has been officially nominated as candidate Emerald site in 2011 and - as such - it is subject to Recommendation No. 157 (2011) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to “take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Noting the joint Bern/Ramsar Conventions’ mission to the area (Bern Convention on-the-spot appraisal and Ramsar Advisory Mission No. 89) held in Montenegro on 12-14 June 2018, which had four specific objectives agreed by all concerned parties prior to the mission;

Taking note of the report [document T-PVS/Files (2018)47] of the joint mission carried out;

Worrying that the unique freshwater ecosystem of the Lake is in immediate danger due to the planned development projects,

Recommends that the Government of Montenegro:

1. Immediately applies the following conservation and management measures to be pursued over the next 12 months:
 - 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 assessment,
 - ii. Elaborates immediately a reference list of all present EUNIS and NATURA 2000 habitats with a focus on wetlands habitats, define their favourable conservation status and the necessary conservation measures to maintain or restore the favourable conservation status and include those measures in any planning document related to the conservation of Skadar Lake National Park, Skadarsko jezero Ramsar Site and Candidate Emerald Sites Skadar Lake,
 - iii. Establishes and runs a monitoring system on species strictly protected according to Appendices I and II of the Bern Convention respectively NATURA 2000 species and habitats by the National Environmental Protection Agency at first, at least in the area mentioned under (i). The monitoring system must include the otter (*Lutra lutra*),
 - iv. Provides the Conventions' secretariats with georeferenced and digitalised borders of and respective updated data forms on the corresponding Candidate Emerald Site and Ramsar Site,
 - v. The new Special Purpose Spatial Plan for Skadar Lake National Park needs to follow the approach of the 2001 Special Purpose Spatial Plan for Skadar Lake National Park and reconfirm the designation of the broader area of the mouth of Crnojevića river and the Liponjak and Galići islands a Zone I of strict protection,
 - vi. In addition, the Zone I area needs to include a 300 m wide belt on the lake around the islands and the sublacustrine springs,
 - vii. The new Special Purpose Spatial Plan for Skadar Lake National Park needs to apply the designation of Zone I of strict protection to the Poseljanski zaliv Bay and Biški Rep shore zone. Namely, pursuant to the definition of the new Plan, strict protection is to be applied to natural conservation sites of ecological importance for the functioning of natural biological processes and the integrity of the ecosystem. The proposed area clearly fits in this definition but not in the definition of Zone III of sustainable use to be applied to modified or changed natural habitats,
 - viii. The use of speedboats has to be limited to police, border police, ranger service and other authorities with competences on the lake. Those have to follow speed restrictions except in case of emergency,
 - ix. The use of personal water crafts (water scooters) and any other water activities which can harm the floating vegetation must be prohibited,
 - x. Regulations on boating, such as speed limit (a 4 knot speed restriction on the lake area in question), and distance from Zone I of strict protection and from the shore have to be stipulated,
 - xi. No installations or constructions shall be allowed in the shorezone stretches classified with Shorezone Functionality Index under category I (high) and II (good);
2. Includes the *Porto Skadar Lake* development on the urban planning plot UP1 and, in addition the development known as *White Village* on urban planning plots UP2 and UP3 of Mihailovići location as well as any other development on this location;
3. Examines whether any building permit related to the location issued after October 2017 were valid as according to article 4 of the Decision on the adoption of SSL Mihailovići, the latter is valid until 2020, but respective building permits shall be issued within a three-year period only.

In addition, the validity of SSL Mihailovići should not be renewed and the provisions of article 4 of the above mentioned Decision should be applied in a way that through amendments the remaining facilities such as the landing place in front of UPI shall be deleted;

4. Carefully examines the procedure which led to the issuing of a landing place in the case of the *White Village* development and if necessary revise or revoke the respective building permit. Pursuant to the provisions of SSL Mihailovići such a landing place must be subject to a separate environmental impact assessment;
5. Provides and determines clear basic technical specifications and requirements in the appropriate planning documents which are related to the construction of any landing place or waste water treatment inside the protected area. Those specifications and requirements must fully consider the integrity and dynamics of the sensitive ecosystem of Skadar Lake National Park, Ramsar Site and Candidate Emerald Site;
6. The floating vegetation with large carpets of white water-lily and water chestnut is a special habitat on Skadar Lake. It is the very sheer size of these habitat complexes that makes them representative on European level. Any reduction of those habitats shall be prohibited;
7. Establishes an effective dialogue mechanism with and participatory approach to all stakeholders in order to ensure information exchange as well as to consider any biodiversity data gathered by NGOs and the scientific community;
8. Considers hosting the upcoming biogeographical seminar on Emerald sites in SEE;
9. Identifies and defines appropriate mitigation measures;
10. Takes measures to preserve and improve the ecological value of protected areas and potential Natura 2000 and Emerald Network sites such as Ulcinj Salina, Lake Skadar and river courses, as stated in the recommendations of the latest EC Montenegro 2018 Report of April 2018. Better coordination is needed with the 'appropriate assessment' procedure under the Habitats Directive. Implementation of EIA and public consultations need to improve, especially at the local level. Potential investments in hydropower and touristic developments need to comply with nature protection requirements;
11. Prepares a schedule and programme of work to implement the above recommendations, including details of the person/actors responsible, along with the timetable with clear milestones and deadline for each recommended action;
12. Regularly reports on progress in the implementation of the Recommendation, as requested by the Bureau to the Standing Committee to the Convention and the Committee itself.