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**GOVERNMENT OF MONTENEGRO**  
**MINISTRY OF SUSTAINABLE DEVELOPMENT AND TOURISM**

**28<sup>th</sup> OSCE ECONOMIC AND ENVIRONMENTAL FORUM**

**"PROMOTING SECURITY, STABILITY AND ECONOMIC GROWTH IN THE OSCE AREA BY PREVENTING AND COMBATING CORRUPTION THROUGH INNOVATION, INCREASED TRANSPARENCY AND DIGITALIZATION"**



**OSCE Transparency measures in management of natural resources and procurement in major infrastructure projects to reinforce business integrity and prevent damage to the environment**

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- ▶ **Timely planning of development activities**  
is one of the prerequisites for protecting and preserving the environment/natural resources;
- ▶ **An ecological and ambient integrity of the space**  
can be provided by its planning,  
a rational utilization of natural resources and  
implementation of environmental protection measures.





▶ **Contemporary spatial planning**

- implies parallel implementation of the concept of strategic environmental assessment,
- whereby the ecological dimension permeates the whole process of drafting planning documents and
- is integrated into planning solutions, making plans better and more consistent with the concept of sustainable development.

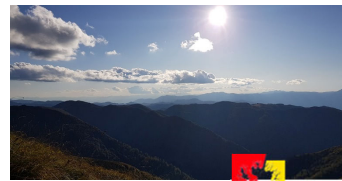
The damage to the environment is best avoided by preventive measures;

- ▼ the ecological balance must be preserved in the exploitation and management of natural resources.



**According to Montenegrin Constitution everyone has a right to a healthy environment.**

- ▶ The application of **legal tools** in the area of the environment (cross cutting issues)
- ▼ in decision making process in the way that it initially provides information on consequences that the proposed plan or project may have on the environment, proposing measures to prevent or reduce potential damage that may occur in the environment;
- ▼ Public participation in decision-making is a prerequisite for sustainable development and sustainable decisions



## Transparency measures include an ecological dimension of

- ▶ Strategic documents (plans, programmes, strategies – elaboration of SEA);
- ▶ Projects level (major infrastructure projects and projects – elaboration of EIA);
- ▶ Management of natural resources;
- ▶ Public participation;
- ▶ Public procurement;
- ▶ Prevent damage to the environment.



## Legal framework

- ▶ Law on spatial planning and construction of objects,
- ▶ Law on Environment;
- ▶ Law on strategic environmental assessment;
- ▶ Law on environmental impact assessment;
- ▶ Law on Nature (protected areas);
- ▶ Criminal Code;
- ▶ International treaties;
- ▶ Agreements and other relevant documents...
- ▶ Law on environmental liability.



## Legal framework

### ▶ Law on public procurement:

The description of the subject of **public procurement** shall include information:

- ▶ on the quantity, place and time limits for completion, or specific requirements regarding the manner of completion of the public procurement,
- ▶ relevant for the preparation of the tender and the completion of the contract, including information relevant **for environmental protection**, energy efficiency or social requirements).



## Access to information, public and civil society monitoring of potential environmental risks

- ▶ Publicly available information;
- ▶ Involvement of the public in earliest stage in decision making;
- ▶ A public influence in legal solutions (MNE example);
- ▶ The role of Aarhus centres and networking;
- ▶ A public consultation process (domestic/transboundary);
- ▶ Monitoring process, after initial phase is completed;
  
- ▶ Cooperation in the area of environment.



## Transparency and innovation

- ▶ Application of **information technologies**, interoperability, e-government, open data are the basis for improvement of the work of public administration, further modernization and transparency of its work, as well as increasing efficiency and quality of service.
- ▶ The number of institutions providing electronic services has increased, and now there are 582 eService's available under the competency of 52 institutions.



## Transparency and innovation

- ▶ Strengthening **eDemocracy** mechanisms and improving **e-services**, which should further strengthen the process of public consultation in adopting laws and strategies, and launched the
- ▶ project "**Citizens' Voice - ePetitions**", enabled citizens with 3,000 signatures to influence public policy-making;
- ▶ In addition, an **open data portal** was launched and already have 97 data sets from 18 public administration bodies.



- ▶ Directive 2008/99/EC on the protection of the environment through criminal law (Eco Crime Directive) is transposed through the Criminal Code and the Law on Criminal Liability of Legal Entities.
- ▶ Criminal acts are stipulated in the Criminal Code Chapter XXV (which encompasses criminal acts against environment, but also criminal acts related to illegal construction of objects, poaching, ..).
- ▶ According to the Criminal Code, the level of sanctions goes up to 15 years.



Sanctions also include prescribed measures of protection, preservation and improvement of the environment within a certain period.

Year	No of cases	
▼ 2015	106;	▼ Forest theft;
▼ 2016	71;	▼ Illegal fishing;
▼ 2017	66;	▼ Illegal hunting;
▼ 2018	44	▼ Devastation of forests;
		▼ Killing and torturing animals.

- ▼ Further strengthening capacities of all relevant stakeholders in criminal liability regime.



## Cooperation with OSCE

Cooperation OSCE - MNE (since 2009) related to:

- ▶ Environmental issues and strengthening capacities for the implementation SEA and EIA in Montenegro and public participation;
- ▶ Environmental criminal policy (ECOCRIME) in Montenegro;
- ▶ Workshops for environmental inspectors;

**Further cooperation in the area of Environmental security  
(Combating environmental crime) and environmental horizontal  
issues**



## Conclusions

- ▶ to promote democratic values and procedures in the field of the environment,
  - ▶ to promote a good governance as a tool of applying legal solutions,
  - ▶ to enhance a good environmental governance through transparency and innovation,
  - ▶ to build capacity of all relevant stakeholders,
  - ▶ to promote a dialogue on all levels;
- ▾ Combating environmental crime;
- ▾ Foster investment climate and business environment taking care about environment...





Thank you for your attention!

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