

3. Case study:

RESPECTING THE PRINCIPLE „THE POLLUTANT PAYS“



The Environment Law prescribes that the pollutant shall pay for the costs of environment pollution, and it is foreseen for means from eco-charges to be paid into a special account for ecology. MANS has tried to find out what amount of funds was paid by the biggest pollutants, and the Ministry of Tourism and Environment Protection first stated that in 2006 KAP did not pay eco-charges, and then stated that for 2007 there is no information and that the Ministry of Finances is competent which announced that during 2007 14,5 thousand euros was paid for emission of polluting matters into the air, but it is not known by which companies.

Environment Law

Article 7 paragraph 2 item 8

Any pollutant i.e. his legal successor shall pay a real price for the harm done to the environment.

Article 36

Eco-charges as prescribed by Article 35, line 2 herein are the following:

- charges on investments;
- charges on pollution of the environment (principle "pollutant pays").

Article 38

The charges as prescribed in Article 36, line 2 of this Law are payable by legal and physical entities.

Pollution charges are payable for:

- release of polluting substances into air;
- consumption of fossil fuels;
- use of substances that impair the ozone layer;
- use of lubricant oils;
- production and disposal of hazardous waste;
- use of motor vehicles, aircrafts and vessels.

Article 40

The funds collected from eco-charges as prescribed by Article 36 of this Law shall be paid to the Republican Budget, to its separate sub account (ecological account) and shall be used for the purposes as stipulated by this Law.

Article 41

The funds as of Article 35 of this law shall be used for:

- realisation of the Ecological Program;
- cofinancing of the programs of protection and development of protected nature resources;
- financing the elaboration and performing the rehabilitation program in case of unknown polluter;
- cofinancing measures of intervention in cases of emergency related to pollution of the environment;
- cofinancing other investment programs which contribute to significant reduction of environmental pollution;
- providing funds for case-studies, applicable scientific projects, studies, elaborates and construction projects;
- cofinancing professional training of staff in professional, scientific, industrial and public institutions related to the field of environment of the Republican interest;
- cofinancing of organized pollution prevention activities and rehabilitation of the environment that are carried out by ecological non-government organisations;
- cofinancing publications, magazines, professional and scientific gatherings and information/promotional activities in field of protection and improvement of the environment.

On July 28 2006 MANS asked from the Ministry of Environment Protection and Space Development all the acts including information on funds paid by KAP to the special sub-account of the Ministry, from which resources are provided for resolving to problem of pollution, for the past 10 years.

On August 23 2006 the Ministry submitted a decision stating that **KAP did not have the measurement devices by means of which to monitor its emissions nor did it do so over an authorized institution because of which in the observed period no charges were paid for pollution.**

Republika Crna Gora

Ministarstvo zaštite životne sredine i uređenja prostora

Broj: 03-04-57/06-3

Podgorica, 15.08.2006.godine

Ministarstvo zaštite životne sredine i uređenja prostora, u postupku po zahtjevu Mreže za afirmaciju nevladinog sektora – MANS iz Podgorice, za pristup informacijama, na osnovu člana 196 stav 1 Zakona o opštem upravnom postupku („Sl. list RCG“, br. 60/03), a u vezi čl. 15 i 18 stav 1 Zakona o slobodnom pristupu informacijama („Sl.list RCG“, br. 68/05) donosi

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Mreža za afirmaciju nevladinog sektora – MANS iz Podgorice obratila se Ministarstvu zaštite životne sredine i uređenja prostora sa zahtjevom kojim je traženo kopije svih akata koji sadrže informacije o sredstvima koja je KAP

"Namely, the Environment Law (Official Gazette RoM no 12/96) and the Regulation on Amount of Charges, the manner of calculation and payment of charges due to environment pollution (Off. Gazette RoM no 26/97, 9/00, 52/00) determined the obligation for the pollutants to monitor their emissions by themselves or over an authorized institution.

Since KAP did not have any measurement devices by means of which to monitor its emissions and did not do so over an authorized institution, it did not pay the charges for pollution in the previous period."

skracenom postupku shodno odredbama člana 15 ovog Zakona.

Tako je, shodno odredbama člana 18 stav 1 i 3 ,odlučeno kao u dispozitivu rješenja.

Pravna pouka: Ovo rješenje je konačno i protiv njega se može pokrenuti upravni spor tužbom kod Upravnog suda RCG u roku od 30 dana od dana dostavljanja rješenja.

POMOĆNIK MINISTRA

Nada Mugoša

Response of the Ministry of Tourism and Environment Protection as of August 15 2006

On November 21 2007 MANS asked from the Ministry of Tourism and Environment Protection **data on resources paid into a special subaccount in compliance with the principle „pollutant pays“**.

On December 06 2007 the **Ministry of Tourism and Environment Protection** submits an answer stating that **it is not competent** to act pursuant to the request and that the latter was forwarded to the competent Ministry of Finance.

Crna Gora
Ministarstvo turizma i zaštite životne sredine

Broj: 01-3571/3
Podgorica, 28.11.2007. godine

NYO - M A N
broj 07/7034
PODGORICA, 06.12.2007.

MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA

"We are hereby informing you that this Ministry is not competent to act pursuant to the above request, so we have forwarded it to the Ministry of Finance for decision-making as the competent institution."

Ovim putem Vas obavještavamo da ovo Ministarstvo nije nadležno za postupanje po gore navedenom zahtjevu, te smo isti uputili Ministarstvu finansija na odlučivanje, kao nadležnom organu.

S poštovanjem,

 **MINISTAR**
Predrag Nenezic

Response of the Ministry of Tourism and Environment Protection as of December 06 2007.

On December 17 2007 the **Ministry of Finance** submitted a response presenting the entire revenue from eco-charges in the period from January 01 until December 04 2007 amounting to 1,5 million euros.

Namely, apart from the eco-charges according to the principle „polluter pays“, the Environment Law¹ prescribes a number of other charges due to pollution including charges for release of polluting matters in the air; use of fossil fuels; use of substances damaging the ozone layer; use of lubricants; creation and depositing of dangerous waste; use of motor vehicles, aircrafts and vessels.

Out of 1,5 million euros around 800 thousands was paid for eco-charges for investments, and only **14, 5 thousand for release of polluting matters into the air** and around 700 thousand euros of eco-charges for turnover of oil derivatives.

¹ Environment Law, Article 38

In the above mentioned period, according to the data of the Ministry of Finance, **no fees were paid for use of fossil fuels, substances damaging the ozone layer, lubricants, creation and depositing of dangerous waste** and use of motor vehicles, aircrafts and vessels as prescribed by the law.

Republika Crna Gora
 Република Црна Гора
 REPUBLIC OF MONTENEGRO
 СРБИЈА ЦРНА ГОРА

Broj: 06-2854/1
 Broj: 06-2854/1

N 03



MINISTARSTVO FINANSIJA CRNE GORE
 Podgorica, 06.12.2007. godine

MINISTARSTVO TURIZMA I ZAŠTITE ŽIVOTNE SREDINE
 - n/r ministra Predraga Nenezića -

PODGORICA

U vezi Vašeg dopisa (akt broj 01-3571/2 od 28.11.2007. godine), koji se odnosi na zahtjev Mreže za afirmaciju nevladinog sektora – MANS, obavještavamo Vas sledeće:

Prihodi po osnovu ekoloških naknada, u periodu od 1. januara do 4. decembra 2007. godine, ostvareni su u ukupnom iznosu od 1.522.100,12 €, i to po osnovu:

- ekoloških naknada za investicije	803.728,63 €
- ekoloških naknada za ispuštanje zagađujućih materijala u vazduh	14.492,97 €
- ekoloških naknada na promet naftnih derivata koju plaća zagađivač	703.878,52 €

Uplat - Eco-fees for release of polluting matters into the air 14 492 97 €

Uplatne račune "RCG", br.

82/04... 133071 "Službeni list CG", broj 8/07).

S poštovanjem,


MINISTAR
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Response of the Ministry of Finance as of December 17 2007