

# LAW ON ENVIRONMENTAL IMPACT ASSESSMENT

## DISCLAIMER

*The consolidation provided below is only a provisional document and therefore does NOT represent an official document and/or version. It is provided only for information purposes. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in the Montenegrin language.*

Date of last check: 15 April 2024

Pursuant to Article 82 point 2 and Article 91 paragraph 1 of the Constitution of Montenegro, the Parliament of Montenegro of the 26th convocation, at the Third Session of the Second Regular (autumn) Session in 2018, on November 12, 2018, has passed

## THE LAW ON ENVIRONMENTAL IMPACT ASSESSMENT<sup>1</sup>

### I. BASIC PROVISIONS

#### Subject matter

##### Article 1

This law shall regulate the manner and procedure of impact assessment for projects that may have a significant impact on the environment, preparation and assessment of studies on environmental impact assessment and other issues of importance for environmental impact assessment.

#### Definitions of Environmental Impact Assessment

##### Article 2

Environmental impact assessment is a procedure that shall include: the preparation of an environmental impact assessment report, the participation of interested authorities and organizations and the public, the process of evaluating the report and making a decision on granting or refusing consent, as well as explaining the significant impacts of the project on the environment the environment on which the decision is based, taking into account the results of public consultations (hereinafter referred to as the impact assessment).

#### Importance of Impact Assessment

##### Article 3

---

<sup>1</sup> Official Gazette of Montenegro 075/18 of 23.11.2018

The impact assessment shall determine, describe, and evaluate, in each individual case, possible direct and indirect impacts of the planned project on:

- 1) Population and human health;
- 2) Biodiversity, especially protected species of plants, animals and fungi and their habitats;
- 3) Land, water, air, climate and landscape;
- 4) Material assets and cultural heritage;
- 5) Mutual relations of the elements from point 1 to 4 of this paragraph.

The assessment referred to in paragraph 1 of this article also includes the possible risk of major accidents or disasters, which are relevant to the project for which the impact assessment is being carried out.

### **Subject of impact assessment**

#### **Article 4**

The subject of the impact assessment shall be projects that are planned and implemented, and which can significantly affect the environment or human health.

The impact assessment shall be carried out for projects in the fields of industry, mining, energy, transport, tourism, agriculture, forestry, water management, communal activities, and projects that are planned in protected natural assets and immovable cultural assets.

Impact assessment shall not be carried out for projects intended solely for the purpose of defence, that is, elimination of the consequences of natural accidents and natural disasters.

### **Authorities Responsible for Implementing the Impact Assessment Procedure**

#### **Article 5**

The authorities responsible for implementing the impact assessment procedure (hereinafter referred to as competent authority) shall be:

- 1) The administrative authority responsible for environmental protection - for projects that require a construction permit, i.e. construction application and for projects for which approvals, approvals and permits are issued by another state administration authority;
- 2) The local government authority responsible for environmental protection for projects that require a construction report and for projects for which approvals and permits are issued by other local government bodies.

### **Definitions**

#### **Article 6**

For the purposes of this Law, the following definitions shall apply:

- 1) A permit or approval for the execution of a project is a decision of the competent authority authorizing the project holder to implement the project, that is, a building permit, construction application, approval or consent;
- 2) The public is one or more natural or legal persons, associations and organizations;
- 3) The project holder is a domestic or foreign legal entity, an entrepreneur or a natural person who submits a request for the issuance of a permit or approval for the execution of the project;

- 4) The project, i.e. the implementation of the project, is the construction, reconstruction, installation, removal and dismantling of buildings, plants or systems, rehabilitation, other activities in nature and the natural environment and exploitation of mineral raw materials;
- 5) the existing state of the environment is the state of the environmental segments found before the execution of any works on the site and in the immediate vicinity of the site where the project is planned to be carried out;
- 6) Interested public is the public that the project affects or is expected to affect, including non-governmental organizations that are registered for environmental protection in accordance with the law;
- 7) Interested bodies and organizations are state bodies, organizations and local self-government bodies that have an interest in making decisions related to environmental protection.

## **II. IMPACT ASSESSMENT PROCEDURE**

### **Projects for Which an Impact Assessment is Carried Out**

#### **Article 7**

Impact assessment shall be carried out for projects for which:

- 1) Preparation of an impact assessment study (hereinafter referred to as the study) is mandatory;
- 2) Preparation of the study may be required.

The projects referred to in paragraph 1 of this Article shall be prescribed by the Government of Montenegro (hereinafter referred to as the Government).

The competent authority shall decide on the need to prepare a report in each individual case for the projects referred to in paragraph 1 point 2 of this Article.

### **Obligation to Obtain Consent to Impact Assessment**

#### **Article 8**

The holder of a project for which preparation of an analysis is mandatory or a project for which a decision has been made on the need to prepare an analysis, cannot proceed with the implementation of the project, that is, obtain approval for the performance of activities without consent to the analysis or a decision that the analysis is not required.

When the impact assessment procedure includes the implementation of the acceptability assessment procedure, the acceptability assessment procedure shall be carried out as part of the impact assessment procedure in accordance with the law regulating nature protection.

When the impact assessment procedure is carried out as part of other procedures in accordance with special regulations, those procedures shall be carried out in harmonious manner.

The study and consent to the study, i.e. the decision that the preparation of the study is not required, shall be an integral part of the documentation required for obtaining a building permit, i.e. the application for the construction of the building, approval or consent for the start of the project.

### **Impact Assessment**

## **Article 9**

Impact assessment shall include:

- 1) Deciding on the need to prepare a report for projects for which the preparation of a report may be required;
- 2) Determining the scope and content of the study;
- 3) Deciding on giving consent to the elaboration.

## **Collection of Data, Notifications, and Documentation**

### **Article 10**

The competent authority, other bodies of the state administration and local administration, shall be obliged to provide, at the request of the project holder, the necessary data and documentation of importance for determining and assessing the direct and indirect impacts of the project on the environment, as well as the results of the implemented procedures of the impact of the planned project on the environment in accordance with special regulations.

The data and documentation referred to in paragraph 1 of this Article shall be submitted within 15 days from the date of receipt of the project holder's request.

The authority referred to in paragraph 1 of this Article, which does not have data and documentation relevant to the assessment of the project's impact on the environment, shall be obliged to notify the project holder in writing within 15 days of receiving the request.

## **Deciding on the Request for Need to Produce a Study**

### **Article 11**

The decision on the need for elaboration shall be made on the basis of the submitted request of the project holder.

Along with the request referred to in paragraph 1 of this Article, the following documentation shall be submitted:

- 1) Description of the location;
- 2) Project description;
- 3) Description of possible significant impacts of the project on the environment;
- 4) Data sources.

Request with documentation from paragraphs 1 and 2 of this Article, shall be submitted in writing in three copies and/or in electronic form on the e-Government portal and/or to the e-mail of the competent authority.

The detailed content of the documentation referred to in paragraph 2 of this Article is prescribed by the state administration authority responsible for environmental protection affairs (hereinafter referred to as the Ministry).

## **Proceeding Upon Request for Deciding on the Need to Prepare a Study**

### **Article 12**

After receiving a request for a decision on the need to prepare an elaboration, the competent authority shall check whether the prescribed documentation has been submitted with the request.

If the documentation accompanying the request referred to in paragraph 1 of this Article is incomplete, the competent authority, within three days from the date of receipt of the

request, shall inform the project holder to complete the documentation and set a deadline for submitting the documentation.

If the applicant does not submit additional data, notifications and documentation within the deadline, the competent authority shall reject the application within seven days of the deadline for submission of documentation.

## **Notification on the Request for a Decision on the Need to Prepare a Study**

### **Article 13**

The competent authority shall inform the interested authorities and organizations and the interested public about the submitted request for deciding on the need to prepare the study within three working days from the day of receipt of the formal request in accordance with Article 28 of this law.

The notification referred to in in paragraph 1 of this Article shall contain:

- 1) Name and headquarters, or name and address of the applicant;
- 2) Name of the project;
- 3) Place and time of inspection of the documentation;
- 4) Name and headquarters of the competent authority to which the opinion is submitted.

Interested authorities and organizations and the interested public may, within five working days from the day of receipt, i.e. publication of the notification referred to in paragraph 1 of this Article, submit an opinion to the competent authority on the submitted request.

## **Deciding on Need to Prepare a Study**

### **Article 14**

The competent authority shall be obliged to decide on the necessity of preparing a study within four working days from the date of expiry of the deadline referred to in Article 13, paragraph 3 of this law.

When making a decision, the competent authority shall be obliged to consider submitted opinions referred to in Article 13, paragraph 3 of this law.

The competent authority shall be obliged to inform the interested authorities and organizations and the interested public about the decision referred to in paragraph 1 of this Article within three days from the date of the decision.

The decision referred to in in paragraph 1 of this Article shall contain:

- 1) In the case when preparation of the study is required, the reasons on which the decision is based, along with a brief description of the location, a description of the project and a description of possible significant impacts of the project on the environment;
- 2) In the event when preparation of the study is not required, the reasons on which the decision is based with a brief description of the location, description of the project, a description of possible significant impacts of the project on the environment, as well as protective measures to prevent or reduce the negative impact of the project on the environment.

The decision referred to in paragraph 1 of this Article can be appealed to the Ministry, that is, to the chief administrator.

## **Request for Determining the Scope and Content of the Study**

### **Article 15**

The project holder can submit a request to determine the scope and content of the study.

Along with the request referred to in paragraph 1 of this Article, the following documentation shall be submitted:

- 1) Data on the project holder (name and headquarters, that is, name and address);
- 2) Description of the location;
- 3) Project description;
- 4) A report on the current state of environmental segments must be made for projects in the areas of protected natural and cultural assets, tourism and complex engineering facilities, and for other projects in accordance with the decision of the competent authority;
- 5) Description of possible alternatives;
- 6) Description of environmental segments;
- 7) Description of possible significant impacts of the project on the environment;
- 8) Description of the measures foreseen in order to prevent, reduce or eliminate a significant harmful impact on the environment;
- 9) Environmental impact monitoring program;
- 10) Non-technical summary of information from point 2 to 7 of this paragraph;
- 11) Data on possible difficulties encountered by the project holder in collecting data and documentation;
- 12) Results of the implemented procedures of the impact of the planned project on the environment in accordance with special regulations;
- 13) Additional information and characteristics of the project for determining the scope and content of the study;
- 14) Data sources.

Request with documentation from paragraphs 1 and 2 of this Article, shall be submitted in writing in three copies and/or in electronic form on the e-Government portal and/or to the e-mail of the competent authority.

The report referred to in paragraph 2 point 4 of this Article may be prepared by a legal entity, an entrepreneur, or a natural person who is authorized to carry out the monitoring of individual segments of the environment, in accordance with special regulations.

The detailed content of the documentation referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

### **Proceeding upon the Request for Determining the Scope and Content of the Study**

#### **Article 16**

After receiving the request for determining the scope and content of the study, the competent authority shall check the completeness of the documentation in accordance with Article 12 of this law.

The competent authority shall submit an orderly request for determining the scope and content of the study within three working days from the date of submission of the request to the commission referred to in Article 21 of this law.

The commission referred to in paragraph 2 of this Article shall be obliged to submit a report with a proposal of the scope and content of the study to the competent authority within ten working days from the date of receipt of the request.

The competent authority shall submit the proposal of the scope and content of the commission's report referred to in paragraph 2 of this Article to the project holder and inform the interested authorities and organizations and the interested public within five working days from the date of receipt of the proposal.

Interested authorities and organizations and the interested public can submit an opinion to the competent authority on the proposed scope and content of the commission's report referred to in paragraph 2 of this Article within 20 working days from the date of receipt of the notification.

The competent authority shall decide on the scope and content of the report within five working days of the deadline for submission of opinions.

The competent authority shall be obliged to consider the opinions of interested authorities and organizations and the interested public when making decisions.

The competent authority shall deliver the decision on the scope and content of the study to the project holder and inform the interested authorities and organizations and the interested public within three working days from the date of the decision.

The decision referred to in paragraph 8 of this Article can be appealed to the Ministry, that is, to the chief administrator.

### **Deciding on Giving Consent to the Study**

#### **Article 17**

After preparing the report, the project holder shall be obliged to submit a request for approval of the study to the competent authority.

The study shall be submitted with the request referred to in paragraph 1 of this Article.

Request with the study referred to in paragraphs 1 and 2 of this Article, shall be submitted in writing in three copies and/or in electronic form on the e-Government portal and/or to the e-mail of the competent authority.

If the competent authority has made a decision on the need to prepare the study, the project holder shall be obliged to prepare the study and submit a request for consent to the study to the competent authority, no later than two years from the date of receipt of the decision on the need to prepare the study.

If the competent authority has made a decision on the scope and content of the study, the project holder shall be obliged to prepare the study and submit a request for approval

of the study to the competent authority, no later than two years from the date of receipt of the decision on the scope and content of the study.

## **Content of the Study**

### **Article 18**

The report shall analyse and evaluate the quality of environmental segments and their impact on a specific area, the mutual influence of existing and planned activities, direct and indirect impacts of the project on the environment, and implementation of measures to prevent, remove, mitigate, or rehabilitate harmful effects on the environment and human health.

The study and consent to the report shall be an integral part of the documentation required for obtaining a permit or approval for the execution of the project.

The study shall contain data referred to in Article 15, paragraph 2 of this law and information about the organization and persons who participated in the preparation of the study.

When preparing the study, existing data on monitoring the state of individual segments of the environment can be used in accordance with special regulations, in order to avoid duplication of data.

The detailed content of the study shall be prescribed by the Ministry.

## **Conditions for Preparation of the Study**

### **Article 19**

The study can be prepared by a legal entity or an entrepreneur, which is registered in the Central Register of Business Entities for the performance of design and engineering activities, preparation of studies and analyses.

The legal entity and entrepreneur referred to in paragraph 1 of this Article shall be obliged to engage experts for certain segments of the environment, depending on the project, who have completed at least VII-1 level of the national qualification framework and have at least five years of work experience in the profession and shall nominate a person who will coordinate preparation of the study.

For projects that are implemented in a protected area, it shall be mandatory to hire an expert who has completed at least VII-1 level of the national qualification framework in the field of biology.

## **Public Discussion on the Study**

### **Article 20**

The competent authority shall be obliged to, within five working days from the date of receipt of the request for consent to the study, organize a public discussion and inform the interested authorities and organizations and the interested public about the method, deadline and place of public inspection, the method of submitting comments and opinions, as well as the time and place of the public debate on the study.

The study for which the public discussion was organized shall be published on the website of the competent authority and the e-Government portal, on the day of the start of the public discussion.

The public discussion can be held no earlier than ten working days from the day of notification to the interested authorities and organizations and the interested public.



The project holder, the person who coordinated the preparation of the study referred to in Article 19 of this law and at least one person who participated in the preparation of the study must participate in the public forum.

If the persons referred to in paragraph 4 of this Article do not attend the public hearing, the public hearing must be reorganized within time of duration of the public hearing.

The public hearing shall be organized and conducted by the competent authority and last at least 30 days from the date of notification.

## **Impact Assessment Commission**

### **Article 21**

Determining the scope and content of the study and evaluation of the study shall be carried out by the commission for impact assessment formed by the competent authority.

The committee for impact assessment shall be formed from among the employees of the competent authority and other experts who have at least completed VII-1 level of the national qualification framework and at least five years of work experience in the profession for certain segments of the environment.

The decision on the formation of the committee for impact assessment shall determine the number, composition, and manner of work of the committee.

Members of the commission for impact assessment cannot be persons who participated in preparation of the study or are founders or employees of the project holder or of the legal entity or entrepreneur that prepared the study.

The amount of costs for the work of the impact assessment commission, depending on the type and complexity of individual projects for which the impact assessment is carried out, shall be determined by the competent authority, with previously obtained opinion of the state administration authority responsible for financial affairs.

## **Assessment of the Study**

### **Article 22**

The competent authority shall submit the study to the commission for impact assessment within two working days from the date of its formation, and the study with opinions and comments from the public hearing within three working days from the day of the public discussion.

The committee for impact assessment can return the submitted study to the project holder no more than twice, to make changes and additions and to additionally hire an expert to change and supplement the study for certain segments of the environment.

The project holder shall be obliged to submit an amended and supplemented study to the committee for impact assessment within the deadline set by the committee.

If the project holder does not act in accordance with paragraph 3 of this Article, the committee for impact assessment shall evaluate the study based on the available documentation.

The commission for impact assessment shall be obliged to submit a study on the evaluation of the study with a proposal for a decision on rejection or approval of the study, as well as reasons for accepting or rejecting comments, proposals and opinions of interested authorities and organizations and the interested public, to the competent authority no later than 25 working days from the date of receipt of the documentation referred to in paragraph 1 of this Article.

The deadline referred to in paragraph 5 of this Article shall not include the deadline for changes and additions to the study.

## **Impact Assessment Costs**

### **Article 23**

The project holder shall bear the costs of preparing the study, the costs of notifications from Article 13, 14, 16, 20 and 24 of this law, the costs of organizing and conducting the public discussion referred to in Article 20 of this law, as well as the costs of the commission for impact assessment.

## **Consent Decision Making**

### **Article 24**

The decision to grant consent or reject the request for consent to the study shall be made by the competent authority based on the study and proposed decision of the impact assessment commission.

The decision on giving consent to the study shall contain in particular:

- 1) The reasons on which the decision is based, including information on the participation of interested authorities and organizations and the interested public;
- 2) Environmental protection conditions, a description of all project components and/or measures that the project holder shall be obliged to undertake in order to avoid, prevent, eliminate or mitigate harmful consequences and monitor the state of the environment.

The decision on the rejection of the request for consent to the study shall contain the reasons for the refusal to give consent to the study.

The decision referred to in paragraph 1 of this Article shall be made and delivered to the project holder within five working days from the date of receipt of the study and proposed decision of the impact assessment commission.

The competent authority shall be obliged to inform the interested authorities and organizations and the interested public within five working days from the date of the decision and to publish on its website and e-Government portal:

- 1) The decision referred to in paragraph 1 of this Article;
- 2) A study on the reasons for accepting or rejecting remarks, proposals and opinions of interested bodies and organizations and the interested public; and
- 3) The study.

The decision referred to in paragraph 2 of this Article, together with the study, shall be submitted to the environmental inspection within five working days from the date of the decision.

The decision referred to in paragraph 1 of this Article can be appealed to the Ministry, that is, to the chief administrator.

## **Termination of Consent**

### **Article 25**

The decision to give consent to the study, as well as the decision that no study is required, shall cease to be valid if the project holder does not obtain a building permit or submit an application for the start of building construction or approval or consent for the execution of the project within two years from the date of receipt of the decision.

## **Implementation of the Measures Determined by the Study**

### **Article 26**

The project holder shall be obliged to implement the measures determined by the study to which consent was given or the measures determined by the decision that the preparation of the study is not required.

The verification of the implementation of the measures referred to in paragraph 1 of this Article shall be carried out by the environmental inspector who will prepare minutes and shall submit it to the competent authority.

### **Conflict of Interest**

#### **Article 27**

If the competent authority is the project holder, its organizational unit responsible for conducting the impact assessment procedure may not participate in the project and shall be obliged to conduct the impact assessment procedure objectively, in order to prevent conflicts of interest.

## **III. NOTIFICATION, RECORD KEEPING, AND PUBLICATION OF DATA**

### **Method of Informing the Public**

#### **Article 28**

Providing information to public referred to in Articles 13, 14, 16, 20 and 24 of this law, shall be done through printed media published in the area that will be affected by the impact of the planned project and through electronic media.

Interested authorities and organizations shall be notified in writing (by post and fax) and electronically and by publication on the website of the competent authority.

Processing, exchange and publication of data in electronic form shall be done in accordance with the laws governing electronic administration, electronic identification and electronic signature, electronic document, electronic trade and information security.

### **Notification of Transboundary Impact**

#### **Article 29**

If a project can have a significant impact on the environment of another country or if a country whose environment can be significantly threatened, at the request of that country, the Ministry, as soon as possible, shall deliver to that country notifications about:

- 1) The project together with all available data on its possible impacts;
- 2) The nature of the decision that can be made;
- 3) The deadline in which another country can announce its intention to participate in the impact assessment procedure.

The Ministry shall inform the state that participated in the impact assessment procedure about the decision to grant consent to the impact assessment or to reject the request for consent, by submitting a notification on:

- 1) The content of the decision and conditions if they are determined;

- 2) The reasons on which the decision is based, including the reasons for accepting or rejecting submitted remarks, proposals and opinions of interested bodies and organizations and the interested public;
- 3) The most important measures that the project holder is obliged to take in order to eliminate, prevent, mitigate or remediate harmful consequences.

The Ministry shall inform the interested public about received notifications about cross-border impacts of another country's project in accordance with Article 28 of this law.

The opinions obtained from the interested public shall be taken into account by the Ministry when giving an opinion on the cross-border impacts of the project of another country.

Notification and consultation with other countries about possible cross-border impacts shall be done in accordance with this law and confirmed international agreements.

Information and consultations referred to in paragraph 5 of this Article can be carried out through a joint body formed on a bilateral and multilateral basis.

## **Records**

### **Article 30**

The competent authority shall be obliged to keep records of decisions on giving consent and rejecting requests for giving consent to the study.

The records referred to in paragraph 1 of this Article shall be public.

The detailed content and method of keeping records referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

## **Making Data Available for Inspection**

### **Article 31**

The competent authority shall be obliged, upon request (in written or electronic form), to the interested authorities and organizations and the interested public, to provide access to the documentation on the implemented impact assessment procedure, except for documents marked with the appropriate level of secrecy in accordance with the law, within 15 days from the receipt of the request.

Documentation related to emissions of harmful substances, accident risks, monitoring results and inspection supervision cannot be marked with a degree of secrecy.

## **IV. SUPERVISION**

### **Supervision of Law Enforcement**

#### **Article 32**

Supervision over the implementation of this law and the regulations adopted on the basis of this law shall be done by the Ministry and the local government authority responsible for environmental protection.

Inspection supervision over the implementation of this law shall be done by the administrative authority responsible for inspection affairs through the environmental inspection, in accordance with this law and the law regulating inspection supervision.

Inspection supervision over the implementation of this law in relation to the implementation of measures referred to in Article 26 paragraph 2 of this law, in addition

to the environmental inspector, other competent inspections shall be done in accordance with special regulations.

### **Rights and Duties of an Environmental Inspector**

#### **Article 33**

In carrying out the tasks of inspection supervision, the environmental inspector controls in particular:

- 1) Whether the holder of the project has a decision of the competent authority on the need for study;
- 2) Whether the project holder has consent to the study;
- 3) Whether the project holder implements the measures from the study on which consent was issued;
- 4) Whether the project holder implements the measures determined by the decision that the preparation of the study is not required.

### **Powers of the Environmental Inspector**

#### **Article 34**

In addition to the administrative measures and actions established by the law establishing inspection supervision, the environmental inspector shall be obliged to take the following administrative measures and actions when they determine that a law or other regulation has been violated:

- 1) Order the project holder to obtain a decision from the competent authority on the need to prepare the study;
- 2) Order the project holder to obtain approval for the study;
- 3) Order the project holder to implement the measures from the study;
- 4) Order the project holder to implement the measures determined by the decision that the preparation of the study is not required;
- 4) Order the project holder to implement the environmental impact-monitoring program;
- 5) Prohibit the project holder from carrying out the works until they obtain the approval of the competent authority on the study or the decision that the preparation of the study is not necessary.

## **V. PENAL PROVISIONS**

#### **Article 35**

A fine in the amount of 2,000 euros to 40,000 euros shall be imposed on a legal person for a misdemeanour, if they:

- 1) Start the implementation of the project, that is, obtain approval for the performance of activities, without consent to the study, or decision that the preparation of the study is not necessary (Article 8 paragraph 1);
- 2) Do not engage experts for certain segments of the environment, depending on the project, who have completed at least VII-1 level of the national qualification framework and at least five years of work experience in the field, and does not designate a person who will coordinate the preparation of the study (Article 19 paragraph 2);
- 3) For projects that are implemented in the protected area, do not engage an expert who has completed at least VII-1 level of the national qualification framework in the field of biology is not hired (Article 19 paragraph 3);
- 4) Do not implement the measures determined by the study to which consent was given or the measures determined by the decision that the preparation of the study is not necessary (Article 26 paragraph 1).

For the misdemeanour referred to in paragraph 1 of this Article, the responsible person in the legal entity will be fined in the amount of 500 euros to 4,000 euros.

For the misdemeanour referred to in paragraph 1 of this Article, the entrepreneur will be fined in the amount of 1,000 to 12,000 euros.

For the misdemeanour referred to in paragraph 1 point 1 and 4 of this Article, a natural person will be fined in the amount of 250 euros to 2,000 euros.

For the misdemeanour referred to in paragraph 1 point 1 and 4 of this Article, the perpetrator of the offense may also be sentenced to a protective measure of banning the activity, for a period of one month to one year.

### **Article 36**

A fine in the amount of EUR 500 to EUR 4,000 shall be imposed on a responsible person in an administrative authority and a local administrative authority for a misdemeanour, if:

- 1) They do not organize a public hearing within five working days from the date of receipt of the request for consent to the study and do not inform the interested authorities and organizations and the interested public about the method, deadline and place of public inspection, the method of submitting comments and opinions, as well as the time and the venue of the public forum on the study (Article 20 paragraph 1);
- 2) On the day of the beginning of the public hearing, he does not publish on his website and e-Government portal the study for which the public hearing was organized (Article 20 paragraph 2);
- 3) Do not establish a commission for impact assessment from among employees of the competent authority and other experts who have completed at least VII-1 level of the national qualification framework and at least five years of work experience in

the profession for certain segments of the environment (Article 21 paragraph 2);

4) Do not publish on its website and e-Government portal the decision on granting consent or rejecting the request for consent to the study, the study on the reasons for accepting or rejecting the remarks, proposals and opinions of interested authorities and organizations and the interested public, and the study, within from five working days from the date of the decision (Article 24 paragraph 5);

5) Do not keep records of decisions on approval and rejection of requests for approval of the study (Article 30 paragraph 1);

6) Do not provide access to the documentation on the implemented impact assessment procedure to interested authorities and organizations and the interested public, upon request submitted in written or electronic form (Article 31 paragraph 1).

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Deadline for Adoption of By-Laws**

#### **Article 37**

By-laws for implementation of this law shall be adopted within one year from the date of entry into force of this law.

Until the adoption of the regulations referred to in paragraph 1 of this Article, by-laws passed on the basis of the Law on Environmental Impact Assessment "Official Gazette of the Republic of Montenegro", No. 80/05, and "Official Gazette of Montenegro", No. 27/13 and 52/16), if they do not contradict this law.

### **Initiated Proceedings**

#### **Article 38**

The impact assessment procedures that were initiated before the entry into force of this law shall be completed according to the regulations that were valid before the entry into force of this law.

### **Termination of Validity**

#### **Article 39**

The Law on Environmental Impact Assessment ("Official Gazette of the Republic of Montenegro", No. 80/05, and "Official Gazette of Montenegro", No. 27/13 and 52/16) shall cease to be valid on the day this law enters into force.

### **Entry into Force**

#### **Article 40**

The present Law shall enter into force on the eighth day after its publishing in the Official Gazette of Montenegro.

**Number: 27-1/18-2/5**

**EPA 483 XXVI**

**Podgorica, November 12, 2018**  
**The Parliament of Montenegro 26th Convocation**  
**The President**  
**Ivan Brajović**