

DIRECTORATE OF SOCIAL RIGHTS, HEALTH
AND ENVIRONMENT

Ms Snezana PROKIC
Ministry for Environmental Protection
Omladinskih brigada 1, SIV III
11070 New Belgrade / Serbia

Strasbourg, 15 April 2024

Subject: Complaint No. 2022/06: Complaint on stand-by: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region

Dear Ms Prokić,

The Bureau of the Standing Committee of the Bern Convention re-examined the above-mentioned complaint during its meeting on 18-19 March 2024, in light of the most recently submitted reports by the authorities and complainant. Here follows the Bureau decision:

The Bureau thanked both parties for their reports.

The Bureau acknowledged the validity of relevant permissions in the Bosilegrad Municipality granted to several business entities, and the results of the inspection in the area. The Bureau noted that no authorisation for the exploitation of mineral deposits in the Homolje area had been given but expressed a strong concern with regard to the procedure of granting licences in the region and the implications of the further exploration activities. Overall the Bureau noted the EIA framework in place but regretted that the report did not provide clear information on the requirements for granting the expansion of the exploitation of mineral raw materials and flotation infrastructure. The Bureau invited the authorities to share information on the possible impact of the mining activities in the areas concerned, including EIA results. This dimension was not addressed in the respondent's report, while the complainant expressed a strong concern about the risks to the potentially affected species and habitats. The Bureau again urged the Serbian authorities to reject possible proposals for the expansion of mining activities in fragile natural environments.

The Bureau requested also a clear account of the exact current activities at and near the mine, including transporting of mining waste and water quality in the vicinity of the mine.

The Bureau was also concerned with the allegations of threats to activists and journalists involved in monitoring the situation, possibly amounting to smear campaigns and strategic lawsuits against public participation (SLAPPs) against environmental activists. On that issue, the Bureau remarked that the Parliamentary Assembly of the Council of Europe had adopted in January 2024 [Resolution 2531 \(2024\)](#) and [Recommendation 2267 \(2024\)](#) on "Countering SLAPPS: an imperative for a democratic society", the latter of which recommended that the Committee of Ministers of the Council of Europe "adopts a bold recommendation on countering the use of SLAPPs following CDMSI proposals"; and "encourages and monitors the prompt and

effective implementation by the member States of the guidelines set forth by the recommendation, including the wide range of safeguards mechanisms and remedies therein”.

The Bureau encouraged the authorities to pursue cooperation with their Bulgarian counterparts in the framework of assessing the mines’ environmental impact transnationally and identifying optimal solutions.

The Bureau asked again the Secretariat to consider the possibility of organising an event to allow for sharing of expertise and to provide assistance to the parties on these issues and requested the Secretariat to liaise with the Espoo Convention, the European Commission and the Energy Community Treaty to exchange information on their parallel processes.

The Bureau, remarking that two other Serbian mining case-files were on the agenda of its meeting in Autumn 2024, requested both parties to submit their progress reports for that meeting, where it would consider if one or more of those complaints should be elevated to a possible file, thus bringing it/them on the agenda of the 44th Standing Committee. The authorities in particular were again asked to send a more clear and concise report, responding to the questions of the Bureau and to the allegations of the complainant.

The complaint remains on stand-by.

In that regard, I would invite the authorities to send a progress report including the above-requested information and any other relevant updates no later than **31 July 2024, to be addressed at the meeting of the Bureau on 10-11 September 2024.**

Case-file reports should contain a summary of the information requested by the Standing Committee or its Bureau, and be as concise as possible. Report should be strictly kept to a maximum of 5 pages, submitted in text editor format such as WORD format and not exceed 2 MB in size. Annexes and links to other resources or online Drive/Cloud folders are encouraged for longer, more detailed/technical information, and/or heavy media.

The same deadline and information on reports apply to the complainant organisation for the submission of an updated report for the attention of the Bureau.

On behalf of the Standing Committee, I would like to thank you for your ongoing cooperation with the Bern Convention and for your work in protecting species and habitats.

Yours sincerely,



Mikaël Poutiers
Secretary of the Bern Convention

Cc: Permanent Representation of Serbia to the Council of Europe
Ms Zorica Lujic, Earth Thrive, EkoKrajiste, Kings College Legal Clinic, Balkanka Association, Mlavaska Vojska and Čuvari Homolja, Earth Law Center (co-complainants)