



Independent
Project
Accountability
Mechanism

Assessment Report

Main Roads Reconstruction Project

EBRD Project Number 49075

Case 2024/03

November 2024

The Independent Project Accountability Mechanism (IPAM) is the European Bank for Reconstruction and Development's (EBRD) accountability mechanism. IPAM independently reviews issues raised by individuals or organisations concerning Bank-financed projects that are believed to have caused or be likely to cause harm. The purpose of the mechanism is to facilitate the resolution of social, environmental, and public disclosure issues among project stakeholders; to determine whether the Bank has complied with its Environmental and Social Policy and the project-specific provisions of its Access to Information Policy; and, where applicable, to address any existing noncompliance with these policies, while preventing future non-compliance by the Bank.

For more information about IPAM, contact us or visit www.ebrd.com/project-finance/ipam.html

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Unless otherwise indicated capitalised terms used in this report are those as set forth in the 2019 Project Accountability Policy.

LIST OF ABBREVIATIONS

Abbreviation	Long Form
Board	the Board of Directors of the European Bank for Reconstruction and Development
Case	the consideration of a Request under the Project Accountability Policy following its registration
CAO	the Chief Accountability Officer of the EBRD, and IPAM head
Case Registry	the registry of Cases created in accordance with Section III, Paragraph 3.1 of the Project Accountability Policy, which can be found on the IPAM Webpage
Client	the Client is Transport Administration of Montenegro
Compliance	the IPAM function which determines whether EBRD has complied with its Environmental and Social Policy or the Project-specific provisions of its Access to Information Policy in respect of a Project
EBRD (or Bank)	the European Bank for Reconstruction and Development
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESP	the EBRD's Environmental and Social Policy in force at the time of Project approval
IPAM	the Independent Project Accountability Mechanism of the EBRD established as per the 2019 Project Accountability Policy
IPAM Head	the EBRD Chief Accountability Officer responsible for the running of IPAM, the implementation of the Project Accountability Policy and for making the decisions that are the responsibility of IPAM under said Policy
NTS	Non-Technical Summary
PAP	the 2019 Project Accountability Policy
Parties	the individuals, entities, and/or organisations with a direct interest in a Case. Parties may include (but are not limited to): the Requesters; their Representatives, if any; the relevant Bank department, team, or unit; the Client; and other Project financiers or other entities responsible for the implementation of a Project
Problem Solving	the IPAM function which supports voluntary dispute resolution engagement between Requesters and Clients to resolve the environmental, social, and public disclosure issues raised in a Request, without attributing blame or fault.
PSD	Project Summary Document
President	the President of the EBRD

Executive Summary

The Request¹

On 7 May 2024, the [Independent Project Accountability Mechanism](#) (IPAM) received a Request from 25 residents and one affected business from Lastva Grbaljska and Radanovic, in Montenegro (Requesters). Requesters are members of the Grbalj Bulevar NGO, a registered organization that was set up to raise concerns regarding the road section Tivat - Jaz as part of the EBRD's [Main Roads Reconstruction Project \(49075\)](#) (the Project) in Montenegro. The Requesters allege that the widening of the Tivat-Jaz boulevard will adversely impact their properties and local businesses due to partial expropriation of yards and parking areas. They claim that the assessment of impacts has failed to consider the increased traffic, noise, and risks of accidents that would result from the Project. In addition, they allege poor stakeholder engagement. Requesters expressed interest in Problem Solving and Compliance.

The Project²

The [Main Roads Reconstruction Project \(OP ID 49075\)](#) is a sovereign loan to Montenegro for the benefit of the Transport Administration of Montenegro (the Client). The loan is up to EUR 40 million and was divided into three tranches. Tranche A in the amount EUR 10 million will finance the construction works and works supervision for the rehabilitation of the Rozaje - Špiljani road section. Tranche B in the amount of EUR 15 million will finance the construction works and works supervision for the rehabilitation and upgrade of the Danilovgrad - Podgorica Road section. Tranche C in the amount of EUR 15 million will finance the rehabilitation and upgrade of the Tivat - Jaz road section. From the environmental and social perspective, the three road sections have been categorised by the Bank as follows: Rozaje - Špiljane road section is Category B, while Tivat - Jaz and Danilovgrad - Podgorica Road sections are both Category A under 2014 Environmental and Social Policy. The loan is currently being repaid by the Client.

IPAM Process

The Request was registered by IPAM on 28 June 2024 under [Case 2024/03](#) initiating the Assessment stage that was conducted until November 2024 in accordance with the [2019 Project Accountability Policy \(PAP\)](#). IPAM undertook an in-depth analysis of the Request and reviewed the additional documentation provided by the Parties, held online meetings with the Bank team responsible for the Project, representatives of the Client, and the Requesters and conducted a site visit to Montenegro for in person meetings with Parties during 25-27 September 2024.

Conclusion and Next Steps

Based on the activities undertaken during the Assessment stage and given the contrasting views of Requesters and the Client on options to address the issues and the express interest of the Requesters to have their Case considered under Compliance, IPAM has determined that a Problem-Solving Initiative is not feasible.

As per 2.3 (c) of the 2019 PAP, the Assessment Report is submitted to the Board and the President for information and the Parties are notified of its disclosure in the virtual case file [Case 2024/03](#) in both English and Montenegrin. After which the [Case 2024/03](#) will be transferred to the Compliance function, where the relevant team will assess it to determine if it is eligible for a Compliance Review based on the criteria set in the PAP. IPAM wishes to thank the Requesters, the Client, Bank management and the other stakeholders for their time and inputs provided during the Assessment stage.

¹ The Request is available [here](#)

² EBRD's Project Summary Document is available [here](#)

1. Background

1.1. The Request³

On 7 May 2024, IPAM received a Request from 25 households and one business owner from Lastva Grbaljska and Radanovic (the Requesters), in Montenegro. Requesters are members of NVO Grbalj Bulevar, a registered organization created to raise concerns regarding the road section Tivat - Jaz as part of the EBRD's [Main Roads Reconstruction Project \(49075\)](#). Requesters who have properties along the road in Lastva Grbaljska and Radanovic allege that the widening of the Tivat-Jaz boulevard from two lanes to four lanes is adversely impacting their houses, land plots and local businesses due to partial expropriation. In their view this section already experiences high levels of traffic and by widening it, this will lead to road accidents, air pollution, impacts on biodiversity and people's health. Requesters claim poor impact assessments with little consideration for the people who live in the area and allege lack of transparency and limited stakeholder engagement.

Requesters shared with IPAM that discussions around widening the road began nearly nine years ago and they have consistently voiced their objections to the Project. However, despite their ongoing efforts, only minor requests have been addressed, leaving most of their concerns unresolved, and they are now being forced to accept the Project that endangers their properties and quality of life.

The Request is summarised below in **Table 1** which broadly raises the following issues:

Issues raised	Allegations	Related PRs
Inadequacy of Stakeholder Engagement	<ul style="list-style-type: none"> Lack of transparency and poor stakeholder engagement No public discussion about the project design Community objections have been disregarded and the project is being imposed which is against the community's interests and well being Fears and concerns of the local community are growing by each day as the construction of the Tivat-Jaz boulevard is progressing 	PR10
Poor impact assessments	<ul style="list-style-type: none"> Absence of valid assessment studies which had to be presented to the public Poor impact assessment will lead to increased traffic, noise, vibration and accidents Environmental assessments overly focused on biodiversity, with little consideration for the people who live in the area and associated impacts Increased traffic will lead to air pollution; impacts on biodiversity and people's health 	PR1 PR3
Impacts of traffic and risk of accidents	<ul style="list-style-type: none"> A road doubled in size will increase traffic on this already heavily traffic burdened road section Tivat - Jaz An alternative road through the mountains (the Adriatic-Ionian expressway) should be built to divert the traffic from this densely populated area A change in road design is needed to make a three-lane road instead of four, wherever feasible in residential areas Lack of pedestrian crossings at the roundabout near the local school in Radanovic High traffic flow from Pelinovo and Radanovic raises safety concerns 	PR1 PR4

³ The Request is available in the case summary at: [Case 2024/03](#)

	<ul style="list-style-type: none"> • Lack of proper infrastructure around the road, such as pathways, water drainage, sewage, electricity, and street lightning • The use of EBRD funding is not justifiable as the Project does not address traffic jams entering Tivat, Budva, and Kotor 	
Impacts on private property	<ul style="list-style-type: none"> • Impacts on private property and local businesses due to expropriation of parking space in front of houses and local restaurants • Demolition of residential houses and expropriation • Private yards and gardens are being excavated up to the entrance of residents' homes 	PR1 PR5

1.2. The Project and its Current Status⁴

The [Main Roads Reconstruction Project \(OP ID 49075\)](#) is a sovereign-guaranteed loan up to EUR 40 million to Montenegro for the benefit of the Transport Administration, the EBRD Client. The loan is divided into three tranches. Tranche A in the amount EUR 10 million will finance the construction works and works supervision for the rehabilitation of the Rozaje - Špiljani road section. Each of Tranche B and Tranche C in the amount of EUR 15 million will finance the construction works and works supervision for the rehabilitation and upgrade of the Danilovgrad - Podgorica road section and Tivat - Jaz road section. The Project consists of 3 components:

- Section 1: Rehabilitation of the Rozaje-Spiljani road section (approx. 20km). Board approved on 1 November 2017 and signed on 7 December 2017;
- Section 2: Rehabilitation and upgrade of the Danilovgrad - Podgorica road section (approx. 15km). Board approved and committed on 13 December 2019; and
- Section 3: Rehabilitation and upgrade of the Tivat-Jaz road section (approx. 16km), the commitment in the amount of EUR 15 million, was approved by the Board on 29 June 2021. This section is the one relevant to the Request received by IPAM.

The Tivat to Jaz main road (the M-2) is situated at the coastal region of Montenegro and involves widening the existing two-lane road to create a four-lane road with two-lanes in each direction (each lane being 3.25 m wide). The upgraded road will include a 2m wide central reservation as well as 2m wide sidewalks and a vegetated verge. Also, the road section includes the reconstruction and widening of the existing road from two to four lanes over 10km from Tivat to Jaz.

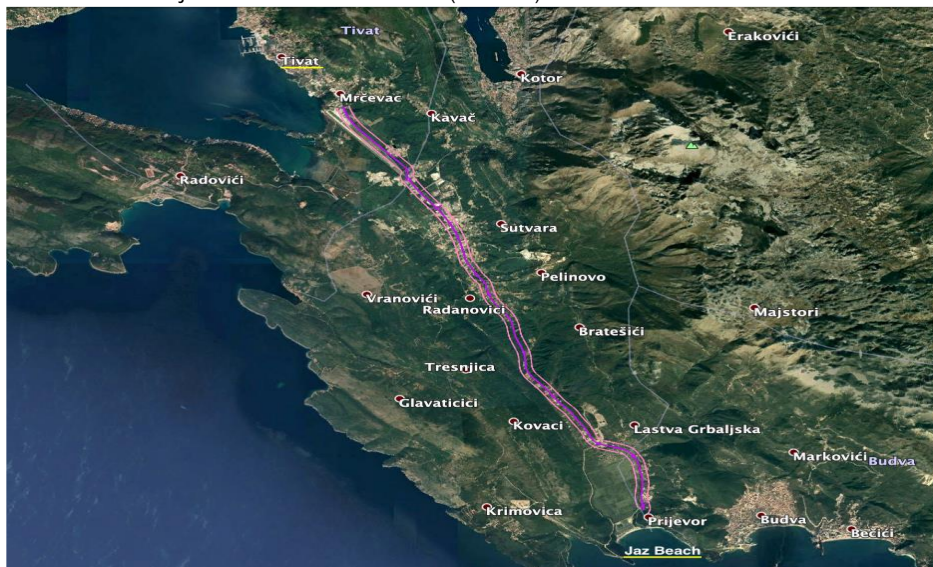
As the widening of the existing road will require additional land, varied levels of land expropriation will be encountered in the following 20 Cadastral Municipalities (CMs): Prijevor I and Prijevor II (Municipality of Budva), Dub, Glavati, Gorovici, Kavac, Kovaci, Kubasi, Ljesevici, Naljezici, Pelinovo, Pobjrdje, Prijeradi, Sisici, Sutvara, Vranovici, Lastva, Privredna zona (Municipality of Kotor), and Mrcevac and Djurasevici (Municipality of Tivat). Socio-economic surveys undertaken for the Project identified that approximately 106 households and 102 businesses are situated within 50 metres either side of the road, which is where the impacts of the new road are expected to be most significant.

From the environmental and social perspective, the three road sections have been categorised by the Bank as follows: Rozaje - Spiljane road section is Category B, while Tivat - Jaz and Danilovgrad - Podgorica road sections are both Category A under 2014 ESP.

The Project is part of a wider programme to rehabilitate twelve main road sections, with a total length of approximately 216.3 km, of Montenegro's main roads network, which will be parallel financed by the European Investment Bank (EIB).

⁴ The information is sourced from the EBRD's Project Summary Document available [here](#) and the Non-Technical Summary available [here](#)

Figure 1 – Location of the Project Tivat to Jaz main road (the M-2)



Source: Non-technical Summary

1.3. Case Processing to Date

The Request was registered by IPAM on 28 June 2024 as [Case 2024/03](#) it met the criteria for Registration established in Section 2.2 (b) of the PAP, and none of the exclusions set in Section 2.2.(c) of the PAP applied. The registration of a Request is an administrative step⁵ establishing that the following criteria have been met:

- all mandatory information has been provided;
- issues raised relate to specific obligations of the Bank under the Environmental and Social Policy and/or the project-specific provisions of the Access to Information Policy.
- it relates to a Project that the Bank has approved; and
- the Request is related to an active Project or is submitted within 24 months of the date in which the Bank has ceased to have a financial interest in the Project.

2. Assessment Stage

Immediately after registration, the Request was transferred to the Assessment Stage as established in para. 2.3 of the 2019 PAP, to:

- develop a clear understanding of the issues raised in the Request;
- discuss the Problem Solving and Compliance functions with the Parties, their scope, and outcomes;
- assess the Parties' willingness to engage in each function;
- consider the updated status of other grievance resolution efforts, if applicable; and
- make a final determination with three alternative outcomes:
 - the Case could proceed to Problem Solving, based on the agreement of the Requesters and the Client; or
 - the Case would be transferred to Compliance Assessment if no agreement to pursue Problem Solving is reached and the Requesters would have expressly asked for this; or
 - the Case would be closed.

The Assessment stage has a standard duration of 40 business days from the date of the Request registration which might be extended to ensure robust processing or if translation of documents is

⁵ Registration of a Request does not involve a judgement on the merits, truthfulness, or correctness of its content. Nor does it have the effect of suspending the Bank's interest in a Project.

required as per the PAP. The Assessment was initiated at the end of June 2024 and had to be completed at the end of August 2024. However, due to key stakeholders' limited availability during August 2024, to ensure full and proper processing of the Case, IPAM conducted a site visit to Montenegro during September 2024, had virtual follow up engagement with Parties in October 2024 and finalized the Assessment stage in November 2024.

In line with the approach established in the PAP (see section 2.3), the IPAM team undertook the following activities during the Assessment stage:

- revision of relevant Project documents;
- meetings with the Bank team responsible for the Project, representatives of the Client, and the Requesters; and
- Site visit to Montenegro.

3. Site Visit

The IPAM team visited the Project site during 25-27 September 2024 for in person meetings with Requesters, the Client and the EBRD's Project team in Montenegro. IPAM met in Podgorica with Client representatives: project manager, independent advisor, social, environmental and expropriation specialists. In addition, IPAM met with members of the EBRD Project team in the Bank's Resident Office in Podgorica: the head of the office and the operation leader and two social specialists joined virtually from the EBRD's headquarters in London.

Additionally, IPAM toured the section relevant to the Request accompanied by a group of approximately 20 residents and business owners that are affected by the Project. The pictures⁶ below provide photographic testimony of the status of the Project at the time, as well as of a selected number of impacted properties. The construction works had started at the time of the visit.



⁶ All photographs in this section were taken by IPAM during the site visit in September 2024.



Road expansion works near house



Road expansion works in Radanovic



Meeting with Requesters affected by Project



Front garden subject to expropriation



Front yard subject to expropriation



Front garden subject to expropriation



Property subject to expropriation



Property subject to expropriation



Restaurant parking subject to expropriation, Lastva
Grbaljska



Restaurant parking subject to expropriation, Radanovic



Restaurant parking subject to expropriation, Lastva Grbaljska



IPAM meeting with affected owners, Radanovic



Radanovic school located along to road



Underground crossing in front of Radanovic school

4. Summary of the Parties' Views

This section provides the views of the Requesters, the Client, and Bank management as captured by IPAM during meetings. Prior to finalising this Report, to ensure that the information included herein is accurate, IPAM shared with Parties relevant sections and considered their comments when finalizing this Report.

4.1. Requesters

During the Registration and Assessment stages (May 2024 – November 2024) the IPAM team engaged in three virtual meetings with Requesters on 4 June 2024, 29 July 2024, and 30 September 2024 and exchanged information via email. Additionally, IPAM met with several about 20 Requesters in person during the site visit.

The Requesters shared that since 2016, they have engaged extensively with local authorities in Kotor, the EBRD Client and central government authorities raising concerns around the expansion of the road from two to four lanes.

They commented that the Tivat-Jaz road is the busiest road in Montenegro, especially during the summer season when around 40,000 vehicles pass on a daily basis. Although not opposed to the road's reconstruction, they argue that the expansion of the road does not address the traffic problem entering Tivat, Budva, and Kotor.

Requesters also explained that most of them own residential properties along the road in Lastva Grbaljska and Radanovic and rent out apartments to tourists during the summer season. Due to the

expansion of the road, they fear that would lose part of their yards and parking space in front of their properties, which would adversely affect their income by reducing tourists' access to their properties.

In addition, Requesters explained that along the road in Lastva Grbaljska and Radanovic there are several restaurants which would lose parking space due to the road expansion. It is the consideration of the restaurant owners that if customers can't park their cars near the restaurants their businesses will suffer.

Furthermore, Requesters raised concerns regarding the lack of drainage system along the road which is impacting their properties due to floodings during heavy rainfall. They also raised the issue of lack of street lightening and asked for this to be provided under the Project.

During the visit, they raised concerns about the proximity of certain houses to the expanded boulevard. They are particularly worried about the increased noise, vibration, and pollution as well as road safety for pedestrians. They pointed out to poor environmental assessments which in their view were overly focused on biodiversity, with little consideration for the people who live in the area and associated impacts.

Further, Requesters emphasized that many residents have properties on both sides of the road, and they regularly walk from one to the other. Also, there are shops and agricultural land and to be able to safely cross from one side to the other, there is a need for overpasses or underpasses.

Among their proposals, they asked for the review of the pedestrian safety measures and the impact of the boulevard's construction on the health and wellbeing of residents due to increased traffic and pollution. They claim that were not consulted, and these issues were not discussed.

In addition, the Requesters claim that the local primary school in Radanovic is situated at the narrowest part of the road, and it is unclear to them how the road will be expanded there. Requesters pointed out to the lack of pedestrian crossings at the roundabout near the school and a high traffic flow from Pelinovo and Radanovic, which raises safety concerns.

Requesters are hoping for amendments in the road design at various critical points, and identifying alternative solutions that will avoid the demolition of buildings adjacent to the road. They particularly suggested the option of a three-lane road instead of four, wherever feasible. They emphasized the necessity of including pedestrian crossings between roundabouts and ensuring that proper infrastructure is in place around the road, such as pathways, water drainage, sewage, electricity, and street lightning.

Among the many options suggested, the residents proposed building bypasses to divert traffic away from residential areas towards the mountains, as they consider the construction of the Adriatic-Ionian highway a better option for improving the road traffic in the area.

Finally, Requesters hoped that through Problem Solving they would be able to influence the design of the road to make it a three-lane road instead of four, wherever feasible. After learning that the Client is not able to change the road design, Requesters expressed interest in IPAM's Compliance function and demanded that the EBRD environmental and social standards be applied as they believe this would be the only way to ensure sustainable road infrastructure in their community.

4.2. Client

IPAM met virtually with representatives of the Transport Administration of Montenegro on 17 July 2024, met in person in their office in Podgorica on 26 September 2024 and exchanged information via email. During the in-person meeting in the Transport Administration office Podgorica, IPAM met with the project manager, independent advisor, and social, environmental and expropriation specialists.

The Client explained that the preparation works for the construction of Tivat - Jaz Road were initiated in 2015, the design phase started in 2016 and construction in 2023. They added that extensive

consultations have been conducted with the municipalities of Tivat, Kotor, and Budva, including numerous meetings with communities and local individuals to address and mitigate their concerns.

In the view of the Client, the Project adheres to local regulations of Montenegro and EBRD requirements. The Client shared that both a detailed Environmental and Social Impact Assessment and a road safety audit have been conducted, and monitoring of air and noise pollution has been carried out.

The Client explained that the road sections passing through residential areas in Radanovic and Lastva Grbaljska including the local school in Radanovic are the most complex, however, they emphasized their commitment to resolving the issues raised in a constructive way and within the scope of the Project.

According to the Client, major alignment changes to the road would not be possible, however, minor adjustments and additional mitigation measures could be feasible to minimize Project impacts caused by expropriation and economic displacement. The Client firmly believes that the current layout will significantly improve both road and pedestrian safety.

In addition to the road expansion, the Client explained that the Project envisages the construction of rainwater drainage, concrete drains, oil separators, as well as street lighting. They added that 11 roundabouts will be built along this section, some of which would be fast track roundabouts, which are aimed at improving the general traffic but also limiting transport speed in residential areas.

Finally, the Client expressed that they are willing to discuss specific issues with individual households in an IPAM led Problem Solving to find amicable solutions and mitigation measures while adhering to local regulations, roads safety standards and EBRD requirements. However, they informed IPAM that there is no possibility of contemplating a change in route, nor of a narrower road to avoid expropriation.

4.3. EBRD Management

IPAM held one virtual meeting with EBRD Management on 19 July 2024, met in person at the EBRD's Resident Office in Podgorica on 26 September 2024 and communicated via email regarding the Request submitted to IPAM. In addition, Bank management submitted a written response to the Request on 22 July 2024. The summary below is based on Bank management written response as well as the information gathered by IPAM during our meeting with the Head of the EBRD's office in Podgorica and the Operation Leader.

Bank management informed IPAM that the rehabilitation and widening of the road section from Tivat Airport to Jaz Beach (approximately 16 km) is a significant infrastructure project for the coastal area of Montenegro which is the most congested road in the country particularly during the summertime. According to Bank management, the investment was necessary to provide better service to road users as expected from a national road and to further promote Montenegro's tourism sector.

Bank management explained that the Project involves expanding the road from a two-lane to a four-lane, with roadside kerbs, paved footways, and a grass-planted central reservation, with addition of seven road bridges, four culverts, one footbridge, 11 new roundabout junctions, and the reconstruction of two existing roundabouts. They added that the Project will include resurfacing, improved road camber, and an upgraded stormwater drainage system along the route.

In the discussions with IPAM, Bank management shared that the Project is going to improve road safety around the local school in Radanovic by rehabilitating the existing underpass, construction of bus stops and pedestrian crossings at roundabouts and intersections, as well as road lighting along the entire route.

Bank management explained that since the Project has been categorised as Category A, a full Environmental and Social Impact Assessment has been carried which benefited from a 120-day public disclosure period and public consultations.

Regarding social impacts, Bank management shared that the Client has prepared a Land Acquisition and Resettlement Framework, followed by a detailed Land Acquisition and Resettlement Plan, in line

with ESP's Performance Requirement 5. Bank Management stated that limited physical and economic displacement is expected under the Project - two households will require resettlement and additional households would lose parking areas, gardens, and agro-pastoral assets that fall within the new road footprint. Bank Management added that no major business buildings are within the expropriation corridor and that access to properties will be maintained.

In the view of Bank management, extensive stakeholder engagement has been conducted since the start of the Project design. A total of 22 community meetings have been organized to consult on the Environmental and Social Impact Assessment and the Expropriation Study. The Project team shared that during stakeholder engagement, community members raised concerns regarding access, disruptions due to construction, land acquisition, and safety impacts for pedestrians. Bank management indicated that the concerns raised were addressed in the Project's Environmental and Social Management Plans and that the Client is currently actively engaging with affected households to resolve all grievances.

Regarding road safety, Bank Management stated that a Road Safety Audit was conducted for the Tivat-Jaz section, and the recommendations were shared with the road designers to ensure they were incorporated into the final design.

Finally, Bank management expressed their full support and commitment to collaborate closely with IPAM and the Client in resolving the Requesters' concerns.

5. Assessment Determination

Based on the Assessment activities undertaken in relation to [Case 2024/03 Main Roads Reconstruction Project](#), made the following determinations:

- As required by the PAP, IPAM confirms that, after an in-depth analysis of the concerns raised, the Request meets the Registration criteria set in the PAP and the case should continue its processing;
- However, given the contrasting views of Requesters and the Client on options to address the issues and the express interest of the Requesters to have their Case considered under Compliance, IPAM has determined that a Problem Solving Initiative is not feasible.

6. Conclusion and Next Steps

Given the Assessment determination, [Case 2024/03](#) is to be transferred to the Compliance function, where the responsible team will assess it to determine its eligibility for a Compliance Review based on the criteria set in the PAP for a Compliance Assessment.

IPAM wishes to thank the Requesters, the Client, Bank management and the other stakeholders for their time and inputs provided during the Assessment stage.

Prior to finalisation of this Assessment Report, relevant sections were shared with the Parties to ensure that their perspectives have been accurately described. As final step of the Assessment stage, once the Parties have been notified, the Report is submitted to the Board and the President for information and disclosed in the virtual case file [Case 2024/03](#) in both English and Montenegrin.