

The background of the slide is a photograph of a field of flowers. In the foreground and middle ground, there are numerous pink and purple flowers, likely Asteraceae, with green foliage. The sky is overcast and grey. The text is overlaid on the right side of the image.

Energy Community

22nd Meeting of the Environmental Task Force

*Brankica Cmiljanović,
7 December 2021, Vienna*

➤ *In a nutshell*

- ▶ *ELD/Law*
- Amended ELD/Deadlines/Guidelines*
- Insurance companies*
- Transposition/CA*
- Implementation/CA*
- Enforcement/CA*
- Monitoring/Reporting/CA*

Environmental damage/remediation measures in Paljevinska, Kolašinska and Tara river

- Municipality level: The Secretariat for Environmental Protection of the Municipality of Kolašin addressed a request to the Environmental Protection Agency to initiate the procedure of determining the damage to the environment done by "Euro-Asfalt" LLC from Sarajevo,
- Occupational activity -during the construction works on the project of reconstruction of the regional road Berane-Kolašin, section Lubnica-Jezerine on the "Klisura" tunnel, turbidity and damage were caused to the rivers of Paljevinska, Kolašinska (Svinjača) and Tara.
- By the documentation review and the access to the minutes of the inspection, it was determined that the activity that caused damage to the environment was the occurrence of groundwater erupting from the mentioned "Klisura" tunnel, which was caused by the work on the body of the tunnel.



- The uncontrolled discharge of groundwater from the tunnel without a prior passage through the sedimentation tank or a wastewater treatment plant, directly affected the quality of the Paljevinska, Kolašinska and Tara rivers.
- Based on the above mentioned, the Environmental Protection Agency, according to Article 18 of the Law on Environmental Liability, issued a Decision ordering the "Euro-Asfalt" LCC operator from Sarajevo, to prepare and submit for approval a document:
 - *A proposal of remediation measures and environmental monitoring program*

During the evaluation process of the submitted document - A proposal of remediation measures and environmental monitoring program after the implementation of remediation measures due to environmental damage in rivers, the Operator was repeatedly asked to change, elaborate and correct the document.

- After the procedure is completed, the Agency granted the consent to the form and content of the document.
- It contains specific remediation measures, costs of implementation of the proposed measures as well as the monitoring plan of the given remediation measures.
- ❑ The control over the implementation of remediation measures is performed by the competent inspection in accordance with the Law on Environmental Liability.
- ❑ **REMEDATION MEASURES / MONITORING PROGRAM FOR** “Proposed remediation measures and environmental monitoring program after the implementation of remediation measures in the Paljevinska, Kolašinska and Tara rivers”
-

Damage remediation in the area of bridges 26 and 27

The environmental inspection, after the inspection in July 2019, requested to the Environmental Protection Agency for the performed works on deepening the Tara riverbed in the length of about 500m with minor interruptions and the depth of about 3m, in the Mateševo loop zone, and between bridges no. 26 and no. 27 which are defined by the Main Project of the Bar - Boljare highway, Smokovac - Mateševo section, Subsection 4.4.1 (Tara 1 and Tara 2 bridges, Mateševo tunnel, Mateševo loop zone with the corresponding part of the open route).

The Report stated that: “Environmental protection measures specified in the Environmental Impact Assessment Study for the construction of the highway under items 7.4.9 and 7.4.3 are not being implemented, to which the Environmental Protection Agency granted the Environmental Consent, dated on 21 December 2015.

In the conclusion of the Report on the state of biodiversity, it was stated that the riverbed of the Tara river is the main habitat for the studied biological communities, that the visibly disturbed riverbed, along with the pronounced turbidity are the main factors that led to the degradation of identified communities.

It is further stated that if physical disturbances in the river continue, the studied communities will be increasingly degraded.

- „As the required works with construction machines on the construction of the Mateševo - highway loop as well as works on the regulation of the Tara river are still being carried out in the Tara riverbed“, it is impossible to prevent disturbances in the riverbed, which refer to turbidity, low level of light, physical habitat disturbance“. Given the extreme sensitivity of the highway route area and the importance of the Tara river watercourse, the inspection required that additional remediation measures be taken to limit and prevent further degradation of the studied communities.
- Based on the inspection findings and requests, the Environmental Protection Agency, pursuant to Article 18 of the Law on Environmental Liability, issued a Decision of 16 September 2019, which orders the operator of "China Road and Bridge Corporation" Ltd. Beijing PRC - part of a foreign company based in Podgorica, to prepare and submit for approval a Proposal of remediation measures and environmental monitoring program after the implementation of remediation measures due to environmental damage in the Tara river.

- During the evaluation process of the submitted document - A proposal of remediation measures and environmental monitoring program after the implementation of remediation measures in the Tara riverbed in the area of bridges 26 and 27, the Operator was repeatedly asked to change, elaborate and correct the document.
- In the end the Agency granted the consent to the form and content of the document. The document contains specific remediation measures, costs of implementation of the proposed measures as well as the monitoring plan of the given remediation measures.
- The control over the implementation of remediation measures is performed by the competent inspection in accordance with the Law on Environmental Liability.
- **REMEDATION MEASURES AND MONITORING PROGRAM FOR “Proposed remediation measures and environmental monitoring program after the implementation of remediation measures for the Tara riverbed in the area of bridges 26 and 27”**

Damage remediation in the area of the Uvač 4 bridge

- The environmental inspection, after the inspection in the zone of the Uvač 4 bridge, submitted a request to the Environmental Protection Agency for the performed works on the location near the Uvač 4 bridge and due to deviations from the Main Project and the Environmental Impact Assessment Study based on which the environmental consent was issued.
- The request was submitted due to the disposal of excavated material (from the Pajkov vir site) along the bank of the Tara river, as well as the devastation of the Tara riverbed (excavation) in the length of about 1000m, which *directly affected the biodiversity of the river*.
- Based on the inspection findings, the Environmental Protection Agency, pursuant to Article 18 of the Law on Environmental Liability, issued a Decision on 21. November 2019, which instructs the operator of "China Road and Bridge Corporation" Ltd. Beijing PRC - part of a foreign company based in Podgorica, to prepare and submit for approval to the Agency a proposal for a remediation measure and environmental monitoring program after the implementation of remediation measures due to environmental damage.



- During the evaluation process of the submitted document - A proposal of remediation measures and environmental monitoring program after the implementation of remediation measures in the Tara riverbed in the area of the Uvač 4 bridge, the Operator was repeatedly asked to change, elaborate and correct the document. In the end, the Agency gave the consent to the form and content of the document. The document contains specific remediation measures, costs of implementation of the proposed measures as well as a monitoring plan of the given remediation measures.
- The control over the implementation of remediation measures is performed by the competent inspection in accordance with the Law on Environmental Liability.
- **REMEDATION MEASURES AND MONITORING PROGRAM FOR “Proposed remediation measures and environmental monitoring program after the implementation of remediation measures for the Tara riverbed in the area of the Uvač 4 bridge”**

Damage remediation in the area of the Tara 2 bridge

- The environmental inspection submitted a request to the Environmental Protection Agency because it found that, at the location under the bridge on the regional road R19 (Mateševo old bridge), due to works on the foundations of the Tara 2 bridge, the Tara riverbed was deepened to a depth of about 2 meters, and the water flows only through the right arch (when seen downstream), out of a total of three in the old bridge.
- After passing under the bridge next to the regional road R19 (old bridge), the river turns left and erodes - undermining the left bank, which endangers the macadam road that runs parallel to the riverbed, and thus the ground, i.e., suspended solids which affect biodiversity, fall into the riverbed,. It is also stated that there are residual concrete foundations in the Tara riverbed - skeletal steel structures that were used for concreting the main girders of the Tara 2 bridge.



- The steel structure was dismantled.
- It is stated that it is necessary to rehabilitate the Tara riverbed in that part - directly upstream and downstream from the old bridge, so that water flows unhindered under the old Mateševo bridge.
- „Inspectors state that environmental protection measures specified in the Environmental Impact Assessment Study for the construction of the highway under items 7.4.9 and 7.4.3, to which the Environmental Protection Agency has given environmental consent of December 21, 2015, are not being implemented“.

- 
- The conclusion of the Report on the State of Biodiversity states that the riverbed of the Tara river is the main habitat for the studied biological communities, and that the visibly disturbed riverbed is the main factor that led to the degradation of the identified communities.
 - It is further stated that if physical disturbances in the river continue, the studied communities will be increasingly degraded. Given the extreme sensitivity of the highway route area and the importance of the Tara river watercourse, the inspection requires that additional remediation measures be taken to limit and prevent further degradation of the studied communities i.e. biodiversity.
 - Based on the inspection findings, the Agency, pursuant to Article 18 of the Law on Environmental Liability, issued a Decision of December 11, 2020, ordering the operator of "China Road and Bridge Corporation" Ltd. Beijing PRC - part of a foreign company based in Podgorica, to prepare and submit for approval to the Agency a Proposal of remediation measures and environmental monitoring program due to environmental damage in the Tara river.

- During the evaluation process of the submitted document - A proposal of remediation measures and environmental monitoring program after the implementation of remediation measures in the Tara riverbed in the area of bridges 26 and 27", the Operator was repeatedly asked to change, elaborate and correct the document in question. In the end, the Agency gave the consent for the form and content of the document. The document contains specific remediation measures, costs of implementation of the proposed measures as well as a monitoring plan of the given remediation measures.
- The control over the implementation of remediation measures is performed by the competent inspection in accordance with the Law on Environmental Liability.
- **REMEDATION MEASURES AND MONITORING PROGRAM** "Proposed remediation measures and environmental monitoring program after the implementation of remediation measures for the Tara riverbed in the area of the Tara 2 bridge"



IMPORTANT

- ✓ Administrative capacities at all levels
- ✓ Intersectoral cooperation
- ✓ Trainings/proper implementation
- ✓ Raised awareness on ELD /operators/public/insurance companies
- ✓ Strong pressure for ELD (even it is not EL)
- ✓ Monitoring and Reporting

Challenges

- *PP Principle and insurance*
- *Proper implementation*
- *Article 3 of ELD:*

Scope

a) This Directive shall apply to: (a) environmental damage caused by any of the occupational activities listed in Annex III, and to any imminent threat of such damage occurring by reason of any of those activities;

(b) *damage to protected species and natural habitats caused by any occupational activities other than those listed in Annex III*, and to any imminent threat of such damage occurring by reason of any of those activities, whenever the operator has been at fault or negligent.

- *Trained staff/administrative capacities*
- *Inspection*

A close-up photograph of several yellow wildflowers with green stems and leaves, set against a blurred background of a mountain valley. The flowers are in the foreground, and the background shows rolling green hills and distant mountains under a bright sky. The text "Thank you for attention!" is overlaid in the center of the image.

Thank you for attention!