

28 November 2013

# Screening report

# Montenegro

## Chapter 27 – Environment and climate change

**Date of screening meetings:**

Explanatory meeting: 4-8 February 2013

Bilateral meeting: 18-22 March 2013

## **I. CHAPTER CONTENT**

EU environment and climate change policies aim to promote sustainable development, the shift to a low carbon and resource efficient economy and the protection of the environment for present and future generations. Key principles of the *acquis* covered under this chapter are: preventive action, the polluter pays principle, fighting environmental damage at the source, shared responsibility and the integration of environmental, climate action and disaster resilience considerations into other EU policies. The *acquis* in this chapter comprises over 200 legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals, noise, civil protection and climate change.

Compliance with the *acquis* covered by this chapter requires significant investments. Moreover, a strong and well-equipped administration at national and local level is imperative for its application and enforcement.

## **II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY**

This part summarises the information provided by Montenegro and the discussion at the screening meetings. Montenegro stated that it accepts the *acquis* on environment, climate change and civil protection. According to Montenegro, difficulties with the implementation of some parts of the *acquis* may be expected due to the high costs of the required investments. Montenegro also stated that the administrative structures in charge of implementation and enforcement are generally in place but will need to be further strengthened.

According to Montenegro, further institutional development and capacity building, staffing, training, financing as well as technical assistance are necessary for the implementation of the *acquis* covered by this chapter.<sup>1</sup>

Montenegro intends to draft a National Environmental Approximation Strategy (NEAS), including a National Environmental Investment Strategy (NEIS), and to elaborate a National Climate Strategy. The activities on drafting these strategies are foreseen to start in 2014.

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<sup>1</sup> In the process of alignment with the EU *acquis*, Montenegro adopted Laws, Decrees and Rulebooks. A Rulebook is an implementing law (by law) that is adopted by the Ministry, without parliamentary procedure, but having the same authority as a Law. Decree is also an implementing Law and it is adopted by Government, without parliamentary procedure, but having the same authority as a Law.

## ENVIRONMENT

### II.a. Horizontal legislation

Montenegro stated that it has reached a high level of alignment with the **Environmental Impact Assessment (EIA) Directive 2011/92/EU and Strategic Environmental Assessment (SEA) Directive 2001/42/EC** and that implementation is on-going.

Montenegro stated that the EIA Directive is fully transposed by the Law on Environmental Impact Assessment, its four accompanying implementing acts and by the Decree on projects subject to an EIA (Official Gazette of Montenegro - OGM **No. 47/ 2013**); the projects from this Decree are harmonized with the Espoo Convention.

Montenegro stated that the SEA Directive is fully transposed by the Law on Strategic Environmental Assessment and is fully implemented since 2011. Montenegro has ratified the **Espoo Convention on Environmental Impact Assessment** and its two amendments and the **SEA Protocol to the Espoo Convention** (the Protocol on the Strategic Environmental Assessment to the Convention on the Environmental Impact Assessment) (OGM, 02/09).

The competent authorities for the implementation of the EIA and SEA legislation are in place: the Ministry of Sustainable Development and Tourism - MoSDT (3 employees for SEA and EIA), the Environmental Protection Agency - EPA (with 3 employees for EIA, and 2 employees for SEA) and the municipalities (34 employees for 21 municipalities responsible for the EIA and SEA for the municipal programmes and projects). Montenegro indicated that the EPA and the local authorities conducted a significant number of SEA and EIA procedures over the last years (2009-2012).

As regards the **Aarhus Convention related *acquis*** on the access to information, the public participation and the access to justice, Montenegro reported a good level of alignment. Montenegro indicated that **Directive 2003/35/EC on public participation and access to justice** is fully transposed and implemented. Legislative alignment with the **Directive 2003/4/EC on public access to environmental information** is almost completed, with only a couple of provisions related to definition of information held for public purposes (Article 2), defining an applicable exception to the obligation to supply environmental information (Article 4) and ensuring quality assurance of information (Article 8) remaining to be transposed. Full alignment with the Environmental Information Directive is foreseen by the end of 2014, through amendments to the Law on Environment. Montenegro has ratified **the Convention on the Access to Information, the Public Participation in Decision Making and the Access to Justice in Environmental Matters (the Aarhus Convention) in 2009**. The MoSDT regularly updates its websites that contain all the relevant documents for access to information. There are authorised persons to act on the requests for the access to information. Other institutions are also active in the field: local authorities, the Agency for Personal Data Protection and Access to Information and the Administrative Court of Montenegro. The dissemination of the information pertaining to the environment is also done through the **3 Aarhus Centres**: Podgorica (2011), Niksic (2011) and Berane (2012).

According to Montenegro, most of the provisions of **Directive 2008/99/EC on environmental crime** have already been introduced into the Criminal Code, including its recent amendments, and the Law on Criminal Liability of Legal Persons. The competent authorities are in place. The Ministry of Justice is responsible for the legislative alignment with the directive. The competent courts, the State Prosecutor's office and the Inspection Directorate are responsible for its implementation. Montenegro stated that further capacity-building relating to the Inspection Directorate, the prosecutors, the judges and the expert witnesses is a matter of priority.

As regards the alignment with **Directive 2004/35/EC on environmental liability (ELD)**, there are only some relevant elements reflected in the Law on Environment (OGM 48/08, 40/10). Montenegro indicated that the MoSDT has started to draft a dedicated Law on Environmental Liability, in order to enable full alignment with the Directive in 2014. Implementation is on-going and some *remediation measures* have already been adopted. The MoSDT and EPA are designated as the competent authorities. Full implementation is foreseen for 2015.

Montenegro stated that **Directive 2007/2/EC establishing an Infrastructure for the Spatial Information in the European Community (INSPIRE)** is partially transposed through the provisions of the Law on state survey and real estate cadastre (OGM, 29/07, 32/11, 40/11). The law covers the National Spatial Data Infrastructure (NSDI) subjects, contents, responsibilities, services, metadata, access restrictions, national Geoportal etc. No deadlines for achieving the full alignment or the full implementation have been determined yet. The competent authorities for the implementation of this directive are designated: the Real Estate Administration (for the coordination of the reference system, cadastre parcels, ortho-imagery etc.); the Ministry of Transport and Maritime Affairs (for transport networks), MoARD (for Hydrography), the MoSDT (for protected sites, land cover, land use), the Ministry of Economy for energy and mineral resources, the Hydrological and Meteorological Service (for Meteorological geographical features) etc. A coordinating authority, which will monitor the establishment and operation of the NSDI., the National Spatial Data Infrastructure Council, has not been established yet.

## **II.b. Air Quality**

Montenegro stated that **Directive 2008/50/EC on ambient air quality (AQ)** has been almost fully transposed, with the exception of the definition of "agglomeration". The Air quality *acquis* is primarily transposed through the provisions of the Law on Air Protection (OGM, 25/2010) and its implementing acts. Full transposition is envisaged by the end of 2014, through the amendments to the Law on Air Protection. Montenegro explained that competent authorities are in place, but suffer from insufficient staff and lack of funding for the necessary infrastructure and equipment. Implementation of the Ambient Air Quality Directive has started. In line with the Directive Montenegro has established Air Quality Standards, Air Quality Zones and the Air Quality Monitoring Network. Since 2011, the EPA reports on air quality to the EIONET and the European Environment Agency (EEA) are in line with their respective requirements. In February 2013, the Government adopted the first National Strategy on Air Quality Management with an Action Plan for 2013 to 2016. The Action Plan defined 54 measures to improve air quality. A comprehensive information system has not yet been established; on-line access to the AQ data from the monitoring stations is not available to the public yet. The EPA however publishes the monthly monitoring reports on its website and disseminates the data through the Aarhus Centres. Montenegro stated that a date for full

implementation is conditional on the availability of adequate funds and thus could not be specified during the screening.

According to Montenegro the transposition of the 4<sup>th</sup> "**daughter**" **Directive 2004/107/EC** (relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in the ambient air) has been completed in 2011 and the Directive is fully implemented.

Montenegro stated that the **National Emission Ceilings Directive 2001/81/EC (NEC)**, is largely transposed through the Law on Air Protection (OGM 25/2010), the Law on the Ratification of the Gothenburg Protocol (OGM 08/2011), the Decree on National Emission Ceilings (OGM 03/2012), and the Decree on activities that affect air quality (OGM 61/2012). The remaining three provisions will be transposed by 2016 through amendments to the Decree on NEC.

The competent authorities (MoSDT and EPA) are designated and implementation of the NEC Directive is progressing. In 2011, Montenegro finalised the preparation to ratify the Gothenburg Protocol and submitted the proposal for amendment of Annex II of the Protocol to the UNECE (United Nations Economic Commission for Europe). Once the technical assessment results by IIASA<sup>2</sup> are available and agreed by Parties to Gothenburg Protocol, Montenegro can formally become a Party to the Protocol. The Montenegrin National Strategy for Air Quality Management (2013) contains specific measures for the reduction of emissions and negative effects of acidification, eutrophication and ground level ozone. In 2014 Montenegro plans to develop a Programme for the progressive reduction of national emissions. According to Montenegro, the key challenges are lack of reliable historical data; emission projections and verifications (not only estimation) the improvement of the emission data/ accuracy of inventory data; assessment of the critical loads (if necessary) and the need to upgrade administrative capacities. Full implementation is planned for 2020.

Montenegro stated that the **Sulphur Content in Liquid Fuels Directive 1999/32/EC** is partially transposed by the Decree on Limit Values of Pollutants in Liquid Fossil Fuels (OGM, 43/2010) and the Law on the Protection of the Sea against Pollution from Ships (OGM, 26/2011). The alignment with the new **Directive 2012/33/EC** amending Directive 1999/32/EC as regards the sulphur content of marine fuels has yet not started. Full transposition of both directives is scheduled for 2016. The Montenegrin legislation envisages control of fuel quality through annual monitoring of automotive fuels. The frequency of sampling is in line with the standard EN 14274. Fuel used in industry is reported to the EPA and monitored through emissions. A system of control of the marine fuels will be developed.<sup>3</sup> The competent authorities are in place. The MoDST and the Ministry of Economy are responsible for the regulation of the fuel quality. The Ministry of Transport and Maritime Affairs is in charge of establishing mechanisms to control marine fuel quality. The EPA issues licences to the accredited laboratories for sampling and analysing the fuels, develops the Annual Monitoring Plan for automotive fuels and provides information to the public. Full implementation of the sulphur content in fuels directive, including its amendments on marine fuels, is expected by 2018.

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<sup>2</sup> The International Institute for Applied Systems Analysis is a scientific research institute located in Laxenburg, near Vienna, Austria.

<sup>3</sup> Montenegro, member of International Maritime Organization (IMO) since 2006, ratified the MARPOL VI Convention in 2013.

Montenegro stated that **VOC Petrol I and II Directives** (Directive 1994/63/EC on Volatile organic compound from petrol and Directive 2009/126/EC on Stage II petrol vapour recovery) have not yet been transposed into the national legislation. Montenegro plans to transpose them through the Rulebook on technical requirements related to storage, distribution and refuelling of petrol, which is planned to be adopted in 2014. Full implementation is foreseen by 2020, depending on the ability of the fuel market players to invest in the required equipment.

### **II.c. Waste management**

Montenegro stated that the **Waste Framework Directive** 2008/98/EC is largely transposed by the Law on Waste Management (OGM, 64/11) and the Rulebook on waste classification and waste catalogue (OGM, 35/12). Remaining provisions mostly relate to Article 27 of the Directive (minimum standards for specific waste treatment activities). A timeline for the full transposition of the directive has not yet been defined. Montenegro stated that the competent authorities are in place: the Ministry of Sustainable Development and Tourism -MoSDT (responsible for the environment), the Ministry of Agriculture and Rural Development - MoARD (responsible for veterinary waste), the Ministry of Health (responsible for medical waste), the municipalities, the Environmental Protection Agency – EPA and the Inspection Directorate (7 environmental inspectors). Overall implementation of the Directive is at an early stage and a date for full implementation has not yet been defined. The Government will adopt the National Waste Management Plan in the first quarter of 2014 which will further define the timeline and measures for alignment with and implementation of most of the waste *acquis*.

Montenegro stated that the **Directive 1999/31/EC on landfill of waste** is largely transposed by the Law on Waste Management (OGM, 64/11) and the Rulebook on landfills (OGM, 46/11). The remaining provisions relating to the definition of isolated settlement and the provision of Article 8 concerning the inspection of the site prior to commencement of the disposal operations will be transposed by the date of accession. The competent authorities are in place: the MoSDT and the EPA. The environmental inspectors and the communal inspectors are responsible for enforcement. The implementation of the directive is at an early stage and a date for full implementation has not yet been defined. The country has two operational landfills for municipal and non-hazardous waste that are in line with the requirements of the Landfill Directive: Livade (Podgorica, Danilovgrad) and Mozura (Bar, Ulcinj). The 2005 Waste Management Strategy foresees the construction of another five or six regional landfills, but the new waste management plan may revise/reduce the number. A program for the disposal of biodegradable waste (which comprises more than half of the landfilled waste in Montenegro) will be part of the National Waste Management Plan for the period 2013 – 2018.

According to Montenegro, the **Sewage Sludge Directive 86/278/EEC** is almost fully transposed by the Law on Waste Management and the implementing act, i.e. the rulebook on the municipal sewage sludge. The remaining provision (definition of the sewage sludge) is planned to be transposed in 2014. The competent authorities are in place: the MoSDT, the MoARD, the EPA, the local government units and the Inspection Directorate. At the moment there are only two waste water treatment plants producing a small amount of sludge, which is disposed in the random sites without any prior treatment. Montenegro will prepare a

municipal sewage sludge management plan as an integral part of the National Waste Management Plan (2014).

Montenegro stated that the **Batteries Directive 2006/66/EC** is partially transposed by the Waste Management Law (OGM, 64/11) and Decree on the method and procedure for establishing the system for acceptance, collection and treatment of waste batteries and accumulators and operation of the system (OGM, 39/12). Montenegrin legislation prescribes an obligation for the economic operators to ensure the collection of waste batteries and accumulators as from 1 January 2014. It also sets the collection and storage targets and the system of penalties for non-compliance. Most of the remaining provisions will be transposed through the Decree on the limit values of hazardous substances in packaging, electrical and electronic equipment, batteries and accumulators and vehicles, but a date for full legal alignment has not yet been determined. According to Montenegro, some provisions of the Batteries Directive have already been implemented. The competent authorities are in place. Supervision of the existence of tags with the inscription of the manufacturers should be performed by market inspectors, but currently there are no competent employees for this type of inspection. According to Montenegro, there are no precise implementation plans for the remaining provisions of the directive: this concerns among others the establishment of a system for the separate collection of batteries and accumulators, their disposal and recycling, a collection scheme for the waste portable batteries and accumulators, the treatment and recycling of the collected batteries and accumulators.

Montenegro stated that **Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)** is partially transposed by the Law on Waste Management and the Decree on WEEE (OGM, 24/12). According to Montenegro, the remaining provisions will be transposed by amending the Decree on WEEE and by adopting a new Decree on the limit values of hazardous substances in packaging, electrical and electronic equipment, batteries, accumulators and vehicles in 2014. The competent authorities are in place: the MoSDT and the relevant local government bodies, EPA and the Environmental Inspection. The Inspection Directorate, through the market inspection authority is responsible for verifying the existence of labels for the mandatory separate collection of waste generated from products for which an extended producer responsibility is prescribed. Montenegro identified 2020 as a date for setting up a system for separate collection of the waste electrical and electronic equipment and full implementation of the WEE directive.

Montenegro stated that the provisions of **Directive 94/62/EC on packaging and packaging waste** are partially transposed by the Law on Waste Management (OGM, 64/11); the Decree on procedure for establishing a system of collection and treatment of the waste packaging (OGM, 42/12) and the Decree on payment of the special fees for waste (OGM, 39/12). Complete alignment will be reached by the date of accession. In order to achieve full alignment Montenegro plans to adopt a Decree on the limit values of hazardous substances in packaging, electrical and electronic equipment, batteries, accumulators and vehicles, and to amend the Law on Waste Management. The competent authorities are in place. At national level, these are: the MoSDT, the EPA, the Ministry of Economy, the Ministry of Finance and Inspection Directorate.. At local level, the municipalities, the utility companies and the communal inspectors are involved in the implementation of the Directive. Packaging will be included in the National Waste Management Plan. Precise deadlines and measures for achieving the objectives set by the Directive will be defined in the National Waste Management Plan, which is under preparation.

According to Montenegro, the legislative alignment with the **End-of-Life Vehicles Directive 2000/53/EC (ELV)** is fairly advanced through the Waste Management Law (OGM, 64/11) and the Decree on the procedure for establishing a system of collection and treatment of end-of-life vehicles (OGM, 28/12). The legislation defines the extended producer responsibility principle and sets ambitious targets for collection and treatment of the end-of-life vehicles by 2020. Montenegro stated that alignment will continue with the adoption of a Decree on the limit values of the hazardous substances in packaging, the electrical and electronic equipment, the batteries and accumulators and vehicles foreseen in 2014 and they intend to develop a template for certification on the treatment of the end-of-life vehicles. A date for full transposition has not yet been defined. Montenegro has started the implementation of the directive. The competent authorities are in place: MoSDT, EPA and the Inspection Directorate. Montenegro estimates that they may have around 5000 end-of-life vehicles annually. According to Montenegro, there is currently no system for the collection, certification and treatment of end-of-life vehicles.

Montenegro stated that it partially implements the **Shipment of Waste Regulation (EC) No 1013/2006**. Montenegro is a party to *the Basel Convention* on the Control of the Trans-boundary Movements of Hazardous Waste and their Disposal (OG of Yugoslavia, 2/99). A system for supervision and control of waste shipments has been established to, from and through the national territory in relation to EU Member States. Montenegro has also begun to establish a monitoring system with inspections and on the spot checks of waste shipments. Further alignment will be achieved through a new Rulebook on the shipment of waste to be adopted in 2014. Montenegro uses a system of permits for the import, transit or export of waste. Import of hazardous waste and non-hazardous waste for the purpose of disposal and use as fuel or in any other way for generating energy are prohibited. EPA (2 employees allocated) is the competent authority for issuing permits for the trans-boundary shipment of waste. The Environmental Inspection (7 inspectors) is the competent body for the supervision and control of the shipments of waste. According to Montenegro, the full implementation of the Waste Shipment Regulation is expected upon accession to the EU.

Montenegro stated that the **PCB/PCT Directive 96/59/EC** (on polychlorinated biphenyls and polychlorinated terphenyls) is almost fully transposed by the Waste Management Law (OGM, 64/11) and the Rulebook on Processing Equipment and Waste Containing PCB (OGM, 48/12). The deadlines for the elimination of PCB / PCT are defined in the Waste Management Law (2020). Montenegro is a party to the Stockholm Convention since 2010 and the National Action Plan for the implementation of the Convention was adopted in 2013. Holders of PCB/PCT-containing equipment and waste are obliged to keep records and submit reports to the EPA every year. They must also prepare management plans for the equipment and waste containing PCB/PCT with the measures for their removal or decontamination. The competent authorities are in place. EPA is in charge of compiling reports delivered by the holders of PCB/PCT waste/equipment. The Inspection Directorate will monitor the disposal, decontamination and storage facilities. Montenegro identified the following main problems for implementation: the lack of inventories of the existing PCB equipment; the unavailability of data on storage and removal of the obsolete equipment and waste oils containing PCB; the lack of uniform instructions for identification, decontamination, use, transport, storage and disposal of PCB equipment or products.

Montenegro foresees to align its legislation with the **RoHS Directive 2011/65/EU** (on the restriction of the use of certain hazardous substances in electrical and electronic equipment) by amending the Law on Waste Management and by adopting a new Decree on RoHS by



2014. Montenegro indicated that it expects no difficulties in alignment, but has no definite date for full implementation.

Montenegro stated that its legislation is not aligned with **Directive 2006/21/EC on the management of mining waste**. Only a few elements of the Directive are reflected in the Law on Mining (OGM, 40/11). There are no deadlines or clear planning of alignment and implementation, due to the unresolved delineation of the competences among Montenegrin ministries.

#### **II.d. Water quality**

Montenegro stated that the **Water Framework Directive 2000/60/30** (WFD) is partially transposed by the Law on Water (2007), the Law on Financing Water Management (2008) and several implementing acts. Further alignment will be carried out by amending the Law on Water and its implementing laws and by adopting new legislation. According to Montenegro, legislative alignment shall be completed by the end of 2016. The implementation of the directive has started. So far four obligations (identifying river basin districts - RBDs, designating competent authorities, giving legal effect to administrative arrangements for international rivers, lakes or coastal waters and conducting economic analysis of water use) are implemented according to Montenegro. Montenegro indicated that it also implements annual water monitoring programmes, but that these are not yet in compliance with EU standards as the programmes lack the parameters and classification schemes for waters prescribed in Annex V of the directive. Montenegro stated that the establishment of an efficient enforcement system remains a challenge. The Law on Water defines the penalties for non-compliance and the water inspectors are in charge of enforcement. Montenegro plans to adopt river basin management plans in line with the EU WFD by 2020. Within six months of their adoption they envisage having a Programme of measures for each river basin. During the screening, 2030 was mentioned as the deadline for full implementation, but it may be revised once more comprehensive planning is available.

According to Montenegro, the competent authorities are in place, but need further strengthening in terms of human and financial resources. The Ministry of Agriculture and Rural Development - MoARD and the Ministry of Sustainable Development and Tourism - MoSDT share the responsibility for water policy.

Montenegro indicated that it has started the alignment with **Directive 91/271/EEC on urban waste water treatment (UWWTD)**. The main gaps are related to the definition of agglomerations and designation of sensitive/ non-sensitive areas. Montenegro aims to achieve full legislative alignment by the end of 2015 by amending the Law on Water and by enacting new implementing laws. Implementation of the UWWTD is based on two strategic Master Plans for sewage and waste water treatment adopted in 2005 (for the Coastal region and Cetinje and for the Central and Northern regions). Montenegro has two operational facilities for the treatment of waste water, in Podgorica and Mojkovac. According to Montenegro, the construction of three urban wastewater treatment plants (in Niksic, Herceg Novi and Zabljak) is in progress and preparatory works for the construction/rehabilitation of the sewage networks and the construction of the waste water treatment facilities are on the way in all municipalities. Montenegro stated that a deadline for full implementation has not yet been defined. 2030 was indicated as a possible date for the completion of the infrastructure (sewer systems and waste water treatment plants), but it may be revised when more detailed cost estimates and investment plans are available. The competent authorities

for the UWWT Directive are in place and are the same as for the Water Framework Directive. No specific coordination body has been established.

As regards **Directive 98/83/EC on drinking water** (as amended by Regulations (EC) No 1882/2003 and (EC) No 596/2009) Montenegro indicated that it has been partially transposed by the Rulebook on drinking water safety (OGM, 24/2012), the Law on food safety (2007) and the Law on Waters (2007). The alignment will continue through the adoption of the Rulebook on Methods for control/testing of Drinking Water Safety (expected during 2014). A date for full alignment has not yet been defined. Implementation of the Drinking Water Directive is on-going. The competent authorities are in place. The Ministry of Health is responsible for the control and monitoring of the drinking water safety. It shall set out the implementing legislation for the safety of drinking water and the course and purpose of water quality testing, including a monitoring programme. The MoARD is responsible for the protection of the water sources and the determination of the sanitary protected areas. The Inspection Directorate through the Sanitary Inspection (8 sanitary inspectors) is responsible for the water safety control, and through the Water Inspection is responsible for the monitoring and implementation of the Law on Waters. The monitoring is performed by 4 national accredited laboratories in Montenegro. 82 employees are involved in the analysis of the drinking water safety across the country. Montenegro indicated that the majority of its population living in urban areas receive water that meets the standards of the Directive. There is no adequate legislation and water control for small water supply systems (less than 50 persons). There is no monitoring programme at national level. Full implementation of this directive is foreseen in 2017.

Montenegro stated that the **Groundwater Directive 2006/118/EC** is at a very early stage of legal alignment. The legal framework is planned to be put in place in 2017 by amending the Law on Waters and further secondary legislation on the protection of groundwater against pollution and deterioration. According to Montenegro, implementation of this Directive has not started yet and a deadline for full implementation has not yet been specified.

Montenegro indicated that some elements of the **Nitrates Directive 91/676/EEC** are reflected in the Law on Water (2007) and the Law on fertilisers (2007). The alignment will continue with further amendments to these two laws. The Code of Good Agricultural Practice was adopted (in June 2013). Montenegro plans to finalise legislative alignment with the Directive in 2016. The implementation of the Nitrates Directive has not started.

Montenegro stated that it is at a very early stage of alignment with **Directive 2008/105/EC on water quality standards**. Full alignment is envisaged for the end of 2015, through the adoption of the amendments to the Law on Waters and related implementing legislation. A deadline and a detailed plan for full implementation have not yet been determined.

Montenegro stated that the **Bathing Water Quality Directive 2007/6/EC** (as amended by Regulation (EC) No 596/2009) has not yet been transposed. Only some of the Directive's elements are reflected in the Decree on classification and categorisation of surface and ground waters (2007) and the Law on waters (2007). The crucial articles on public information, symbols, water profiles, water classification and monitoring are not yet transposed. Montenegro declared that full alignment with the Directive will be achieved by the end of **2016**. Montenegro designated **the competent authorities** (which are the same as for the Water Framework Directive). Full implementation is envisaged for 2021.

Montenegro is a party to and implements the Barcelona Convention on the Protection of the Mediterranean Sea against Pollution (OGM, 64/07). However, Montenegro stated that it remains at a very early stage of alignment with the **Marine Framework Strategy Directive 2008/56/EC**, with only a few definitions reflected in their national legislation. Montenegro plans full alignment with the Directive by 2015, through the adoption of the new Law on the Protection of the Marine and Coastal Ecosystems. Montenegro stated that the implementation of the Directive is at an early stage. So far, only the obligations arising from the Directive related to the implementation of the Barcelona Convention have been implemented. The competent authority is not designated. The MoSDT is the focal point for the Barcelona Convention and supervises the Centre for Eco-toxicological Research. **The Public Enterprise for Coastal Zone Management** works under the jurisdiction of the MoSDT. Full implementation of this directive is planned for 2017.

Montenegro stated that the **Floods Directive 2007/60/EC** was largely transposed into the Law on Waters (2007), the Law on Financing of Water Management (2008) and the Law on Protection and Rescue (2008). According to Montenegro, alignment will continue through the amendments to the existing Law on Waters (planned for 2015) and through the adoption of several implementing acts, including the Rulebook on the Methodology for the Classification of Flood Risk Zones (until the end of 2016). Montenegro stated that the implementation of Floods Directive is at an early stage and a deadline for full implementation has not yet been defined. Montenegro has adopted the General Plan for the Protection against the Adverse Impact of Waters (2010) which covers a period of 6 years and its subsequent Operational Plan of Protection. The preliminary flood risk assessment is prescribed in the “Water Management Basis of Montenegro” – a long-term national plan for the maintenance and improvement of the waters regime. This document encompasses the data on: past floods, the areas threatened by floods (many rivers), the infrastructure constructed with the purpose of protecting against floods and the proposal for future measures for the improvement of the river basins and defence against floods. The financing of the works and infrastructure for the protection against the harmful effects of water is prescribed in the Law on Water Management Financing. Montenegro stated that it intends to coordinate preparation of flood risk management plans for the river basin management plans required by the WFD. The competent authorities are in place. The MoARD, Hydro-meteorological and Seismologic Office, and the Ministry of Interior together with the local authorities share responsibilities in this area.

## **II.e. Nature protection**

Montenegro stated that the **Wild Birds Directive 2009/147/EC** is largely transposed by the Law on Nature Protection and implementing legislation. According to Montenegro, full transposition can be expected by the end of 2015. Among the implementing measures, Montenegro has put in place a general system of protection to keep bird populations at appropriate levels that bans certain kinds of capture and killing, ensures the inspection and enforcement of legislation and reporting to the Commission. 13 important bird areas (IBA) sites covering 10% of the territory have been identified. In order to extend the network of IBAs, further studies are needed. The preparation for the designation of the Special Protected Areas (SPAs) has not started yet. Montenegro also indicated that two bird species that are not listed in the Annex II of the Birds Directive are currently hunted in the country. The

competent authorities have been designated; the MoSDT, MoARD, the EPA and national authorities share the competences in this area. There is also Public Enterprise for National Parks responsible for the management of 5 national parks. The Inspection Directorate (hunting inspectors and environmental inspectors) supervise the implementation and enforcement. A timeline for full implementation of the Wild Birds Directive is not yet defined.

Montenegro stated that **the Habitats Directive 92/43/EEC** is largely transposed through the Law on Nature Protection (OGM, 51/08) and its implementing acts. Further alignment will take place through adoption of the amendments to the Law on Nature Protection and by implementing legislation (a rulebook). No deadline for full alignment has been defined so far. Montenegro started the implementation of the directive. The competent authorities, which are the same as for the Birds Directive, have been designated. Montenegro also started compiling a draft reference list and draft catalogue of habitat types. Montenegro stated that the work on producing an inventory of sites and selecting sites of Community Importance (SCIs) will start in 2014. The mechanisms to promote general information, education and to consult the public before approving projects that may affect protected areas are being introduced. A date for full implementation has not yet been set.

As regards Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for the import of timber into the European Union (**FLEGT Regulation**), Montenegro stated that it is at a very early stage of implementation. The same applies to Regulation (EU) No 995/2010 laying down the obligations of operators who place timber and timber products on the market (the **Timber Regulation**). The parts that are harmonised with these regulations refer to Article 56 in the Law on Forests (OGM, 74/10) according to which wood products can be traded only on the basis of the certificates of origin. The Government of Montenegro adopted the National Action Plan (NAP) to combat the illegal activities in the forestry. Montenegro has not yet designated a competent authority for the FLEGT Regulation and for the Timber Regulation. No deadlines for full implementation were provided.

According to Montenegro, several provisions of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade therein (the **CITES Regulation**) are reflected in the Law on the ***Ratification of the Convention on the International Trade in Endangered Species*** of Wild Fauna and Flora (OGM, 11/01), the Law on Nature Protection (OGM, 51/08), the amendments to the Law on Nature Protection, the Law on Customs Administration (OGM, 7/02 and 29/05), the Rulebook on the trade conditions and treatment of the protected species in transportation (OGM, 67/10) etc. Montenegro stated that it already implements several provisions of the CITES Regulation: designation of competent authorities, establishing a monitoring system for the issuing of export permits, cross border public information, monitoring of compliance with commensurate inspection and enforcement). According to Montenegro, full implementation will be achieved by the date of accession.

Montenegro stated that certain provisions of **Regulation (EEC) No 3254/91 prohibiting the use of leghold traps** are implemented. The use of leghold traps is prohibited by national law. The remaining provisions of the Regulation will be included in the amendments to the Law on Nature Protection, which is expected to be adopted in 2014. According to Montenegro, full implementation will be achieved by the date of accession. The competent authorities are in place: the MoSDT, the MoARD, the Forest Administration, the EPA and the Inspection Directorate.

Montenegro stated that the **Zoo Directive 1999/22/EC** was partially transposed by the Law on the protection of animal welfare (OGM, 14/2008). Montenegro plans to achieve full alignment and implementation by the end of 2015. There are no zoos in the country. The implementation of the Zoo Directive has not yet started. Montenegro stated that it will take into consideration the EU guidance on best practices on zoos, which will be published at the end of 2013. The Veterinary Administration is responsible for issuing licenses for the zoos.

Montenegro stated that alignment with **Directive 83/129/EEC concerning the imports of skins of certain seal pups and Regulation (EC) No 1007/2009 on trade in seal products** and its implementing Regulation (EU) No 737/2010 will start soon. According to Montenegro, no seals or seal products are currently on the country's market. The competent authorities will be designated: the MoSDT, the EPA, the Inspection Directorate, the Customs Administration, and the Ministry of the Interior.

## **II.f. Industrial pollution and risk management**

Regarding the new **Industrial Emission Directive 2010/75/EU (IED)**, Montenegro indicated that many of the provisions are reflected in the Law on Integrated Pollution Prevention and Control (IPPC Law, in OGM, 80/05; 54/09), Law on Waste Management, Law on Air Protection (OGM, 40/11), Rulebook on incineration of waste (OGM, 14/11) and the Decree on emission limit values from stationary sources (OGM, 10/2011). Montenegro indicated that it has progressed well in aligning with the IED part on IPPC and waste incineration, while transposition of the provisions on volatile organic compounds (VOC) and large combustion plants (LCP) are less advanced. According to Montenegro, full legal alignment with the Directive will be achieved with the new Law on industrial emissions which is foreseen in 2015.

Since the day of entry into force of the IPPC Law (1<sup>st</sup> January 2008), no new installation can start operations without an integrated permit. For existing installations and activities, an operator is obliged to obtain a permit by 2015, in compliance with the "Programme for Harmonisation of certain economic activities with the Law on Integrated Pollution Prevention and Control" (adopted in 2012). The IPPC Law sets out the penalties applicable in case of noncompliance with the law.

Montenegro has designated the competent authorities for issuing the IPPC permits: MoSDT, EPA and the local administration. The Inspection Directorate is responsible for law enforcement. As regards implementation, 3 installations (out of 10 existing IPPC installations) applied so far for IPPC permits and received them. A date for full implementation has not been set yet.

Montenegro stated that the Directive 2004/42/EC on volatile organic compounds in certain paints (**VOC Paints Directive**) is fully transposed by the Rulebook on prohibitions and restrictions on use, marketing and manufacturing of chemicals that pose an unacceptable risk to human health and the environment (OGM, no. 49/13). According to Montenegro, the country does not have any producing VOC paints, but imports such products.

Montenegro indicated that some elements of **Regulation (EC) No 1221/2009 on eco-management and audit scheme (EMAS)** and **Regulation (EC) No 66/2010 on the EU Eco-label**, are reflected in the Law on Environment (OGM, 48/08). The implementation of the EU EMAS and Eco-label Regulations has yet not started. There are no national systems of eco-

label or environmental management and auditing in place. The new Law on Environment planned for 2014 will contain provisions that will enable Montenegro to implement both regulations at the date of accession.

Montenegro indicated that the so-called **Seveso II Directive**, i.e. Directive 96/82/EC on the control of the major-accident hazards involving dangerous substances as amended by Directive 2003/105/EC, is at a very early stage of transposition. Full alignment with the Seveso II Directive is planned for 2015 by the adoption of a new Law on Environment in 2014, and a number of secondary legislative acts in 2015. The implementation of the Seveso II Directive has yet not started.

## **II.g. Chemicals**

The Law on Chemicals came into force in March 2013. According to Montenegro, it is a key instrument of alignment with the *acquis* in the area of chemicals. Montenegro stated that it plans to adopt the National Strategy for Managing Chemicals in 2014. MoSDT and the EPA are the competent authorities for chemicals. The Inspection Directorate (7 environmental inspectors) is in charge of enforcement. The Aarhus Centre in Podgorica will support the implementation. Montenegro stated that new legislation will be adopted in 2014. That is necessary to enable effective implementation of the *acquis*.

Montenegro stated that it partially implements Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (**REACH Regulation**). It has designated the competent authorities (MoSDT and EPA) for implementation of the REACH Regulation, established institutional arrangements and infrastructure to ensure access by competent authorities to tools and databases of the European Chemicals Agency (ECHA), established a system of inspection and enforcement, including the penalties for non-compliance. Montenegro has no national helpdesk to provide information and advice (to manufacturers, importers and distributors) on the responsibilities and obligations under the REACH Regulation. Montenegro also identified the necessity to further build the capacity to effectively participate in the work of the ECHA, and in other technical fora such as Partner Experts Groups. Montenegro does not yet have the in-house capacity to evaluate substances on the Community rolling action plan, and to prepare and submit dossiers for the identification of substances of very high concern. Full implementation of the REACH Regulation is foreseen for 2015.

Montenegro stated that the **Asbestos Directive 87/217/EEC** has been largely transposed by the Law on Waste Management (OGM, 64/11) and the Rulebook on methods of packing and removing the waste containing asbestos (OGM, 11/13). The competent authorities are in place: the MoSDT, EPA and the Inspection Directorate. The supervision of inspections of municipal and construction waste is the responsibility of the municipal inspectors. Montenegro has set limit values for asbestos pollution and established an inspection and enforcement system, including penalties. No dates for full alignment and implementation have been identified.

Montenegro indicated that the implementation of the **Mercury Regulation (EC) 1102/2008** has not yet started. Montenegro stated that this regulation will be fully implemented by the date of accession. Implementation efforts are linked to the adoption of a new Law on the Environment (planned for 2014) which shall contain provisions related to restrictions on the

export of mercury as well as the provisions related to the safe storage of the metallic mercury and certain mercury compounds. There are no direct mercury sources in Montenegro.

Montenegro stated that it is at an early stage of alignment with **Directive 2010/63/EU on the protection of animals used for scientific purposes**. Only some definitions of the directive are covered by the Law on animal welfare (OGM, 14/2008). According to Montenegro, full alignment with this directive is foreseen for the end of 2015 by amending existing law and adopting secondary legislation. After that Montenegro will start the implementation process. Montenegro indicated that so far it has not received any requests for the approval of animal experiments, and there were no stakeholders currently using animals in experiments. The institutions that will be involved in the implementation of the directive are: MoARD, the Inspection Directorate through the Veterinary Inspection.

Montenegro stated that implementation of the **Biocides Regulation (EU) No 528/2012** has not yet started. Montenegro plans to adopt the Law on Biocides by the end of 2014. According to Montenegro, the full implementation will be achieved upon accession.

Montenegro indicated that the implementation of **Regulation (EC) No 689/2008 concerning the export and import of dangerous chemicals** is at an early stage. Montenegro is a party to the **Rotterdam Convention** on the Prior Indicated Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, since 2011. The Law on Chemicals (OGM No. 18/12, into force since the 1<sup>st</sup> of March 2013) includes the obligations of the Rotterdam Convention. Competent authorities are not yet designated, but the MoSDT and the EPA are involved in the implementation of the Rotterdam Convention and certain aspects of the Regulation. The Customs Administration and the Inspection Directorate are responsible for controlling the import and export of chemicals listed in Annex I. The full implementation of the regulation is foreseen for 2014.

With regard to Regulation (EC) No 850/2004 on persistent organic pollutants (**the POPs Regulation**), Montenegro stated that it will ban the production, placing on the market and use of POPs in the future Law on Environment (2014). The same Law will set the system of inspection and enforcement, the penalty provisions and future reporting to the Commission. Montenegro indicated that it has ratified relevant international acts: the UNECE Protocol to the 1979 Convention on Long-Range Trans-boundary Air Pollution on Persistent Organic Pollutants (LRTAP), and the Stockholm Convention on Persistent Organic Pollutants. The MoSDT is the competent authority for implementation of these international instruments. The Government adopted in 2013 the *National Implementation Plan* (NIP) for the implementation of the Stockholm Convention obligations. Montenegro has an inventory detailing POP emissions into air, established in accordance with LRTAP Convention requirements. An inventory covering the release of POPs into water and soil does not yet exist. No national PCB monitoring programme is available. Holders of equipment and waste containing PCBs are obliged to prepare a management plan for the equipment and waste containing PCBs and submit it to the EPA. Montenegro stated that it envisages full implementation around 2020.

Montenegro indicated that several provisions of the Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures (**CLP Regulation**), are included in the Law on Chemicals (OGM, 18/12), and in the implementing acts on CLP. Montenegro indicated that the same authorities are competent as for the other chemicals *acquis*: the MoSDT, the EPA and the Inspection Directorate. According to Montenegro, full implementation will be achieved by the end of 2014.

## II.h. Noise

Montenegro indicated that the Noise Directive 2002/49/EC has been transposed largely by the Law on Environmental Noise Protection (2011) and the Rulebook on limit values of environmental noise and acoustical zoning (2011). However, Montenegro admitted that the remaining provisions of the Noise Directive are essential for the effective implementation; they are related to the strategic noise maps and to the assessment methods for noise indicators. According to Montenegro, the transposition of the remaining provisions is foreseen for 2014 by the adoption of implementing acts (rulebooks on methods of calculation of noise, and of making of noise maps).

The implementation of the Environmental Noise Directive is at an early stage and is directly linked to the adoption of implementing legislation. The competences in the area of noise are divided between the national level and the local municipalities. The MoSDT and EPA are responsible for the overall implementation of the Directive. The local municipalities and the Ministry of Transport and Maritime Affairs are responsible for the preparation of the strategic noise maps and action plans. The Inspection Directorate is in charge of enforcement. Montenegro stated that it plans to develop Strategic noise maps for 2017 and to adopt Action plans in 2019. 2019 has also been identified as a date for full implementation. So far 16 municipalities (out of 21) have completed the acoustical zoning of their territories. In Montenegro there is only one agglomeration (over 100,000 inhabitants) –Podgorica. There are 3 major roads (transited by vehicles more than 3 million times per year). There are neither major railways (transited by trains more than 30 000 times per year) nor any major airport, in accordance with the traffic frequency requirements stated in the Directive.

## CIVIL PROTECTION

Montenegro stated that it has completed important steps towards building and upgrading its emergency management system, in particular by the adoption of the 2007 **Law on Protection and Rescue, the National Strategy for Emergency Situations** and the 12 national plans on fires, floods, extreme weather, earthquake, accidents etc. According to Montenegro, the current revision of the 2007 **Law on Protection and Rescue** will bring it more in line with the EU civil protection *acquis* and disaster management policies.

**The competent authorities** are in place. For protection from floods, the responsibility is shared between the Ministry of the Interior and MoARD. For industrial accidents, competences are shared between the Ministry of Interior and the MoSDT. The Ministry of the Interior has established a **Sector for Emergency Management** responsible for the preparation and implementation of emergency management actions. Montenegro acknowledged that the organization is facing a lack of financial resources and insufficient administrative capacity.

Montenegro stated that it plans to apply **to join the EU Civil Protection Mechanism**, established by Decision 2007/779/EC (recast) before the end of 2013 with the aim of completing the necessary preparations and becoming a participating state in 2014. A decision on accession of Montenegro to EU Civil Protection Mechanism was adopted by the Government on 1<sup>st</sup> August 2013. The Sector for Emergency Management has around the clock operational English-speaking contact points with the Emergency Response Centre of the European Commission.



## CLIMATE CHANGE

Montenegro ratified the United Nations Framework Convention on Climate Change (UNFCCC) in October 2006 and the Kyoto Protocol (KP) in June 2007; it is non-Annex I Party to the UNFCCC. Montenegro stated that it has not yet put forward a mitigation commitment for 2020. Montenegro submitted its first National Communication to the UNFCCC in October 2010 and is currently preparing its Second National Communication, which is planned to be submitted in 2014. Montenegro stated that it will align with the EU position and actions regarding the ratification of the Doha amendment to the Kyoto Protocol and declared its intention to participate actively in the negotiations of the post-2020 climate agreement to be reached by 2015. Montenegro is a party to the Vienna Convention for the Protection of the Ozone Layer (2006) and to the Montreal Protocol on Substances that deplete the Ozone Layer (2006) and has ratified all related amendments. Montenegro stated that it implements all these **international agreements**.

Montenegro indicated the following **competent authorities** in climate action. The Ministry of Sustainable Development and Tourism (MoSDT, with 2 staff allocated for climate action) has general competence in the area of climate change, including legislative alignment and supervision, monitoring and reporting. The MoSDT is responsible for the submission of National Communications to UNFCCC. The MoSDT is also the Designated National Authority (DNA) Secretariat as regards the Clean Development Mechanism (CDM). Montenegro stated that in the period 2013-2014, MoSDT will coordinate the development of the National Strategy in the area of climate change, determining measures and authorities for their implementation. MoSDT will at the same time coordinate, and put in place, the necessary capacity building programme for the relevant national institutions and for the business and civil sector. It intends to integrate climate change issues in all relevant sectorial policies in Montenegro. It envisages disseminating relevant information to the public on a regular basis. Montenegro indicated that National Council for Sustainable Development and Climate Change was established in October 2013. The Environmental Protection Agency (EPA, with 2 staff members for climate action) collects emission data, maintains the national GHG emission inventory, and produces reports (Common Reporting Format - CRF). EPA is also the technical operational body for CDM operational procedures including technical analysis and the review of project documentation. EPA is responsible for making information available to the public and to appropriate environmental organizations. The Inspection Directorate - Environmental inspection (7 inspectors) is in charge of enforcement of legislation, and the Customs Directorate is responsible for import/export control. According to Montenegro, the following institutions also have competence in the area of climate change: the Ministry of Economy, the Ministry of Transport and Maritime Affairs, the Ministry of the Interior, the Ministry of Agriculture and Rural Development and the Institute for Hydrometeorology and Seismology.

Montenegro indicated that transposition of the climate *acquis* is at a very early stage. Montenegro stated that it will continue to build-up the legal framework in line with the *acquis* until 2016. Montenegro explained that it needs to strengthen its administrative capacity for issues related to climate change.

Montenegro stated that the Decision No 280/2004/EC concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol (**Monitoring Mechanism Decision** - MMD) and its implementing Decision, Commission Decision No 2006/166/EC, have not yet been transposed into national legislation. Montenegro plans to adopt a Rulebook on national inventories by the end of 2013 on the basis of the Law

on Air Quality. Montenegro stated that it will now focus its efforts on implementing Regulation (EU) No 525/2013 (**Monitoring Mechanism Regulation – MMR**) which has replaced the MMD, and the delegated and implementing acts to be adopted thereunder. The first National Communication (NC) of Montenegro to UNFCCC has provided an inventory of GHG emissions for the base year 1990 and for 2003. Currently, work is on-going on its second NC which will include a complete historical greenhouse gas (GHG) emission inventory from 1990 to 2011. According to Montenegro, the first draft is planned for the end of 2013, and the official submission is planned for 2014. As a Non-Annex I party to UNFCCC, Montenegro is not required to submit a National Inventory Report (NIR) on an annual basis. Montenegro stated that it is currently preparing a NIR for 2011 but that it has not yet decided whether it will formally submit it to the UNFCCC. So far only one CDM project - the small scale hydropower plant “Otilovići” - has been registered (December 2012). Montenegro stated that currently no specific measures in the area of adaptation to the adverse effects of climate change are implemented. Moreover, there is no strategic document covering adaptation to climate change.

Montenegro stated that in 2014 the MoSDT will start drafting the legislation in order to align with Directive 2003/87/EC on a scheme for **greenhouse gas emission allowance trading** (EU Emissions Trading System or EU ETS). Montenegro does not have the institutional setup in place for the implementation of the EU ETS. A monitoring, reporting and verification of emissions (MRV) system in line with EU ETS has not been established. This future legislation will also designate competent authorities responsible for the implementation and enforcement. According to Montenegro, no date for full implementation has been set. In its efforts towards full alignment with EU ETS, Montenegro plans to request the support of the EU and its bilateral and regional cooperation instruments.

Five stationary installations in Montenegro potentially falling under the EU ETS have been identified with the support of the Regional Environment Network for Accession (RENA): the Podgorica Aluminium plant (production of primary aluminium); the Steel mill Niksic (production of steel including continuous casting with a capacity exceeding 2,5 tons per hour); the thermal (coal-fired) power plant Pljevlja; Molson Coors Brewing (production of beer); and Vektra Montenegro (wood processing). The last three are combustion installations with a total thermal capacity exceeding 20 MW.

Montenegro stated that as foreseen by Directive 2008/101/EC on **including aviation activities in the EU ETS**, the national aircraft operator Montenegro Airlines (MNA) has been part of the EU ETS aviation scheme since 2010. Montenegro indicated that it has no other commercial aviation operators. The Administering Member State for MNA is Germany and its EU ETS national authority DEHSt. The national aircraft operator (MNA) has the necessary institutional setup which allows for participating in the EU ETS. It has designated staff to prepare a monitoring plan and for emissions reporting. An operator holding account has been activated and primary and secondary account representatives have been appointed. Independent verification of emissions is done by a contracted independent, international verifier in line with rules and procedures prescribed by the DEHSt. Montenegro Airlines GHG emissions in 2010 were 34 323 tCO<sub>2</sub>. Total allocation for MNA during the period 2012-2020 in emission allowances are 122 922 tCO<sub>2</sub>. Montenegro indicated that the MoSDT will start drafting legislation in 2014 to align its national legal framework with the EU ETS aviation *acquis*, and to designate the competent authorities for its implementation and enforcement.

As regards the **Effort Sharing Decision (ESD)** 406/2009/EC, Montenegro stated that alignment is at an early stage. Montenegro currently does not have the institutional setup in place for the implementation of the ESD. Montenegro stated that it will request the support of the EU and its bilateral and regional cooperation instruments in order to achieve compliance with the ESD.

Within Montenegro's First National Communication (NC) to the UN on Climate change, the preliminary projections of GHG emissions until 2025 set out two scenarios: a baseline scenario ("business as usual") and one including measures for GHG emissions reduction. According to Montenegro, the implementation of EU climate change *acquis* was not considered. Projections included all GHG gases and data on sectors covered by ESD. Emissions from transport sector would be approximately 55% higher compared to the base year even if measures to reduce the emission would be implemented. Total reduction of GHG emissions in the transport sector in 2025 could amount to approximately 27% compared to the baseline scenario. Emissions from the waste sector would be approximately 58% higher compared to the base year even if measures to reduce the emission would be implemented. Total reduction of GHG emissions in the waste sector could amount to approximately 28% compared to the baseline scenario. According to Montenegro, projections of GHG emissions in sectors covered under ESD and identification of potentials for limitation/reduction of GHG emissions will be updated by the second NC and other complementary activities i.e. National Strategy of Air Quality Management, Technology Needs Assessment etc.

As regards the EU Regulations on **Ozone Depleting Substances (ODS)** (mainly Regulation EC/1005/2009) and **Fluorinated Gases (F-gases)** (mainly Regulation EC/842/2006), Montenegro stated that it has adopted three implementing plans: the country programme (CD) for the elimination of ODS implemented from 2007 to 2010 achieved the objective of 0 tons in 2010; the terminal phase-out management plan for CFCs<sup>4</sup> (TPMP) that started in 2007 and implemented training activities for technicians, custom officers, and trainers in vocational schools; and the HCFC<sup>5</sup> phase-out management plan (HPMP) (adopted in 2010 for the period 2010-2020) with the objective of reducing HCFC substances in accordance with the Montreal Protocol. Montenegro indicated that the Law on air protection includes elements of the EU Regulations and prescribes: licenses for maintenance and/or repair and decommissioning of products containing ODS/F-gases, prohibitions, penalties, and inspectors' rights and duties.

Montenegro indicated that the Decree on substances that deplete the ozone layer and alternative substances includes elements of the EU Regulations and prescribes: phasing out of consumption of ODS, the use of ODS and F-gases, the use of products that contain or rely on such substances, the import, export and placing on the market of such substances and products, use of such substances after terminating the use of products containing them, method of collecting, using and permanently disposing them and labelling of products that contain F-gases.

Montenegro explained that products or cylinders containing F-gases and their mixtures cannot be placed on the market unless labelled. The label includes: chemical formula, amount of alternative substance expressed in kilograms, and the note: "contains fluorinated gas governed by the Kyoto Protocol". Montenegro stated that it does not produce any ODS. All ODS in use

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<sup>4</sup> Chlorofluorocarbons - a refrigerant and propellant.

<sup>5</sup> Hydrochlorofluorocarbon - a refrigerant and propellant.

are imported and are used in the service sector for refrigeration and air conditioning. Montenegro has already banned the use of all ODSs except for HCFC. A quota system for the import of HCFC has been established since 2011. The baseline for HCFC is calculated as the average of the 2009 and 2010 levels of consumption (13,9 metric tons), and “freeze at baseline” level in 2013.

Montenegro stated that Directive 2009/30/EC **on specification of fuels** is partially transposed by the decree on content of pollutants in liquid fossil fuels. This legislation transposes the parts of Directive 2009/30/EC that amended Directive 98/70/EC on the quality of petrol and diesel fuels which was fully transposed. According to Montenegro, the remaining provisions will be transposed by the end of 2014 through legislation on biofuels and amendments to the above-mentioned decree on the content of pollutants in liquid fossil fuels. Montenegro has started the implementation of Directive 2009/30/EC and indicated several intermediate steps to achieve full compliance by 2020. According to Montenegro, since the 1st January 2011, fuel with lead content greater than 0,005 g/l has been banned from the domestic market. According to Montenegro, fuel quality in terms of the content of lead is monitored annually through the "Programme for Automotive Fuels". Laboratories authorized (by EPA) are engaged by suppliers (polluter pays principle). Montenegro stated that the air quality analysis indicates that the concentration of lead has a downward trend and is below the prescribed limit. The existing system for control of fuel quality monitors the environmental parameters of marketed fuel in line with relevant standard. This system does not include control of biofuels. Montenegro declared its intention to establish a biofuels market; a system for GHG emission reductions from transport and a system to verify sustainability of biofuels and calculate the life cycle of GHG emissions from biofuels.

As regards **CO<sub>2</sub> emissions from cars and vans**, Montenegro stated that it is at an early stage of transposition of Directive 1999/94/EC on availability of consumer information on fuel economy and CO<sub>2</sub> emissions with respect to the marketing of new passenger cars. Montenegro indicated that the requisite guide on fuel economy and CO<sub>2</sub> emissions has not yet been made available, and that a CO<sub>2</sub> labelling scheme is not in place. Montenegro stated that in 2013 or 2014 it will start drafting legislation in order to transpose the provisions of this directive into national legislation and designate the competent authorities for implementation. According to Montenegro, although the directive is not transposed, the majority of imported vehicles are labelled in accordance with this directive, since they are imported from the EU. Montenegro does not have an automotive production industry. Montenegro declared that it registered 11.173 cars and 41 light commercial vehicles in 2012.

Montenegro stated that the implementation of Regulation (EC) 443/2009 on emission standards for new cars and Regulation (EU) 510/2011 on emission standards for new light commercial vehicles is at an early stage. Montenegro intends to adopt implementation plans for these regulations. According to Montenegro, no deadlines for complete alignment or implementation have been set.

Montenegro stated that in 2015 MoSDT will start drafting the necessary legislation for alignment with **Directive 2009/31/EC on carbon capture and storage** (CCS Directive). Montenegro indicated that it currently does not have the institutional setup in place for the implementation of the CCS Directive.

### III - ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY

Overall, Montenegro's legislation **is partially aligned** with the *acquis* covered by this chapter, but implementation and enforcement are at an early stage. Upon Montenegro's accession to the EU, the application and enforcement of the *acquis* on environment, civil protection and climate change will need to be ensured. There is a substantial amount of work to be undertaken as regards the transposition of legislation and the establishment of the necessary administrative and control capacities required by the *acquis*.

Montenegro lacks a comprehensive strategy for the environment and climate change sectors which outlines planned initiatives and long-term policies for aligning with the *acquis*. Montenegro lacks programming plans for its policy-related, legislative and institutional preparations. So far, there is no national environmental investment plan (including disaster resilience and climate change adaptation investments). As the costs of alignment with the environmental and climate *acquis* will be high, Montenegro needs to ensure adequate financial resources and coherence between the availability of financial resources and the timetable for legislative alignment and implementation.

Montenegro should be in a position to complete the legislative alignment by the date of accession.

In general, the institutions responsible for policy development, implementation and enforcement are in place, but need to be strengthened considerably. The administrative capacities and staffing levels for environmental issues are low, both at national and local level and across the entire environment and climate action sectors. Reliance on temporary staff and trainees, high turnover of staff as well as limited financial resources in the relevant ministries, EPA and the Inspection Directorate remain issues of concern, especially in relation to the overall capacity of these institutions to ensure the effective implementation and enforcement of the *acquis*.

Substantial efforts are needed to consolidate administrative capacity for environmental and civil protection and climate action. Montenegro needs to ensure adequate staff numbers, training and equipment and overall coherence between its plans for alignment and the timetable for the reinforcement of its capacity. A precise division of responsibilities between the MoSDT, the MoARD, the EPA, MoI and other relevant ministries, institutions, bodies and the local authorities needs to be defined and more effective coordination between these institutions is required.

There are some mechanisms for integrating the environment and disaster risk management and climate into other policies (such as transport, energy, agriculture), mainly at strategic document level, but their application in practice is limited.

## ENVIRONMENT

### III.a. Horizontal legislation

Montenegro has achieved a **high level of alignment** with EU horizontal legislation. The Montenegrin legislation is almost fully aligned with the **SEA, EIA and Aarhus -related Directives** on the access to information, justice and public participation. Three Aarhus centres are active as regards public information and well connected with the relevant NGOs on the territory. The EPA is in place as the competent authority. Municipalities are responsible for the EIAs and SEAs for the programmes and projects at the municipal level. Implementation is on-going and some results can be reported. However, further efforts are needed to implement the EIA and SEA Directives, both at national and municipal level. Meaningful environmental assessments, including due consideration of possible impacts, all viable alternatives and necessary mitigation and compensation measures, need to be carried out properly. The quality of impact assessments and public consultations with civil society and other stakeholders needs to improve. An efficient coordination among the different authorities as well as with all the stakeholders needs to be ensured. The administrative and judicial procedures need to be more effective to ensure access to environmental information, public participation and justice.

Montenegro needs to continue alignment with and the enforcement of the **Environmental Liability Directive (ELD)**, especially regarding the prevention and remediation of environmental damage. Considerable efforts still need to be undertaken in this area. Effective implementation of ELD and of the Environmental Crime Directive is necessary in order to improve the level of enforcement of all environmental legislation.

Alignment with and implementation of the **INSPIRE Directive** are at an early stage. The necessary legislation, implementing capacity and infrastructure still need to be developed.

### III.b. Air Quality

In the field of air quality, Montenegro has achieved a good level of legislative alignment with most of the relevant Directives. Some strategic planning exists for the implementation of the directives, but they are not backed by credible financial commitments and investment planning.

Montenegro achieved a high level of legislative alignment with the **Ambient Air Quality Directive** and with the 4th daughter Directive. Implementation started, based on the strategic planning mentioned above, on air quality standards, AQ zones, AQ Monitoring Network, EPA reports on air quality to the EIONET and EEA. Montenegro needs to plan and ensure substantial investments for the laboratories, equipment and human resources to ensure an effective implementation.

Montenegro reached an overall good level of legislative alignment with the **NEC Directive**, but is at a very early stage of implementation. The main issue of concern are Montenegro's estimates of the national emission ceilings for 2020 as proposed in the process of accession to the Gothenburg protocol. In most cases they substantially exceed current emissions and thus are not coherent with the objectives of the Directive.

Montenegro's alignment with the **Directive on Sulphur content in liquid fuels** is advancing, but implementation is at an early stage and is mainly limited to the control of automotive fuel quality. Montenegro needs to establish a system for marine fuel control.

Montenegro needs to align with the **VOC Petrol I and II Directives**, including adopting the necessary legal framework. The fuel market players (as concerned by the 2 directives) need to be identified and involved in the process as early as possible in order to plan and ensure the necessary investment into the required equipment.

Major efforts are needed in the process of implementation of all air quality directives, as this will require large scale investments, including from privately owned companies. The existing monitoring system and structures in charge of the collection and processing of data and of future reporting to the Commission also require reinforcement. The network of monitoring stations needs to be expanded, especially in polluted areas. Further strengthening of administrative capacity is necessary. Montenegro should invest in necessary human resources and in equipment in order to be able to implement the Directives in the field of air quality. A clear table outlining the necessary human resources, the financial commitments, as well as a schedule of implementation would provide good guidance to that end.

### **III.c. Waste management**

Montenegro has achieved a good level of legislative alignment with directives on Waste Framework, Landfills, WEEE, Packaging Waste, End-of-Life Vehicles, PCB/PCT, and Sewage Sludge. However, implementation remains at an early stage and in most cases no reliable planning of implementing measures and foreseen investments exists. Montenegro needs to adopt a new National Plan for Waste Management, which will provide a timeline and define the main instruments/measures to secure alignment with and implementation of the EU waste legislation. The municipal waste management plans need to be developed or updated in line with the new waste management plan. The development of an integrated waste management system and appropriate infrastructure is at an early stage, with waste continuing to be disposed of in open sites or in multiple unauthorised dumps. At the strategic (and investment) level Montenegro relies on landfilling as the main waste management option. At the same time, national legislation sets very ambitious recycling targets, but these are not backed by any credible investment schemes or infrastructure solutions.

Montenegro has achieved a high level of legislative alignment with the **Landfill Directive 1999/31/EC**, but implementation is at an early stage. Only two municipal landfills (non-hazardous waste) are in accordance with the requirements of the directive. There are plans to build 5 or 6 new regional landfills and to upgrade the existing ones. Many implementing measures have been postponed from 2011/2012 to a later date and a full implementation date has not been defined yet. Before any decision on building new landfills is taken, attention should be paid to increasing efforts towards waste minimisation through waste prevention, separate collection and recycling. Such measures are considerably cheaper than building new heavy infrastructure; they also give effect to the objectives of the European waste hierarchy – the European waste management policy.

Montenegro is partially aligned with the **Batteries Directive 2006/66/EC**. According to its national legislation the economic operators are obliged to ensure the collection of waste batteries and accumulators from 1 January 2014. However, there are no implementation plans for key provisions of the Directive, such as the establishment of a system for the separate collection of batteries and accumulators, their disposal and recycling, the collection scheme

for the waste portable batteries and accumulators and the treatment and recycling of the collected batteries and accumulators. In this context 2015 is not realistic as the date for full implementation.

Montenegro achieved a satisfactory level of legislative alignment with the **Directive on waste electrical and electronic equipment (WEEE)**, but implementation is at an early stage.

Montenegro reached a good level of alignment with the **Packaging Waste Directive 94/62/EC**, but is at an early stage of implementation with only a couple of general provisions reported to be implemented. It is not possible to assess this area until the new waste management plan is developed, which should set the timeline and plan of measures for full implementation of the Directive.

Most of the provisions of the **End-of-Life Vehicles Directive 2000/53/EC** are included in the national legislation. Montenegro started the implementation, but further efforts are needed to set up an efficient system of collection, certification and treatment of the end of life vehicles. The deadline for full alignment has not yet been identified and there is no clear planning of how the objectives of the Directive will be achieved.

Montenegro achieved a high level of alignment with the **PCB/PCT Directive 95/59/EC** and started its implementation. The implementation will take time and will require investments and expertise. Particular efforts are needed for the safe disposal of the PCB containing equipment.

Montenegro reached a considerable level of legislative alignment with the **Directive on sewage sludge 86/278/EEC**, but practical implementation has yet not started. Particular attention should be paid to the establishment of the limit values for the heavy metals in soil and sludge in accordance with the Annexes to the Directive.

Montenegro is not aligned with the **Directive on mining waste** and there is no clear planning on when and how the alignment will be achieved. Montenegro needs to designate the competent authority and to start the process of alignment and implementation. The alignment with the **RoHS Directive** has yet not started.

Major efforts are needed in the implementation process of the *acquis* across the entire sector. Implementation will require large scale investments, and further strengthening of the administrative capacity at national and local level. The cooperation between the state and local authorities needs to be strengthened. Montenegro need to continue working on the waste management plans (including a plan for hazardous waste) at national and local level (the latter where appropriate) and ensure proper investment flows. These plans should integrate waste minimisation measures (including prevention, separate collection, recycling etc.) and management of waste that cannot be treated other than landfilled. This plan should be based on the assumption that landfilling waste should be limited to the unavoidable minimum. Montenegro should also establish separate collection systems and disposal facilities for specific waste streams or adjust the existing ones in line with the requirements of the *acquis* and develop adequate financing schemes.

### **III.d. Water quality**

Montenegro's level of alignment with the *acquis* in the Water sector is limited. Montenegro



is at an advance stage only in the legislative alignment and in the implementation process in the case of the **Drinking Water Directive**, but new investments are necessary. The monitoring networks for all water sources (surface water bodies, marine waters, and groundwater), the river basin management plans and the infrastructure for waste water treatment are at an early stage of development. Montenegro needs to make significant efforts in its alignment with the *acquis*, its implementation and in strengthening administrative capacity. Montenegro needs to adopt directive-specific implementation and investment plans. Moreover, Montenegro needs to build the necessary administrative capacity, including the enforcement system, expertise and institutional coordination. Very little progress has been achieved in the past years and the transposition of the major part of the water *acquis* is expected in 2016-2017. Without substantial additional efforts, better planning and increased resources it may be difficult to achieve a sufficient level of alignment in the medium term.

In particular, Montenegro needs to establish a registry of protected areas, to complete and harmonise the monitoring requirements, to work on definition of ecological and chemical status and objectives for surface waters and for groundwater, to define the programmes of measures required and to prepare draft river basin management plans in order to advance the implementation of the **Water Framework Directive 2000/60/EC**. Legislative alignment with this Directive is delayed until the end 2016, which also postpones the implementation and setting up of the entire water policy framework until 2030.

Alignment with **Directive 91/271/EEC on urban waste water treatment (UWWTD)** is at an early stage. Montenegro needs to define agglomerations and to designate sensitive areas in line with the Directive's requirements. It also needs updated water management master plans, a calendar of works in the defined agglomerations and detailed investment and administrative resources planning. At this early stage of alignment and without any substantial planning being available it is difficult to anticipate realistic dates for full alignment with and full implementation of the UWWTD.

With regard to the **Nitrates Directive 91/676/EEC**, Montenegro needs to establish a monitoring network for measuring nitrate concentration in surface waters and groundwater. On the basis of monitoring results, Montenegro has to identify the waters affected by the nitrate pollution or at risk of being polluted by nitrates from agricultural sources and to designate the vulnerable zones (unless Montenegro decides to use the "whole territory as a vulnerable zone" approach, which would mean that the whole country would be protected) for all agricultural areas that drain into these waters. Furthermore, accurate action programmes for all designated zones needs to be developed in line with the Directive. Montenegro needs to hold information activities for farmers to ensure the full implementation of the directive and its effective control at the farm level.

Montenegro needs to undertake concrete steps for the alignment with and implementation of the **Marine Framework Strategy Directive 2008/56/EC**, the **Water Quality Standards Directive 2008/105/EC**, the **Groundwater Directive 2006/118/EC** and the **Bathing Water Directive 2007/6/EC**. Alignment with these directives is at an initial stage.

Major efforts will be needed during the implementation process across the entire sector. Large scale investments will be required, notably related to the construction or modernisation of the urban waste water collection and treatment systems, as well as the introduction of new technologies of water treatment and supply in order to align with the Drinking Water Directive. For the implementation of several water sector directives, appropriate monitoring

systems need to be put in place as well as the structures in charge for the collection and processing of data. Future reporting to the Commission needs to be developed. Due attention also needs to be paid to sound planning of the necessary administrative capacity and financial resources. A clear table outlining the necessary resources, financial commitments, as well as a schedule for implementation would provide good guidance to that end. The further strengthening of the administrative capacity at national and local level is necessary for the implementation of all the directives. Montenegro needs to ensure a clear division of responsibilities and coherence between the actions of all the authorities involved in water management issues.

### **III.e. Nature protection**

In the area of nature protection, Montenegro is partially aligned with the *acquis*. The implementation of the *acquis* remains at an early stage.

Montenegro will have to fully align with the **Habitats and the Wild Birds Directives**. Essential articles, setting the whole logic of the EU protection regime for birds and species and habitats, as well as several key annexes, are still missing. The monitoring network is very limited and so is the scientific data for the designation of the protected areas and the future Natura 2000. Montenegro so far has only designated five terrestrial Emerald sites (future NATURA 2000) and there is no protection of coastal and marine areas. Montenegro will need to identify the potential species and habitat types to be added to the Annexes as well as to further map the distribution of these species and habitats. Montenegro will also have to compile the national list of the Sites of Community Importance under the Habitats Directive and to designate the Special Protection Areas under the Birds Directive to establish the NATURA 2000 ecological network. Montenegro needs to collect scientific information for possible proposals of amendments to the annexes of the Birds and the Habitats Directives. Work will have to be pursued regarding the management plans for the protected areas, as well as to continue with the establishment of a monitoring system of the habitats and species as required by the Habitats and Birds Directives. Lack of resources and administrative capacity is seriously hampering the alignment with and implementation of these two directives. Furthermore, in preparing for the identification and designation of the future NATURA 2000 Montenegro puts too much emphasis on definition of an overriding public interest (including through adoption of dedicated legal act). This approach is not in line with the objectives of the EU nature directives.

Montenegro will have to implement the Regulation on the protection of species of wild fauna and flora by regulating trade therein (**CITES Regulation**). Montenegro will have to continue providing training for inspectors and services, performing controls on border check points. The designated border-crossing points will need to be equipped with facilities allowing the clearance of the specimen of the wild flora and fauna, and for keeping the confiscated plants and animals on a temporary basis and in adequate conditions.

The national legislation will have to be aligned with the **directive on wild animals in zoos**. Provisions of the Regulation and Decision on leghold traps will also need to be reflected in Montenegrin legislation in order to ensure that they are in line with the *acquis*.

Montenegro also needs to start the alignment with the **EU legislation on seals** (Directive 83/129/EEC, Regulation (EC) 1007/2009 and its implementing Regulation (EU) 737/2010) as well as to prepare for the implementation of the **FLEGT and Timber Regulations**.

The Montenegrin administrative capacity at national and local level will have to be substantially strengthened. Special attention needs to be given to development of a strong inspection network, capable of enforcing the prescribed protection regimes in the designated areas. A table outlining the necessary resources, the financial commitments and a schedule for implementation would provide a good guidance to that end.

### **III.f. Industrial pollution and risk management**

As regards industrial pollution and risk management, alignment with most of the EU directives or regulations (notably Seveso II Directive, EMAS and Eco-label Regulations) is at a very early stage. Montenegro will need to accelerate its alignment with the *acquis*. The implementation process is at an early stage across the entire sector and administrative capacity needs to be strengthened considerably.

The part of the **Industrial Emissions Directive** relating to the integrated prevention and pollution control is satisfactorily aligned with the *acquis*. Montenegro needs to continue its efforts for full alignment and implementation of the provisions of the Industrial Emissions Directive (IED), notably those on volatile organic compounds (VOC), large combustion plants (LCP) and incineration of waste (IW). It should also strengthen its administrative capacity and inspection system. Montenegro should prepare the national emission reduction plan for large combustion plants.

All the main elements of the **Seveso II Directive** are still missing in the Montenegrin legislation. The emergency plans, the reporting system and the inspection system remain to be established. The implementation of **EMAS** and **Eco-label Regulations** need to start before accession, with the designation of the competent authorities and with information activities.

Major efforts are required to ensure the implementation of the *acquis* in this sector as large scale investments are needed, in line with the EU State aid *acquis*, notably for the adjustment of the existing installations to the requirements of the *acquis*, the construction of the waste incineration or co-incineration plants and cleaning work in the major industrial installations such as KAP Podgorica. Further strengthening of the administrative capacity will also be necessary. A table outlining the required resources, the financial commitments and a schedule for implementation would provide a good guidance to that end. An effective mechanism of information exchange and of co-ordination between all bodies involved should also be established.

### **III.g. Chemicals**

Montenegro is partially aligned with the *acquis* in the sector of chemicals. Implementation is at a very early stage and significant administrative capacity building efforts are needed. A proper planning of alignment is missing.

Through the adoption of the new Law on Chemicals, in force since 1 March 2013, Montenegro has advanced significantly in the process of alignment with the *acquis* in the chemicals sector. Montenegro will have to pursue the process of alignment through the adoption of the required implementing regulations in 2013-2014 in order to ensure implementation and enforcement.

Montenegro took positive steps in the process of alignment with **REACH**. The adoption of the implementing legislation and building of adequate capacities for the effective implementation and participation in the technical work at European level (especially of the ECHA) are needed.

As regards the **POPs**, Montenegro ratified the Stockholm Convention and its Protocol and is starting preparations for the implementation of the POPs Regulation by the date of accession.

Regarding the **export and import of dangerous chemicals**, Montenegro ratified the Rotterdam Convention, but needs to start implementing it and aligning with the relevant EU Regulation. Montenegro should *inter alia* designate a competent authority, submit import responses for all chemicals listed in Annex III to the Convention and establish a system for export notification, for controlling export and for monitoring, collection of data on export and import and reporting to the Commission.

Further efforts are needed to complete the alignment with the **CLP Regulation** and to ensure its effective implementation. The same applies to the **Directive 2010/63/EU on the protection of animals used for scientific purposes**, where alignment is only starting.

Montenegro needs to start alignment with the **Biocides Regulation** and to prepare a specific implementation plan, including financial projection. This will be a resource intensive exercise, as each individual product needs to be authorised.

A major effort will be required in terms of strengthening the administrative capacity for the implementation of the *acquis* in this field in the short-term. The MoSDT, the EPA and Environmental Inspection need to recruit staff with the relevant technical expertise, training, equipment and sufficient financial resources in order to have the capacity to ensure the effective implementation of the *acquis*. As an example, the administrative capacity relating to risk assessment requires substantial strengthening through the recruitment and training of additional toxicologists and in particular eco-toxicologists. A clear table outlining the necessary resources, the financial commitments, as well as a schedule for implementation would provide a good guidance.

### **III.h. Noise**

Montenegro has achieved a good level of legislative alignment with the **Noise Directive**. However, Montenegro is missing some articles essential for the effective implementation of the directive. Therefore implementation is at an early stage. Montenegro will need to use the new methods that will be established by the Commission by the end of 2014 and to prepare the strategic noise maps and action plans. There is a need for strengthening the administrative capacity for the preparation of the strategic noise maps and action plans, including at the municipal level.

## **CIVIL PROTECTION**

Montenegro is satisfactorily aligned with the **EU civil protection acquis**. However, the country will need to further improve its administrative capacity in order to align the system with standards and good practices of the Member States. Technical and material resources need to be enhanced, in particular by further equipping and training civil protection and other concerned staff to reach a sound basis for adequate support for risk prevention and

preparedness as well as necessary response in case of emergencies. Given the frequency of disasters in the country, disaster risk reduction and disaster management should be treated as a matter of priority at national and local level.

Montenegro will need to further develop work on disaster prevention, with an increased focus on risk assessment and risk management planning. Montenegro needs to prepare for its obligations as a participating state to the EU Civil Protection Mechanism by building up the necessary capacity to carry out national risk assessment, conduct risk management planning and assessment of its risk management capabilities and to inform the Commission.

## **CLIMATE CHANGE**

In the area of climate change, Montenegro ratified all the international conventions and protocols on climate change and started their implementation. Montenegro regularly associated itself with the EU positions in the international context, including the Copenhagen Accord. However, Montenegro needs to make major efforts to ensure implementation of its international commitments and of the EU climate *acquis*. The country has not yet put forward a mitigation commitment for 2020. Montenegro should consider taking mitigation commitments consistent with those of the EU and its Member States for the purpose of the post-2020 climate agreement.

A **comprehensive National Climate Strategy** is still to be developed. It needs to include an Approximation Strategy, estimation of costs, an investment strategy, climate *acquis* implementation plans and administrative capacity building projections. Substantial efforts are required in order to fully integrate climate action into all relevant sectorial policies and strategies.

Overall, Montenegro has achieved partial legislative alignment with the climate *acquis* and implementation is at a very early stage. Legislative alignment and implementation is advanced regarding the Regulations on Fluorinated Gases and Ozone Depleting Substances and the Fuel Quality Directive. Montenegrin legislation is not yet aligned with the *acquis* in all the other fields. Therefore, Montenegro needs to make major efforts to ensure alignment with and implementation of the *acquis*, in particular as regards the monitoring mechanism, the EU Effort Sharing Decision, the EU ETS and EU ETS aviation, fuel quality, emission standards for cars and vans and geological storage. Montenegro intends to complete the legal framework necessary for full alignment by 2016. The deadlines do not appear realistic.

Main challenges for implementation include data inaccessibility, inaccuracy; shortage of competent staff; lack of training and equipment; limited financial resources; insufficient institutional setup; and the lack of cooperation and coordination mechanisms at the state and local level.

Efforts are needed to raise awareness at all levels and to promote cooperation between all relevant stakeholders. Administrative capacity as well as human, technical and financial resources need to be strengthened considerably in order to be able to implement all the requirements of the climate change legislation. In addition to **mitigation**, more efforts and focus should be also put on **climate change adaptation**, that can benefit from the mainstreamed good practices and approaches in other more advanced MS, and be implemented in close coherence and synergies with the *acquis* on civil protection.