

Two projects of construction of HPPs on the river Lim in southwest Serbia are planned to be completed within four years. Investor Canadian company Reservoir Capital faced huge challenges in project development and main issues came from miss management of public, local communities, NGOs, medias and finally the circle closed covering all major stakeholders. ESIA Action plan as well as Stakeholder Engagement Plan realization failed on many focus areas.

These projects ("Brodarevo 1" (26 MW) and "Brodarevo 2" (32.4 MW)) are planned on the problematic part of the river, where the newly constructed hydro accumulations, one of 103 acres, the other of 56 hectares, would cause damage to two areas of nature protection that are already in the process of protection. Also, these projects would cause relocation of two sections of M-21 high-way.

In the past three years, the local communities - residents of Brodarevo and Prijepolje lead by environmental organizations have collected 5000 signatures against these projects because of the potential environmental and social impacts, and proposed a referendum on the issue. However, their voices against were not taken into account. Also, these projects affect Montenegro, Sjenica area, where the local population is not even informed, although Espo Convention which deals with cross-border impact assessment stipulates that consultation with the affected party are mandatory.

Procedure of the Environmental impact assessment (EIA)

The EIA procedure for these projects is not yet completed. At the beginning of the procedure, in August 2010, the company "REV" submitted request for the scope and content of the EIA study to the Ministry of Environment, Mining and Spatial Planning. Non-governmental organizations, according to their own averment, found out about the project from a local newspaper advertisement which invites the interested public to perform the public inspection of the submitted documentation and application. When the Ministry issued a decision which ends the phase of the scope and content (Decision no. 353-02-01396 / 2010-02 of 09.09.2010), a non-governmental organization "Friends of Brodarevo" and several interested individuals reacted by filling an appeal concerning injured substantive law and violated procedures. The appeal related primarily to the fact that the published advertisement did not respect the two official languages of Prijepolje (Serbian, Bosnian), and also that the public inspection was organized in Belgrade, in the Ministry's premises, thus making it difficult for the interested public to really participate, as opposed to the Code on the content, method and procedure of creation of planning documents (Official Gazette 31/2010 and 69/2010).

The complaint was sent to the second instance authority (Government of Serbia). In the text of the appeal, NGOs requested for repetition of the process. Government's Administrative Commission adopted the appeal, and sent back the procedure of impact assessment to the beginning. (Government Decision no. 353-1473 / 2011 of 21 April 2011).

This decision established where was primarily the violation of the procedure, described in the Law on the assessment of environmental impact, Article 20 paragraph 1 and 2. In the repeated procedure, the investor and Ministry made the same mistake twice, regarding the use of the two official languages and did not adequately inform the public about the application made by the investor.

When NGOs encountered the advertisement in the newspaper which informs the public about the decision of the competent authority (Ministry) on the scope and content of the EIA study (Decision no. 353- 02-01396 / 2010-02 of 25.5.2011) NGOs again filed an appeal referring to serious procedure omissions. Firstly, at the time of issuing of this decision, the Ministry of Environment and Spatial Planning, as declared in the decision, did not exist. So this decision was made by a non-existent authority. Secondly, in the retrial, the Ministry did not inform the public through at least one local newspaper and has failed to call the interested subjects and organizations to provide with their opinion, all of which violate the mentioned provisions of the Law on Environmental Impact Assessment and the Decision of the Administrative Commission of the Government. Thirdly, it is not clear how is it even possible that the Ministry issued a resolution on the scope and the content, when the Institute for Nature Preservation of Serbia in its act (3-1887 / 2 of 15.9. 2010) had rejected the request of the investor for acquiring the nature conditions and when the information about protected natural resources had not been obtained.

After the appeal, the Ministry of Environment, Mining and Spatial Planning sent back again EIA procedure to the beginning. In the third attempt of EIA procedure, mistakes were made again related to the adequate notification of the public. Interested public and citizens filed an appeal again, with a help from their lawyer. Despite the appeal, the Ministry issued a new Decision on the scope and content of the EIA study (9th February 2012). Interested public, dissatisfied with this decision, filed an appeal in March 2012. to the second instance authority of the Government of Serbia.

Strategic assessment of environmental impact

During the preparation of the Plan of special purpose "Brodarevo1and 2" on the river Lim, on the 18th January 2012, 10 representatives of the interested public and their lawyer went to the Government premises in Belgrade, at a public meeting and presentation of the Plan and its strategic assessment which was held by the Republic Agency for Spatial Planning. However, no one informed the NGOs that were supposed to call in first and register before, in order to even be able to enter the building of the Government, so many of them were not allowed to enter the building and attend the meeting.

Also, during the public inspection which preceded this event, the person employed in the competent authority in Prijepolje, in charge of this Plan, was sent on vacation, and NGOs four times unsuccessfully tried to familiarize themselves with the content of the Plan and Strategic Environmental impact assessment.

Equally, there were no consultations with the municipality of Sjenica, Montenegro, where the section of 4 km will be directly affected, that is flooded by the accumulation. Access to information on this project was organized during the Christmas and New Year holidays, which shortened the period for leaving comments. Also, there are huge problems because of the plan for removing of the active Bosniak cemetery in the village of Gracanica, what Bosniaks perceive as a way of expatriation, and what is contrary to the Law on cemeteries. During the preparation and adoption of the other two planning documents, Spatial Plan of the municipality of Prijepolje and Regional spatial plan of Zlatibor and Morava districts, public authorities were also violating the rules on the public participation. A coalition of non-governmental organizations was facing a media blockade at the local level as well as from the public service of national media.

So far, NGOs have filed more than 20 complaints, appeals and petitions to various organs, and also filed criminal charges against certain persons, organized public protests and collected 5000 signatures against these projects. They just want the implementation of laws and international conventions signed by Serbia in order to enable public to participate in decision-making.

Similar or worse case scenarios occurred in several countries of SEE, failure to generate a mechanism for mitigation and effective SEP management delayed or stopped several new energy projects, from hydro, wind-biogas but conventional coal fired power plants developers face the biggest challenge. TSO grid expansion projects face similar challenges. Cross border NGO alliance are becoming stronger and better organized and investors/developers rely to much on big PR campaigns which actually do not produce expected effect on SEP mitigation cycle. Analysis of level of implementation of ESIA/SEP EU standards shows that developers are facing severe challenges in the region of South East Europe. However there are positive practices and experiences, new approach with know how in storytelling and stakeholders management.