

### 3.2 Case Study 1: Construction of an asphalt base and a quarry

**This case study presents the manner in which the use of the Law on Free Access to Information acts preventively in averting violation of procedures prescribed by law.**

By means of the SOS telephone a report was submitted in which doubt is expressed that an investor from Podgorica was to start the construction of an asphalt base and a quarry in the village Potoci, local community Bioče, Municipality Podgorica.

According to the statements in the report the company had began the preparatory works for the construction of the asphalt base.

The report stated that the company did not possess regularly obtained permits and licenses of competent bodies.

After submitting a request for free access to information we were informed that the company did not address the competent ministry for issuing of ecological consent, as the law envisages.

#### **Provision on the environmental impact assessment**

(Published in "Off. Gazette of RoM ", no. 14/97) Articles 1 and 2

*This provision regulates the procedure of environmental impact assessment of an intervention (hereinafter: assessment) which can lead to environment pollution, i.e. which represents a risk for the environment, types of interventions for which an assessment is obligatory, the content of the assessment analysis, the criteria that have to be met by professional organizations which can develop assessment analysis, participation of the public and the manner of assessment and verification.*

*The assessment includes works or activities which can lead to temporary or permanent degradation of the environment, and which refer to the use of space, construction or reconstruction of objects, introduction and change of technologies, exploitation of natural resources and the execution of other works (hereinafter: interventions).*

*Types of interventions from paragraph 1 of this Article are quoted in the appendix which is an integral part of this provision.*

*Types of interventions for which Environmental impact assessment is obligatory:*

#### **III. Construction materials production**

9. Production of cement and lime,

10. **Asphalt bases,**

11. Production of other construction materials,


12. Plants for exploitation and processing of asbestos and productions containing asbestos

In order to check the statements from the report, on December 11 2007 MANS forwarded a request to the Ministry of Tourism and Environment Protection by which it requested

- The construction permit for the construction of the asphalt base and the quarry and
- Environmental impact studies for the project of construction of the asphalt base and the quarry issued to the company DOO " Tehnoput ".

On December 21 2007 the Ministry of Tourism and Environment Protection submitted a decision by which it informed us that it did not possess the required study of environmental impact assessment, because **the investor did not submit a request for issuing of the ecological consent.**

RVO - M 17 11  
BROJ: 07/7124-  
PODGORICA, 14.12.2007

  
*Crna Gora*  
*Ministarstvo turizma i zaštite životne sredine*

Broj: 01-3810/2  
Podgorica, 14.12.2007. godine

Ministarstvo turizma i zaštite životne sredine, u postupku po zahtjevu Mreže za afirmaciju nevladinog sektora –MANS iz Podgorice, za pristup informacijama, na osnovu člana 18 stav 1 i 3 Zakona o slobodnom pristupu informacijama („Sl.list RCG“, br. 68/05) donosi

**RJEŠENJE**

Odbija se zahtjev Mreže za afirmaciju nevladinog sektora –MANS br. 07/7124-7125 od 11.12.2007. godine u dijelu koji se odnosi na dostavljanje kopije:

- Studije uticaja na životnu sredinu za projekat izgradnje asfaltne baze i kamenoloma investitora DOO „Tehnoput“ iz Podgorice.

**O b r a z l o ž e n j e**


Mreža za afirmaciju nevladinog sektora –MANS iz Podgorice obratila se ovom Ministarstvu zahtjevom za pristup informacijama br. 07/7124-7125 od 11.12.2007. godine za dostavljanje kopije:

- Građevinske dozvole za izgradnju asfaltne baze i kamenoloma u mjesnoj zajednici Bioče, selo potoci u Podgorici izdate kompaniji DOO „Tehnoput“ iz Podgorice;
- Studije uticaja na životnu sredinu za projekat izgradnje asfaltne baze i kamenoloma investitora DOO „Tehnoput“ iz Podgorice.

Ministarstvo turizma i zaštite životne sredine razmotrilo je podnijeti zahtjev, i utvrdilo da ne posjeduje traženu Studiju uticaja na životnu sredinu – Elaborat procjene uticaja na životnu sredinu za projekat izgradnje asfaltne baze i kamenoloma, jer investitor nije podnosio zahtjev za izdavanje ekološke saglasnosti, pa je shodno odredbama člana 18 stav 3 riješeno kao u dispozitivu rješenja.

U dijelu zahtjeva koji se odnosi na dostavljanje kopije građevinske dozvole za izgradnju asfaltne baze i kamenoloma u mjesnoj zajednici Bioče, selo Potoci u Podgorici, izdate kompaniji DOO „Tehnoput“ iz Podgorice, shodno odredbama člana 55 Zakona o opštem upravnom postupku („Sl.list RCG“, br. 60/03), ukazujemo da je za traženu građevinsku dozvolu nadležno Ministarstvo za ekonomski razvoj.

**Pravna pouka:** Ovo rješenje je konačno u upravnom postupku i protiv njega žalba nije dopuštena, već se može izjaviti tužba Upravnom sudu RCG u roku od 30 dana od dana njegovog prijema.

  
MINISTAR  
Predrag Nenezić

Decision of the Ministry of Tourism and Environment Protection as of December 21 2007

On January 10 2008 MANS submitted a request for submitting of information to the Ministry for Economic Development, requiring the submitting of the construction permit copies for the construction of the asphalt base and the quarry issued to the company DOO " Tehnopot " from Podgorica.

Since an answer was not submitted within 8 days prescribed by the Law on Free Access to Information, on March 13 2008 MANS sent a repeated request to the Ministry for Economic Development but no answer was given pursuant to this request either.

The case is still unresolved.

It has been since 2006 that citizens have continuously addressed MANS with the request to monitor the situation on the mentioned locality in order to prevent the abovementioned company from beginning construction of the asphalt base without consents envisaged by the law and without informing the citizens there one.