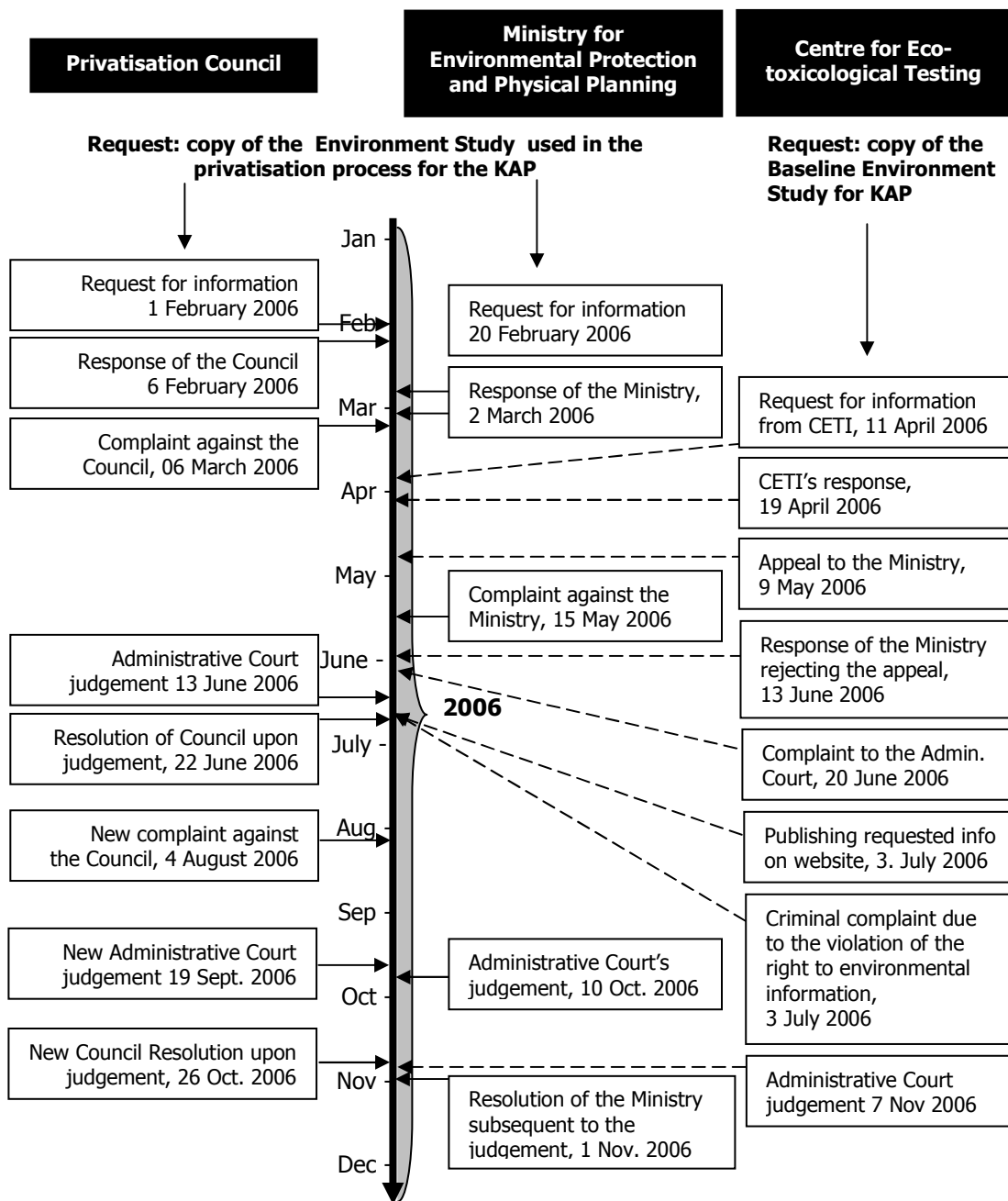


4. LEVEL OF ENVIRONMENTAL POLLUTION

Data on the pollution of environment by the Aluminium Plant (KAP) have been declared an official secret, and after filing a criminal complaint due to the violation of the right to access to information on the situation of the environment, the data were published on the web site of the line ministry.

CHRONOLOGIC SEQUENCE OF THE CASE



4.1. Request for information on environmental pollution

Vlada Republike Crne Gore
SAVJET ZA PRIVATIZACIJU
- Sekretarijat Savjeta za privatizaciju -
Broj: 01 - 4/1
Podgorica, 06. februar 2006.godine

BROJ. 06/200-201 UGP
PODGORICA. 06. 02. 2006.

Na osnovu člana 55. stav 4. Zakona o opštem upravnom postupku ("Službeni list RCG" br. 60/03), Sekretarijat Savjeta za privatizaciju Vlade Republike Crne Gore donosi

ZAKLJUČAK

Odbacuje se zahtjev Mreža za firmaciju nevladinog sektora – MANS iz Podgorice od 01. februara 2006.godine kojim je traženo dostavljanje kopije Studije zaštite životne sredine u procesu privatizacije Kombinata Aluminijuma Podgorica, zbog nenadležnosti

Obrazloženje

Mreža za afirmaciju nevladinog sektora – MANS iz Podgorice podnijela je 01. februara 2006.godine Sekretarijatu Savjeta za privatizaciju zahtjev za dostavljanje kopije Studije zaštite životne sredine u procesu privatizacije Kombinata Aluminijuma Podgorica.

Odredbom člana 8. Zakona o slobodnom pristupu informacijama propisano je da je organ vlasti dužan da omogućiti podnosiocu zahtjeva pristup informacijama ili njenom dijelu, osim u slučajevima predviđenim ovim zakonom.

Savjetnik za privatizaciju Kombinata aluminijuma Podgorica, konzorcijum BNP Paribas je u okviru svog projektnog zadatka (u skladu sa Ugovorom o angažovanju) u pripremnim poslovima za objavu javnog poziva za prodaju 65,4394 % akcijskog kapitala Kombinata aluminijuma Podgorica, između ostalog, pripremio izvještaj o sprovedenoj ekološkoj due diligence analizi koju je sprovela kompanija URS, koja je podugovarač (angažovan od strane BNP Paribas) za pitanja zaštite životne sredine. Rezultat sprovedene ekološke due diligence analize je prikazan sledećim dokumentima: »Utvrđivanje postojećeg stanja životne sredine« i »Ocjena uticaja na životnu sredinu«.

Imajući u vidu da je kompanija URS navedna dokumenta zaštitila autorskim pravom, što znači da je neovlašćena reprodukcija ili upotreba od strane bilo koje osobe osim one kojoj su namijenjena strogo zabranjeno, obavještavamo Vas da bez prethodne saglasnosti kompanije URS nismo u mogućnosti da ih dostavimo.

Imajući u vidu da se u ovom slučaju radi o informacijama iz člana 9. Zakona o slobodnom pristupu informacija, Sekretarijat Savjeta za privatizaciju je odlučio da zahtjev MANS-a kojim je traženo

** "Having in mind that the URS company copyrighted the given documents, meaning that unauthorized reproduction or use by any person other than the one for whom it is intended is strictly forbidden, we hereby notify you that without prior consent of the URS company we are not able to deliver the same."*

Dostaviti:

- Mreža za afirmaciju nevladinog sektora MANS
- spisi predmeta
- a/a

SEKRETAR SAVJETA ZA PRIVATIZACIJU
Vojin Vlahović
B. Vlahović
3.1.1
Kontakt
VLADA REPUBLIKE CRNE GORE

At the round table discussion on the Privatisation Strategy for Aluminium Plant organised by the Ministry for Environmental Protection and Physical Planning, held immediately before the privatisation, in July 2004, it was concluded that **there were no precise data on the level of environment risk posed by KAP and no quality research done in the previous three years.** It is certain, however, that KAP does pollute water, air, soil and basic foodstuff.

Parts of the draft **Environment Study for the Aluminium Plant** were presented to the public, and the Minister for Environmental Protection and Physical Planning said that the **final Study would be published following the privatisation.**

On 1st February 2006 MANS requested from the Privatisation Council a copy of the Environment Study used in the privatisation process for the Aluminium Plant Podgorica. The Privatisation Council noted that the **URS company, which was engaged in the privatisation, copyrighted the requested documents and thus they could not be publicised.**

*Response of the Privatisation Council (6 February 2006)
on request for information submitted on 1. February 2006*

4.2. Complaint against the Privatisation Council

In the meantime, MANS **examined the Consultancy Services Agreement in the KAP Privatisation Process** and on 6th March 2006 lodged a complaint with the Administrative Court:

*Pursuant to the Conclusion of the Privatisation Council, the analysis conducted by the URS company, contained in the above document, **is copyrighted and thus its use by any person other than the one whom it concerns is strictly prohibited.***

*Considering this, the Privatisation Council deemed it to fall under **the exceptions stipulated by Article 9 of the Law** on Free Access to Information and claimed not to have the competence to decide on this matter.*

*We believe that the requested information may not belong to the information envisaged by Article 9 of the LFAI, since the **Consultancy Services Agreement** in the KAP privatisation process signed on January 13, 2004, in the clause 3.7, Section II General Conditions of the Agreement, 4. Obligations of Consultants states that **all documents compiled by the consultants are the property of the Montenegrin Agency for Economic Restructuring and Foreign Investments, i.e. the Montenegrin Government. Therefore, the requested documents cannot be copyrighted.***

*Hence, I believe **my request for access to information was unfoundedly refused** by the conclusion of the Privatisation Council and **thus I was denied my constitutional and legal right to free access to information.***

*The very **Constitution** of the Republic of Montenegro guarantees the **right to timely and full information on the status of the environment** (Art 19 para 1). Hence, any restriction of environment data by any legal or physical person would be contrary to the Constitution.*

***The right to environment information** was clearly violated by the Conclusion of the Privatisation Council, which, pursuant to the Criminal Code Article 317, paragraph 1, invokes **criminal liability**, and thus we expect the Administrative Court to inform, ex officio, the Supreme State Prosecutor of possible criminal offence.*

4.3. Administrative Court's judgement upon the complaint against the Privatisation Council

Three months later, on 13th June 2006, the **Administrative Court abolished the Conclusion of the Privatisation Council** on the grounds of violation of the administrative procedure, **without elaboration whether the requested document should be publicly accessible or not.**

On 22nd June the Privatisation Council passes a new resolution by which access to information is **denied on the same grounds**, but this time in the form compliant with the rules of the administrative procedure. **On 4th August MANS lodged another complaint** contesting the legality of the resolution on the same grounds.

On 16th October, the Administrative Court abolished the Council's resolution saying that **it was not explained which interests would be damaged** in case of the publication of the requested documents and deemed that it was **contrary to the Copyright Law** for the documents of such nature to be copyrighted.

After the court decision, the Council allowed access to information, but solely by inspection never undertaken¹.

** "Assessing the above reasons, bearing in mind the provisions of Article 9, paragraph 1, bullet point 3 of the Law on Free Access to Information, the Court found that the defendant failed to explain which of the stated interests, i.e. commercial, economic, private or public, would be considerably endangered, since it is neither probable nor logical that allowing access to the given information would endanger all the above interests cumulatively.*

In addition, it is unclear and as deemed by the Court contrary to the Copyright Law that the analyses entitled "Assessment of Current State of the Environment" and "Environment Impact Assessment" could be copyrighted, i.e. present an "authors' work". Pursuant to Article 2, paragraph 1 of the said Law the authors' work is defined as "an original creation of the author", or the newly created value.

By inspection of the material – Environment Impact Assessment, contained in the case file, we determined that the title – Copyright, features the following text "any unauthorized reproduction or use by any person other than the ones for whom intended is strictly prohibited". In relation therewith, the Court is of the opinion that the access to information does not constitute reproduction or use since access to information may be exercised by inspection of the same within the premises of the authority which holds the same."

UPRAVNI SUD REPUBLIKE CRNE GORE
Podgorica, 19.09.2006. godine

Zapisničar,
Snežana Popov,s.r.

PREDSJEDNIK VIJEĆA,
Gordana Pot,s.r.



Tačnost prepisa potvrđuje
Ovlašteni službenik suda
U. Karyepobuh

Administrative Court judgement (19 September 2006) abolishing the Council's document upon complaint filed on 4 August 2006

¹ The experiences in the inspection of privatisation information are given in a separate section.

4.4. Request for information to the line ministry

On 20th February MANS requested the same documents from the **Ministry for Environmental Protection and Physical Planning which responded not to be in possession of the requested information.**



NVO - M A N S
BROJ: 06/306-307 odga
PODGORICA, 10.03.2006.

Republika Crna Gora

Ministarstvo zaštite životne sredine i uređenja prostora

Broj: 04 - 662/06-2
Podgorica, 02.03.2006.god.

Mreža za Afirmaciju Nevladinog Sektora – MANS

n/r Vanji Čalović, koordinatoru

Poštovana,

Ministarstvo zaštite životne sredine i uređenja prostora nije vodilo proces privatizacije Kombinata aluminijuma i ne posjeduje traženu dokumentaciju.

S poštovanjem,

** "...does not hold the requested document..."*

POMOĆNIK MINISTRA

Nada Mugoša



Response of the Ministry (2 March 2006) on request for providing copies of the Environment Study for the Aluminium Plant submitted on 20 February 2006

4.5. Complaint against the Ministry

On 15th May 2006 **MANS lodged a complaint with the Administrative Court** claiming that from several reasons it is beyond doubt that the Ministry for Environmental Protection and Physical Planning, as a relevant authority, is to hold the requested documents.

The Ministry must hold the requested information since it is the basis for operational activities of the Environment Protection Sector concerning the largest polluter in Montenegro, the KAP.

*The Ministry for Environmental Protection and Physical Planning, pursuant to Article 23 paragraph 3 and Article 8, bullet point 17 of the Environment Law (Official Gazette of the RoM no. 12/96, 55/00) keeps a **register of polluters, and thus has to hold information on pollution caused by KAP contained in the requested due diligence analysis.***

*Furthermore, pursuant to Article 25 of the Environment Law, the Ministry keeps an **environment information system** which is to contain all environment data, including the data on domestic and foreign institutions and international organisations, and thus **is obliged to hold the results of the due diligence analysis.***

*Moreover, during the Aluminium Plant privatisation, the Ministry for Environmental Protection and Physical Planning **organized a public debate** concerning the state of the environment in the vicinity of KAP, during which the consultants engaged to develop due diligence presented the draft of the said document. Therefore, the Ministry was **actively involved in the development of the due diligence, and hence it, as a competent authority, is impossible not to hold the final document.***

*Pursuant to the **Consultancy Services Agreement** in the KAP privatisation process, signed on 13th January 2004, item 3.7 in the Section II General Terms of the Agreement, 4. Consultant's Obligations, **all the documents compiled by the consultants are the property of the Agency for Economic Restructuring and Foreign Investments, or the Government.***

*Pursuant to Article 26 of the Environment Law (Official Gazette of the RoM no. 12/96, 55/00) **all public bodies in possession of due diligence analysis and any other document referring to environment pollution by Aluminium Plant, were obliged to forward them to the line Ministry, which is undoubtedly the Ministry for Environmental Protection and Physical Planning.***

The Ministry is obliged to make public the requested information, as envisaged by Article 19 of the Constitution of the Republic of Montenegro stipulating that any person has the right to timely and complete information on the state of the environment, as well as ***in Articles 1, 3, 6 and 8 of the Law on Free Access to Information.***

*Moreover, **pursuant to Article 7 items 11 and 12 of the Environment Law** (Official Gazette of the RoM no. 12/96, 55/00) environment data are public, and everyone has the right to information on the state of the environment and to participate in making decision whose implementation might have adverse effect on the environment, while the Republic is obliged to secure timely and complete information on the state of the environment. Article **28 of the Environment Law** says that the data on the state and quality of the environment and pollutant emissions are public and that no one has the right to hide them or in some other manner make them publicly inaccessible.*

4.6. Administrative Court's judgement upon the complaint against the Ministry and the subsequent resolution

On 10th October the **Administrative Court** passed a judgement by which it abolished the resolution of the Ministry on the grounds of the violation of the administrative procedure, without any interpretation of the application of the Law on Free Access to Information.

On 1st November, the **Ministry** passed a new enactment by which **it reiterated the claim of not being in possession of the requested document.**

MANŠ OPTUŽIO VLADINE INSTITUCIJE DA ŠTITE OF-ŠOR KOMPANIJE I KRŠE USTAV U SLUČAJU KAP-A

Preko suda do dokumenata

Podgorica
nevladine
udskim p
dokumen
čena u p
Podgorica
unarodne

Daily "Vijesti" - MANS ACCUSED GOVERNMENT
INSTITUTIONS OF PROTECTING OFF-SHORE COMPANIES
AND VIOLATING CONSTITUTION IN THE KAP CASE

TO THE DOCUMENTS VIA COURT

avijena

sakrilo
u, a da
avnost.
Savjeta

MANS je od crnogorskog Ministarstva... koji je odbio nas zahtjev uz obrazloženje da

** "Even if the claims of the Council were true, i.e. if the URS copyrighted the documents, the responsible persons should have warned them that hiding data on the state of the environment constitutes a criminal offence. The real question is what might the motifs of the individuals from the Ministry and the Council be to violate the Constitution and a number of laws endangering the public interest to protect the interests of some off-shore companies- said Čalović."*

pojavama koje su neophodne za procjenu opasnosti po nju i preduzimanje mjera zaštite života i zdravlja ljudi za koje je propisana kazna zatvora do jedne godine - kazala je koordinator MANS-a Vanja Čalović.


Ona je objasnila da je MANS od Ministarstva zatražio da objavi sporna dokumenta, a da je iz tog vladinog resora saopšteno da ne posjeduje traženu dokumentaciju, uprkos činjenici da je u toku privatizacije KAP-a ono organizovalo javnu raspravu o njoj. Čalović je podsjetila da je ministar Boro Vučinić

od Evropske banke za rekonstrukciju i razvoj, a koji će plaćati građani Crne Gore.

- Čak i da je odgovor Savjeta istinit, odnosno da je kompanija URS dokumentaciju zaštitila autorskim pravima odgovorne osobe su bile dužne da ih upozore da prikrivanje podataka o stanju životne sredine predstavlja krivično djelo. Postavlja se pitanje koji su motivi pojedinaca iz Ministarstva i Savjeta da zarad interesa neke of šor-kompanije krše Ustav i niz zakona ugrožavajući javni interes - rekla je Čalović.

Daily "Vijesti", 9 February 2006

4.7. Request for information from the Centre for Eco-Toxicological Testing of Montenegro

	JU CENTAR ZA EKOTOKSIKOLOŠKA ISPITIVANJA CRNE GORE 81000 PODGORICA, PUT RADOMIRA IVANOVIĆA 2 CENTER FOR ECOTOXICOLOGICAL RESEARCH OF MONTENEGRO
	CETI ☎ ++381 (0)81 658-090; 658-091; Fax: ++381 (0)81 658-092; E-mail: juceti@cg

Broj: 00-23-2777
Podgorica, 12.07.2006

NVO - MANS -
BROJ: 06/633 odgoor
PODGORICA, 25.04.2006.

Na osnovu člana 16 i člana 18 Zakona o slobodnom pristupu informacijama (Sl. list RCG br. 68/05), rješavajući po zahtjevu Mreže za afirmaciju nevladinog sektora iz Podgorice – MANS za pristup informacijama br. 00-9-2559 od 11.04.2006. godine, direktor donosi

RJEŠENJE

Ne dozvoljava se pristup informaciji – dokumentu Studija presjeka multog stanja životne sredine Kombinata aluminijuma, Mreži za afirmaciju nevladinog sektora MANS iz Podgorice, jer bi se objelodanjivanjem ove informacije značajno ugrozili komercijalni i ekonomski interesi Centra.

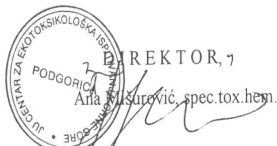
** "The Network for the Affirmation of NGO Sector- MANS from Podgorica is denied access to information/document "Baseline Environment Study for KAP", because disclosure of the information would endanger commercial and economic interests of the Centre."*

Članom 4 stav 1 alinije 3 Pravilnika o poslovnoj tajni Centra utvrđeno je da se poslovnom tajnom smatraju izvještaji o analizi uzoraka koji se isključivo moraju dostaviti ili saopštiti naručiocu analiza, tako da bi se objelodanjivanjem ove informacije značajno ugrozili komercijalni i ekonomski interesi Centra.

** "Article 4, paragraph 1, item 3 of the Rules of Procedure on Business Secret of the Centre defines that a business secret implies reports on the samples that must be exclusively sent or communicated to the party that ordered the analysis."*

Dostaviti:

- Podnosiocu zahtjeva,
- a/a


 DIREKTOR, 7
 Ana K. Isurović, spec.tox.hem.

On 11th April 2006 MANS requested from the Public Institution Centre for Eco-toxicological Testing of Montenegro (CETI) a copy of the **Baseline Environment Study for KAP**.

Pursuant to the internal Regulation concerning the Business Secret, CETI rejected the request by **declaring the document a business secret** with the explanation that it would considerably endanger their commercial and economic interests.

On 9th March MANS filed a **complaint with the line Ministry** referring to the Constitution which guarantees the right to timely and complete information on the state of the environment, and the interest of the public to know exceeds the commercial and economic interests of the Centre, while the internal Regulation of the Centre may in no way have supremacy over the Law and the Constitution.

The Ministry for Environmental Protection rejected the complaint deeming the Resolution of the Centre to be lawful.

On 20th June MANS lodged a complaint with the Administrative Court and five months afterwards the **Court abolished the Resolution**.

4.8. Criminal complaints due to the violation of the right to environment information

ЗБОГ ОСНОВАНЕ СУМЊЕ ДА СУ КРШЕЋИ УСТАВ И ЗАКОНЕ
УСКРАТИЛЕ ПОДАТКЕ О СТАЊУ ЖИВОТНЕ СРЕДИНЕ

Кривичне пријаве против Наде Мугоше и Ане Мишуровић

Мрежа за афирмацију невладиног сектора (МАНС) доставила је јуче Врховном државном тужиоцу **Весни Меденци** кривичне пријаве против помоћника министра заштите животне средине **Наде Мугоше** и директорке Центра за еко-токсиколошка испитивања (ЦЕТИ) **Ане Мишуровић** због основање сумње да су ускратиле податке о стању животне средине. МАНС сумњичи Мугошу и Мишуровић за кршење Устава и закона о животnoj средини и слободном приступу информацијама, чиме су извршиле кривично дјело повреде права на информира-

сање о стању животне средине.

У образложењу кривичне пријаве, МАНС се позива на постојање чињеница које по више основа указују да је Мугоша као помоћник министра заштите животне средине, свјесно и намерно сакрила документа у којима се налазе информације о загађењу од стране КАП-а, који угрожава живот и здравље људи. Ради се о анализи „Утврђивање постојећег стања животне средине“ и „Оцјена утицаја на животну средину“.

– Врховном државном тужиоцу достављене су и информације које указују да



Мишуровић

Daily "DAN" 7 July 2006 - DUE TO GROUNDED SUSPICION THAT VIOLATING THE CONSTITUTION AND LAWS THEY DENIED THE ENVIRONMENT DATA

CRIMINAL COMPLAINTS AGAINST NADA MUGOSA AND ANA MISUROVIC

штво подигло оптужницу због основане сумње да су починили кривично дјело злоупотребе службеног положаја приликом ангажовања консултаната за приватизацију „Југопетрола“. МАНС тражи да Меденција „хитно исправи овај пропуст“, с обзиром да је у појединим случајевима тужилаштво још у току предкривичног поступка лишило слободе и онемогућило обављање функција лицима за које се основано сумња да су починила кривична дјела злоупотребе положаја.

– У случају Вукотића и Вујовића, по окончању предкривичног поступка, а након прикупљених доказа који указују да су почињена кривична дјела, тужилаштво је подигло оптужницу, а ова лица су ипак наставила да обављају своје функције – казала је извршни директор МАНС-а **Вања Ђаловић**.

Мишуровић била у сазнању да крши Закон о слободном приступу информацијама и Закон о животној средини, а да је потписала акт којим је свјесно и намерно, а противно интересима, повриједила право на информације о стању животне средине и о мјерама заштите које су неопходни за процјену опасности по животну средину и здравље људи, и предузимања мјера заштите – наводе из МАНС-а.

Врховном државном тужиоцу је указано на чињеницу да је један од основних извора прихода Центра управо КАП, због чега у МАНС-у сумњају да је Мишуровић починила кривично дјело повреде права на информисање о стању животне средине са циљем заштите интереса својих финансијера.

Н М

On 3rd July 2006 MANS filed a **criminal complaint** against Nada Mugoša, Deputy Minister for Environmental Protection and Physical Planning and Ana Mišurović, Director of the Centre for Eco-Toxicological Testing **for withholding the data on the state of the environment and the phenomena necessary for environment risk assessment and undertaking measures to protect lives of people and public health thus committing a criminal offence of the violation of the right to environment information.**

MANS PODNIO KRIVIČNE PRIJAVE PROTIV
NADE MUGOŠE I ANE MIŠUROVIĆ

Čalović: Znale su da krše zakon

Podgorica (MINA) - Mreža za afirmaciju nevladinog sektora predala je juče vrhovnom državnom tužiocu krivične prijave protiv pomoćnika ministra zaštite životne sredine i uređenja prostora Nade Mugoše i direktora Centra za ekotoksikološka ispitivanja Ane Mišurović.

državnom tužiocu dostavljene i informacije koje ukazuju da je Mišurović "bila u saznanju da krši Ustav, Zakon o slobodnom pristupu informacijama i Zakon o životnoj sredini".

- Ipak je potpisala akt kojim je, očigledno svjesno i namjerno, a protivno propisima, povrijedila pravo na

Daily "Vijesti" 4. July 2006 - MANS FILED CRIMINAL COMPLAINTS
AGAINST NADA MUGOSA AND ANA MISUROVIC

"CALOVIC: THEY KNEW THEY WERE BREAKING THE LAW"

ke o stanju životne sredine i pojavama koje su neopodnožne za procjenu opasnosti po životnu sredinu i preduzimanje mjera zaštite života i zdravlja ljudi, čime su počinile krivično djelo po-

Tužiocu je ukazano da postoji osnovana sumnja da je Mišurović počinila krivično djelo povrede prava na informisanje o stanju životne sredine sa ciljem zaštite

MOJKOVČANI VEĆ LOVE ŠARANE U JALOVIŠTU

Mojkovac - Izjava direktorke Centra za ekotoksikološka ispitivanja Ane Mišurović da je riba iz jalovišta dobra za jelo ohrabrila je pojedine Mojkovčane koji ovih dana love šarane i transportuju ih na podgoričku pijacu, ali su oštro reagovali ovdášnji ekolozi.

Iz ekološkog društva "Ekotursa", koje je prije pet godina iniciralo sanaciju mojkovačkog jalovišta, saopšteno je da su "iznenađeni" ocjenama Mišurovićeve.

- Prethodnih godina je tvrdila suprotno i apelovala da se riba ne jede. Odjednom, ta ista riba koja živi u fekalijama i vodi, na čijem dnu su teški metali, cijanid, živa i drugi otrovi, postala je zdrava i može da bude "specijalitet u ishrani". To gospođa Mišurović mora da objasni i potkrijepi sa pravim dokazima jer se radi o veoma ozbiljnim stvarima - poručio je iz "Ekotursa". V.B.

vrede prava na informisanje o stanju životne sredine".

U obrazloženju krivične prijave navedene su činjenice koje ukazuju da je Mugoša "svjesno i namjerno, sakrila dokumenta u kojima se nalaze informacije o zagađenju od Kombinata aluminijuma, najvećeg zagadivača u Crnoj Gori koji ugrožava život i zdravlje građana.

- I to rezultate analize "Utvrđivanje postojećeg stanja životne sredine" i "Ocjenjena uticaja na životnu sredinu" - kaže se u saopštenju, koje je potpisala predsjednik MANS-a Vanja Čalović.

interesa svojih poslodavaca, odnosno finansijera.

MANS je od vrhovnog državnog tužioca juče zatražio i da onemogući dalje obavljanje funkcija potpredsjedniku Savjeta za privatizaciju Veselinu Vukotiću i direktoru crnogorske Agencije za prestrukturiranje privrede i strana ulaganja Branku Vujoviću do donošenja pravosnažne sudske presude.

- U saznanju smo da je tužilaštvo podiglo optužnicu protiv Vukotića i Vujovića zbog osnovane sumnje da su počinili krivično djelo zloupotrebe službenog položaja prilikom angažovanja konsultanta za privatizaciju "Jugopetrola" - kaže se u sa-

The **criminal complaint** stated the grounds for allegations against Nada Mugoša, as the Deputy Minister for Environmental Protection and Physical Planning and Ana Mišurović, as the Director of the Centre for Eco-Toxicological Testing, that they have, knowingly and intentionally, contrary to the Constitution, the Law on Free Access to Information and the Environment Law, **withheld the documents containing information on pollution caused by Aluminium Plant, the largest polluter in Montenegro endangering the lives and health of people, thus committing the criminal offence of the violation of the right to environment information** pursuant to Article 317, paragraph 1 of the Criminal Code.

The prosecutor was made aware of the fact that the Aluminium Plant was one of the main sources of income for the Centre for Eco-Toxicological Testing and thus there were grounds for suspicion that Ana Mišurović committed a criminal offence of the **violation of the right to environment information with the aim of protecting the interests of own clients, i.e. financiers.**

By the end of 2006, **six months after having filed the complaint, we received no information of any action taken by the prosecutor upon the complaint.**

4.9. Publication of the information

In the meantime, **the requested study was published at the Ministry's website**; we were notified of the same by a letter **signed by the Deputy Minister Nada Mugoša** as of 30th June 2006, and which was **delivered to us on 6 July 2006, three days after having filed the criminal complaint against her.**



NVO - M A N S
BROJ, 06/975
PODGORICA, 06.07.2006

Republika Crna Gora

Ministarstvo zaštite životne sredine i uređenja prostora

Broj:03-04-35/06-2
Podgorica, 30.06.2006.godine

MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA-MANS

Zgrada Čelebić II/9
Stari Aerodrom
Podgorica

Shodno odredbama člana. 14 stav 1 i 2 Zakona o slobodnom pristupu informacijama („Sl.list RCG“, br. 68/05) Ministarstvo zaštite životne sredine i uređenja prostora vas

OBAVJEŠTAVA

da se informacija, navedena u Zahtjevu za dostavljanje informacija, nalazi na sajtu Ministarstva zaštite životne sredine i uređenja prostora (www.mepp.cg.yu).

Predmetnim zahtjevom tražili ste:

- Kopiju studije presjeka nultog stanja životne sredine Kombinata aluminijuma.

** "...the information is available at the website of the Ministry for Environmental Protection and Physical Planning (www.mepp.cg.yu) "*

glasno, publikacija, stampani mediji i sl.) i gdje je i kada tražena informacija objavljena", pa vas shodno tome ovo Ministarstvo obavještava o istom.



Act of the Ministry for Environmental Protection and Physical Planning dated on 30 June 2006, delivered to MANS on 6 July 2006