

THE ROLE OF THE EUROPEAN ENVIRONMENT AGENCY IN LIGHT OF GREEN AGENDA PRIORITIES FOR THE WESTERN BALKANS WITH A SPECIAL FOCUS ON MONTENEGRO - RECOVERY AND EUROPEAN FUTURE

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ABSTRACT

The Environmental policy of the European Union has largely contributed to the diffusion and strengthening of International environmental law, and has yielded a relatively wide harmonization of high standards in this area among the Member States, as well as among countries that strive to become fully-fledged members of the EU. The Green Agenda for the Western Balkans is an example to that end. As a growth strategy, it aims at stimulating growth in the region and helping the transformation from the traditional economic model to a sustainable economy, in line with the European Green Deal priorities.

Therefore, this paper will look at to what extent has the regional environmental governance network, precisely the cooperation with the European Environmental Agency (EEA), fostered alignment with the EU Environmental policy by Montenegro as the EU candidate country. The cooperation between Montenegro and the European Environmental Agency dates back to more than a decade ago, and it has been formalised by signing a Memorandum of Understanding on October 23, 2020, which represented a step towards full membership of the country in the EEA. Cooperation with the EEA also increases the possibility of access to European funds, which will be used to invest in green technologies and renewable energy sources.

The adoption, implementation and enforcement of the EU acquis on Environment, is at the same time, a condition that the Western Balkan countries must meet in order to satisfy criteria set by the accession negotiations. In addition, the Western Balkan countries as signatories to the Paris Agreement have pledged to restructure their economies in order to achieve the goals set in the agreement. This is particularly relevant having in mind the EU aspirations to become the first climate-neutral society by 2050.

To this end, and having special sensitivity towards the challenges the region of Western Balkans is facing, the Union has committed generous resources to the Western Balkans green transition. Hence, the assistance provided by the EU will depend on the quality of the preparatory work done. Therefore, the practical aspect of this paper will be to draw attention to the importance of the EU support in this area, but also to highlight the genuine responsibility and effort expected from Montenegro as a case study, to develop high quality and sustainable projects leading to restructuring its economy into a green one.

Keywords: European Union, European Green Deal, European Environmental Agency, Green Agenda, Montenegro, Paris Agreement, Western Balkan

1. INTRODUCTION

The Green Agenda for the Western Balkans is an initiative launched by the EU in 2020 as part of the EU accession negotiation with the Western Balkan countries. It aims at facilitating the transition of these countries towards a low-carbon and circular economies, as well as to improve environmental conditions, and in general quality of life in the region.

It encompasses five main thematic focuses: a) circular economy, b) decarbonisation: climate, energy and mobility, pollution: air, water, soil, c) sustainable food systems and rural areas, d) biodiversity: protection and restoration of ecosystems. The vision presented by the Green Agenda is to align the Western Balkans region with the EU's ambition 2050 to make Europe a carbon neutral continent. Furthermore, it also aims to unlock the potential for a circular economy, fight pollution - air, water, soil, promote sustainable methods of food production and supply, exploit a huge tourism potential of the region focusing on biodiversity protection and restoration of ecosystems.

The European Environmental Agency (hereinafter: EEA) is one of the specialised agencies within the European Union, responsible for providing sound, independent information on the environment to policy makers and the public, all with the general goal of contributing to ensuring a better quality of life for citizens. To achieve this, the EEA operates through a wide network of national focal points that play an important role in shaping environmental policies at the national level by providing information, assessments and recommendations.

Both the EEA and the Green Agenda for the Western Balkans are aimed at promoting sustainable development and protecting the environment. The EEA also plays an important role in the implementation of the Green Agenda for the Western Balkans by providing technical and scientific expertise, as well as by monitoring and reporting on the environmental situation in the region. It supports the capacity building efforts of Western Balkan countries in the field of environmental policy and works closely with other EU institutions and international organisations to promote sustainable development in the region.

Ever growing concern about the state of environment and multiplying challenges we are witnessing nowadays have a huge impact on the quality of lives of people around Europe and beyond. This adds to the importance of the structures such as EEA and to the substance of the role it should assume in the forthcoming period. This article will encompass historical development of the EEA, its structure, functioning and competences. It will also analyse the legal framework of the EEA and will point out the need to introduce the novelties that would efficiently respond to the needs of the current moment, particularly given the fact that the last revision of the EEA happened more than a decade ago.

Additionally, the paper will discuss the role of the European Environment Information and Observation Network (Eionet), which is a network within the EEA that facilitates the exchange of environmental information and knowledge among its members, including EU member states, other European countries, and international organisations.

This part will be followed by examination of the existing control mechanisms of the Agency's work, institutional and non-institutional ones. The EEA employs a variety of control mechanisms in order to ensure that information on the environment is accurate, reliable, and relevant.

The paper will also cover the cooperation the EEA has established with Montenegro by signing Memorandum of Understanding. It will draw conclusions about the importance of this type of cooperation between the aforementioned actors, which provides assistance to the EU candidate states to efficiently complete the negotiation processes and become fully-fledged members of the Union.

The paper will also shed light on some recent developments and good practices of cooperation between the EEA national focal point in Montenegro, Environment Protection Agency, and local activists and initiatives. This cooperation led to successful work in mapping and tackling the existing environmental challenges in Montenegro. EEA reports on the state of the environment are very important for

both decision-makers and the public, so this paper will briefly refer to the state of the environment in Montenegro as presented in the aforementioned reports.

In conclusion, the article will highlight the importance of the cooperation between Montenegro as a case study, and EEA, particularly considering the ongoing EU negotiations processes. This cooperation has the immediate benefits in terms of tackling the environmental challenges and providing benefits to the EU potential candidates and candidate states. At the same time, it strengthens the EU's lead and legitimacy to tackle these issues further.

2. THE PRIORITY AREAS OF THE GREEN AGENDA FOR THE WESTERN BALKANS

The Sofia Summit marked a significant milestone for the Western Balkans region, as it laid out a comprehensive vision to enhance environmental protection and combat climate challenges. The Green Agenda for the Western Balkans aims to place sustainable development, resource efficiency, nature protection, and climate action at the core of economic activities. The agenda encompasses various thematic areas, including climate action, energy, sustainable transport, the circular economy, depollution, sustainable agriculture, and the protection of nature and biodiversity.

The region's commitment to *climate action* is evident through signing the Sofia Declaration on the Green Agenda, aligning with global efforts to achieve net-zero greenhouse gas emissions by 2050.¹ The priority for the region is to define transitional 2030 climate targets aligned with the increased EU ambitions and transpose the Fit for 55 package and the EU Climate Law.² Additionally, alignment with the EU Strategy on Adaptation to Climate Change, increased deployment of carbon sinks, and a swift green transformation of all economic sectors, particularly carbon-intensive ones, are essential.³

Coal, a major source of electricity production in the Western Balkans, poses significant challenges for health and environment. Besides the fact that, unsustainable nature of coal combustion makes transitioning to renewable energy imperative, it also has a negative health impact. According to available data, coal combus-

¹ OECD Development Pathways, *Multi-dimensional Review of the Western Balkans, from analyses to action*, OECD, 2022, p. 383.

² Fit for 55, available at: [<https://www.consilium.europa.eu/en/policies/green-deal/fit-for-55-the-eu-plan-for-a-green-transition/>], accessed 3 June 2023.

³ Action Plan for the implementation of the Sofia Declaration on the Green Agenda for the Western Balkans 2021-2023, Regional Cooperation Council, Sarajevo, 04 October 2021.

tion causes around 4,000 premature deaths per year in the Western Balkans, with directly attributable health and lost productivity costs estimated to be around 11 billion EUR annually.⁴

However, this renewable energy transition comes with socio-economic challenges, such as unemployment and economic disruption. Despite these challenges, the transition away from coal is necessary for human health, the environment, and the climate, and, therefore, structured dialogue among stakeholders and target groups is crucial for successful climate actions in the region.

A closer insight into the *energy sector*, reveals that the Western Balkan countries face two key challenges related to that field. Firstly, they need to fulfil existing obligations, including the creation of competitive and integrated energy markets. Secondly, the region's responsibility is to adapt to the changing regulatory environment and integrate the latest EU objectives into their policy and legal frameworks. The energy sector of the Western Balkans, which is currently heavily reliant on fossil fuels and outdated technologies, plays a crucial role in the region's transformation. Nonetheless, increased decarbonization ambitions and tight deadlines, do not produce desired effect, and to the certain extent impede the sector's profound transformation and make integration in the EU energy market even more challenging.

The *transport sector* is a significant contributor to greenhouse gas emissions in the region, primarily from road transport.⁵ The sector's emissions have increased parallel to economic activities, causing pollution and negatively impacting air quality, particularly in urban areas. To address these challenges, the Transport Community Permanent Secretariat (TCPS) has developed a Sustainable and Smart Mobility Strategy for the Western Balkans. This strategy aligns with the EU's goals while adjusting to the region's reality. It provides a decarbonization and digitalization roadmap for the transport sector, focusing on increasing greening and digitalization of mobility and making transport greener, more sustainable, and healthier for citizens.

Furthermore, the Western Balkans region faces challenges in aligning with *waste management* legislation and adopting circular economy practices (recycling, plastics, chemicals, eco-design, etc.). The concept of circular economy is relatively new in the region, requiring rising awareness strategies and mainstreaming of objectives and integration of circular practices in all sectors of the economy. In

⁴ Climate Action Network Europe, *Report: EU action on Western Balkans' chronic coal pollution is a unique opportunity to improve health and productivity*, 2019 available at: [<https://caneurope.org/report-eu-action-on-western-balkans-chronic-coal-pollution-is-a-unique-opportunity-to-improve-health-and-productivity/>], Accessed 09 June 2023.

⁵ The transport sector is one of the main sources of GHG emissions in the Western Balkans region and coupled with the energy sector account for two-thirds of the overall share of emissions.

light of current practices in the Western Balkans, the linear collect-and-dispose approach dominates waste management, and a shift towards a sustainable waste management system based on circularity is necessary. The EU's new policy framework, including the Circular Economy Action Plan, offers strategic guidance for the Western Balkans to achieve carbon neutrality and unlock economic potential while realising environmental benefits.

Depollution in the Western Balkans is also one of the priority goals, due to the fact that the population of the Western Balkans is exposed to the highest rates of air pollution in Europe. This is primarily due to the widespread use of low-quality solid fuels⁶, outdated industry facilities, and coal-fired power plants.⁷ Besides air pollution, the region also experiences water shortages, deteriorating drinking water quality⁸, and soil pollution.⁹

To address these challenges, the Western Balkans need to improve air quality monitoring, upgrade water distribution systems, and enhance wastewater treatment/management. Equally important, the enforcement of existing environmental standards and regulations, along with better control of illegal practices, is critical for reducing pollution levels and protecting public health.

The *agricultural* sector plays a significant role in the Western Balkans' human and economic development. In order to achieve economic and environmental sustainability, as outlined in the Green Agenda, the region needs to develop and implement agricultural policies aligned with the Common Agricultural Policy (CAP) framework. Greening the agriculture and rural economy is essential for improved natural resource conservation, increased efficiency, reduced negative environmental impacts, and strengthened climate resilience.

To be able to address the agriculture-related priorities the Action plan for the implementation of Green Agenda envisages that the region needs to work on harmonisation of agricultural policies, build baselines on strong data and evidence (in particular data illustrating the relation between agriculture and the environment,

⁶ Solid fuels (coal and firewood) are used for domestic heating by over 60% of the population.

⁷ Colovic, Daul, M.; Kryzanowski, M.; Kujundzic, O., *Air pollution and human health: The case of Western Balkans*, UNEP, 2019, available at: [https://api.developmentaid.org/api/frontend/cms/file/2019/06/Air-Quality-and-Human-Health-Report_Case-of-Western-Balkans_preliminary_results.pdf], Accessed 7 May 2023.

⁸ European Environment Agency, *Changes in urban waste water treatment in the Western Balkans*, 2017, available at: [<https://www.eea.europa.eu/data-and-maps/daviz/changes-in-wastewater-treatment-in-13#tab-dashboard-01>], accessed 02 April 2023.

⁹ Outlook on water and climate change vulnerability in the Western Balkans, ETC/ICM Technical Report 1/2018.

e.g. use of pesticides, fertilisers), and invest in capacity building in all relevant bodies needed to implement the priorities set within the Instrument for Pre-Accession Assistance for Rural development (IPARD).

Lastly, the Western Balkans possess rich *biodiversity and natural ecosystems*¹⁰ but, unfortunately, at the same time, it is unable to provide adequate protection. Biodiversity and habitat loss are observed across the region, which poses risks to numerous species, and in particular endemic ones.

As it is emphasised by the Action plan, the actions of decision makers in the Western Balkans region should be directed to halt biodiversity loss, increase protected areas, integrate conservation targets, and enforce nature protection legislation.¹¹ The report emphasises that it is necessary to strengthen institutional arrangements in the biodiversity sector. Since the Western Balkan countries are relatively small, the importance of regional cooperation should be highlighted in order to protect transboundary clusters of protected areas and promote ecological connectivity. Intensifying regional cooperation is critical to achieving better synergies, as well as effective management of the networks of the protected areas.

Addressing existing challenges, as stipulated in the Green Agenda for the Western Balkans, such as coal dependence, outdated technologies, and linear waste management approaches, is key to the region's sustainable development. By embracing the Green Agenda, the Western Balkans can seize opportunities for economic growth, protect the environment, mitigate climate change, and improve the well-being of its citizens. All of this requires effective collaboration among all relevant stakeholders, implementation of comprehensive strategies, regional cooperation, and alignment with EU objectives that could pave the way for a sustainable and resilient future in the Western Balkans.

3. THE EUROPEAN ENVIRONMENT AGENCY

3.1. About the European Environment Agency

The European Environment Agency is a specialised agency of the EU, established in 1990 with the primary objective of providing specialised and scientific knowledge in the domain of environment. Headquartered in Copenhagen, Denmark, and the EEA enjoys the status of a legal entity with full legal capacity.

¹⁰ The Western Balkan region is exceptionally rich in species and habitat diversity and many of the species found in the region are endemic.

¹¹ European Environment Agency, *European Natura 2000 database on ecological networks*, 2022, available at: [<https://www.eea.europa.eu/data-and-maps/data/natura-2000-eunis-database>], Accessed 05 May 2023.

The EEA distinguishing features are mirrored in its openness and closer cooperation with “third countries”, which is facilitated through signing agreements and memoranda of cooperation. The EU system of agencies consists of: decentralized agencies, agencies within the Common Security and Defence policy, executive agencies and agencies and bodies of EURATOM¹². As a decentralised agency, the EEA provides assistance, specialised and in-depth expertise to the member states and the EU institutions in diverse areas, including food, medicines, chemicals, education, quality of life and working environment, justice, transport safety, security, fundamental rights, knowledge and providing services to the private and public sector. Decentralised agencies carry out entrusted tasks set within the limits of their competences,¹³ with a main goal of facilitating and improving living conditions for people within the borders of the EU, and beyond.

The European system comprises over 30 decentralised agencies which also engage in control and collaboration with other EU institutions. The European Anti-Fraud Office (OLAF) provides a good example of this, since it is competent for developing anti-fraud policy for the European Commission, while it also deals with fraud against the EU budget, corruption and unfounded subsidy payments, and other serious misconduct within the European institutions.

Shyrokykh and Rimkute emphasise the increasing significance of agencies in the external governance of the European Union.¹⁴ Establishing this type of close cooperation and economic connection with the Union, also affects EU's foreign policy and decision-making processes. Consequently, Hazelzet suggests that the EU is less likely to impose sanctions on countries with which it has signed trade agreements.¹⁵

The EEA's forerunner is the Corine program, established in 1985,¹⁶ which focused on collecting environmental information related to various environmental issues. The EEA took over its data and continued its work.¹⁷

¹² See more: Pretraživanje institucija i tijela EU, available at: [https://europa.eu/european-union/about-eu/agencies_hr], Accessed 10 August 2022.

¹³ See more: Types of Institutions and bodies, available at: [https://europa.eu/european-union/about-eu/agencies/decentralised-agencies_en], Accessed 10 August 2022.

¹⁴ Shyrokykh, K.; Rimkute, D., *EU rules beyond its Borders; The policy-specific Effects of transgovernmental networks and EU agencies in the European Neighbourhood*, Journal of common market studies, No. 57, 2019, pp. 750.

¹⁵ Hadewych, H., *Suspension of Development Cooperation: An Instrument to Promote Human Rights and Democracy?*, European Centre for Development Policy Management, Discussion Paper, No. 64B, 2005, pp. 9-10.

¹⁶ European Environment Agency, *Corine Land Cover*, 1995, available at: [https://www.eea.europa.eu/publications/COR0-landcover], Accessed 11 August 2021.

¹⁷ *Ibid.*

Council Regulation (EEC) No 1210/90 of 07 May 1990,¹⁸ laid the foundations for the establishment of the European Environment Agency and the European Environment Information and Observation Network (Eionet) - founded in 1994. The regulation was adopted by the European Parliament during the second reading due to a disagreement between the Commission and the Parliament regarding the Agency's prerogatives.¹⁹ Finally, a compromise reached, in its essence, was closer to the position of the Commission. It advocated in favour of the Agency's competencies in relation to environmental data and information, at the same time leaving it without executive and regulatory competencies. It was first amended in 1999 by Council Regulation No 933/1999.²⁰ The legal regulation in force was adopted in 2009 in the form of a codified version of Council Regulation No 401/2009.²¹

The EEA works closely with other European institutions and organisations, as well as with national environmental agencies and other stakeholders, to improve the understanding and management of environmental issues in Europe.

The importance of environmental protection is also indicated in its preamble, which emphasises that “environmental protection conditions should be an integral part of other Community policies”. The goal of establishing the Agency is to protect and improve the state of the environment as well as sustainable development, by providing the member states, the Union and other stakeholders with objective, reliable and comparable information as well as with necessary technical and scientific support.²²

The Agency's main areas are “air quality, water quality, pollutants and water resources, soil condition, biodiversity, use of land and natural resources, waste management, noise emission, chemical substances that are dangerous for the environment and coastal and marine protection”.²³ The EEA's mandate is guided by

¹⁸ Council Regulation (EEC) 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network [1990] OJ L120/ 1.

¹⁹ Westbrook D., *Environmental Policy in the European Community: Observations on the European Environment Agency*, Harvard Environmental Law Review, Vol. 15, 1991, pp. 261-267.

²⁰ Council Regulation (EC) 933/1999 amending Regulation (EEC) 1210/90 on the establishment of the European Environment Agency and the European environment information and observation network [1999] OJ L117/1.

²¹ Regulation (EC) 401/2009 of the European Parliament and of the Council on the European Environment Agency and the European Environment Information and Observation Network (Codified version) [2009] OJ L126/13 (Regulation 401/2009).

²² *Ibid.*, Article 1.

²³ *Ibid.*, Article 7, The work of EEA includes:

- a) Collecting and analysing data from EU member states and other European countries;
- b) Producing reports and assessments on the state of the environment in Europe;

a commitment to promoting sustainable development and protecting Europe's environment and natural resources for the benefit of future generations.²⁴

Looking at the stipulated objectives, it can be concluded that the Agency was established to provide information based on which decision makers would direct their actions and make decisions. Although this information is often neglected by a number of decision-makers worldwide, one of the objectives of this paper is to point out that the European Union and its members, as it is not always the case with other large countries/economies, are showing sensitivity towards environmental protection. Although there is space for significant improvement of the role and impact of the EEA, its achievements are still an important step forward toward reaching the stipulated climate and energy targets by 2030 and 2050.

3.2. Competences of the EEA

The EEA was created in response to the need for a coordinated approach to environmental issues in Europe. Its primary role is to collect and disseminate environmental data, monitor and assess the state of the environment in Europe, and provide technical support to the EU and its member states in the development and implementation of environmental policies.

The Agency's competencies are delineated in Article 2 of the Regulation,²⁵ which encompasses four key areas. Firstly, the EEA is responsible for data and information collection and management. The Agency established and manages the Eionet, with a goal to collect, process and analyse data from the field of environment and sustainable development. This aims to provide the EU and the member states with objective information necessary for formulating and implementing effective environmental protection policies.

Secondly, the EEA is entrusted with assessment and reporting tasks. It produces assessments and reports on the state of the environment in Europe, while establishing uniform criteria for the assessment of environmental data, to ensure comparability and measurability across member states. It is responsible for publishing reports on the state, trends and prospects for the environment every five

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- c) Supporting the development and implementation of EU environmental policy;
 - d) Providing technical support to EU institutions and member states;
 - e) Providing information on the state of environment to the public and stakeholders.

²⁴ *Ibid.*, Article 3.

²⁵ Council Regulation (EEC) 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network [1990], available at: [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31990R1210>], accessed 23 February 2023.

years, stimulating development of forecasting techniques to enable timely preventive measures. These reports, known as “the European environment - state and outlook”²⁶ also contribute to estimating the costs of environmental damage and policies for protection and restoration of the environment, thus enabling informed decision-making.

The third area of responsibility involves building a knowledge base, exchange of information on environmental issues and creating and maintaining networks of experts and stakeholders. This also entails cooperation with other European and international bodies and programs to foster knowledge sharing and cooperation.

Last but not the least, the EEA provides capacity building and implementation support. It offers technical assistance and support to the EU and its member states in implementation of environmental policies and legislation. It stimulates the exchange of information that is needed for the successful implementation of measures and laws in the field of the environment.²⁷

While the EEA’s competencies are primarily advisory in nature, focused on data collection and information dissemination, there is a growing consensus that the Agency should be granted more authority and become a significant actor in the EU’s legislative process, even as the main proposer of legal acts. Presently, the Agency’s influence on decision-makers is somewhat limited, as environmental concerns may not always be accorded top priority in political agendas.

Despite this, the EEA’s possession of information grants it a degree of power. The type of information it holds can influence decision-makers and shape the definition of problems and solutions.²⁸

Hornbeek makes a distinction between environmental information whose purpose is to influence citizens’ awareness and point out environmental problems, and those that decision-makers use to justify their actions or that serve as a basis for decision-making.²⁹

²⁶ The European environment — state and outlook 2020: knowledge for transition to a sustainable Europe, available at: [<https://www.eea.europa.eu/soer/2020>], Accessed 01 April 2023.

²⁷ Regulation 401/2009.

²⁸ Martens, M., *Voice or Loyalty? The Evolution of the European Environment Agency (EEA)*, *Journal of Common Market Studies*, 2010, Vol. 48, No. 4, p. 882.

²⁹ Hoornbeek, J., *Information and Environmental Policy: A Tale of Two Agencies*, *Journal of Comparative Policy Analysis: Research and Practice*, 2000, Vol. 2, pp. 145-187; Holmes, J.; Savgård, J., *Dissemination and implementation of environmental research – including guidelines for best practice*, Swedish Environmental Protection Agency, 2008, p. 39, available at:

Gornitzka and Sverdrup state that “information structures the definition of problems and solutions”.³⁰ In connection with this, there are two types of reports that the EEA issues. The first concerns reports of a general nature that are tightly related to the quality of the environment in the member states and the EU, and the second type are reports on current issues, most often associated with the Directorate-General for the Environment.³¹

Nonetheless, the Agency must exercise caution to avoid becoming a tool within the decision-making system, as that could compromise its credibility, independence, and freedom of action. Striking a balance between providing valuable information and maintaining independence is crucial for the EEA to remain an influential and credible entity in environmental policymaking.

3.3. Organisational structure

The EEA operates under a comprehensive organisational structure, consisting of a Management Board, Executive Director and Scientific Board. The Management Board is the EEA governing body, composed of one representative *per* each member state, two representatives of the Commission and two environmental experts appointed by the Parliament. It is important to note that the Management Board may include a representative from other countries participating in the work of the EEA, and each member of the Management Board holds voting rights. This body is also responsible for setting the strategic direction of the agency, approving its work program and budget, and ensuring the efficient functioning of the EEA.³²

Decision-making process requires a two-thirds majority of the members of the Management Board.³³ This provides an obstacle for the effectiveness of such a structure, so introducing other decision-making rules (*i.e.* voting by simple majority) would be highly beneficial for specific and complex structures such as EEA. This approach would rank decisions based on their importance, and simplify management of the Agency, while reserving the 2/3 majority for decisions critical for the functioning of the Agency.

[<http://www.idaea.csic.es/sites/default/files/Dissemination-and-implementation-of-environmental-research.pdf>], Accessed 29 January 2023.

³⁰ Gornitzka, A.; Sverdrup, U., *Who are the Experts? The Informational Basis of EU Decision-Making*, ARENA Working paper, No. 14/08, 2008. pp. 1.

³¹ Martens, *op. cit.* note 28, p. 889.

³² European Environment Agency Governance, available at: [<https://www.eea.europa.eu/en/about/who-we-are/governance>], Accessed 23 February 2023.

³³ Regulation 401/2009, Article 8.

The Management Board appoints the Executive Director for a five-year term, with the possibility of re-election. The Executive Director is accountable to the Management Board and ensures full and accurate implementation of its decisions. In addition, he performs day-to-day management of the Agency, exercises authority over budgetary matters, participates in the process of preparing five-year reports on the state of the environment and makes decisions regarding rights and obligations of Agency employees.³⁴

The Scientific Board is an expert body of the Agency, and its members are elected for a four-year term by the Management Board from among reputable and highly qualified persons in the field of environment. Their primary role is assisting the Management Board and the Executive Director, providing them with professional knowledge and information. The reports and opinions of the Scientific Board are published, thus enabling external scrutiny of their work and expertise.³⁵

The EEA also closely cooperates with a wide range of networks, including national environmental agencies and non-governmental organisations. These networks help to ensure that the agency's work is grounded in real-world experience and is relevant to the needs of a wide range of stakeholders with whom it cooperates. This approach enhances the credibility and effectiveness of the EEA's work by incorporating a wide range of perspectives and expertise from relevant environmental stakeholders.

3.4. EEA budget

This section of the paper will briefly examine the budget of the Agency over a ten-year period, from 2013 to 2023, based on the data available on the EEA's website.³⁶ The budget of the EEA is primarily derived from two main sources, namely revenues from the European Union budget and other sources of revenues.

Revenues from the EU budget are structured under the budget heading "European Union subsidy and EFTA contribution", and they form the primary source of income for the EEA. From 2013 to 2018, this source of income provided the Agency with approximately 41 million euros *per* year. In the period from 2018 to 2020, there was an increase of 2 million euros per year, and in 2020 it amounted to 47 million euros. In 2021, 2022, and 2023, this contribution amounted to 51, 55, and

³⁴ Regulation 401/2009, Article 9.

³⁵ European Environment Agency Governance, available at: [<https://www.eea.europa.eu/en/about/who-we-are/governance>], Accessed 23 February 2023.

³⁶ EEA Budget, available at: [<https://www.eea.europa.eu/about-us/documents/eea-budgets>], Accessed 20 January 2023.

60 million euros, respectively. This indicates that the Union's allocations to the EEA budget are modest. Moreover, these small increases in the budget do not correspond to the importance of the Agency, given the current circumstances and Union aspirations, which consequently has a limiting effect on its performance.

Other sources of income are found under the budget heading "Miscellaneous revenue" and budget line "Contributions under special agreements and assigned revenue." From 2013 to 2017, these funds amounted to 7 to 10 million euros per year. In 2017, the "Copernica"³⁷ project was launched, and based on this, the income in this budget heading increased to 29 million euros in 2017, 22 million in 2018, over 6.5 million in 2019, and over 13.5 million in 2020. Budget revenues increased precisely thanks to the Copernica project, which contributed 27 million in 2017, almost 20 million in 2018, around 6.5 million in 2019 and a little over 12 million in 2020.³⁸ In 2021, 2022, and 2023, this source of income to the EEA amounted to 13, 32, and 38 million euros, respectively.³⁹

Regarding the expenditure side of the budget,⁴⁰ the costs incurred based on the available data for the period 2013-2018 and from 2018 onwards will be the focus of this analysis.⁴¹ Costs are divided into three categories, namely staff costs, administrative costs, and operating expenditures. From the available data, it can be concluded that in the first indicated period, administrative expenses were continuous and amounted to a little more than 4 million euros. From 2021-2023, this type of cost varied from 5 to 6.5 million euros.

Personnel costs from 2013 to 2018 varied between 23 and 26 million euros, while operating costs for 2019 and 2020 amounted to over 28 million euros. For 2019, 2020, and 2021, available data indicate that they amounted to 42, 27, and 29 million euros, respectively. From 2022 to 2023, they were significantly higher and amounted to 46 and 52 million euros, respectively. Also, this was accompanied by an increase in staff costs, which in 2021 and 2022 were around 40 million euros *per year*.⁴²

³⁷ See more: COPERNICUS, available at: [<https://www.eea.europa.eu/about-us/who/copernicus-1>], Accessed 20 January 2023.

³⁸ EEA Budget, available at: [<https://www.eea.europa.eu/about-us/documents/eea-budgets>], Accessed 20 January 2023.

³⁹ *Ibid.*

⁴⁰ Outturn expenditures.

⁴¹ Appropriations expenditures.

⁴² Statement of revenue and expenditure of the European Environment Agency for the financial year 2022 (2022/C999/03) EN Official Journal of the European Union C 999/1229.3.2022, available at: [<https://www.eea.europa.eu/about-us/documents/eea-budgets/budget-of-the-european-environment-2>], Accessed 1 April 2023.

Based on a comparison of budget revenues and expenditures for the period from 2013 to 2018, in 2015, 2018 and 2019, expenditures exceeded income. Notably, in 2019, there was a budget overrun of almost 20 million.⁴³ This overview provides quite a solid basis for providing arguments in favour of raising the budget of the European Environment Agency.

This could yield several important benefits, directly impacting the quality of work the agency performs. It would improve the quality, as well as the quantity of environmental data it collects and analyses, which could lead to more accurate and timely reporting on the state of Europe's environment. This information is critical for policy-making and decision-making at all levels, from local to European.

Furthermore, environmental challenges such as climate change, biodiversity loss, and pollution are becoming more severe and complex. A higher budget for the EEA would enable it to address emerging challenges more effectively by investing in research, developing new methodologies, and promoting innovative solutions.

Lastly, given the international importance of the EEA, an augmented budget could strengthen its collaborations with international partners, such as the United Nations Environment Programme (UNEP), the Intergovernmental Panel on Climate Change (IPCC), and other regional and global organisations. This increased engagement may open doors to building consensus around environmental policies and promote greater coherence in international environmental governance.

4. EUROPEAN ENVIRONMENT INFORMATION AND OBSERVATION NETWORK (EIONET) AND COOPERATION

The European Environment Information and Observation Network (Eionet) was established by the European Environment Agency in 1994. Its primary purpose is to facilitate the collection of data and its unification into a centralised database, all with the main goal of easier systematisation and usage of available data. Although Eionet does not possess legal entity status, all legal transactions are signed on its behalf by its founder, the EEA. The work carried out by the EEA and Eionet is often compared to the chain process that leads from monitoring and data collection to assessments and knowledge generation.⁴⁴

⁴³ European Environment Agency Budget, available at: [file:///C:/Users/User/Downloads/Budget%20of%20the%20European%20Environment%20Agency%20for%20the%20financial%20year%202023%20(1).pdf], Accessed 24 February 2023.

⁴⁴ Hřebíček, J.; Jensen, S.; Steenmans, C., *The Framework for Environmental Software Systems of the European Environment Agency*, ISESS 2015, IFIP Advances in Information and Communication Technology, 448, 2015, pp. 47.

The membership structure of Eionet includes 38 countries, comprising all EU member states. Great Britain no longer has any arrangement with the EEA.⁴⁵ Also, membership in the EU is not a precondition to Eionet membership. Therefore, some non-EU countries, such as Switzerland, Norway, Liechtenstein, Iceland, and Turkey, are Eionet members. In addition, cooperation with Eionet can be also established through signing Memorandum of cooperation between the EEA and respective countries. This applies to the case of Montenegro, Serbia, Bosnia and Herzegovina, North Macedonia, and Albania.

The EEA and Eionet have extensive international cooperation with many non-EU countries, namely the USA, Australia, Canada, China, India, South Korea, Armenia, Azerbaijan, Georgia, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, and Tunisia.⁴⁶ Close cooperation has also been established at the regional level with African, Asian, and South American institutions and international organisations.

Regulation No 401/2009 underlines the significance of cooperation with other bodies and organisations⁴⁷, such as: EU Commission Joint Research Center, the EU Statistical Office (Eurostat),⁴⁸ the European Space Agency (ESA), the Organization for Economic Cooperation and Development (OECD), the Council of Europe, the International Energy Agency (IEA), as well as the United Nations and its specialised agencies, especially the United Nations Environment Program, the World Meteorological Organization, the International Atomic Energy Agency (IAEA) and the World Health Organization (WHO).⁴⁹

Caspersen states that the network of institutions dealing with the collection of environmental data consists of several hundred institutions,⁵⁰ while Bosch mentions a figure of over 600 institutions solely in Europe, providing assistance to the EEA.⁵¹

This wide international network and cooperation is highly important bearing in mind the nature of environmental challenges that could only be efficiently tackled through joint and consolidated actions.

⁴⁵ Westbrook, *op. cit.* note 19, p. 261.

⁴⁶ European Environment Agency, *International engagement*, available at: [<https://www.eea.europa.eu/about-us/who/international-cooperation>], Accessed 25 December 2022.

⁴⁷ Regulation 401/2009, Article 15.

⁴⁸ Weber, J., *Implementation of land and ecosystem accounts at the European Environment Agency*, Ecological Economics, Volume 61, Issue 4, 2007, pp. 695-707.

⁴⁹ Caspersen, O., *The European Environment Agency*, Global Environmental Change 9, 1999, p. 74.

⁵⁰ *Ibid.*, p. 73.

⁵¹ Bosch, P., *The European Environment Agency focuses on EU-policy in its approach to sustainable development indicators*, Statistical Journal of the United Nations ECE 19, 2002, p. 5.

5. MECHANISMS FOR SCRUTINY OVER THE WORK OF AGENCY

Although decentralised agencies are independent in their work from the European Union, they are subject to control performed by the side of member states and the Union itself. The control over the agencies' work is based on the principle "whoever delegates responsibilities, retains control".

The European Commission established the Directorate-General for the Environment (DG Environment) in 1973. Martens designates the DG Environment as the main client of the Agency.⁵² The agency also works closely with other directorates-general and forms the "science-policy interface".⁵³ The key domain of responsibilities of the DG Environment is developing and implementing the EU's environmental policies and ensuring that member states comply with EU environmental regulations. Furthermore, it is responsible for promoting sustainable development, protecting human health and the environment, and ensuring the prudent and rational use of natural resources. Lastly, it is also proposing and implementing EU environmental legislation, monitoring and reporting on the state of the environment in the EU, and working with member states and international organisations to address global environmental challenges.⁵⁴

The environment is highly important for the Commission, as evidenced by the fact that in 2010 it established the Directorate-General for Climate Action (DG CLIMA), entitled with exclusive competences in the field of climate change.⁵⁵ Its competencies encompass developing and implementing EU policies related to climate change, while its main goal is to ensure that the EU complies with its commitments under the Paris Agreement and other international agreements on climate change.

Both DG CLIMA and the EEA are important actors in the EU's efforts to address climate change and promote sustainable development. While DG CLIMA is responsible for developing and implementing policies and regulations related to climate action, the EEA provides scientific and technical information to support policy development and implementation.

The control of the EEA's work is primarily carried out by the member states and the Union itself - through the Management Board, in which each member state, the European Commission and the European Parliament are represented. One of

⁵² Regulation 401/2009, Article 8.

⁵³ Martens, *op. cit.* note 28, p. 884.

⁵⁴ *Ibid.*

⁵⁵ Hřebíček, *et al.*, *op. cit.* note 44, p. 46.

the important specificities of this body is that a representative of another country that cooperates with the Agency can be elected as a member of the Management Board. This, in fact, means that the control can be performed by countries that are not members of the Union. Agreeing that countries that are non-EU member states could have full insight into all events and participate in decision-making, the Union showed understanding towards the nature of environmental challenges - which recognize no border and which require perpetual and joint cooperation and efforts for the benefit of all.

The Management Board is the main management body that appoints and dismisses all Agency bodies and ensures that the tasks from Article 2 of the Regulation are fully and timely fulfilled. The Management Board exercises administrative control over all bodies of the Agency (e.g. Executive Director reports to the Management Board).

In addition, one of the important aspects of exercising the control is budgetary control, carried out by the budgetary authorities of the Union. This means that control is exercised by both the Parliament and the Council of the European Union, as they jointly decide on the annual budget. Apart from them, the work of the Agency is controlled by the European Commission, which, as the executive body of the Union holds responsibility for implementing and managing the budget, as well as the European Court of Auditors, which ensures the legality of spending budget funds.⁵⁶ Also, Article 8 of the Regulation stipulates that “the Agency annually submits to the budget authority all data relevant for the outcome of the evaluation procedures”. Almost 20% of the provisions of the Regulation refer to budgetary issues. This clearly indicates the importance of spending and control of budget funds.

The Agency submits annual reports on work and activities to member states, the European Parliament, the Commission, the Council and the Court of Auditors. Also, those reports are made public, which allows for civil control of the Agency’s work.⁵⁷

EU institutions have the right to initiate the proceedings before the European Court of Justice in order to examine the legality of the Agency’s actions. Articles 263, 265 and 340 of the TFEU stipulate that proceedings can be initiated before

⁵⁶ See more: Commission creates two new Directorates-General for Energy and Climate Action, 2010, available at: [https://ec.europa.eu/commission/presscorner/detail/en/IP_10_164], Accessed 04 September 2022.

⁵⁷ Košutić, B., *Osnovi prava Evropske unije*, CID, Podgorica, 2014, p. 200.

the European Court of Justice for the annulment of acts, due to omissions, for the compensation of damages from non-contractual liability.

6. ENVIRONMENT IN EUROPE - SITUATION AND PERSPECTIVES IN 2020

The publication “Environment in Europe - situation and perspectives in 2020” marks 25 years on SOER reporting on the state of environment, and begins by highlighting the main problem, namely, the mismatch between the policies and the environmental issues.⁵⁸ In the introduction, the executive director of the European Environment Agency, Hans Bruyninckx, states that “it is Europe that must be the leader in the global transition towards environment protection in a just and sustainable world”. This is certainly a visionary prospect, but the question is, can Europe influence the USA, Russia, China, India and other big polluters in order to adapt their economies so they cause a lower level of pollution, by investing in green technologies, etc? The European Union is emphasising the global significance of environmental issues, recognizing them as urgent challenges that affect us all. By highlighting this, the EU aims to encourage collaborative efforts towards finding solutions and promoting solidarity, cohesion and sustainable development⁵⁹. Ignoring these challenges could have catastrophic consequences, making it imperative to confront the recognized issues head-on.

On the brighter side, it is commendable that the EEA puts pressure on the EU to invest more effort in order to preserve the environment. The EU has defined six thematic priority policies by the 8th Environment Action Program for common agenda on environmental policy by 2030,⁶⁰ namely:

- a) achieving the 2030 greenhouse gas emission reduction target and climate neutrality by 2050;
- b) enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;

⁵⁸ SOER 2020, Reporting on the environment in Europe, available at: [<https://www.eea.europa.eu/soer/2020>], Accessed 01 April 2023.

⁵⁹ Lenaerts, K.; Van Nuffel, P., *European Union Law*, Sweet & Maxwell, London, 2011, p. 423.

⁶⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the monitoring framework for the 8th Environment Action Programme: Measuring progress towards the attainment of the Programme’s 2030 and 2050 priority objectives COM/2022/357 final, 2022, available at: [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A357%3AFIN>], Accessed 17 April 2023.

- c) advancing towards a regenerative growth model, decoupling economic growth from resource use and environmental degradation, and accelerating the transition to a circular economy;
- d) pursuing a zero-pollution ambition, including for air, water and soil and protecting the health and well-being of Europeans;
- e) protecting, preserving and restoring biodiversity, and enhancing natural capital;
- f) reducing environmental and climate pressures related to production and consumption (particularly in the areas of energy, industry, buildings and infrastructure, mobility, tourism, international trade and the food system).⁶¹

The ambition to make Europe a climate-neutral continent by 2050⁶² is at the core of the Union's interest, which has allocated over 17 billion euros for this purpose.⁶³

As it has been stated in the program: "Europe has made more progress in terms of efficient use of resources and the circular economy. The consumption of raw materials decreased and the efficient use of resources improved as the gross domestic product increased. Greenhouse gas emissions decreased by 22% between 1990 and 2017 due to policy measures and economic factors. The share of renewable energy sources in final energy consumption has been steadily increasing to reach 17.5% in 2017. Energy efficiency has improved, and final energy consumption has fallen to a level roughly equal to the 1990 level. The emission of pollutants into both air and water has been reduced, while total water abstraction in the EU has been reduced by 19% in the period from 1990 to 2015".⁶⁴

However, recent trends are less positive. For example, final energy demand has actually increased since 2014 and, and this trend continues. Harmful emissions from traffic and agriculture also increased, while the production and consumption of hazardous chemicals remained stable. The 2030 outlook suggests that the cur-

⁶¹ European Commission, *Environment Action Programme*, 2022, available at: [https://environment.ec.europa.eu/strategy/environment-action-programme-2030_en], Accessed 17 April 2023.

⁶² See more: [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1772], Accessed, 17 January 2023.

⁶³ „The Just Transition Fund is a new instrument with an overall budget of €17.5 billion, of which €7.5 billion are coming from the Multiannual Financial Framework (MFF) and €10 billion from the NextGenerationEU. The JTF is a key element of the European Green Deal and the first pillar of the Just Transition Mechanism (JTM)“, available at: [https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2354], Accessed 10 January 2023.

⁶⁴ The European environment — state and outlook 2015 — synthesis report, Resource efficiency and the low-carbon economy, available at: [<https://www.eea.europa.eu/soer/2015/synthesis/report/4-resourceefficiency>], Accessed 09 May 2023.

rent rate of progress will not be sufficient to meet the 2030 and 2050 climate and energy targets.⁶⁵ In addition, solving the problem of pressures on the environment from economic sectors through the integration of environmental protection measures was not successful, which can be seen from the constant effects of agriculture on biological diversity and pollution of air, water and soil.

The recent geopolitical tensions, caused by war in Ukraine, and energy security crisis can provide additional momentum and justification for the EU's energy transition, but they also highlight the need for effective policies and measures to ensure a secure, sustainable, and affordable energy supply for all Europeans.

In conclusion, the EU's Environment Action Programme to 2030 can contribute to reducing the EU's energy demand and promoting a more sustainable and resilient energy system, which can help to address geopolitical tensions and energy security concerns.⁶⁶

However, its successful implementation will require sustained efforts and political will, as well as effective cooperation among member states and stakeholders.

Based on the above, it is clear that the environment is facing significant threats, and that we are only at the initial stages of addressing this issue. Environmental challenges are a global problem, and it is crucial that all parties should play an active role and demonstrate a high level of sensitivity towards this topic. Simply reducing pollution in one region will not be enough if the waste is just moved to another area. Therefore, it is imperative to take collective action to address this issue, and work together to create a cleaner and safer planet.

The report Environment in Europe - State and Prospects 2020 also notes that "the global burden of disease and premature death linked to environmental pollution is already three times greater than the combined burden of HIV, tuberculosis, and malaria."⁶⁷ Therefore, it is crucial not to ignore the sociological factor of climate change,⁶⁸ as purely technological fixes without considering social factors will not

⁶⁵ Van Oudenaren, J., *Crisis and Renewal: An Introduction to the European Union*, Rowman & Littlefield Publishers, London, 2022, p. 209.

⁶⁶ Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030, available at: [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022D0591>], Accessed 10 January 2023.

⁶⁷ Životna sredina u Evropi, stanje i perspektive, 2020, 7, available at: [<https://www.eea.europa.eu/soer/2020/soer-2020-executive-summary-translations/zivotna-sredina-u-evropi-stanje-1/view>], Accessed 12 January 2023.

⁶⁸ Milojević, V.; Ilić Krstić, I., *Sociology and climate change*, Sociological Review, Vol. LIV, No. 3, 2020, pp. 1106-1121.

be enough to mitigate or adapt to global climate change, as highlighted by Nagel, Dietz, and Broadbent.⁶⁹

7. COOPERATION BETWEEN MONTENEGRO AND EEA

7.1. Historical perspective

Montenegro has been an official candidate country for membership to the European Union since 2012. Two decades of cooperation of Montenegro with the EU led to establishing close ties with this *sui generis* community. This includes Montenegro's participation in the Stabilization and Association Process (SAP) and the European Neighborhood Policy (ENP). The SAP framework is aimed at promoting political, economic, and institutional reforms in the region, while the ENP is a policy that seeks to promote stability, democracy, and prosperity in the EU's neighbouring countries.

Montenegro, as a candidate state, is also committed to aligning its environmental policies and practices with those of the EU. Naturally, the European Environmental Agency, which provides expert advice, data, and tools to support the development and implementation of environmental policies, is an important partner to Montenegro in this process. The Environment Protection Agency of Montenegro is the competent state agency that provides scientific information in the field of the environment.⁷⁰ It was established on 12 November 2008 with a goal to become an operative implementation authority for the country's environmental protection law.⁷¹

In fact, the cooperation between Montenegro and the EEA has a history of more than a decade, that predates the official signing Memorandum of Understanding on October 23, 2020. The MoU represents a significant step towards full membership of Montenegro in the EEA. Its primary goal is to enhance the long-standing cooperation of the Environmental Protection Agency of Montenegro (before:

⁶⁹ Nagel, J.; Dietz, T.; Broadbent, J., *Sociological Perspectives on Global Climate Change*, National Science Foundation & American Sociological Association, 2010, pp. 14.

⁷⁰ Memorandum of Understanding between the EEA and Nature and the Environment Protection Agency of Montenegro (hereinafter: MoU), available at: [<https://www.gov.me/dokumenta/a077f480-8efb-4160-9263-653611b31ee2>], Accessed 21 January 2023.

⁷¹ The Agency performs professional and related administrative tasks in the field of environmental protection, namely: Environmental monitoring, prepares analyses and reports, issues permits, communicates with relevant domestic and international authorities and organisations, as well as with the public, performs other tasks established by the Law on the Environment and special regulations, [<https://www.eea.europa.eu/soer/2010/countries/me/national-and-regional-story-a>], Accessed 10 January 2023.

the Nature and Environmental Protection Agency of Montenegro) with the EEA, through a greater degree of coordination of activities in the field of environment monitoring and reporting. MoU seeks to improve the relationship between these two agencies, while reaffirming the unwavering support the EU provides to Montenegro on its path towards joining this community.⁷²

At the session where the signing of the MoU with Montenegro was approved, it was also decided that the countries of the Western Balkans have the opportunity to participate as observers in the EEA Management Board meetings. This decision further underscores the EEA's commitment to fostering regional cooperation and engagement with neighbouring countries in the Western Balkans, facilitating mutual learning and knowledge exchange in the realm of environmental governance.

7.2. Memorandum of Understanding, vision and benefits

Expanding on the central objective of the Memorandum of Understanding, signed between Montenegro and the EEA, the agreed goals are geared towards fostering the exchange of experience and knowledge, enhancing capacity building, promoting data exchange, and fostering cooperation with Eionet. Ultimately, the overarching ambition of the Memorandum is to pave the way for Montenegro's full membership in the EEA.⁷³

Article 1 paragraph 2 stipulates that “no assignment or transfer of any obligations or responsibilities of one or the other contractual party to the other shall be made, so that each contractual party will retain its obligations and responsibilities in accordance with its internal rules and regulations”.⁷⁴ The areas and leading principles of cooperation are prescribed by Article 3. Among key areas is raising awareness and visibility of the results achieved by Montenegro in order to speed up both the admission to the EEA, as well as admission to the EU. Symbolic move made in that direction is inviting the representatives of Montenegro to participate as observers in EEA and Eionet meetings. The EEA also pledged to provide full support to the Environment Protection Agency of Montenegro in order to strengthen its human, administrative and institutional capacities. The exchange of information, data and expertise is prescribed by paragraph 2 of Article 3, with the emphasis that the EEA will provide the necessary scientific and technical support. Beyond

⁷² Environmental Protection Agency of Montenegro, signing MoU with the EEA, available at: [<https://epa.org.me/2020/10/26/agencija-za-zastitu-prirode-i-zivotne-sredine-crne-gore-potpisala-memorandum-o-razumijevanju-sa-evropskom-agencijom-za-zivotnu-sredinu/>], Accessed 24 February 2023.

⁷³ MoU, Article 2.

⁷⁴ MoU, Article 1.

exchange of information, the signatories undertook an obligation to exchange experiences and know-how.

The Memorandum envisages no activities that create financial obligations for the signatories, and states that “additional activities are subject to external sources of funding within the Instrument for Pre-Accession Assistance (IPA) and/or other financial instruments”.⁷⁵ Notably, paragraph 3 of Article 7, stipulates that the Memorandum will be terminated or revised “when external sources of funding are not available for the implementation of the above-mentioned areas of cooperation”.

The principle of cooperation is deeply ingrained through Article 5 of the Memorandum, which stipulates that “the contracting parties will jointly prepare and coordinate their activities in the field of public relations in the work that includes this Memorandum of Understanding.” In addition, the EEA will provide the Environment Protection Agency with support at the national level, further solidifying the cooperative spirit of this MoU.

7.3. Forms of cooperation

The cooperation between Montenegro and the EEA takes many forms. Exchange of information is certainly among the key ones. Montenegro receives regular updates and information from the EEA on EU environmental policy developments, best practices, and scientific research. This helps alignment of Montenegrin policies with the EU standards, as well as identification of areas for improvement. This in particular refers to the technical and scientific support Montenegro receives in terms of development and implementation of environmental policies and strategies (*i.e.* air and water quality, waste management, biodiversity conservation, and climate change mitigation and adaptation).

Furthermore, this cooperation also provides the capacity building opportunities for Montenegrin officials and experts in areas such as environmental monitoring, data analysis, and reporting. Montenegro and the EEA collaborate on joint EU-funded projects related to environmental protection, such as the IPA Adriatic-funded project “Towards a joint monitoring programme for assessing the ecological status of the Adriatic Sea” and the Horizon 2020-funded project “Adriatic Ionian Green Ports”. The key areas of these joint projects are improving air quality, waste management, and protecting biodiversity, and they are aimed at helping Montenegro meet the requirements for EU membership.

⁷⁵ MoU, Article 4.

The EEA provides guidance and support to Montenegro for preparing the annual reports on its environmental performance, within the EU accession negotiation process. This is also beneficial to EEA as it collects information necessary to prepare annual reports on the state of the environment in Europe (which are publicly available on its website), as well as other publications, indicators, and assessments.

The last report highlights that Montenegro has made progress in the implementation of environmental policies, but that key environmental problems remain, and these include air and water pollution, land degradation, loss of biodiversity and ecosystems, especially in forest areas and in the coastal zone and poor waste management.⁷⁶ Moreover, it is stated that Montenegro faces significant challenges related to the protection of its marine⁷⁷ and freshwater ecosystems, and that reduction of greenhouse gas emissions and the promotion of sustainable transport should take place. The report emphasises the need for continued efforts to improve environmental monitoring, strengthen environmental governance, and enhance public awareness and participation in environmental decision-making.⁷⁸

Overall, although Montenegro is not a member of the EEA, it has established mutually beneficial and close relations with the agency. This cooperation has contributed to improving the environmental situation in Montenegro and achieving sustainable development goals. The EEA has provided Montenegro with access to the latest scientific data, know-how, and capacity building for effective policy implementation. Additionally, this partnership has provided the EEA with valuable data and insights on the state of the environment in Montenegro and the wider region. This is especially significant given the cross-border nature of environmental challenges and their interconnectedness in the region.⁷⁹

During the last meeting in Copenhagen in October 2022, there was a suggestion made that the Environment Protection Agency of Montenegro has achieved significant results in reporting to the EEA in the field of the environment.⁸⁰ In addition, it is important to emphasise that the transparency of the work of the

⁷⁶ Todić, D.; Vučić, M.; *Environmental Law in Montenegro*, Netherlands, Wolters Kluwer, 2023, p. 21.

⁷⁷ *Ibid.*

⁷⁸ Environment Protection Agency of Montenegro, Information on the state of environment, available at: [<https://epa.org.me/informacije-o-stanju-zivotne-sredine/>], Accessed 25 March 2023; Montenegro, State of the Environment reporting, available at: [<https://www.eea.europa.eu/en/advanced-search?q=montenegro&size=n>], Accessed 24 March 2023.

⁷⁹ See more: *Climate Change and the Future of Europe: Views from the Capitals*, Pollak J.; Kaeding M.; Schmidt P., (eds.), Springer International Publishing, Germany, 2023, p. 146.

⁸⁰ See more: [<https://epa.org.me/2022/10/14/u-kopenhagenu-odrzan-sastanak-predstavnika-agencije-za-zastitu-zivotne-sredine-crne-gore-i-evropske-agencije-za-zastitu-zivotne-sredine/>], Accessed 20 January 2023.

agency and its cooperation with the interested actors in Montenegro (in particular eco activist, grassroots organisation in the field of environment protection, etc.), has been substantially improved in the last few years. Numerous activities have been jointly conducted by the side of mentioned actors, which led to discovery and prosecution of individuals responsible for cases of major degradation of the environment. Illustrative example is the case of devastation of the bank of river Morača. This was caused by decades of gravel exploitation, which has led to the destruction of habitats and the loss of biodiversity, as well as to significant changes in the river's hydrology and sediment transport. The coordinated activities by the Environment Protection Agency of Montenegro and eco activists led to successful action, which stopped the further gravel exploitation that would have a huge damaging impact on the quality of life of local communities and beyond.⁸¹

7.4. The benefits of strengthening of cooperation between Montenegro and EEA

It is critical for Montenegro to build up resilience to climate and disaster risks proactively, whilst at the same time ensuring its own energy security in order to boost the country's potential growth. There are several researches and recommendations that outline the key challenges and solutions on the development path of Montenegro, according to which: a) European Investment Fund resources should be used to stimulate a fast, green and effective transformation of the energy sector. This particularly refers to large regional hydro plants and expensive accompanying infrastructure in the country's northern region; b) Policy-makers should be aware of the momentum that has built up to support a green energy transition and offer favourable investment as well as business conditions to attract European private investors (e.g. to finance solar energy projects); c) Raising public awareness and education in the area of green energy transition and its potential economic benefits is vital.⁸²

While the cooperation between Montenegro and the European Environment Agency has been beneficial, there are still a number of areas also highlighted by the Green Agenda that require attention and enhancement. One aspect that needs improvement is the protection of Montenegro's marine and freshwater ecosystems, which have been identified as a source of significant challenges. Additionally, sus-

⁸¹ Concerted action of the Environment Protection Agency of Montenegro and eco activists in the case of devastation of the bank of river Morača, available at: [<https://www.ecoport.al.me/na-koji-nacin-je-visedecenijska-eksploatacija-sljunka-ostetila-gradane-i-prirodu-crne-gore/>], Accessed 28 March 2023.

⁸² Pollak *et al.*, *op. cit.* note 75, pp. 146-149.

tainable transport remains an area of concern. Montenegro needs to prioritise the promotion of sustainable transport methods to reduce pollution and improve mobility options. This includes investing in infrastructure, enhancing public transportation systems, encouraging active modes of transport such as walking and cycling, etc.

To enhance cooperation between Montenegro and the EEA, several steps can be taken. First, in order to ensure that Montenegro's environmental policies align with EU standards, there should be a continued exchange of information and best practices. This can be achieved through regular updates and communication channels that facilitate the exchange of knowledge and expertise.

Equally important, capacity building initiatives should be expanded to further empower Montenegrin officials and experts in environmental monitoring, data analysis, and reporting. This will enable them to effectively implement and evaluate environmental policies and strategies.

Furthermore, collaborative projects, supported by EU funding, should continue to focus on areas such as air quality improvement, waste management, and biodiversity protection.

In order to achieve further progress, it is crucial to focus on strengthening environmental governance and promoting public awareness and participation in decision-making processes.⁸³ This can be accomplished through the establishment of transparent and inclusive mechanisms that involve eco activists, grassroots organisations, and other stakeholders. Engaging these actors will not only provide valuable insights and perspectives but also foster a sense of ownership and responsibility towards environmental protection.

The successful case of joint efforts between the Environment Protection Agency of Montenegro, eco activists, and grassroots organisations in addressing environmental degradation, such as the devastation of the bank of the river Morača, demonstrates the positive impact of this model of collaboration. Such examples should be encouraged and replicated, ensuring that environmental concerns are effectively addressed and the interests of local communities are safeguarded.

Overall, by strengthening cooperation, Montenegro and the EEA can work together to address the remaining challenges and achieve sustainable development goals. The exchange of information, capacity building, and collaborative projects will contribute to the effective implementation of environmental policies and

⁸³ Drobnjak, R., *Green economy in the Western Balkans, Towards a sustainable future*, Renko S; Pester, A. (eds.), Emerald Publishing, 2017, pp. 395-419.

the protection of Montenegro's natural resources. Moreover, a transparent and inclusive approach to environmental governance will foster public support and involvement in decision-making processes, ensuring the long-term sustainability of Montenegro's environment.

8. CONCLUSION

Deterioration of the state of the environment is the trend that has been going on for years, and efforts made by the biggest world polluters are still too weak to change the general course. The present state of environmental affairs, poses a quest for serious and collective efforts to reverse negative trends. The European Union's Green Deal serves as a compelling model for other countries to emulate in order to effect positive change. Since pollution is a global problem, it requires coordinated action and solidarity among major polluters, with particular attention paid to the most severely affected and fragile regions. The critical question that remains is the extent to which the Union can influence other actors. While setting a positive example is a valuable first step, it is necessary to explore additional measures that can be taken into account.

The European Environmental Agency, as a specialised agency within the EU, is responsible to provide sound and independent information and knowledge on the state of environment and to support the development, implementation and evaluation of EU environmental policies. Although it does not possess executive powers, the EEA plays a vital role in supporting EU environmental policy-making and in promoting sustainable development in Europe. Unfortunately, the importance of this Agency is not sufficiently recognized. Taking the example of analysing the budget for the period from 2013 to 2023, it can be concluded that the allocations of the EU budget, increased only a few million euros, which considering the importance of the Agency's work in the light of ever growing environmental challenges, remains a modest contribution.

Having in mind the importance of information about the state of environment the EEA is collecting and processing, enhancing its role and competencies, is the way EU decision makers can demonstrate a genuine sensitivity toward the environmental challenges. Certainly, it would require more than a political will, but also a devotion and expertise in implementing environmental policies and regulations in the field.

One of the proposals in direction of enhancing the EEA role, would be introducing the system of mandatory control conducted by the member states. It would also require a special fund that could be deployed for special occasions such as

weather disasters, from which funds would be provided to vulnerable countries. Also, the existing legal framework of the Agency dates back to 2009, and therefore it would be desirable to introduce changes and to adapt the functionality of the Agency to the current circumstances.

Furthermore, as highlighted in the article, the “political will” towards enhancing the role and impact of the EEA should also be underpinned by adequate working resources. Here we particularly refer to the sufficient funds and staff in order to carry out its responsibilities, which would allow for effective work in collecting and analysing data, monitoring environmental trends, and providing policy recommendations. This is also closely related to the independence of the EEA in its work and its ability to provide objective advice and recommendations based on scientific evidence. Here we should not neglect the importance of effective coordination among the various EU institutions, agencies, and member states. Coordination will also help to avoid duplication of efforts and ensure efficient use of resources. Lastly, community engagement (involvement of the environmental NGOs, industry groups, citizens, etc.), would be one more important aspect leading to the success of the agency and will help to build transparency, trust and public support for the agency’s work.

Closer examination of Montenegro’s cooperation with European agencies led us to the conclusion of its paramount importance in the accession process and in terms of necessary alignments in the field of environmental protection. The preamble of the Memorandum signed between Montenegro and the EEA acknowledges that the European Union provides unequivocal and constant support to the Western Balkans in their path towards EU membership. Cooperation with the EEA also increases the possibility of accessing the available EU funds, facilitating investments in green technologies and renewable energy sources. Also, in 2018, Montenegro opened Chapter 27 which tackles the environment related issues. Certainly, through the cooperation with the EEA, the process of closing the chapter runs faster and it secures a better quality of the necessary legislative alignments and reforms. Apart from Montenegro, the EEA also signed a memorandum of cooperation with Serbia, Bosnia and Herzegovina, North Macedonia and Albania, expressing its commitment to the development of the Western Balkans and its integration to the EU.

In conclusion, it is important to underline that the European Environment Agency provides for a knowledge base and secures the quality of the integration processes in the field of environment protection for the Western Balkans. It also provides a bright example of the EU cooperation with the Western Balkans in equipping them with the capacities to effectively implement the required reforms,

and therefore, contributes to the general “course/lead of world-wide importance” the EU has taken with the objectives set by the Green Deal.

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