



Dear Mr Kopač,

Montenegro has recently reported its 2020 operating data to the European Environment Agency as required under the Energy Community Treaty.¹ The data shows that the Pljevlja coal plant operated 7,194 hours in 2020.

Thus, combined with the operating hours for 2018 and 2019, which amounted to 13,809 hours in total, this brings the plant well beyond the 20,000 hours allowed under its opt-out regime under Decision 2016/19/MC-EnC of the Ministerial Council and into non-compliance with the Energy Community Treaty.

We understand that the new Montenegrin government was effectively presented with a fait accompli when it took office at the end of the last year,² but we do not consider this a sufficient reason for failing to take action to close the plant, particularly given its current level of air pollution.

As the Health and Environment Alliance (HEAL) recently reiterated, the plant's 2016 emissions caused up to 133 premature deaths, 285 cases of bronchitis in children, 2,894 asthma symptom days in asthmatic children, and other health impacts costing up to EUR 3.03 million over the year.³

In addition to the plant's health impacts, its continued operation represents a problematic example for other opted-out plants in the region, namely:

- Tuzla 3, Tuzla 4 and Kakanj 5 in Bosnia and Herzegovina
- Morava, Kolubara A A3 (boiler 1), Kolubara A A3 (boilers 3,4,5), and Kolubara A5 in Serbia.⁴

Thus we underline the need for prompt action by the Secretariat to open a case against Montenegro for failure to comply with the Large Combustion Plants Directive, not only to speed up the resolution of the issue within Montenegro, but also to send a strong signal to Bosnia and Herzegovina and Serbia that exceeding opt-out hours cannot be tolerated.

The issue with the Pljevlja thermal power plant sets a serious precedent that threatens to jeopardise the further application of Energy Community *acquis* in other Western Balkan countries.

¹ <http://cdr.eionet.europa.eu/me/eu/energycommunity/envyf3gna/> (in sheet 2, column K)

² See eg. Vijesti, [Boje Jutra - Budućnost termoelektrane Pljevlja](#), 23 February 2021.

³ Health and Environment Alliance et al, [Chronic Coal Pollution](#), 19 February 2019.

⁴ Energy Community Secretariat's [Summary Report on the final list of opted-out plants](#).

Please consider this a formal complaint against Montenegro under Article 90 of the Energy Community Treaty.

With kind regards,



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Nataša Kovačević, Executive Director, Green Home, Montenegro

Diana Milev Cavor, project manager, NGO Eco-team, Montenegro

Mirko Popović, on behalf of the Renewables and Environmental Regulatory Institute, Serbia

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Denis Žiško, Energy and Climate Change Program Coordinator, Centar za ekologiju i energiju, Bosnia and Herzegovina

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Marcin Stoczkiewicz, Head of the Fossil Fuel Infrastructure Programme, ClientEarth

Anne Stauffer, Director for Strategy and Campaigns, Health and Environment Alliance (HEAL)

Viktor Berishaj, Southeast Europe Climate and Energy Policy Coordinator, Climate Action Network (CAN) Europe