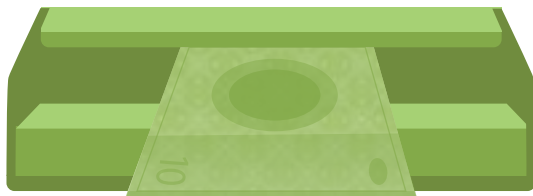


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Shadow Report on Chapter 27
Environment and Climate Change

March 2018 – February 2019



KOALICIJA27

CHAPTER 27 IN SERBIA:

MONEY TALKS

**Shadow Report on Chapter 27
Environment and Climate Change**

March 2018 – February 2019



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IMPRESSUM

© Coalition 27 (2019) Chapter 27 in Serbia: Money talks

Publisher: Belgrade Open School
Bird Protection and Study Society of Serbia

Editor: Milena Antić

Authors: Belgrade Open School, Bird Protection and Study Society of Serbia, Climate Action Network Europe (CAN Europe), Environment Engineering Group, Environment Improvement Centre, RES Foundation, Safer Chemicals Alternative, Young Researchers of Serbia and the World Organization for Nature (WWF)

Translator: Ana Panić

Proofreader: Paul Murray

Design: New Vector

Print: Copy planet, Beograd

Circulation: 300

Belgrade, 2019.

CIP - Каталогизација у публикацији
Народна библиотека Србије, Београд

340.137:502.14(4-672EU:497.11)

CHAPTER 27 in Serbia: money talks : shadow report on chapter 27 environment and climate change : march 2018 - february 2019 / [authors Coalition 27 - Belgrade Open School ... et al.] ; translator Ana Panić]. - Belgrade : Belgrade Open School : Bird Protection and Study Society of Serbia, 2019 (Beograd : Copy planet). - 83 str. : ilustr. ; 22 cm

Izv. stv. nasl.: Poglavlje 27 u Srbiji. - Tiraž 300. – Prilozi: str. 84-115. - Napomene i bibliografske reference uz tekst. - Bibliografija: str. 82-83.

ISBN 978-86-81402-10-8 (BOS)

а) Животна средина – Хармонизација – Европска унија – Србија
COBISS.SR-ID 276102156

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INTRODUCTION

The report *Chapter 27 in Serbia: Money talks* is the 6th annual report that tackles important developments in the area of environmental protection and climate change in detail. This Coalition 27 reports primarily addresses the topics related to Chapter 27 discussed at the EU accession negotiations between March 2018 and February 2019 and as such it follows the annual report publication of the European Commission.

Even though it seemed that the establishment of the Ministry of Environmental Protection back in 2017 would result in an accelerated transposition of EU legislation into domestic legislation, with respect to Chapter 27 (an obligation of the Republic of Serbia on its path to European integration), as well as in better implementation, i.e., improvement of environmental protection and protection of human rights to safe, clean, healthy and sustainable environment, that did not happen.

Negotiating Chapter 27, although announced, had not commenced by time of writing this report; it is expected to be open by the end of this year. A slight improvement has been made in the area of environmental protection legislation and implementation, whereas many things are yet to be actualized. For example, neither the Air Quality Strategy nor the Nature Conservation Strategy has been passed, whilst the Law on Climate Change has not yet gone through a process of pre-legislative procedure. Even though the funds allocated to environmental protection and climate change in 2018 are far from sufficient, it is worrying that the Ministry of Environmental Protection spent only 52.62% of funds for their work in 2018. If we also consider the fact that the Green Fund is still inoperative as well as the fact that the purpose of the funds collected on the basis of environmental protection fees has been cancelled, we are led to believe that the environment (still) does not represent a priority to the Government of the Republic of Serbia.

Coalition 27 was established by civil society organizations in 2014 primarily for the purpose of monitoring and contributing to negotiations relative to Chapter 27. Today the members of Coalition 27 are nine organizations: Safer Chemicals Alternative, Belgrade Open School, Bird Protection and Study Society of Serbia, Climate Action Network Europe (CAN Europe), Environment Improvement Centre, Environment Engineering Group, One Degree Serbia, Young Researchers of Serbia and The World Organization for Nature (WWF).

The report covers altogether nine thematic areas: horizontal legislation, air quality, waste management, water quality, nature conservation, chemicals management, noise and climate change. Given the fact that forestry has a major impact on numerous areas in the environment (nature conservation, climate change, etc.), we have decided to provide an overview of these areas in this report (in the same way as in the previous one). The report does not tackle civil protection issues neither industrial pollution and risk management. Each thematic area analyses the events on development in politics and legislation, implementation of regulations and funding and thus provide guidelines on the enhancement processes. In particular, we have highlighted and analyzed general trends in the field of financing regarding environ-

mental protection and climate change.

The report also contains two appendices: (1) a comparative table of recommendations set out in the previous Coalition 27 report and this year's report; and (2) an explanation of methodology and a list of authors (organizations) for each area separately.

We would like to express our gratitude to RES Foundation, which prepared the appendix on air quality, the Serbian Association of Recycling of Packaging Waste and the Waste Industry Association of Serbia "Brave Cleaner" for their contributions to the preparation of the waste management chapter.

FINANCING IN THE FIELD OF ENVIRONMENT AND CLIMATE CHANGE

OVERVIEW

Funding in the field of environmental protection and climate change has been identified as one of the key issues in the environmental management system as set out in several strategic documents of the Republic of Serbia, and the need to improve the funding system is recognized by all relevant participants in society, including government institutions and civil society organizations.

Since the Ministry of Environmental Protection was established, one of the priority topics, along with EU integration and Chapter 27, is most certainly funding. However, only slight progress was made in this area over the course of 2018.

Pursuant to the Law on the Budget of the Republic of Serbia for 2018¹, the Ministry of Environmental Protection received funds in the total amount of RSD 5,858,551.000, of which, RSD 2,995,000.000 was allocated to the Green Fund, whilst the amount of RSD 2,863,551.000 was assigned to the Ministry. Following subsequent budget reallocations, the total amount of funds for the work of the Ministry of Environmental Protection increased by RSD 5,991,865.067 – RSD 2,688,400,000 was allocated to the Green Fund and RSD 3,303,465.067 to other budget lines of the Ministry.

Bearing in mind the state of the environment, as well as the planned goals regarding European integration and the announced opening of Chapter 27, the presented data are quite worrying and alarming, and thus points to the fact that the environment (still) does not represent a priority to the Government of the Republic of Serbia. Additionally the funding system in the field of environmental protection and climate change is far from functional. The key problems that cause the failure of this funding system are: an inoperative Green Fund, abolishment of specific-purpose funds collected based on environmental protection fees and insufficient allocation of funds from the budget of the Republic of Serbia.

According to the data on budget allocations published in the Ministry of Environmental Protection Information Booklet², RSD 2,411,308.914 was spent by the Green Fund **budget**, which is about 89.69% of the money allocated by the Ministry's budget to the Green Fund, out-of which 81.32% was spent as an incentive to the recycling industry. **The Ministry of Environmental Protection** has spent RSD 1,738,118.295, i.e. 52.62% of the planned budget for this year. Given the fact that the realization of total allocated funds is significantly lower compared to the one originally planned by the 2018 Budget Law, it remains unclear as to why certain reallocations were made, and especially why the overall budget of the Ministry was increased.

The presented data indicates an apparent lack of capacity relative to long-term planning and implementation of policies and projects, as well as absorption of avail-

1 "Official Gazette of the Republic of Serbia", No.113/17

2 http://www.ekologija.gov.rs/wp-content/uploads/informator/IZVR%C5%A0ENJE_BUD%C5%BDETA.pdf

able funds since the Ministry did not use this budget which has been, according to many estimates, insufficiently spent both on necessary measures and environmental conservation projects.

In the area of **financing activities (projects) of civil society organizations** in 2018, significant progress was made in the process of planning and diversifying thematic areas for the co-financing of projects. Furthermore, significant progress was also made in the allocation of funds by the Ministry of Environmental Protection to the civil society. According to the Law on the Budget of the Republic of Serbia for 2018, RSD 35 million was allocated to provide support to civil society projects in the field of environmental protection, whereas in 2019 this amount was increased by RSD 50 million. These funds are allocated from the principal budget for the Green Fund. However, based on the list of awarded grants, the impression is that the funds continue to be allocated in a way that more organizations receive small amounts of support; which can be deemed as the least effective method of resource disbursement. In addition, the procedure relative to the call for bids and allocation of funds is extremely long, for which reason the project implementation timeframe is limited to a few months. In the event of nature conservation projects, such dynamics significantly complicate implementation, and often disable the projects' realization.

In June 2018, the independent government body called the Fiscal Council published a document "*Investments in Environmental Protection: Social and Fiscal Priority*"³. In this document, the Fiscal Council **estimates that a strong increase in investment in environmental protection is a budgetary priority in 2019 and subsequent years**. The estimated annual increase in the budget allocation for environmental protection totals around 1.2-1.4% of GDP (around 500 million euros). According to the Fiscal Council's assessment, with the increase in budgetary allocations, the reform of local public finances and local public enterprises is also needed. The public companies of the Republic of Serbia, especially EPS (Electric Power Industry of Serbia) should also strongly increase their environmental investment – for which reason their reform is necessary. Despite the recommendations of the Fiscal Council to allocate RSD 14.4 billion to the protection of the environment in 2019, the budget for 2019 predicts a much lower total – a little over one billion dinars (RSD 1.3 billion).⁴

Lack of capacity for long-term planning and implementation of policies and projects is also directly related to the lack of employees in the environmental protection sector, whether in administrative, inspection, engineering or economic-planning work places. Despite the new systematization of jobs created after the formation of the Ministry of Environmental Protection in 2017, which envisaged an increase in the number of employees, this was not realized in 2018.

The theme of financing environmental protection and climate change became a current media and daily political theme after the promotion of the Shadow Report of the Coalition 27 in May 2018 and the publication of the Fiscal Council document in June 2018. Unfortunately, the attention paid to this problem, as well as all analyses and

3 <http://www.fiskalniasavet.rs/doc/eng/FC%20-%20Investments%20in%20environmental%20protection.pdf>

4 Source: Fiscal Council, Evaluation of the Draft Budget Law 2019; http://www.fiskalniasavet.rs/doc/eng/Summary_%20Assesment-of-the-Budget-Proposal-for2019.pdf

recommendations did not have a major impact on the decisions of the Government of Serbia and on the improvement of the operation of the Ministry of Environmental Protection. A large number of decisions related to financing in the fields of environmental protection and climate change are made in an insufficiently transparent way.

LEGISLATIVE FRAMEWORK

The Green Fund's inoperability has been the subject of our previous Reports⁵ and, since the moment of its establishment in 2016, minimal progress has been made.

The abolition of the dedicated character of the funds collected from environmental protection fees is the result of the Law on the Budget System of the Republic of Serbia from 2015. The Law on Fees for the Use of Public Goods, which includes environmental protection fees, was passed in December 2018⁶. The said Law confirmed abolition of the dedicated character of the funds and enabled the use of money from environmental protection fees for purposes other than environmental protection. As a result, this economic instrument is rendered senseless due to the fact that it is based on the "polluter pays" principle.

Amendments to the Law on Environmental Protection⁷ in October 2018 did not make significant progress in the field of financing. The Green Fund remains inoperative due to missing subordinate legislations, but the description of the activities financed by the Green fund has been changed. Activities in agriculture that can potentially have a negative impact on the environment are being included and the obligations of IPARD users to meet the appropriate environmental conditions have been introduced. Considering that in the explanation of the Law it is stated that its implementation will not require additional financial resources, the question is how the implementation of the prescribed conditions for users of IPARD funds will be monitored when the insufficient capacities of the inspection will not be addressed. Moreover, amendments were made regarding the co-financing of IPA projects from the Green Fund:

21) preparation and co-financing of projects financed by EU pre-accession assistance in accordance with Article 89, paragraph 3 and 4 of this Law, as well as unforeseen expenses related to the realization of these projects;

21a) co-financing of projects financed by international development assistance and other financial resources that require co-financing;

The funds of the European Union referred to in paragraph 2 of this Article shall be used for financing projects in accordance with the accredited European Union funds management system.

5 Coalition 27 (2017): Chapter 27 in Serbia: Still Under Construction; Coalition 27 (2018): Chapter 27 in Serbia: No - progress Report

6 "Official Gazette of the Republic of Serbia", No. 95/2018

7 "Official Gazette of the Republic of Serbia", No. 135/2004, 36/2009, 36/2009 – state law, 72/2009 – state law, 43/2011 - decision US, 14/2016, 76/2018 and 95/2018 – state law

Financing of infrastructure projects is done on the basis of a unique list of priority projects, in accordance with the methodology for selection and prioritization of infrastructure projects.

This practically means that the funds used for co-financing these projects will be allocated from the Green Fund without public calls and in an insufficiently transparent manner.

RECOMMENDATIONS

- Adopt bylaws that will increase the operation of the Green Fund.
- Enable the return of the dedicated character of funds collected from environmental protection fees by amending the Law on the Budget System and the Law on Fees for the Use of Public Goods.
- Increase allocation from the budget of the Republic of Serbia to environmental protection sector.
- Increase the number of employees in the field of environmental protection in accordance with the appropriate Law (systematisation) and needs.
- Envisage a measurable and comprehensive monitoring and reporting system on investment funds (from the budget, funds, IPA, bilateral donations) in the field of environmental protection and climate change.
- Increase the capacity of the Ministry of Environmental Protection relative to assessment of needs and work goals, short-term and long-term planning of activities, absorption of funds from pre-accession funds and adequate implementation of projects.

FINANCING IN THE FIELD OF ENVIRONMENT AND CLIMATE CHANGE

* Source the Fiscal Council

The estimated annual increase in the budget allocation for environmental protection is about

oko 1,2-1,4% of GDP

(about RSD 59,500,000,000/500million Euros).



Law on the Budget of the Republic of Serbia for 2018 - the Ministry of Environmental Protection received funds in the total amount of RSD 5,991,865.067.

RSD 2,688,400.000 was allocated to the Green Fund - RSD 3,303,465.067 to other budget lines of the Ministry.

Ministry of Environmental Protection Information Booklet for 2018 - budget execution data - the Ministry spent

52,62% of the planned budget



Of the money allocated by the Ministry's budget to the Green Fund 89.69% was spent, out of which 81.32% was used as an incentive to the recycling industry.

01. HORIZONTAL LEGISLATION

OVERVIEW

The third revised version of the National Program for the Adoption of the EU Acquis (NPAA) for 2018 foresees the adoption of a series of laws and bylaws in order to harmonize the horizontal legislation with EU directives. Concluding with the date this report was written, only a small number of laws and by-laws were adopted.

The Government of the Republic of Serbia did not allow additional funds for the recruitment of new experts to be received by the institutions that are members of the Negotiating Group 27, therefore they were not able to strengthen their administrative capacities for the transfer and implementation of the legal framework of the European Union⁸.

In 2018, the interested public participated in a number of decision-making and policy formulation processes, with varying success. The involvement of the interested public in the drafting of amendments to the Law on Environmental Impact Assessment⁹ and the Law on Strategic Environmental Impact Assessment¹⁰ is set as a positive example of the timely involvement of the public. On the other hand the space for public participation in development of other relevant documents, such as the National Emission Reduction Plan, was limited.

Environmental inspection continues to be a problem due to its limited capacity for quality implementation. Judicial practice in environmental matters is still under-developed, as evidenced by the growing number of registered environmental crime offenses on one hand, and the declining number of convictions for the same crime, on the other.

LEGISLATIVE FRAMEWORK

The adoption of the Law on the Confirmation of the Multilateral Agreement between the Countries of South-East Europe for Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Bucharest Agreement)¹¹, adopted by the National Assembly of the Republic of Serbia in September 2018, partially transposes the Directive 2011/92/EU into domestic legislation. In order to fully transpose Directive 2011/92/EU on Environmental Impact Assessment into domestic legislation, it is necessary to adopt the Decree on Amendments to the Decree on the Establishment of List (I) of projects for which Impact Assessment is obligatory and the List (II) of projects for which an environmental impact assessment can be required. According to the third¹² revised National Program for the Adoption of

8 Report on the implementation of NPAA <http://www.mei.gov.rs/srl/dokumenta/nacionalna-dokumenta/npaa>

9 "Official Gazette of the Republic of Serbia", No. 135/2004 and 36/2009

10 "Official Gazette of the Republic of Serbia", No 135/2004 and 88/2010

11 "Official Gazette of the Republic of Serbia– international contracts", No. 12 since September 27, 2018.

12 National Program for the Adoption of the Acquis of the European Union http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf

the EU Acquis (NPAA), a new Regulation requiring a list of (i) projects for which impact assessment is mandatory and a list of (ii) projects for which an impact assessment may be required for the full harmonization with the Annexes of the Directive 2011/92 / EU should have been made in the fourth quarter of 2018. However, the new Regulation has not been adopted to date, and the proposal for a new Regulation was not even included the Government's Work Plan for 2018.¹³

The Environmental Impact Assessment Directive from 2011 (Directive 2011/92/EU) has been amended by Directive 2014/52/EC in order to improve the environmental impact assessment process. Harmonization with this Directive is planned to be achieved by amending the Law on Impact Assessment, as well as amending the Rulebook on Public Inspection, Presentation and Public Discussion on the Environmental Impact Assessment Study¹⁴; the Rules of Procedure of the Technical Commission for the Assessment of the Environmental Impact Assessment Study¹⁵; the Regulations on the Content of the Requirements on the Need for Impact Assessment and the Content of the Requirements for the Determination of the Scope and Content of the Environmental Impact Assessment Study¹⁶; the Rulebook on the Contents, Appearance and Manner of Keeping a Public Book on Conducted Procedures and Decisions on the Environmental Impact Assessment¹⁷ and the Rulebook on the Contents of the Environmental Impact Assessment Study¹⁸. Adoption of amendments to these laws and bylaws was planned for the fourth quarter of 2018, but in late February 2019 amendments to laws and bylaws were not adopted or entered into the legislative procedure of adoption.

In October 2018, the Law on Amendments to the Law on Planning and Construction¹⁹ was adopted. Most comments by civil society organizations have not been accepted, and a report on the held public debate has not been published on the website of the Ministry of Construction, Transport and Infrastructure. However, one of the key changes adopted is that investors in the process of obtaining location conditions must consult the Law on Environmental Impact Assessment, which was not previously explicitly required. This resulted in further harmonization with the Impact Assessment Directive 2011/92/EU.

Other revised NPAA envisages amendments to the Law on Environmental Impact Assessment for the end of 2017. Amendments to the Law on Environmental Impact Assessment have not been adopted to date (February 2019). At its own initiative, civil society took part in the process of drafting the law, and the Ministry of Environmental Protection provided a good example of how civil society can be involved in the process; its capacities being used in order to improve the documents while still in the pre-draft phase. The Ministry included several civil society organizations in the working group, and a wider consultative process with civil society organizations outside the

13 http://www.gs.gov.rs/doc/PLAN_RADDA_VLADE_2018.pdf

14 "Official Gazette of the Republic of Serbia", No. 69/2005

15 *Ibid*

16 *Ibid*

17 "Official Gazette of the Republic of Serbia", No. 69/2005

18 *Ibid*

19 "Official Gazette of the Republic of Serbia", No. 83/2018

working group was organized. They were timely informed about the meetings of the working group and invited to submit their comments and thus contribute to the creation of this document.

By postponing the adoption of the Law on Amendments to the Law on Strategic Environmental Impact Assessment, as well as the missing by-laws, strategic impact assessment procedures remained largely unregulated and uneven in quality, depending on the capacity of the competent body conducting the procedure. After the initial postponement of the Government Work Plan for 2018²⁰ by the third NPAA, have set the plan for legislative changes to be completed in December 2018. Although an independent expert was involved in a separate working group for amending the law, consulted interested civil society organizations in a separate consultative process, as well as individual state institutions, until the moment of writing this report, the announced amendments to the legislation were not adopted and they will not be adopted until the Government Work Plan of the Republic of Serbia for 2019 and the new revised version of the NPAA are published. Without the adoption of the Law on Amendments to the Law on Strategic Environmental Assessment, as well as the missing secondary legislation, Directive 2001/42/EC on Strategic Impact Assessment cannot be completely transposed into domestic legislation.

Directive 2003/4/EC on public access to environmental information has been fully transposed into domestic legislation. In order to achieve full harmonization, it is necessary to ensure annual updating of the Eco-registry, as well as a strengthening of the capacity of the Environmental Protection Agency to expand the scope of its reporting.

Directive 2003/35/EC, which regulates public participation in the drafting of certain plans and programs relating to the environment, is still partly transposed into domestic legislation. Amendments to the Law on Environmental Impact Assessment are necessary in order for the Directive to be fully implemented. Although amendments to the Law on Environmental Impact Assessment, according to the third revised NPAA, were planned for the fourth quarter of 2018, none of the expected amendments were made.

Directive 2004/35/EC on on environmental liability with regard to the prevention and remedying of environmental damage, is at an early stage of transmission. For the full transposition of this Directive, the Law on Liability for Environmental Damage is required. According to the latest version of the NPAA, the passing of this law was postponed for 2019 (2nd quarter). The process of draftin of this law, which has started four years ago, is currently in a deadlock.

Directive 2008/99/EC on the protection of the environment through criminal law is partly transposed into domestic legislation. The provisions of this Directive have been transposed through the following laws: the Criminal Code²¹, the Law on Liability

20 Government Work Plan for 2018 http://www.gs.gov.rs/doc/PLAN_RADA_VLADE_2018.pdf

21 "Official Gazette of the Republic of Serbia", No. 85/2005, 88/2005 – correction, 107/2005 – correction, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016

of Legal Entities to Criminal Offenses²² and the Law on Nature Protection²³. The Law on Amendments to the Criminal Code was planned to be adopted in the 4th quarter of 2018, through which a full harmonization of the provisions of this Directive with domestic legislation would have been achieved, but that law has not been adopted to date.

Directive 2007/2/EC on the Establishment of an Infrastructure for Spatial Information in the European Community - the INSPIRE Directive has been transposed into domestic legislation by the adoption of the Law on the National Spatial Data Infrastructure.²⁴

IMPLEMENTATION OF LEGISLATION

The public has not been involved in decision making on environmental issues in a timely manner, during the processes of adoption of some very important documents. In October 2018, the National Assembly adopted amendments to the Law on Environmental Protection²⁵, creating a formal legal requirement for farmers to apply for funding from the European IPARD Fund.²⁶ There was no public discussion procedure related to these amendments, with the following explanation given by the Ministry: "... having in mind that it is not a law that significantly changes the regulation of a certain issue, nor is it a new systemic law, it is an amendment of the law to a lesser extent ... public discussion was not held".²⁷

Concerning the adoption of the National Emission Reduction Plan (NERP), the Strategic Environmental Impact Assessment Report, as well as the NERP, became available to the public one year after the validity starting date of the NERP (January the 1st, 2018) through the publication of the public debate on the Report on Strategic Environmental Impact Assessment for the National Emission Reduction Plan (NERP)²⁸. A public discussion procedure, organized in this manner, is inconsistent with the principle of informing the public and its participation proclaimed in the Law on Environmental Protection, as well as with the Law on the Confirmation of the Convention on Access to Information, Public Participation in Decision-making and the Right to Legal Protection in Environmental Issues²⁹ by which the public should be involved at an early stage of the decision-making process concerning environmental issues, and they should be informed in an adequate, timely and efficient manner. In addition, ac-

22 "Official Gazette of the Republic of Serbia", No. 97/2008

23 "Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010, 91/2010 – correction, 14/2016 and 95/2018 – state law

24 "Official Gazette of the Republic of Serbia", No. 27/2018

25 "Official Gazette of the Republic of Serbia", No. 135/2004, 36/2009, 36/2009 - state law, 72/2009 - state law, 43/2011 - decision US, 14/2016, 76/2018 and 95/2018 - state law, Article 9

26 <http://www.ekologija.gov.rs/skupstina-usvojila-izmene-i-dopune-zakona-o-zastiti-zivotne-sredine-i-set-ekoloskih-zakona/?lang=lat>

27 http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/2018/2386-18%20lat.pdf, pg. 9.

28 <http://www.ekologija.gov.rs/nu-raspravu-o-strateskoj-proceni-uticaja-na-zivotnu-sredinu-za-nacionalni-plan-za-smanjene-emisije-iz-starih-velikih-postrojenja-za-sagorevanje-nerp/?lang=lat>

29 "Official Gazette of the Republic of Serbia", No.38/09.

According to the Law on Strategic Environmental Impact Assessment, the public insight and public debate on the Strategic Environmental Impact Assessment Report should be organized as a part of presentation of plan and program for public inspection and a public discussion on the program or plan itself, which it was not held.

The pressure of civil society organizations and local communities has led to positive developments in the field of environmental impact assessment. However, there are still many challenges to the successful implementing of these procedures. During the given reporting period, the Ministry of Environmental Protection made more than 20 resolutions, according to which the exploitation of rivers, stone and gravel were exempt from the environmental impact assessment, despite the damage that these projects may leave on natural resources³⁰. Reasons for concern are also evident in the projects of skiing infrastructure in protected areas; for which it is difficult to provide an objective assessment of the impact on nature, especially with regard to the estimates of cumulative impact, which are lacking in the design phase³¹. The problem of applying the Law on Environmental Impact Assessment in the case of mini hydropower plants was brought into the public's focus due to the pressure of local communities, civil society organizations, representatives of the academic community and the media. In the resolution³² of the European Parliament on the European Commission's reports on Serbia's progress in the EU accession process, the Serbian government is being urged to adopt the necessary measures for the purpose of preserving protected areas, with a special emphasis on small hydropower plants in the Stara Planina Park of nature. The same resolution encourages the Government of the Republic of Serbia to increase transparency in the process of project planning through greater citizen participation and involvement of all stakeholders. In February 2018, the first decision on repeating the procedure for the improvement of Environmental Impact Assessment Study for SHPP "Paklestica"³³ on the Visočica River was made, after which, in April 2018, the Administrative Court in Belgrade annulled the Ministry's decision to repeat the procedure. In November 2018, the Supreme Court of Cassation annulled the ruling of the Administrative Court in Belgrade and thus the Ministry's decision became valid.

Following the appeal of the citizens' association against the Environmental Impact Assessment Study, the Administrative Commission of the Government of the Republic of Serbia in December 2018 adopted a decision³⁴ annulling the decision of the Ministry of Environmental Protection of May 2018 determining the scope and contents of the environmental impact assessment study, for the construction of a facility for energy

30 <http://www.ekologija.gov.rs/category/obavestjenja/procena-uticaja-na-zivotnu-sredinu/resenja/resenja-o-potrebi-izrade-procena-uticaja/>

31 <http://www.ekologija.gov.rs/zahtev-za-odlucivanje-o-potrebi-procena-uticaja-na-zivotnu-sredinu-izgradnje-objekta-ski-staze-krcmar-ko-brzece-opstina-brus/>; <http://www.ekologija.gov.rs/zahtev-za-odlucivanje-o-potrebi-izrade-studije-o-proceni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-pristupnog-puta-do-ski-centra-na-goliji-sa-pratecim-parkingom-ko-brusnik-na-teritoriji-so-ivanj/>

32 Resolution on the European Commission's reports on Serbia's progress in the EU accession process <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2018-0478+0+DOC+PDF+V0//EN>

33 Decision on the repetition of the procedure for granting approval to the Environmental Impact Assessment Study of the Small Hydro Power Generation Project (SHPP) "Paklestica" <http://www.ekologija.gov.rs/resenje-o-ponavljanju-postupka-davanja-saglasnosti-na-studiju-o-proceni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-male-hidroelektrane-mhe-paklestica/?lang=lat>

34 <http://www.upss-nis.org/wp-content/uploads/2019/01/Vlada-RS-Poni%C5%A1tavanje-Re%C5%A1enja.pdf>

utilization of municipal waste and landfill gas Vinča. The decision of the Administrative Commission was made on the basis of an incomplete and incorrectly established factual situation and with a significant violation of the procedure provisions, which has an impact on the legality and regularity of the initial decision.

Public access to environmental information remains at a low level. The report of the Commissioner for Information of Public Importance and Data Protection for 2017,³⁵ for the first time, provides independent data for the Ministry of Environmental Protection. The report states that in 2017, 124 requests for access to information were submitted to the Ministry of Environmental Protection and its units, while 9 complaints were submitted to the Commissioner because requested information was not provided. The Ministry of Environmental Protection was established in 2017, and before that it functioned within the Ministry of Agriculture and Environmental Protection, so it is currently not possible to compare the data of the Commissioner for the previous years.

According to data on the work of the Ombudsman, a total of 499 complaints in the period from 2007 to 2018 indicated violation of the rights in the field of environmental protection. These complaints represent about 1% of all complaints received annually. In 2017, 42 cases received were related to environmental protection (1.2%).³⁶ Complaints concerned the violation of the rights of citizens to be fully and objectively informed about the state of the environment, the right to legal protection in relation to the environment, the collection and provision of information in the field of environmental protection. Among the proposals for improving the position of citizens in relation to the administrative bodies, seven proposals refer to the Ministry of Environmental Protection. Among other things, the Ministry is recommended to: "... take all measures in order to provide the missing strategies and planning documents in the field of environmental protection", and "... use all available mechanisms in order to ensure human and financial capacities for the purpose of full implementation of environmental regulations".³⁷

Judicial practice in the field of criminal liability for damage to the environment is still underdeveloped. During 2017, 2187 applications for environmental offenses³⁸ were filed, which is slightly lower than in the previous year, 2016 (2507). 712 offenses from this group are committed by unknown perpetrators, while the charges were raised against 610 persons. 512 persons were convicted of an environmental offence in 2017³⁹. These figures show that, with the increasing trend in the number of charges for an environmental offense, the number of convictions still remains in decline. For

35 Report of the Commissioner for Information of Public Importance and Data Protection for 2017 <https://www.poverenik.rs/sr-yu/izvetaji-poverenika.html>

36 Regular annual report of the Protector of Citizens for 2017, page 15. Available at: <https://www.ombudsman.rs/attachments/article/5671/Godisnj%20izvestaj%20za%202017.%20godinu.pdf>

37 *Ibid*, pg. 75.

38 Statistical office of the Republic of Serbia; Bulletin (2018): Adult perpetrators of Criminal Offences in the Republic of Serbia in 2017, page 18 Available at: <http://publikacije.stat.gov.rs/G2018/Pdf/G20185643.pdf>

39 *Ibid*, pg. 39.

example, in 2008, 819 persons were convicted for this criminal offense⁴⁰. Among the environmental offenses reported in 2017, the most frequent were those for timber theft (1707).

Challenges in establishing liability for environmental damage primarily concern the limited capacity for adequate inspection. In the area of environmental inspection, the lack of professional independence of environmental inspectors, as well as excessive workloads, imposes a special challenge at the local level, since inspectors in many local self-government units also “perform the work of utility, construction and transport inspectors, as well as the work of environmental officers, agricultural and construction experts and other works ordered by their superiors”.⁴¹

FINANCING

In relation to other areas of Chapter 27, the economic costs for the area of horizontal legislation are relatively low. Most of the costs in this area are used for the implementation of the INSPIRE Directive. According to estimates from the post-screening document⁴² of the 2015, about 15 million euros is needed for the full implementation of the INSPIRE Directive (the assessment is based on the experience reported by EU Member States whose areas, population and basic information are similar to Serbia's).

During 2018, additional funds for employment were not granted by the Government of the Republic of Serbia to the institutions that are members of the Negotiating Group 27, therefore they were not able to strengthen their administrative capacities for the transfer and implementation of the *acquis communautaire*. The exception is the Republic Geodetic Authority, which was granted a decision by the Government of the Republic of Serbia to increase the number of employees. By engaging new experts, the capacity of the Geospatial Data Center in the implementation of the INSPIRE Directive has been increased.

Despite the announcements of the competent authorities, the lack of implemented regulations, that would ensure the operation of the Green Fund, were not adopted. After the Environmental Protection Fund had been abolished and the Green Fund established as a budget line in 2016, the adoption of secondary legislation announced for the beginning of 2017 was postponed, thereby the date on which the missing by-laws will be passed still remains unknown.

40 *Ibid*, pg 39.

41 Ministry of Environmental Protection (2018): Environmental Inspection Report for 2017, page 17; Available at: http://www.ekologija.gov.rs/wp-content/uploads/inspekcija/lzvestaj/Inspekcija_za_zastitu_zivotne_sredine_2017.pdf?lang=lat

42 Status and plans for the transposition and implementation of EU *acquis* for Chapter 27 - Environment and Climate Change, available at: <http://eupregovori.bos.rs/progovori-o-pregovorima/uploaded/Post-screening-SRP.pdf>

RECOMMENDATIONS:

Legislative framework

- Adopt all necessary bylaws in order to enable proper functioning and independent monitoring of the Green Fund.
- Improve the qualitative processes of the Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) by adopting the necessary bylaws and planned amendments to the Law on EIA and the Law on SEA.
- Harmonize List I (projects for which environmental impact assessment is obligatory) and List II (projects for which an impact assessment may be required) with Annexes I and II of Directive 2011/92/EU.
- Establish a list of plans and programs for which a strategic impact assessment is mandatory and a list of plans and programs for which a strategic impact assessment may be required.

Implementation of Legislation

- Provide transparent and timely information to the public on the conduct of public hearings through promotion of public information via the Internet, in accordance with the guidelines for the development of web presentations of state administration bodies, territorial autonomy bodies and local self-government units.
- Comply with the Rulebook on the Content of the Request for the Impact Assessment Need and the Content of the Requirements for Determining the Scope and Content of the Environmental Impact Assessment Study⁴³ while elaborating studies on environmental impact assessment.
- Ensure inclusion of a cumulative impact assessment in environmental impact assessment studies.
- Regularly publish investment plans for improving water and waste management at the local level.
- Establish a quality control of environmental impact assessment studies, as well as a review of studies every five years.
- In order to achieve greater compliance with Directive 2003/35/EC, it is necessary to increase the capacity of national institutions, local self-governments and Aarhus Centers in relation to public participation procedures during the preparation and modification or revision of plans and programs.
- Increase penalties for environmental pollution.

43 "Official Gazette of the Republic of Serbia", No. 69/05

02. AIR QUALITY

OVERVIEW

The public air protection policy aims to reduce the threats to human health and the environment.

In the second half of 2018 and at the beginning of 2019, there was a significant increase in media attention regarding air quality issue. The links between air pollution and the quality of public health were highlighted through the promotion of World Health Organization reports and numerous examples from cities across Serbia. Despite its insufficient and declining resources, the Environmental Protection Agency has made some progress in monitoring and reporting on air quality.

Air quality data has been improved, but it remains scarce and insufficient for good air quality assessment, far below those standards prescribed by the law, both in scope and quality. Although there is scope for further improvement in comprehensibility, there has been an improvement in the presentation of **data that could be used in order to improve awareness of the importance of air quality or reduce the negative consequences of exposure to poor air quality**. Legal instruments such as air quality categorization are being used in a better way, but are limited by the low availability of measurement. In the observed period, communication between the institutions responsible for monitoring the air quality and the institutions responsible for the categorization of air quality, i.e. between the local and central level, has been improved. Air in the city of Kraljevo is of very poor quality, according to local measurements, and it has finally been categorized as **polluted** in the annual report of the Environmental Protection Agency; which represents a certain progress.

There are no law-stipulated instruments in the public policy domain, such as the Air Protection Strategy, or they are adopted with a small amount of data and limited implementation capabilities such as air quality plans or short-term action plans. In October 2018, the Ministry of Environmental Protection established a working group for the reduction of air pollution. According to the available information, the tasks of the working group are limited to activities whose bearers are certainly already clearly defined by law.⁴⁴ In November 2018, the selection of the implementation partner for the implementation of the IPA project was completed, within which it is planned to draft the Air Protection Strategy.⁴⁵

The provisions on limit values for the emission of pollutants, although harmonized with EU standards, have either not been respected or it is impossible to find out whether they are being respected. Emission measurement did not comply with legal regulations, although positive developments in this direction were recorded.

44 <http://www.ekologija.gov.rs/ministarstvo-zastite-zivotne-sredine-formiralo-radnu-grupu-za-smanjenje-aerozagadjenja/?lang=lat>

45 http://www.cfcu.gov.rs/dokumenti/sr/384_852350_can.pdf

Standards, best available techniques and other air pollution prevention tools are not applied sufficiently as air quality improvement tools.

Operators responsible for the largest emissions are still not punished for breaking the law, while the number of household polluters is an issue too large to be resolved within the existing institutional framework.

Now it seems even more clear that without the strong political will, significantly changed mandates of the competent institutions and coordination of institutions, it will not be possible to determine the current health and environmental impact of air quality and improve it. In the observed period, air quality has been ranked as a top priority by the relevant ministry, judging by the media.

In 2018, the European Parliament’s report pointed to the seriousness of the problem of air quality in the Republic of Serbia.⁴⁶ The situation is similar to the report of the European Commission.⁴⁷

LEGISLATIVE FRAMEWORK

Table 1 Elements of the legal framework for air quality management in the Republic of Serbia

Law on Air Protection (“Official Gazette of the Republic of Serbia”, No.36/2009 and 10/2013)
Regulation on determining the Air Quality Control Programme within the State Network (“Official Gazette of the Republic of Serbia”, No. 58 of August 5, 2011)
Regulation on Monitoring Condition and Air Quality Requirements (“Official Gazette of the Republic of Serbia”, No. 11 of March 5, 2010, 75 of October 20, 2010, 63 of July 19, 2013)
Regulation on Determining Zones and Agglomerations (“Official Gazette of the Republic of Serbia”, No. 58 of August 5, 2011, No. 98 of October 12, 2012)
Regulation on the Methodology for the Development of Air Pollutant Emissions and Projections Inventory (“Official Gazette of the Republic of Serbia”, No. 3 of January 15, 2016)
Regulation on Measurements of Air Pollutant Emissions from Stationary Sources of Pollution (“Official Gazette of the Republic of Serbia”, No. 5/2016)
Regulation on Determining the List of Air Quality Categories by Zones and Agglomerations in the Territory of the Republic of Serbia for 2016 (“Official Gazette of the Republic of Serbia”, No. 18 of March 9, 2018)
Regulation on Limit Values of Air Pollutant from Combustion Installations (“Official Gazette of the Republic of Serbia”, No. 6 of January 28, 2016)

46 http://www.europarl.europa.eu/doceo/document/A-8-2018-0331_EN.html#title1

47 http://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnjij_izvestaji_ek_o_napretku/ec_progress_report_18.pdf

Regulation on Limit Values of Air Pollutant Emissions from Stationary Pollution Sources, except from Combustion Installations (“Official Gazette of the Republic of Serbia”, No. 111 of December 29, 2015)
Rulebook on the Conditions for Issuing Air Quality Measurement Permits and Emission Measurement Permits from Stationary Sources of Pollution (“Official Gazette of the Republic of Serbia” No. 01/12)
Rulebook on the Content of the Air Quality Plans (“Official Gazette of the Republic of Serbia”, No. 21 of April 6, 2010)
Rulebook on the Content of Short-Term Action Plans (“Official Gazette of the Republic of Serbia”, No. 65 of September 14, 2010)
Rulebook on the Methods for Exchanging Information Concerning Measuring Points Within the State and Local Networks, on Measuring Techniques, and on the Methods of Exchanging Data Obtained by the Air Quality Monitoring in the State and Local Networks (“Official Gazette of the Republic of Serbia”, no.84 of November 12, 2010)
Law on Fees for the Use of Public Goods (“Official Gazette of the Republic of Serbia”, no. 95 of December 8 2018)

The main change to the period which is analyzed for this report is the adoption of the Law on Fees for the Use of Public Goods.⁴⁸

A strategic impact assessment for the National Plan for the Reduction from Old Large Combustion Plants that has been applied since January the 1st, 2018 entered the public debate phase on December the 25th, 2018; almost 12 months after the implementation of the plan began.⁴⁹ In this way, it is not only impossible to achieve any of the public benefits to which the strategic assessment instrument should serve, but the legal framework in that area is also being reduced to nonsense.

Bearing in mind the objectives of public air quality policy (public health protection and environmental protection) and the causes of air pollution in the Republic of Serbia (large and small fires and traffic), the existing legislative framework needs to be supplemented by binding regulations that will regulate the efficiency and emissions of solid fuels combustion plants. This can be done on the basis of the new Eco-Design Directive 2009/125/EC. Bearing in mind the frequency of using inefficient stoves and solid fuel stoves in households, it is necessary to critically consider not only the deadlines for transposing this directive, but also the permitted emission limit values.

48 It is interesting that with this law it is predicted the possibility of paying compensation for emissions in the air which are higher than the one which are allowed with Decree on Limit Values of Emissions of Pollutants (article 120)

49 <http://www.ekologija.gov.rs/poziv-za-ucesce-u-javnoj-raspravi-o-strateskoj-proceni-uticaja-za-nacionalni-plan-za-smanjeje-emisija-nerp/>

THE IMPLEMENTATION OF LEGISLATION

The adoption and implementation of public policy that will enable the reduction of threats to human health and the environment requires a comprehensive and complex change; more in the institutional and practical-political sense rather than in the sense of the law. **Without strong political will, vertical and horizontal policy coordination, participation of the general and professional public and the adoption of a comprehensive development policy, it will not be possible to significantly improve the air quality in the Republic of Serbia and protect the human right to health and the healthy environment.** In circumstances where the issues of securing the electricity supply, the fight against poverty, the functioning of the district heating system and the mobility of citizens are posed as issues that are opposed to air quality policy, a high-quality public policy in this area cannot arise. Therefore, the inadequate state of implementation of air quality regulations is not surprising.

Availability and quality of data. The reliability and availability of stations for measuring the air quality in the national network has been steadily decreasing since the beginning of their work. During 2011, of all installed SO₂, NO₂, CO, PM₁₀ and O₃ analyzers, 94% had an availability of valid hourly values greater than 90%. In the following years, such a degree of measurement realization was not achieved. In 2012 it was 68%; in 2013 it was 72%; in 2014 it was 30%; in 2015 it was 25%; in 2016 it was 23% and in 2017 it declined to 22%.⁵⁰ On the basis of media inscriptions, it can be concluded that in the observed period there were activities to increase the scope of measurements in the national network.⁵¹ The data from the measuring stations from the monitoring system of the Belgrade Public Health Institute have not been available for a long time on the Agency's website.⁵² In October 2018, the procedure for public procurement of equipment for the national network of automatic stations for air quality monitoring was underway, which, unfortunately, was suspended on January the 26th, 2019 without a selection of bidders.^{53 54}

Data exchange. There has been some improvement in the representation of data from local networks in national reports. The Rulebook on the Manner of Exchanging Information on Measuring Points in the State and Local Network, Measurement Techniques, as well as on the Manner of Data Exchange Obtained by Monitoring the Quality of Air in the State Network and Local Networks⁵⁵, prescribes the correct way of sharing this information.

Local networks - presentation and interpretation of air quality data. An analysis of publicly available air quality monitoring reports at the local level shows that the con-

50 The Annual Report on the state of air quality in the Republic of Serbia in 2017. Environmental Protection Agency, 2018.

51 <http://www.podunavlje.info/dir/2018/12/20/postavljena-merna-stanica-za-kvalitet-vazduha-na-carini/>

52 With the explanation: "DUE TO THE WORKS ON THE IMPROVEMENT OF THE CENTRAL ACQUISITION SYSTEM OF BELGRADE, THE INFORMATION FROM THIS NETWORK OF AUTOMATIC STATIONS IS NOT AVAILABLE"

53 <http://www.sepa.gov.rs/download/IJZ/nabavkeponovom/2018/KD7-2018.pdf>

54 http://sepa.gov.rs/download/IJZ/nabavkeponovom/2019/OdlukaObustava_JNOP_7_2018.pdf

55 "Official Gazette of the Republic of Serbia", No. 84/10

centration of PM₁₀⁵⁶ is most often followed up within 56 days which is in accordance with the law. The legal framework stipulates that the value of 90.4 percentile (which should be less than 50 µg/m³) is used for the assessment of air quality. In some reports, this requirement is not complied with, which affects the estimated air quality. Moreover, in some cases, there is an incorrect interpretation of the tolerance values of the concentrations of certain pollutants, with the reduced tolerance (for PM₁₀ and PM_{2.5}) not being taken into account.

Air quality requirements. The legal framework in terms of air quality requirements is to a large extent harmonized with the EU legal framework. However, it is difficult to actually assess air quality in a situation where the availability of data is questionable. According to the available data in the agglomerations of Belgrade and Užice in 2016, the year's air belonged to the third category. In the agglomerations of Smederevo and Kosjeric, in 2017, due to the lack of data, the category of air quality could not be determined. On the territory of the cities of Valjevo and Kragujevac, as well as in Subotica over the course of 2017, the air belonged to the third category - excessively polluted air.

Air Protection Strategy. The Republic of Serbia does not implement regulations that regulate air quality policy. The deadline for adopting the most important air quality policy document - the Air Protection Strategy expired in February 2015 (this deadline has expired even according to the old law in 2011). Activities on the preparation of this document have not yet begun, but a consultant for the implementation of the IPA project has been selected through which the development of this document will be supported.

Air quality plans. The preparation of air quality plans stipulates the legal framework in situations where air quality in the zone or agglomeration belongs to category III, i.e. when air pollution exceeds the effects of taken measures, i.e. when the environmental capacity is endangered or there is constant air pollution in a certain area. It is clear that reliable data on air quality is crucial for launching air quality mechanisms. Local governments do not have enough capacity to prepare and implement these plans in a quality manner. Responsible institutions at the national level recognize this problem, but do not have the capacity to independently influence the improvement of the situation. According to the available data in the city of Užice, a draft of the Air Quality Plan was prepared in the observed period.⁵⁷

National Emission Reduction Plan. The Republic of Serbia prepared the NERP and forwarded it to the Energy Community Secretariat in Vienna. This plan prescribes the maximum annual emission levels of SO₂, NO_x and PM particles for plants covered by this plan. A strategic assessment of the impact of the National Emission Reduction Plan concerning old large combustion plants that has been applied since January the 1st, 2018 entered the public debate phase on December the 25th, 2018; almost 12 months after the implementation of the plan began. The maximum annual SO₂ emissions for 2018 for the power plants covered by the plan range from 6% to 27% of

56 PM₁₀ are suspended particles with a diameter of 10 micrometers or less.

57 <https://uzice.rs/saopstenje-zelenog-saveta-povodom-problema-zagadjenja-vazduha-u-gradu-uzicu/>

the plant's 2016 emissions⁵⁸. In other words, it is necessary to reduce SO₂ emissions between 4 and more than 16 times, so that the emission levels would be within the permitted limits. This reduction will certainly not be possible within a short period of time. As already mentioned, this plan did not include all power plants that needed to be included in the plan. It remains to be seen how the implementation of this plan will be monitored and how it will be reported.

Emission limits values, their monitoring and inventory generation. According to the data of the "Electric Power Industry of Serbia" (EPS), in 2017 this operator improved the tracking of its emissions and expanded continuous measurement of emissions at its plants⁵⁹. All the plants greatly exceeded SO₂ emission limit values. According to the same data, individual measurements are the source of information for some plants, although this is contrary to the law.

Presentation of information. The reports of the Environmental Protection Agency do not contain sufficiently visible information on the number of stations that were not operational during the reporting period. This is especially noticeable in monthly reports where such information is not present at all. Nevertheless, based on existing measurements, air quality assessments are made. Reports from local institutions are neither readily available to citizens, nor comprehensible, although there are many other different examples, of which Kraljevo stands out.⁶⁰

BATs, BREFs, standards and inspections. Continuous postponement of the implementation of the Law on Integrated Prevention and Control of the Environmental Pollution⁶¹ makes it impossible to use powerful tools to prevent air pollution. In such a situation, the only way to influence large pollutants is to measure their emissions. As stated, there are also some challenges in that area. On the other hand, devices used to burn solid fuels in households which are smaller but more numerous pollutants, do not have to comply with any standard in terms of efficiency or emission of pollutants and can be unconditionally sold on the domestic market. In this way, the pollution from such devices is practically completely uncontrolled, although the use of these devices according to the reports of the Environmental Protection Agency is the most important cause of pollution emitting PM₁₀ particles in Serbia.⁶² Emissions from traffic are also caused by a large number of non-standard vehicles.

Environmental Inspection Department is another tool that is available to improve air quality. However, the inspection cannot replace huge deficiencies in the strategic, legal and institutional framework. In addition, the inspection department is poorly equipped with techniques and people; with an unfavorable age structure of employees. Old inspection reports also point to the fact that the penalties imposed on

58 National Emission Reduction Plan, Report on the state of environment in PC Elektroprivreda Srbije for 2016.

59 *ibid*

60 <http://www.zjkv.org.rs/images/kvalitet/decembar-2018.pdf>

61 "Official Gazette of the Republic of Serbia", No.135/2004 and 25/2015

62 The Annual report on the state of air quality in the Republic of Serbia in 2016, Environmental Protection Agency, 2017.

polluters are often below the statutory minimum, while the work report for 2017 was not able to be found on the website.⁶³

FINANCING^{64, 65}

The funds allocated to air quality monitoring for 2019 are lower than those foreseen for 2017 and 2018 and amounting to RSD 76,406.000, compared to RSD 79,646.000 allocated for the previous years. It is not possible to determine as to how the funds for air quality monitoring were allocated in 2018.

No information is available on whether part of the funds foreseen for the functioning of the Green Fund for 2018 was spent for air quality improvement activities.

The budget for 2019 envisages the amount of RSD 455,344.000 for emergency measures in extraordinary circumstances of environmental pollution and other intervention measures. It is possible that part of these resources will be defined for measures to prevent air pollution. It is necessary to provide an informed comparative analysis, based on the source of emissions and available technologies and the various measures to prevent pollution if they are to be used for this purpose.

Improvements in air quality can only be achieved by adhering to standards related to emissions of pollutants. Attempts to otherwise improve air quality and reduce the risk to human health cannot produce a result. It is important to be informed about the marginal benefits to which the available pollution reduction measures can contribute, as well as about their mutual comparison before any spending of public funds for this purpose.

RECOMMENDATIONS

Legislative framework

- Start the process of adopting the Air Quality Strategy urgently.
- Start the process of establishing binding standards for low-power combustion appliances used in households (stoves and solid fuel stoves) in accordance with the Ecodesign Directive 2009/125/EC. Bearing in mind the frequent usage of inefficient stoves and solid fuel ovens in households, it is necessary to consider the expired transposition deadlines for this directive.
- Supplement the existing legislative framework with binding regulations that will regulate the efficiency and emissions of solid fuel combustion appliances.

63 Report available at: http://www.eko.minpolj.gov.rs/wp-content/uploads/izvestaji/Godisnji_izveštaj_2016.pdf

64 All data on funds for 2019 are taken from the RS Budget Law for 2019 <http://www.mfin.gov.rs/UserFiles/File/zakoni/2018/Zakon%20o%20budzetu%20za%202019%20godinu.pdf>

65 All data on funds for 2019 are taken from the RS Budget Law for 2019 <http://www.mfin.gov.rs/UserFiles/File/zakoni/2017/Zakon%20o%20budzetu%202018.pdf>

Implementation of legislation

As already mentioned, the implementation of regulations in this area depends in the first place on the readiness and capabilities of the operators to harmonize their business operations with legal norms and the ability of institutions to implement regulations.

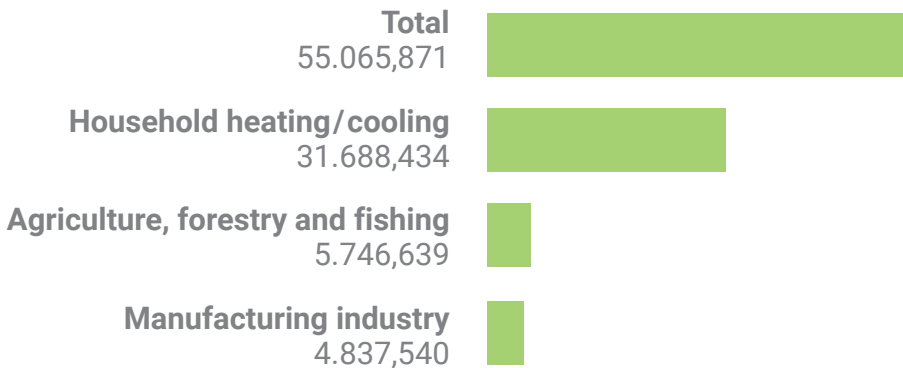
- It is necessary to ensure that the competent institutions enforce regulations related to legal deadlines for the establishment of public policies concerning air quality, regulations related to measuring air quality, exchange of air quality information and obligations under international agreements.
- Monthly information on detected overtime and daytime limit values (LV) must include information on analyzers that did not work in that month.
- The responsible stakeholders for air quality monitoring should ensure that the measuring system is well maintained and that data is made available to the public. Financing for smooth quality operation of air quality monitoring networks should also be secured; especially for urban agglomerations like Belgrade.
- Inter-sectorial cooperation needs to be improved in order to enable the full implementation of existing national regulations.
- Local governments/cities should improve the quality and visibility, as well as ensure the public easy access to air quality data, which is provided from local monitoring networks.

Financing

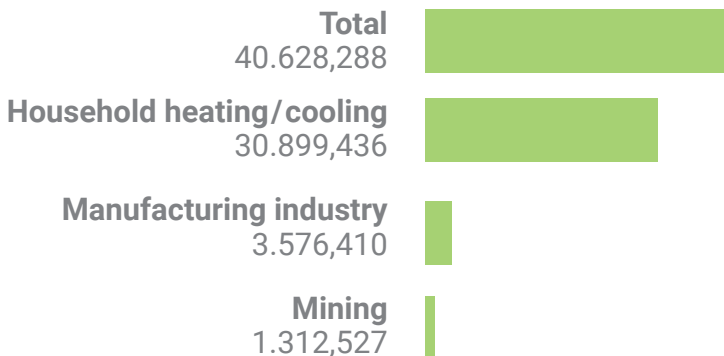
- Provide funding for the uninterrupted operation of the inspectorate.

AIR QUALITY

Total emissions of **PM₁₀** and three major categories of **PM₁₀** sources (Mg)



Total emissions of **PM_{2,5}** and three major categories of **PM₁₀** sources (Mg)



03. WASTE MANAGEMENT

OVERVIEW

In 2018, the Ministry of Environmental Protection continued to improve the activities in the area of waste management with emphasis on hazardous waste. Due to the actions organized by several institutions, several locations with irregularly stored hazardous waste, hazardous to the environment and health, were found. The hazardous waste found has been handed over to reliable operators for further treatment and legal proceedings against the responsible persons have commenced. In order to address the problem the illegal disposal of hazardous waste, the Ministry of Environmental Protection launched a media campaign and opened communication channels with citizens, through which such problems can be reported.⁶⁶

The control of issued permits for waste management activities has been announced and partly carried out by the Ministry, which is an indication of the initiative to introduce order in this area and prevent further deterioration of the environment and human health.

The issuance and control of permits for hazardous waste management activities is under the jurisdiction of the Ministry, while local governments have the authority to issue permits when it comes to inert and non-hazardous waste on their territory. In practice, local governments often encounter hazardous waste as well as waste of unknown composition, so it is of great importance to achieve synergy of inspections and services at all levels, as well as their further strengthening, both in the number of inspectors and their levels of continuing training and equipping.

The registry issued 2116 waste management licenses at the end of July 2018. The number of licenses has increased in relation to the same period of 2017, but it has decreased compared to 2016. The reason for the reduction is that the license period is 5 years and a certain number of operators having a permit for collection and transportation have not renewed the licenses; and certain permits have been seized.⁶⁷

The manufacturer, i.e. the owner and/or other license holder and anyone who takes hazardous waste, has the obligation, for each movement of such to fill in and submit a form, i.e. the document on the movement of hazardous waste. This has been the requirement since March 2017. Since the Regulation⁶⁸ was adopted at the end of 2017, 35.800 hazardous waste movements were reported in the Republic of Serbia. In 2018, up until June the 25th, 2018, 33,436 hazardous waste movements were reported. Every day, between 200 and 250 new movements of hazardous waste are reported.⁶⁹

66 <http://www.ekologija.gov.rs/>

67 Ministry of Environmental Protection, Environmental Protection Agency (2018) : *Waste Management in the Republic of Serbia from 2011 to 2017*, <http://www.sepa.gov.rs/download/otpad2011-2017.pdf>

68 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2017/17/4/reg>

69 Ministry of Environmental Protection, Environmental Protection Agency (2018): *Waste Management in the Republic of Serbia from 2011 to 2017*, <http://www.sepa.gov.rs/download/otpad2011-2017.pdf>

The total amount of generated waste in 2017 was about 11 million tons. The increased quantities of waste in 2017 were due to the increase in the number of treatment plants and the increased amount of waste generated by thermal power plants and the companies which produce raw iron, steel and ferroalloys. The share of hazardous waste in the period 2011 - 2017 ranged from 0.6% to 1.2% in relation to total produced waste. In 2017, the share of hazardous waste in the total amount of waste was less than 0.7%. The total amount of hazardous waste in 2017 is 11.2 kg/apartment/year.⁷⁰

When it comes to municipal waste, Serbia must improve its system of collection, separation, treatment and disposal as the existing system is unsustainable and harmful to the environment and human health. Particular efforts need to be made in order to divide hazardous and municipal waste.

The state of municipal waste, which in most cases is handled by Public Utility Companies (PUC), is best illustrated by the fact that in 2017, only 103 local self-governments submitted data on the quantities and composition of collected communal waste. For others who failed to fulfill their obligations under the law, an assessment was made, but no action to overcome this situation has been undertaken by the competent authorities. In 2017, the increase in the value of the quantities of generated and collected municipal waste continues with a slight increase in the scope of its collection.

According to data received from local governments that were submitted to the Environmental Protection Agency by completing the Questionnaire on Landfills on their territory, the PUC arranged waste disposal on 123 landfills (waste dumps). These are mostly landfills for which, according to the Waste Management Strategy, need to be sanctioned and closed as they do not meet minimum technical standards. Please note that this number is not definite since 44 local self-government units did not send any data on the number of dump sites on their territories.⁷¹

The Annual Waste Report is submitted to the Environmental Protection Agency by the 31st of March of the current year for the previous year, therefore the report contains data for 2017.

According to the reported data for 2017, 5413 companies were registered. On the day of cross-section (April the 26th, 2018), the number of companies that reported-submitted the Annual Report rose to 5959 enterprises. At the beginning of April 2018, 5564 notifications were sent to companies that did not submit the Annual Report notifying them of their obligation to do so and as a result the number of reports submitted by June the 4th 2018 rose to 7398.⁷²

The management of packaging and packaging waste is regulated by the Law

70 *Ibid*

71 *Ibid*

72 *Ibid*

on Packaging and Packaging Waste.⁷³ In 2017, six operators carried out packaging waste management for 1859 legal entities or entrepreneurs who place packaged products on the market of our country. By April the 26th, 2018, the Environmental Protection Agency had received 256 reports from legal entities or entrepreneurs who had not transferred their obligation to the operator for the management of packaging waste and therefore will be charged by the Environmental Protection Fund for packaging waste management. According to available data, the total quantity of packaging placed on the market of the Republic of Serbia in 2017 was 357,918.9t.⁷⁴

Attention is also paid to single-use plastic bags. The estimation is that about two billion plastic bags are used annually in Serbia. Due to their large number and the problems that arise due to their inadequate disposal, the Minister of Environmental Protection sent a proposal to retail store chains to charge for them. This proposal was welcomed with approval and they started to be sold in individual stores in April. The selling of plastic disposable bags led to a decrease in their consumption by up to 50 percent. What remains a mystery is what happens to the funds that have been collected in this way, did they contribute to the increase in the profit of companies or did the companies invest the realized profit in the protection of the environment.

LEGISLATIVE FRAMEWORK

This year, a special emphasis in the field of waste management has been laid on changing the procedures for issuing licenses in order to fulfill the obligations prescribed by the Law on Waste Management⁷⁵. Thus, two new documents have been adopted:

- The Rulebook on the Content of Documentation submitted in support of the application for the permit for import, export and transit of waste⁷⁶
- The Rulebook on the Form of Application for the Issuance of a Permit for the Storage, Treatment and Disposal of Waste⁷⁷

Furthermore, the Regulation on the Approximation of Conditions was passed on the 30th of March, 2018 in order to improve the waste management functioning which need to be fulfilled by; the Beneficiaries of Funds, Conditions and Methods of Distribution of Funds, Criteria and Measures for Evaluating the Requests for the Distribution of Funds, the Manner of Monitoring Over the Use of Funds, and Contracted Rights and Obligations, as well as other relevant issues regarding allocation and use of the funds of the Green Fund of the Republic of Serbia.⁷⁸ This regulation stipulates the conditions for the use of financial resources as well as the manner of monitoring received funds

73 "Official Gazette of the Republic of Serbia", No.36/09

74 Report on the management of packaging and packaging waste in 2017

75 "Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010, 14/2016 and 95/2018 – state law

76 "Official Gazette of the Republic of Serbia", No. 038 since May 18, 2018

77 *Ibid*

78 "Official Gazette of the Republic of Serbia", No. 35 since March 30, 2018.

in order to encourage the operator to perform at a higher level of recycling, and therefore achieve national goals more effectively.

Pursuant to Article 15, paragraph 2 of the Regulation on products that become specific waste streams after use, on the daily log form for the quantity and type of products produced and imported and on the annual report, on the method and time frame for submitting the annual report, on the fee payers, the calculation criteria, the amount and the method for the calculation and payment of fees⁷⁹ on June the 4th, 2018, the Rulebook on Harmonized Amounts of Compensation for Management of Special Waste Streams was adopted.⁸⁰

In accordance with the planned dynamics of Serbia's negotiations with the EU, the Ministry of Environmental Protection has developed 5 draft DSIPs⁸¹ for the sectoral waste area:

DSIP for the Waste Framework Directive

DSIP for the Landfill Directive

DSIP for the Packaging and Packaging Waste Directives

DSIP for the Directive for Waste domestic and Car Batteries

DSIP for the Waste Electrical and Electronic Equipment Directive

The full transposition of sectoral laws and bylaws is planned for 2020/2021. CSO representatives were involved in the work of some sectoral working groups.

THE IMPLEMENTATION OF LEGISLATION

Establishing a more efficient regulatory framework for waste management is of utmost importance for environment conservation, as well as for the process of Serbia's accession to the European Union. The principle of the producer's extended liability implies that liability does not end once the product is released onto the market, but rather after it has been used, i.e., until the waste has been generated.

On the website of the Environmental Protection Agency, there are companies that have not fulfilled their legal obligation, i.e. did not submit regular annual reports and did not pay a fee for special waste streams. In the Regulation the obligations of the producer of waste are defined in relation to the following; products that become special waste streams after use, on the daily log form for records on the quantity and type of manufactured and imported products and on the annual report, payers of compensation, criteria for calculation, amount and method of calculation and payment of compensation⁸².

79 "Official Gazette of the Republic of Serbia", No. 54/2010, 86/2011, 15/2012, 41/2013 – other rulebook and 3/2014

80 "Official Gazette of the Republic of Serbia", No. 45/2018-25, 67/2018-55

81 DSIP (Directive Specific Implementation Plan)

82 "Official Gazette of the Republic of Serbia", No. 54/2010, 86/2011, 15/2012, 41/2013 and other rulebook 3/2014

The Ministry of Environmental Protection has adopted a new Regulation on Harmonized Fees for Environmental Pollution⁸³ that entered into force on June the 21st, 2018⁸⁴.

The Regulation was passed in order to implement the following provisions: the Regulation on Pollution Types, the Criteria for Calculating Environmental Pollution Charges and Defining Payers, and the Amount and Manner of the Charge Calculation and Payment⁸⁵ which determine pollution types and the criteria for calculating environmental pollution charges including the amount and manner of the charge calculation and payment.

The Ordinance is issued every year due to the fact that, pursuant to Article 21, paragraph 2 of the Regulation, the fees are adjusted on the above bases annually to be in line with the consumer price index according to the data of the republic organization responsible for statistics. The Ordinance prescribes harmonized amounts of environmental pollution charges, such as: charges for the emission from individual sources of pollution, for produced or disposed waste, for substances that damage the ozone layer and for plastic bags.

The least progress in the implementation of regulations was made in the field of communal waste and compliance with regulations by Public utility companies. Land-fill fires are becoming more frequent, while the competent institutions and inspections remain dormant while the health of citizens is directly threatened.

FINANCING

The public had the opportunity to know the sum needed for the implementation of all regulations in this area. The final word on the exact costs and sources of funding should be provided by the new Waste Management Strategy and the final version of the Directive Specific Implementation Plans (DSIP) of the EU Directive for which it is necessary to request transitional periods. In addition, waste management will be majorly impacted by decisions regarding the introduction of a deposit system for certain types of packaging waste.

The fact is that a large part of the funds collected in the name of “ecological” fees and charges does not return to the environmental protection system, and consequently it does not become part of the waste management budget. This is the case not only at the national level but also at the local levels. This lack of political will to invest “green” money in solving problems in environmental protection leads to delaying the resolution of the problem and its growth, as well as to causing further damage to human health and the environmental.

83 “Official Gazette of the Republic of Serbia”, No. 45/2018 since June 13, 2018

84 “Official Gazette of the Republic of Serbia”, No. 43/2017

85 “Official Gazette of the Republic of Serbia”, No. 113/2005, 6/2007, 8/2010, 102/2010, 15/2012 and 91/2012

RECOMMENDATIONS

Legislative framework

- Improve the waste management control system with special emphasis on the movement and disposal of waste.
- Improve the legal framework to establish more rigorous control of the system operators and greater transparency of their work.
- Develop partnerships with the civil sector and include them in the process of drafting new regulations and monitoring the application of existing ones.
- Suspend all activities related to the amendment of the Law on Waste Management, which would “legalize” the import of waste for the purpose of co-processing and its reuse as an alternative fuel.
- Improve the legal framework to enable the effective implementation of extended liability principles.
- Review the regional plans and the national Waste Management Strategy, which will continue in parallel with the implementation of infrastructure projects for the construction of landfills.
- Adopt a strategy in the management of waste sludge in Serbia, which is planned to be completed by the end of 2019.
- Apply the “*polluter pays*” principle in the field of the Law on Waste Management because currently it is an unfinished legal definition that lacks mechanisms for the producer’s extended liability.

The implementation of regulations

- Create an economic model that will motivate local governments to dispose of waste on sanitary landfills and accelerate the process of closure and remediation of illegal landfills/dumpsites.
- Provide prerequisites for the application of the waste management hierarchy principles with emphasis on waste prevention, and reuse and recycling of waste.
- Provide a public reporting system for emissions from the landfills/dumpsites operated by the PUCs.
- Ensure the implementation of the “*polluter pays*” principle and implement the bond industry’s inspection process to ensure true reporting.

- Improve public awareness of the importance of establishing a waste management system and the harmful consequences of inadequate waste management on human health and the environment.
- Develop capacity of institutions at all levels to monitor and enforce the implementation of regulations.
- Develop an efficient judicial system, capable of monitoring and effectively implementing regulations in the field of waste management.
- Some local governments have not adopted a waste management plan or a plan for remediation of non-sanitary landfills and dumpsites and, for that, they have not suffered any penal provisions prescribed by the Law on Waste Management. Introduce penalties for local governments that do not have a waste management plan and do not regularly submit data to the Environmental Protection Agency.
- Leasing of chemicals, i.e. the supply of essential chemicals within the context of a circular economy (making as little waste as possible).
- The ban on the export of hazardous waste from 2020 causes a problem, work on solving it.
- Introduce penalties for municipalities that do not send reports and data to the Environmental Protection Agency.

Financing

- Provide funds for financing landfill/dumpsite rehabilitation projects, the introduction of selective waste collection, the construction of transfer stations and the construction of sanitary landfills.
- Provide information and education resources on the importance of establishing a waste management system and, in partnership with CSOs and the media, inform and educate the public.
- Introduce economic tools for reducing waste that goes to landfills without any treatment.
- Introduce a deposit system for packaging waste.
- Introduce an umbrella insurance policy to hazardous waste operators so that, in the event of revocation of the license, the insurance will bear the costs of remediating hazardous waste and incurred damages.

04. WATER QUALITY

OVERVIEW

Water resources in the Republic of Serbia continue to suffer in many aspects. Pollution of municipal and industrial waste water, construction in floodplains, intensive construction of small hydro power plants on mountain waters and in protected areas, remain the most serious threats. Certain developments in water resource management policies can be noticed, but these are still insufficient to grapple with negative phenomena in order to stop them and implement measures for the renewal and improvement of water resources. Particularly worrying is the continued lack of strong financial support for this area, which certainly requires serious investment. The integration of water resources preservation principles still does not work. Thus, very often, in large infrastructure investments, the need to protect water and water conservation measures are ignored in order to reduce the costs relative to construction of various facilities. There continues to be a worrying constant decline in the capacity of competent institutions, and there is no serious plan in sight which would stop this trend.

There are some more vigorous activities in the construction of water purification facilities, which is encouraging. Furthermore, Implementation Plans for the four EU Water Directives have been prepared, and the hope remains that implementation of these plans will enable the strengthening of the entire sector both in terms of personnel and finances.

LEGISLATIVE FRAMEWORK

One of the documents adopted in the previous period are the amendments on the Law on waters.⁸⁶

The aforementioned amendments refer primarily to changes in the regulation of river basin land lease and water conditions issuance for the reconstruction and rehabilitation of traffic infrastructure facilities. Amendments to the lease of publicly owned water resources of the Republic of Serbia for placement of floating structures on the territory of Belgrade were entrusted to the city of Belgrade. In this way, the revenues generated by lease of river basin land are made available to the city of Belgrade. Revenues generated by the issuance of other river basin lands are part of the budget of public water management budgets. This decision does not clearly define in what way the City of Belgrade will spend the funds collected by leasing river basin land and whether it will be used for water management at all. Considering the number of floating structures in Belgrade, these revenues are certainly not negligible.

The second amendment to the Law refers to the abolition of the obligation to issue water conditions for the reconstruction projects of roads of the I and II class, railroads, gaps and bridges on them. With this change, the question remains as to how water conservation measures will be implemented and controlled in such projects and how

86 "Official Gazette of the Republic of Serbia", No. 95/2018

the existing infrastructure will be reconciled with the new requirements in terms of water protection. In the explanation, the reduction of investment costs justifies this change. Such an explanation certainly cannot be considered sufficient, bearing in mind all obligations Serbia has towards transposition and implementation of EU legislation in the field of water management and protection.

As far as the **bylaws** from the previous period are concerned, the Rulebook on Determining Melioration Areas and their Boundaries was adopted⁸⁷ according to Article 28 of the Law on Waters. It has defined 13 melioration areas, where the water regime is regulated by hydromelioration systems for drainage and irrigation.

In October 2018, the Water Directorate of the Republic of Serbia informed the public that it had begun with the preparation of an Action Plan for the implementation of the Water Management Strategy, but no further information on the realization of this project is available.

In the previous period, there were no activities related to development of the Danube River Basin Management Plan of which the public was informed. In 2019, the Twinning project under the IPA entitled Consultations on Public Policy Planning is expected to be launched within the Water Resource Sector⁸⁸, which, among other things, should provide support over the course of the development of river basin plans. The total cost of this project is 1.5 million EUR.

In 2018, the following Directive Specific Implementation Plans were finalized: the Water Framework Directive, the Nitrates Directive, the Urban Wastewater Treatment Directive and the Drinking Water Directive. These plans will represent the grounds for negotiations of the Republic of Serbia in this area. CSO representatives also participated in the development of the Directive Specific Implementation Plans, but since the Confidentiality Statement was signed, we are unable to comment on the content details.

THE IMPLEMENTATION OF LEGISLATION

Previously identified problems in the implementation of planning and legal documents in the area of water management remain valid. There is no progress in the water sector in terms of building the capacity of competent institutions and organizations. **Obviously, existing capacities, neither human and financial, are sufficient to meet the requirements arising from EU water legislation.**

The main problem remains the control and prevention of water pollution, control over the use of river deposits, control over the use of groundwater, as well as control over the construction and prevention of illegal constructions in floodplains.

Certain developments have been made with regard to the construction of a waste-

87 "Official Gazette of the Republic of Serbia", No.90/118

88 <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1529443215581&do=publi.welcome&nbPubliList=50&orderby=upd&searchtype=RS&aofr=160548&orderbyad=Desc&userlanguage=en>

water treatment system. Several projects have been activated for the construction of a wastewater treatment plant (Niš, Bor, Zlatibor, Mladenovac, Vranje, Pirot). Of course, the treatment of municipal wastewater remains one of the biggest challenges in the field of water protection, primarily bearing in mind the financial requirements for the implementation of such projects.

With the adoption of the Plan for the Extraction of River Deposits between August 2017 and August 2019⁸⁹, the basis for improving sediment exploitation planning has been created. Unfortunately, the capacities for conducting control on site are still very modest, so there are still a lot of irregularities in terms of exploited quantities both in terms of the spatial and temporal scope of exploitation. The Environmental Protection Agency's publication entitled "Status of surface waters Serbia – Development of monitoring in the context of river basin management plans" was published last year.⁹⁰ The Agency has shown progress in the implementation of monitoring through the preparation of this publication, all in accordance with the requirements of the Water Framework Directive (WFD)⁹¹. Apart from the status of surface waters, this publication sets out the basis for further monitoring of the biological and chemical quality of waters in Serbia. However, the financial resources and capacities necessary for the implementation of adequate monitoring in accordance with the WFD remain unresolved.

In the previous period, there were no significant changes or concrete actions of water management institutions in terms of the problems which occurred due to the construction of small hydropower plants on rivers in Serbia. The only process that is currently underway is the development of a small hydroelectric station cadastre conducted through the same IPA project (EuropeAid /135623/IH/SER /RS). The Ministry of Mining and Energy is responsible for the implementation of this project, and a number of state institutions (including the environmental sector) are involved in its implementation. To the best of our knowledge, representatives of civil society organizations are not involved in this project. CSO representatives have to date requested information on several occasions and have requested this process to be of a transparent character and with the participation of the CSO. The Ministry of Mining and Energy has taken the stand that this is a process for which there is no need to involve the public and the non-governmental sector. Similar requests were sent to the European delegation in Serbia, but they also did not adequately respond. The reaction of the Ministry of Mining and Energy is really problematic if we take into account the public's concerns about the problem of building small hydroelectric power plants and the spread of protests against such projects. In addition, in November 2018, the Government of the Republic of Serbia passed a Decree amending the Decree on Incentive Measures for Electricity Generation from Energy Sources and High-Efficiency Cogeneration of Electricity and Heat⁹². Amendments to the Regulation extended the possi-

89 Rulebook on the Determination of the Plan on Extracting River Deposits for the period from August 2017 to August 2019, with the Plan for Extraction of River Deposits for the Period from August 2017 to August 2019 (Official Gazette of RS, no.82/117)

90 <http://www.sepa.gov.rs/download/VodeSrbije/StatusPovrsinskihVodaSrbije2.pdf>

91 Directive of the European Parliament and of the Council 2000/60/EC establishing a framework for community action in the field of water policy.

92 "Official Gazette of the Republic of Serbia", No.091/2018 od 23.11.2018.

bility for the incentive measures to be agreed on by the end of 2019 with an incentive period of 12 years. According to the available information, amendments to this Decree were made without any consultation and participation of the public, despite the fact that in the last few months there has been quite a lot of controversy in the media regarding this topic.

The only concrete reaction of the institutions to this problem has come from the Ministry of Environmental Protection, which began with the initiative to amend the Law on Nature Protection⁹³ to prohibit the construction of small hydropower plants in protected areas. Additionally, the Ministry of Environmental Protection in February 2018 withdrew its first decision on the procedure for granting consent to the Environmental Impact Assessment Study for SHPP "Pakleštica"⁹⁴ on the Visočica River after which, in April 2018, the Administrative Court in Belgrade annulled the decision of the Ministry upon the repetition of the proceedings. Afterwards, in November 2018, the Supreme Court of Cassation annulled the ruling of the Administrative Court in Belgrade and thus the Ministry's decision became valid again. Also, the environmental protection inspection has halted the construction of SHPP Rakita.⁹⁵

One of the biggest problems is inadequate control of the construction and prevention of illegal construction in floodplains. One of the most famous cases is the right bank of the Sava River near Belgrade, the so-called Savski nasip.

Over the course of the last ten years, a large number of residential buildings have been built illegally and without permission, along the stretch from New Belgrade to the Ostružnica Bridge (it is estimated that there are about 300 buildings built there). All buildings are built in the floodplain (between the embankment and the river), which is explicitly forbidden by the Law on waters, as well as by the Spatial Plan of the Republic of Serbia.⁹⁶ A large number of these have electricity connections, or are connected to an existing network of Renney wells. Some of them even use water directly from the Renney wells. An additional problem is that the owners use the existing asphalt road that goes up the embankment to access and construct their facilities. In this way, the stability of the embankments is endangered (although vehicles are prohibited from moving along embankments by Article 133 of the Water Resources Law).

In the immediate vicinity of the built facilities, there are 16 out of the 99 Belgrade Renney wells that provide the water supply for the city, so that illegally constructed buildings also pose a risk for the drinking water supply. Additionally, inhabitants of illegally constructed buildings destroy river vegetation, natural habitats and a number of protected species, occupy the embankments and contribute to their erosion.

Institutions responsible for this case are numerous. This list does not only include the competent water management companies, the Ministry of Agriculture, Forestry

93 "Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010 i 91/2010

94 decision on repeating the procedure for granting consent to the Environmental Impact Assessment Study for SHPP "Pakleštica" <http://www.ekologija.gov.rs/resenje-o-ponavljanju-postupka-davanja-saglasnosti-na-studiju-o-proceni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-male-hidroelektrane-mhe-paklestica/?lang=lat>

95 <http://www.masina.rs/?p=8274>

96 Law on Spatial Plan of the Republic of Serbia from 2010 to 2020, No.88/2010).

and Water Management, but also the municipalities in whose territories it occurs (Surčin, Novi Beograd), the Ministry of Health that is responsible for the protection of water supply sources, the Ministry of Construction, Transport and Infrastructure and many others.

FINANCING

The total of budgetary allocations for water management are difficult to follow since they are realized through several budget lines and through several ministries (capital investments, co-financing of international projects, etc.), but there is a general consensus that they are still highly insufficient.

According to the Regulation on the establishment of the Water Management Program in 2018⁹⁷, RSD 3.3 billion were allocated from the Budget Fund for water, specifically for water management and use, protection of waters against pollution, watercourse regulation and protection against harmful effects of waters, and for planning and international cooperation when it comes to water resources. In 2019, RSD 3.9 billion⁹⁸ were allocated to the same purpose. The largest part of these funds, amounting to about RSD 2.9 billion (over 70% of the total budget), is directed to watercourse regulation and protection against harmful effects of water. Therefore, it can be argued that in the last few years there has been a slight increase in budgetary allocations for water management, but the issue of distribution of these funds and their direction towards protection and improvement of water quality still remains unresolved.

RECOMMENDATIONS

Legislative framework

- Integration of nature directives (Birds Directive and Habitats Directive) into the area of water management. Better coordination is needed between the water management and environmental sectors in relation to the implementation of EU directives.
- Develop a concrete plan and measures in order to improve monitoring of water quality accordance with the requirements of the Water Framework Directive (WFD).
- Develop specific strategies for improving investments in wastewater treatment facilities. Initiate the development of models and strategies for knowledge transfer in the field of wastewater treatment in order to reduce costs and use domestic capacities.

97 Regulation on the Establishment of Water Management Program in 2018, "Official Gazette of the Republic of Serbia", No.13/2018.

98 Regulation on the Establishment of Water Management Program in 2019, "Official Gazette of the Republic of Serbia", No.12/2019.

Implementation of regulations

- Capacity building and improvement of the public institutions responsible for water management, especially at the local level - the complexity of water management issues requires increased personnel and technical capacities. It is necessary for competent institutions to conduct an analysis regarding the existing capacities as soon as possible and develop a plan for their improvement. In order to achieve this, professional institutions and CSOs should advocate greater political and financial support for the Water Resource Sector.
- Develop structured cooperation with other relevant sectors: environmental protection, energy, agriculture, spatial planning. This implies the establishment of continuous communication and exchange of information between the sectors.
- It is necessary to further promote public participation in the development of public policies in the Water Resource Sector. Public consultations should provide more opportunities than the legal minimum. Engagement of stakeholders should begin at an early stage in the development of public policies.
- Integration of nature based solutions into water management practices and more serious consideration of ecosystem services. It is necessary to develop specific capacities for these needs in the competent institutions.
- A more decisive approach when determining water prices.
- Improve the control and mitigation of key hazards: poorly planned small hydropower plants that are being built intensively, gravel extraction, pollution, uncontrolled use of underground waters, illegal construction on the river banks - river habitats, swamps, and water resources are in general very vulnerable in Serbia. Immediate action at the national level is required.

Financing

- A permanent increase of budget funds for financing activities which provide resources for water management and protection.

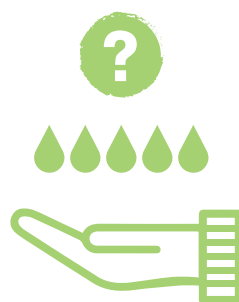
WATER QUALITY

Serbia- Quality status was determined through the monitoring of surface waters (2012-2016)

the status of **42%** of water bodies was determined



58% of water bodies in Serbia are lacking a known quality status



In the countries of the European Union - status has been determined for over 95% of water bodies, according to latest water quality assessments



05. NATURE PROTECTION

OVERVIEW

It seems that, despite certain advances in this area, nature conservation in Serbia remains low on the list of national priorities, which can be concluded by numerous problems that repeat from year to year. The causes should be sought in: the non-compliance of sectoral policies, the lack of capacities and resources for planning and implementation of activities, inconsistent implementation of the law, lack of adequate control and monitoring, ineffective processing of acts of violation of laws etc. Solving these problems has to be systematically addressed, with the mutual cooperation of different sectors and increased investments in this area.

Although the third revision of the National Programme for the Adoption of the Acquis states that partial transposition of the directives on wild birds and habitats has been carried out⁹⁹, the progress in resolving recognized problems in transposition and implementation into national legislation has proven to be limited.

Although it seemed that by establishing a new Ministry of Environmental Protection, the process of Euro integration in this area, as well as nature conservation itself, would be significantly improved, this is however not the case. It is particularly obvious that activities in the nature protection sector have stagnated, or are being performed inconsistently and non-transparently. It is clear that without the better organization of work, allocation of more financial resources, better planned activities, greater devotion and cooperation with other sectors (in particular the Ministry of Agriculture, Forestry and Water Management), no progress can be expected in the protection of nature nor adequate implementation of the process of accession to the European Union.

In the previous year, cooperation between the institutions, the negotiating group for Chapter 27 and CSOs in the preparation of the negotiating position for the field of nature protection has been realized and can now be considered successful, but it is necessary for it to be continued, with special emphasis on the need to exchange information on the preparation of the negotiating position and timely consultations on its content.

LEGISLATIVE FRAMEWORK

To date, the Republic of Serbia has failed, although it was obliged as a signatory to the Convention on Biological Diversity, to implement changes to the legislative framework of the Aichi goals set by the UN Convention on Biological Diversity for the period 2011-2020.¹⁰⁰ Although these objectives were supposed to be an integral part of the Nature Conservation Strategy of the Republic of Serbia, the drafting of this document is a controversial process that, despite numerous inconsistencies and lack of transparency, has been carried out at a varied pace since 2014, and remains incom-

99 http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf

100 <https://www.cbd.int/sp/targets/>

plete. Consultations of the working group for the drafting of the Nature Conservation Strategy of the Republic of Serbia for the period from 2016 to 2026 were carried out in 2014, but in November 2016, the competent Ministry announced a public review of the draft document,¹⁰¹ and the public were offered the right to comment. Although the Ministry has a legal obligation to publish a report on the public review, it has not yet been published. The Government Work Plan for 2018 envisaged that this document would be adopted in August 2018.¹⁰² However, the process was again prolonged due to harmonization of the draft text of the Strategy with the Law on the Planning System.¹⁰³ In the meantime, the timeframe of the document has been changed from 2019 to 2025, and in 2018 a new working group was formed without informing the public about this process. The amended document was published on the Ministry's website without announcing a public review.¹⁰⁴ In addition, according to the latest available information, in order to comply with the aforementioned Law on the Planning System, the Nature Conservation Strategy will become the Nature Conservation Program, despite the fact that the Law on Nature Protection¹⁰⁵ envisages the existence of the Strategy. Such inefficiencies in the system throws into doubt not only compliance with international agreements ratified by Serbia, but also the compliance with its own laws, as well as harmonization of sectoral policies.

In 2018, the Ministry of Environmental Protection initiated changes to the Law on Nature protection. The main reasons for these changes was the initiative to ban the construction of small hydropower plants in protected areas. and the issuance of conditions for the protection of nature. CSOs are included in the working group on amendments to the Law, and amendments are expected as early as 2019.

Although the the Government Work Plan for 2018 envisaged that the regulation on appropriate assessment should be considered and adopted in June, this process has not been completed to date. The existence of this Regulation, which is the basic mechanism for the protection of the European Natura 2000 ecological network, is envisaged by the Law on Nature conservation, although the National program for the adoption of Acquis claims that this document has been prepared, however the process of its development is not transparent and lasts for several years already. The Regulation on the Appropriate Assessment is one of the key regulations for the transposition and implementation of Article 6 of the EU Habitats Directive.

The Rulebook on Protection of Strictly Protected Wild Species of Plants, Animals and Fungi from 2016¹⁰⁶, which allows deviations from the EU Birds Directive (2009/147/EC) according to its Article 9, the killing of non-huntable species for the purpose of preventing damage to hunting grounds and in accordance with the annual

101 <http://www.ekologija.gov.rs/javni-uvvid-o-predlogu-strategije-o-zastiti-prirode/>

102 <http://www.civilnodrustvo.gov.rs/upload/documents/zakoni/Plan%20Rada%20Vlade%202018.PDF>

103 "Official Gazette of the Republic of Serbia", No. 30/2018

104 <http://www.ekologija.gov.rs/predlog-strategije-zastite-prirode-za-period-od-2019-do-2025-godine/>

105 Rulebook on declaring closed hunting season of the protected wild game species - "Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010, 91/2010-correction, 14/2016 and 95/2018 – state law

106 "Official Gazette of the Republic of Serbia", No. 9/2012, 31/2013, 55/2015, 67/2015, 75/2016

management plans for hunting grounds, remains in place. It is not known whether the authorities in charge of environmental protection issues have had their say in the adoption of annual plans, or whether during the adoption of these plans the principles of European practices became the basis of which culling of the mentioned species are approved, are applied. The aforementioned rulebook, as a measure of protection and regulation of population numbers, foresees the hunting season of the turtle dove (*Streptopelia turtur*) to be closed from October the 1st, 2015 to March 31st, 2018, which in the meantime has expired, although the causes for which the same measure has been adopted are still not well known, and they are certainly not removed.¹⁰⁷ At the same time, the rulebook does not specify the dates for the start and end of the hunting season of this species, and it remains unclear whether and what legal protection it currently enjoys.

According to the Minister of Agriculture, Forestry and Water Management, a working group was formed to make amendments to the Law on Game Animal and Hunting,¹⁰⁸ which was supposed to submit the draft proposal by September 2018.¹⁰⁹ The public had no opportunity to see its members nor its results, even after trying to obtain information based on the availability of information of public importance, and according to available data there are no representatives of civil society organizations other than hunting organizations on the working group.¹¹⁰ However, unofficial versions of the proposals bring extremely controversial proposals which by changing the definition of hunting try to enable the use of electronic lures before the start of shooting, which is in direct contradiction with the principles and provisions of international documents adopted by the Republic of Serbia, including the EU Birds Directive (Annex IV).

Progress in the protection of wild birds was achieved through the adoption of the Law on the Confirmation of African-Eurasian Migratory Waterbird Agreement.¹¹¹ This international agreement, which derives from the Convention on the Conservation of Migratory Species of Wild Animals¹¹², prescribes the protection of 255 species of birds that are dependent on aquatic habitats, almost half of which are in Serbia, and 119 of which are protected or strictly protected by domestic regulations.¹¹³

Improvement of the legislative framework in the area of protection of wild species and their habitats was also achieved by the adoption of the Law on the Confirmation of Agreements on the Conservation of Bats in Europe,¹¹⁴ which was also derived from

107 Stanojević, N. and Ružić, M. 2018 *Streptopelia turtur*. In: Radišić, D. Vasić, V., Puzović, S., Ružić, M., Šćiban, M., Grubač, B., Vujić, A. eds. Red Book of Fauna of Serbia III - Birds. Belgrade: Institute for Nature Protection of Serbia, University of Novi Sad, Faculty of Science, Department of Biology and Ecology and Society for the Protection and Study of Birds of Serbia. pp 331-334

108 "Official Gazette of the Republic of Serbia", No. 18/2010 and 95/2018 – state law

109 http://www.ekolss.com/poseta_ministra_poljoprivrede_iss.htm

110 <https://lorist.co.rs/beograd-formirana-radna-grupa-za-izradu-naacrta-zakona-o-divljaci-i-hovstvu/>

111 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2018/13/2/reg>

112 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/viewdoc?regactid=413546&doctype=reg&findpd-furl=true>

113 <http://www.ekologija.gov.rs/skupstina-usvojila-izmene-i-dopune-zakona-o-zastiti-zivotne-sredine-i-set-ekoloskih-zakona/>

114 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2018/13/4/reg>

the International Convention on the Conservation of Migratory Species of Wild Animals.

Although activities towards the preparation of the text of the Protocol on the Treatment and Cooperation of Bodies and Organizations in the Fight Against Illegal Killing, Trapping and Trade in Wild Animals have been intensified during 2017, the purpose of which is to determine jurisdiction to act in cases of destruction of nature, this text has not been completed to date. At the beginning of 2018, the Ministry of Environmental Protection announced unofficially that the document will be adopted in the short term, but it has not been included in the official Government Work Plan for 2018.

According to information on the initiation of the protection procedure and public debates published on the website of the Ministry, 17 natural goods were found during the reporting period in the procedure of protection. The total area proposed for protection has been increased by about 50 thousand hectares (50,178.14 ha).^{115,116} In the same period, the protection of almost 27 thousand hectares (26,969.73 ha) was officially declared within the three protected areas, which is a concerning.¹¹⁷ Although the process of providing legislated protection of an area is mostly long-lasting, both due to the nature of the procedure itself and because of the lack of capacity of the Institute for Nature Conservation during the development of the protection study, it is not clear why the public has had to wait such a long time to notice the initiation of the protection procedure by the Ministry of Environmental Protection, i.e. the decision on the proclamation by the competent authorities. This practice has proven to be a key obstacle to the effective protection of nature according to the standards prescribed by EU legislation and other international instruments. Although areas proposed for protection are officially considered protected until the end of the procedure, the mechanisms for their protection are not entirely clear, which is why these areas are vulnerable to adverse effects. Thus, the City of Belgrade Development Strategy, until 2021¹¹⁸, foresees the construction of a port in Beljarica, an area for which the protection procedure has already been initiated, and which has the status of an Important Bird Area (IBA the confluence of the Sava into the Danube)¹¹⁹, which makes it part of the Ecological Network of the Republic of Serbia and the potential Natura 2000 area.

By amending the Order on Measures for Conservation and Protection of Fish Stocks¹²⁰, the Ministry of Environmental Protection imposed a ban on catching the sterlet (*Acipenser ruthenus*). The initiative for banning the catch of the sterlet was initiated by CSOs with the support of professional and scientific institutions. The reason for launching the initiative has been massive overfishing on the territory of Serbia in the past few years. It has been announced that the budget for 2019 will allocate funds

115 <http://www.ekologija.gov.rs/category/saopstenja/saopstenja-zastite-prirode-i-klimatskih-promena/>

116 <http://www.ekologija.gov.rs/category/obavestjenja/zastita-prirode/>

117 <https://www.paragraf.rs/glasila/rs/sluzbeni-glasnik-republike-srbije.html>

118 http://www.beograd.rs/images/file/8482b593767213b8926a3fc6988eca50_1021365819.pdf

119 <http://datazone.birdlife.org/site/factsheet/usce-save-u-dunav-iba-serbia>

120 "Official Gazette of the Republic of Serbia", No. 56/2015 and 94/2018

for sterlet population research¹²¹ in order to determine whether the species should remain permanently protected, i.e. have the status of a strictly protected species, or whether there will be fishing allowed once the population is recovered.

Another important bylaw passed by the Ministry in 2018 is the Rulebook on the Procedure for Proposing and Appointing Members of the National Park System Advisory Board.¹²² This is an important mechanism for strengthening the involvement of local stakeholders in the management of national parks, which is certainly a positive step towards the increased transparency of the work of national parks and the improvement of their management.

At the end of 2018, the Ministry, introducing the Third Draft Negotiation Position for Chapter 27, introduced amendments to the Technical Adaptation of the Birds and Habitats Directives, in which some of the proposals of the professional public presented at a public hearing in March 2018 were adopted. It remains to be seen how and in what time the proposed solutions will be incorporated into national legislation.

THE IMPLEMENTATION OF LEGISLATION

Inadequate and inconsistent implementation of the laws and regulations of the Republic of Serbia was so frequent that it could be considered as the rule rather than an exception. The main reason for this is the lack of capacities (both in numbers, as well as in training and equipment for work) of institutions of executive power, prosecution and the judiciary, as well as strong political pressure on members of these institutions. Last year, no significant progress was made in the implementation of the law.

Protected area management plans, which are often inconsistent with the principles of nature protection, lead to the loss of biodiversity in areas which are extremely important to nature conservation in Serbia. There is a continuation of the negative practice of destroying natural habitats by illegal construction of tourist and other facilities in protected areas, as well as the implementation of intensive logging in certain areas. Clear-cutting, especially that which has been carried out in protected areas, sometimes even within the strictest protection areas, is particularly dangerous for nature. Particularly concerning is the fact that the documents on the reasons and scope of tree cutting is most often inaccessible to the public; contrary to the Law on Free Access to Information of Public Importance¹²³ and the Aarhus Convention. Those who manage protected areas, mostly public companies, do not have sufficient capacity to implement protection measures; they lack not only adequate financial support for satisfactory functioning but also adequate control over the work performed by competent authorities, and often carry out illegal activities on their own. Contrary to logic, the management of protected areas mainly generates revenues by using the natural resources of the area whose protection it should provide. This applies in particular to the permitted exploitation of forests and hunting in protected areas of the highest importance, such as national parks.

121 <http://www.ekologija.gov.rs/za-unapredjenje-zastite-i-ocuvanja-jesetarskih-vrsta/>

122 "Official Gazette of the Republic of Serbia", No. 46/2018

123 "Official Gazette of the Republic of Serbia", No. 120/2004, 54/2007, 104/2009 and 36/2010

The biggest problem in conservation of important habitats and species is non-transparent and inadequate **planning of small hydroelectric power plants** and other facilities in protected areas, whose construction often does not meet biological minimum standards and disturbs the natural balance of already disturbed natural ecosystems. The main cause of this problem is poor planning documents, inadequate implementation of the Strategic Environmental Assessment Process and Environmental Impact Assessment, as well as ubiquitous corruption and political pressure. The cumulative impact of these projects being carried out poses a particular danger to nature which, in the impact assessment studies of these projects, is stated in principle and not assessed in practice.

In the autumn of 2018 the **burning of stubble** in fields was a mass occurrence, which led to the complete destruction of numerous habitats throughout Serbia. These illegal activities also affected Carska bara, and the other protected areas of IBA and Ramsar in which the vegetation was completely destroyed by burning.¹²⁴ Burning of stubble is a primitive agrotechnical measure of removing harvest residues, which is legally prohibited, but still used. It puts the survival the wild flora and fauna of the Republic of Serbia at risk, and it is necessary to prevent it in the future by the adequate application of the law.

After several years of inactivity of the authorities responsible for the establishment of the Ecological network Natura 2000 in September 2018, funds were allocated to this purpose for projects with a duration of one year.¹²⁵ To date there is no official information on whether the future funds will be continuously allocated to this purpose, which is necessary for the quality preparation of Natura 2000 in the process of Euro integration. Although, since 2017, the implementation of the new IPA project to deal with the establishment of Natura 2000 has been planned, it is still not certain when it will actually begin. Public tender for the selection of the contractor was published in February 2018, but it has not yet been completed.

Illegal hunting of wild animals, especially birds (most often by prohibited means such as electronic lures), has been recognized as a major problem in Serbia, which repeats itself year after year^{126,127}. The reason for this is the inconsistency of the law, ignorance and disregard of the law, insufficient control of hunting by the competent institutions, lack of capacities in police and inspection services, as well as the absence of punishment for perpetrators of committed crimes. The growing problem of the poisoning of wild birds, predominantly birds of prey and other wild animals is also evident as a result of unregulated use of pesticides and the use of substances prohibited by law. Inadequate control over the traffic, use of these substances and the absence of the adequate punishments for perpetrators of such illegal acts contribute to the development of the aforementioned problem in the protection of nature.

124 <http://www.ekologija.gov.rs/paljenje-carske-bare-je-zlocin-prema-prirodi-i-zivotnoj-sredini/>

125 <https://www.nabavke.com/javne-nabavke-tenderi-srbija/>

126 Report on illegal killing, poisoning, capture, keeping and trade in wild birds in the Republic of Serbia for the period 2000-2017 can be found at: <http://pticesrbije.rs/wp-content/uploads/2017/10/Serbia-bird-crime-report.pdf>

127 <http://pticesrbije.rs/2018/09/30/nezakonito-unistavanje-ptica-u-srbiji-se-nastavlja/>

In 2018, there was no report of the Republic of Serbia on the activities undertaken by the state to combat illegal hunting, capture and trade in wild birds, previously requested by the Secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats.¹²⁸

Last year, progress had been made in the cooperation of the Sector for Monitoring and Precaution (Inspection) concerning the environment through the inclusion of CSOs into the capacity-building program of environmental inspectors, which opened the possibility for more intensive involvement of CSOs in environmental control and precautionary issues.

FINANCING^{129, 130}

According to the Law on Budget of the Republic of Serbia for 2018,¹³¹ only RSD 5 million were allocated to activities on the establishment of the Natura 2000 network, which were not spent for this purpose¹³². In addition, according to information received from the Ministry of Environmental Protection, the financing of projects for the establishment of the Ecological Network in the amount of RSD 17 million and the establishment of the Natura 2000 network in the amount of RSD 11 million was provided through subsidies to the Institute for Nature Conservation. It is planned that these activities would be financed through the work of the Institute in 2019, and a total of RSD 14 million are intended for these two items.

The budget for 2018 envisaged RSD 248 million for subsidies granted to managers of protected natural resources of national interest, and allocated RSD 245.5 million, which is an alarmingly small allocation of funds for the conservation of nature in Serbia, while the same amount is planned for 2019. Given that most of these funds are spent on employee salaries, maintenance of facilities, purchase of equipment etc. only a small part of the fund remains for the necessary investment in practical protection and improvement of the state of nature in protected areas through revitalization and maintenance of habitats and the recovery of species.

In accordance with the strategic goals of the Ministry to increase forestation, the budget for 2019 allocated RSD 63 million in order to protect and preserve the landscape diversity, which is 30 million less than the previous year. This activity is financed from the Green Fund, and according to available information RSD 40.5 million was spent for its realization.

Non-transparent allocation of budget funds and lack of reporting on their spending are still the biggest problems affecting the success of nature conservation in Serbia. For example, for years, funds have been allocated to the activity entitled “Pro-

128 <https://www.coe.int/en/web/bern-convention/-/38th-standing-committee-meeting?desktop=false>

129 All the data on the financial resources for 2018 were taken from the RS Budget Law for 2018 <http://www.mfin.gov.rs/UserFiles/File/zakoni/2017/Zakon%20o%20budzetu%202018.pdf>

130 http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2018/Budzet2019.pdf

131 “Official Gazette of the Republic of Serbia”, No. 95/2018

132 http://www.ekologija.gov.rs/wp-content/uploads/informator/IZVR%C5%A0ENJE_BUD%C5%BDETA.pdf

tection and Conservation of Strictly Protected Species of Polecat Populations and Migratory Species” (2018 – RSD 6.6 million, 2019 – RSD 5.4 million), while reporting on the implementation of these activities does not exist. The situation is similar when it comes to other budget lines.

RECOMMENDATIONS

Legislative framework

- Completion of the drafting of the Protocol on the Actions and Cooperation of Authorities and Organizations in Combating Illegal Killing, Trapping and Trade in Wild Animals by the Ministry of Environmental Protection with the final consultation of the professional and scientific public, as well as the adoption of the Protocol by the Government of the Republic of Serbia.
- Revise the Law on National Parks. Make National Park Service Law revision a process that will enable the active participation of experts and interested public in developing the legislative framework for the management of protected areas; especially legal provisions relating to the mechanism of protected areas management, categorization of protected areas, establishment and implementation of regimes and protection measures.
- Within the process that will enable the active participation of experts and interested public, complete the drafting of the Nature Conservation Strategy of Serbia and enable the enforcement of all prepared regulations whose enforcement has been postponed (e.g., the Regulation Acceptance Testing).
- Harmonize regulations in the field of nature conservation not only with each other but also with other laws and areas concerning nature conservation.
- Fully transpose the provisions of the EU Birds Directive and Habitats Directive into national legislation. Implement the announced amendment of the Law on Nature Protection.
- Improve cooperation in the processes of adopting strategies, laws and by-laws between the sectors of nature conservation, energy, spatial and urban planning and construction, as well as cooperation between said sectors when it comes to enforcement, especially in the Environmental Impact Assessment and Strategic Impact Assessment.
- Improve cooperation between state institutions and civil society organizations in the field of nature conservation during the preparation of strategic documents and regulations, work on data collection and nature conservation. Achieve full participation of civil society organizations in the processes by considering and appreciating attitudes and expert opinions.
- Continue active information and involvement of civil society organizations in the preparation of a negotiating position for Chapter 27 in the field of nature conservation.

Implementation of regulations

- Strengthen cooperation among all stakeholders in order to prevent corruption in the nature conservation sector (especially those related to the illegal use of forests, water resources and hunting).
- Improve cooperation and increase the capacities of state institutions in charge of nature conservation (increase the number and professional capabilities of employees and technical capacities), and establish a better organization of work. Allow full implementation of the systematization of job positions within the Ministry of Environmental Protection.
- In 2019, strengthen the inspection of protected areas in order to combat illegal construction, logging and other activities that lead to destruction of habitats.
- Ensure more active work of the competent Ministry in solving problems and preventing violations of the provisions of the International Convention on the Conservation of European Wild Flora and Fauna and Natural Habitats in Serbia.
- Continue the continuous capacity building of the police, the inspectorate, the prosecution and judiciary for the implementation of regulations related to the protection of species and habitats, in cooperation with professional organizations of civil society.
- Ensure regular and adequate reporting under the international conventions in the field of nature conservation as ratified by Serbia (in particular according to the Convention on the Conservation of European Wild Flora and Fauna and Natural Habitats, the Convention on the Conservation of Migratory Species of Wild Animals and the CITES Convention).
- Ensure better cooperation and open flow of information between different sectors within the Ministry of Environmental Protection, as well as between state institutions whose work influences or concerns nature protection.

Financing

- Allocate public funds for strengthening the capacity for the implementation of legal regulations at both the local and national level.
- Ensure the spending of funds from the Republic of Serbia budget allocated to activities to establish the Ecological network and Natura 2000 network in 2019 and define the budget for these purposes for the year 2020.
- Ensure adequate and purposeful financing of nature conservation from the Green Fund in accordance with the needs of nature conservation (identify priorities and criteria for allocation of funds).
- Ensure transparent and adequate allocation of resources in the nature conservation budget and reporting on their spending; allocate more funds for practical protection of species and habitats.

KILLING OF COMMON QUAILS IN ILLEGAL HUNTING IN SERBIA (2000 – 2018):

448 is the number of recorded cases of illegal hunting of Common Quail

681 is the number of electronic devices for game calling (“lures”) used in Common Quail hunting

in 100% of recorded cases of illegal hunting lures were used

1.65 million

is the estimated number of Common Quails that are killed during illegal hunting in the Mediterranean every year

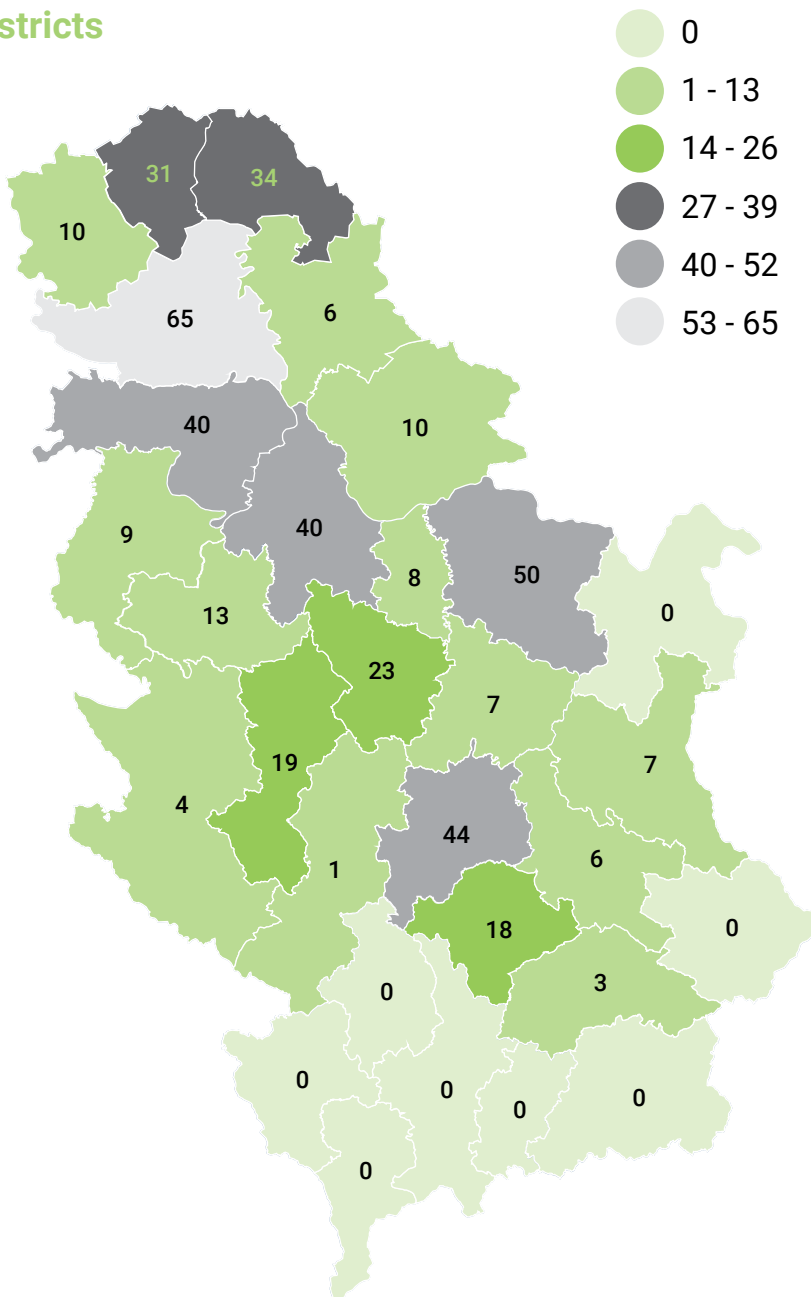
60.000

is the estimated number of Common Quails that are killed during illegal hunting in Serbia annually

The prohibition of use of lures during hunting in the Republic of Serbia is prescribed by the Law on the Ratification of Convention on the Conservation of European Wildlife and Natural Habitats, the Law on Nature Protection and the Law on Game and Hunting. In the European Union, this prohibition is prescribed by the Birds Directive.

Terminological non-compliance of the Criminal Code of Republic of Serbia with regulations in the areas of nature protection and game and hunting, and poor application of the law in general contribute to persistence of this problem.

The number of recorded cases of illegal hunting of Common Quail by districts



06. CHEMICALS MANAGEMENT

OVERVIEW

The legislative framework created by the adoption of the Law on Chemicals¹³³ and the Law on Biocidal Products¹³⁴ and the relevant bylaws has established a modern chemicals management system, which is significantly harmonized with EU regulations. **It is necessary to continue with the further development of the legislative framework, through further harmonization of regulations, taking into account new EU regulations, as well as amendments to existing ones, and strengthen the capacities necessary for the implementation of regulations.**

The **Draft Law on Biocidal Products** for the purpose of harmonization with the Biocidal Products Regulation – BPR (528/2012/EU) was completed in 2018. **The Law is expected to be adopted in 2019.**

In 2018, the **Draft Law on Consumer Goods** was adopted, and is currently in parliamentary procedure.

Regarding the administrative capacities for performing professional activities in this area there were no significant changes in relation to the capacities in the previous period.

In 2018, a pilot version of the e-platform for the entry of chemicals into the Integrated Register of Chemicals (eIRH) was established and a period of testing was conducted, and **in January 2019 this electronic platform started its work.**

With regard to Persistent Organic Pollutants (POPs), since the updated National Implementation Plan (NIP) for the implementation of the Stockholm Convention on POPs by the Government of the Republic of Serbia has not yet been adopted, (although it was prepared in 2015) it is now becoming outdated, and it is difficult to implement activities from specific action plans that are an integral part of the updated NIP.

The system of financing the management of chemicals and biocidal products is not in compliance with the basic principles established within EU regulations. **In this sense, the Draft Law on Biocidal Products, which is expected to be enforced in 2019, did not take over the system of fees according to the EU model because it is not in accordance with the domestic system that regulates collection of taxes and fees, which needs to be amended as soon as possible.**

LEGISLATIVE FRAMEWORK

The legislative framework created by the adoption of the Law on Chemicals and the Law on Biocidal Products and the relevant bylaws established a modern chemical management system based on EU principles. The Law on Chemicals is in line with

133 "Official Gazette of the Republic of Serbia", No.36/2009, 88/2010, 93/2012 and 25/2015

134 "Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010, 92/2011 and 25/2015

with the REACH Regulation (EC 1907/2006)¹³⁵ to a large extent with the exception of the provisions for which the implementation of the EU membership is necessary, such as registration and authorization procedures. **It is necessary to continue with the further development of the legislative framework, through further harmonization of regulations, taking into account new EU regulations, as well as amendments to the existing ones, and strengthening the capacities necessary for the implementation of regulations.**

Regarding the updating of regulations related to the classification and labeling of chemicals in order to adapt them in terms of technical and scientific progress, there were no changes in relation to the last report. Domestic legislation is aligned with the EU to the seventh ATP¹³⁶. **However, further harmonization needs to be continued, given that these regulations are additionally updated in the EU (ATP 8, 9, 10, 11, 12 and 13), of which the application of ATPs 8, 9 and 10 become binding in the EU in 2018. We emphasize that regular harmonization of these regulations is of great importance, since the delay in updating the List of Classified Substances has as an effect on the data on harmonized substances in Serbia that deviate from those in the EU.** Therefore, in some cases, there is a deviation in the implementation of the prescribed provisions on the classification and labeling of the same substances and mixtures when they are found on the EU and RS market. This is contrary to the basic GHS goal which states that chemicals should be classified and labeled according to the same rules and in the same way in all markets. This discrepancy may result in difficulties in the free traffic of chemicals from the imports, as well as the protection of human health and the environment.

In order to update the regulations governing **restrictions and prohibitions of production, and placing on the market and use of chemicals**, in April 2018, amendments were adopted¹³⁷ that we consider extremely important, and they relate, among other things, to bisphenol A (BPA), decabromodiphenylether (decaBDE) and perfluorooctanoic acid (PFOA). **In this way, EU Regulation 2016/2235 from December 2016, which prohibits/restricts the use of BPA in thermal paper at a concentration greater than or equal to 0.02%, was transposed with the beginning of its application in Serbia as of June the 30th, 2020 (six months later in relation to the EU).** In addition, the manufacturing or marketing of products containing decaBDE at a concentration equal to or greater than 0.1% (m/m) after the 2nd of March 2022 is prohibited.

In March 2018, amendments were made to the List of Candidate Substances for the List of Substances of Very High Concern¹³⁸ **thereby enabling consumers to obtain information on a number of substances of very high concern (SVHCs) in products, including bisphenol A and perfluorohexane-1- sulfonic acid.** However, further harmonization needs to be done as the list was additionally updated in the EU in June 2018 and January 2019 by the addition of 16 new substances.

135 <http://www.ekologija.gov.rs/organizacija/sektori/sektor-za-upravljanje-zivotnom-sredinom/odeljenje-za-hemikalije/reach/?lang=lat>

136 Adaptation to technical progress (ATP)

137 "Official Gazette of the Republic of Serbia", No. 36/2018

138 "Official Gazette of the Republic of Serbia", No. 22/2018

The List of Substances of very high Concern was also supplemented in March 2018¹³⁹ resulting in full compliance with the EU List (43 substances are now on that list), an action which was also planned by the latest NPAA¹⁴⁰.

In May 2018, amendments were made to the Rulebook on permits for performing business activities and/or permits for the use of particularly hazardous chemicals¹⁴¹, which **annulled the previous provision that chemicals classified in the category of danger of corrosive damage/skin irritation of the subcategory 1B are considered particularly hazardous chemicals**. This was also a remark that was explained in detail in the previous report, since the introduction of this measure in 2017 was not based on the really dangerous aspect that subcategory 1b represents and was not applicable in practice both from the aspect of the type of product to which it was applied, and the aspect of the economic entities covered by it.

There is a significant delay in the process of the harmonization of regulations relating to methods of testing hazardous properties of chemicals that have not been updated since 2012.

The drafting of the Draft Law on Biocidal Products for the purpose of harmonization with the Biocidal Products Regulation (528/2012/EU) commenced in 2017 and was completed in 2018. The public hearing was held between October the 25th and November the 23rd, 2018. The EU Regulation could not be fully taken into account, since it regulates, among other things, the procedures that are conducted by the European Chemicals Agency (ECHA) or the European Commission; thereby ensuring the maximum possible compliance with the EU Regulation until full EU membership. **However, the new law will not bring about substantial changes in relation to the current one, and the only significant change concerns new biocidal products that have been approved by the European Commission or the competent authority of a member state in the EU in the sense that they will not be able to be registered in the Temporary List, but they will have to conduct the recognition procedure.** This should facilitate the operation of importers of biocidal products from the EU, since they already have access to their necessary documentation, but given that a new procedure is being introduced by state authorities with limited administrative and professional capacity in these jobs, this will certainly represent a new challenge. The enforcement of the new law is planned for the second quarter of 2019 on the basis of the NPAA.

In 2018, the **Draft Law on Consumer Goods** was adopted, which is currently undergoing Parliament procedure. Objects of general use in accordance with this Law include: toys, cosmetics, detergents and biocidal products. We emphasize that the term "general purpose goods" is not recognized in the EU regulations, but it is taken from the SFRY regulations. Public debate on this law was held between July the 13th and August the 3rd, 2018 in the course of which ALHem took active participation and sent comments, suggestions and proposals to the Ministry of Health in writing.

139 *ibid*

140 National Program for the Adoption of the EU Acquis (NPAA) Third Revision, February 2018, Ministry of European Integration

141 "Official Gazette of the Republic of Serbia", No. 6 since January 27, 2017; 29 since April 13, 2018.

ALHem's general remark on this draft law is that it is based on an outdated concept of health and safety, not only in terms of terminology and legal-technical issues, but more significantly in the non-compliance of the system. The EU concept is based on the general, integrated safety of products, which is primarily regulated by the general product safety directive, and certain groups of products are further regulated by special conditions that regulate the special conditions for their placing on the market - chemicals, toys, cosmetics, biocides, plant protection products, etc.

In that sense, our basic remark related to the intention of the legislator to "bring back" detergents and biocidal products to this law as "hygiene products". The placement of detergents and biocidal products on the market is completely regulated by the Law on Chemicals and the Law on Biocidal Products, or by the accompanying bylaws. There is no rational nor well-founded argument for the Ministry of Health's allegations that the established system does not "cover" health and safety. The entire concept of the Law on Chemicals and the Law on Biocidal Products is to put safe products on the market - safe from the standpoint of their toxicological, ecotoxicological and physical-chemical properties. Pursuant to this Law, the competent authority for placing a biocidal product on the market shall evaluate the biocidal product for all intended uses. This assessment includes a hazard assessment based on data on physical and chemical, toxicological and ecotoxicological properties of the active substance and biocidal product, the assessment of exposure of humans, animals and the environment in all exposure scenarios, and the assessment of the efficacy of the biocidal product. The goal is to place only those products that do not represent an unacceptable risk to life and health of people and the environment on the market. In addition to the EU regulations transposed into these two laws, the EU regulates further placing of detergents and biocidal products on the market.

It is clear that for such a concept there are certain interest groups, primarily the Public Health Institutes in Serbia, which issue health certificates, and which is contrary to the principle of supplier's responsibility for the product being placed on the market, as well as the principle of market control. All this leads to problems in the implementation of regulations related to these product groups, in particular biocidal products for which the supplier, prior to placing the product on the market, should be granted a permit, i.e. "decision on the entry of a biocidal product into the Temporary List of Biocidal Products" by the competent authority (Ministry of Environmental Protection). In practice, it might happen that an approved biocidal product for some reason does not "pass" a health and safety check and thus cause a standstill in the movement of goods, but more importantly, it can also mislead consumers about the safety of this product. It is not clear to us which additional parameters are further controlled within the health and safety of the biocidal product (laboratory testing) that have not already been considered in the approval procedure for placing the biocidal product on the market.

ALHem also had a remark about the very objectives of the enforcement of this law, since it was our opinion environmental protection was omitted as an important aspect of managing general purpose goods (at the end of its life cycle, these products become waste, which can be recycled into new products or end up at the landfill). This is also the only ALHem remark that has been passed.

Considering that the Draft of this law has already been passed by the Government of the Republic of Serbia (despite several negative opinions, including the opinion of the Ministry of Environmental Protection in charge of chemicals and biocidal products management), and that it is in the phase of parliamentary adoption, we expect that the competent bodies of the EU will have objections regarding these mismatches and will react in a timely manner.

Regarding the administrative capacities for performing professional activities in this area there were no significant changes in relation to the capacities in the previous period. Although the last Rulebook on the systematisation of jobs of the competent ministry foresees a significant increase in the number of employees working in chemicals and biocidal products management, it must be taken into account that the limitation of the number of employees in state authorities was extended in 2019, so it is not realistic to expect it will create opportunities for significant strengthening of administrative and professional capacities within the Ministry of Environmental Protection; although this is necessary in order to reach the staffing levels necessary for the implementation of regulations, as well as for the development of a further chemicals management system.

It is important to note that the project “Mercury Initial Assessment in the Republic of Serbia” was completed in 2018 and it is the basis for ensuring and developing the necessary capacities for the implementation of the Regulation on Mercury (2017/852). In 2018, the realization of the project “Strengthening Synergies between the Basel, Rotterdam, Stockholm and Minamata Conventions in Republic of Serbia” started in cooperation with UNDP funding from the special trust fund of UNEP. The project aims to strengthen the synergy of international agreements in the field of chemicals management and waste management, as well as coordination of reporting obligations under international agreements.

IMPLEMENTATION OF LEGISLATION

The Department for Chemicals at the Ministry of Environmental Protection is in charge of **affairs related to implementation of administrative procedures** in this area. The prescribed administrative procedures are being implemented, but given the scope and content of the documentation required by these procedures, as well as the confidentiality of certain data, it is necessary to improve the implementation of these procedures through **development of a modern electronic data delivery system** with adequate protection and strictly defined levels of access to data. This need has been identified within the Draft of the National Programme of Environmental Protection (NPEP) for the period from 2015 to 2019 as a measure to improve the procedure for the entry of chemicals into the Chemicals Register, but the same approach should be applied in the case of administrative procedures in relation to biocidal products.

In 2018, a pilot version of the e-platform for entry of chemicals into the Integrated Register of Chemicals (eIRH)¹⁴² was established and a period of testing was conducted. Thus, this electronic **platform started to work from January 2019**, which means

142 <https://irhportal.ekologija.gov.rs/Account/Login>

that the data needed for the entry of chemicals that were calculated in 2018 in the Register of Chemicals can be delivered via e-platform. The introduction of this possibility to business entities will be a simplified and cheaper administrative procedure. It is also expected that the verification of the submitted data and the issuance of a certificate by the competent authority will be accelerated. However the administrative procedure from the moment of submission of data up to the final decision on the issuance of the chemical entry into the registry breaks the deadlines prescribed by all the laws and lasts for several years on average (especially for those businesses that register a large number of chemicals). Strengthening the administrative capacity which will perform the registration of chemicals is more than necessary. The decisions for requests from previous years for which no solutions have yet been found must be issued quickly by simplifying procedures in terms of requests for additional documentation, since a large number of these chemicals are no longer in circulation; or their classification, labeling, and very often composition has changed. **The actual effects of the application of the electronic platform can be expected in the coming period**, but certainly the initial data entry for chemicals to which no registration number has been assigned thus far, requires significant engagement.

In addition, further development of the **Biocidal Product Register within the Integrated Register of Chemicals is needed**.

In the course of 2019, the implementation of the project **“Further development of the framework for harmonization with EU legislation in the field of Air, Chemicals and Horizontal Legislation” (EAS 3 project)** will begin, during which, specific implementation plans for the REACH Regulation and the Law on Biocidal Products will be developed.

As far as POPs chemicals are concerned, the activities from specific action plans that represent an integral part of the updated NIP are difficult to implement since the updated National Implementation Plan (NIP) for the implementation of the Stockholm Convention by the Government of the Republic of Serbia has not been passed yet and it is becoming outdated. In particular, the implementation of POPs monitoring based on the established activities of the program for measuring the level of POPs in the environment and food, as well as the inclusion of new POPs in the existing program are also proving difficult to maintain. In order to establish a functional POPs monitoring system, it is necessary to improve the work at laboratories for measuring, especially new POPs, through the accreditation of methods, procurement of laboratory equipment and training of laboratory personnel.

Over the course of 2018, the international network IPEN, Arnika, HEAL and 17 other European organizations, including the Association of “Safer Chemicals Alternative” from Serbia, conducted a survey¹⁴³ **showing that consumer products including children’s toys from recycled plastics, were contaminated with toxic chemicals, so-called “burning retarders” that can be found in electronic waste and are forbidden, i.e. restricted for use on the basis of adverse effects on human health and the**

143 Toxic loophole recycling hazardous waste into new products, Arnika, IPEN, HEAL et al. 2018 <http://www.alhem.rs/wp-content/uploads/2018/10/toxic-loophole-recycling-hazardous-waste-into-new-products.pdf>

environment. These are toxic chemicals that are known to affect fertility, fetal development, the thyroid gland and can cause neurological problems and attention disturbances in children. Electronic waste contains bromine compounds that are used as burning retarders in electronic equipment to slow down the rate of fire propagation or fire intensity. The compounds include polybrominated diphenyl ethers (PBDEs) such as OctaBDE¹⁴⁴ and DecaBDE¹⁴⁵, as well as HBCD¹⁴⁶ listed in the Stockholm Convention on POPs. A study analyzing 109 toys and hair accessories indicated that 107 samples (98%) were contaminated with measurable polybrominated diphenylether (PBDE) concentrations and 55 samples (41%) contained hexabromocyclododecane (HBCD). Of the 5 products made from black hard plastic purchased on the Serbian market (four toys and one hairclip) and tested in a laboratory, two samples exceeded the permitted 1000 ppm of decaBDE, while three products exceeded the permitted 10 ppm of octaBDE for products from the original (non-recycled) plastics, but not the allowed concentration for recycled plastic products, which is the case here.

The prescribed permissible concentration for octaBDE in non-recycled plastic products is 10 ppm, while for recycled plastic products 1000 ppm is allowed, which is worrying, since the endocrine system of children “does not differentiate” whether the toy is made of new or recycled plastic when exposed to PBDE. **Unequal standards for PBDE content in products made from original (non-recycled) and recycled plastics are the result of prescribed high limit values for POPs waste as well as recycling exemptions given to some of the signatory parties to the Stockholm Convention at their request, including the EU.** This “toxic” loophole in the regulations means that despite the increased concentration of PBDE in the tested samples, most of the products do not exceed the legally permitted limit because they are made of recycled materials.

These regulatory inequalities are motivated by recycling targets that have neglected the effects of contamination of new products during recycling; thus continuing the process of exposure to these substances. Although recycling targets in the EU are globalized through international conventions, hazardous electronic and electrical waste finds its way across state borders and it gets recycled again through recycling workshops. This toxic loophole, hidden from the public, poses a threat to the health of children, consumers, employees in recycling workshops and the local population, as well as all other vulnerable groups in society. **The only way to protect people from hazardous chemicals from recycled waste is to close the toxic loopholes and keep such hazardous waste away from recycling flows.** The report of this survey contains recommendations addressed to the competent institutions in the EU.

Since the regulations on chemicals only relate to one phase of the chemicals’ life cycle, i.e. to placing on the market and use of chemicals, and bearing in mind the fact that there are other phases of chemicals life-cycle (from production to disposal), it is very important to achieve cooperation and coordination of the department responsible for the implementation of regulations on chemicals with other relevant sectors;

144 Commercial octabromodiphenyl ether (OctaBDE) is listed on the Stockholm Convention List as hexabromodiphenyl and heptabromodiphenyl ether.

145 Dekabromodiphenyl ether (DecaBDE) is listed as a commercial mixture of DecaBDE.

146 HBCD is hexabromocyclododecane.

primarily in the field of environmental protection. This cooperation and co-ordination is necessary in view of the need for the synchronized undertaking of activities that are within the competence of different sectors in order to ensure adequate management of chemicals through the entire life cycle and implementation of the principles of the Strategic Approach to International Chemicals Management (SAICM)¹⁴⁷. **To date, there is no information on the establishment and operation of the Joint Body, nor the adoption of the Integrated Chemicals Management Program, which is envisaged by the Law on Chemicals (Article 7).** We expect that the results of the project “Strengthening the synergies between the Basel, Rotterdam, Stockholm and Minamata Conventions at the national level in the Republic of Serbia “ will contribute to better coordinations of work in the field of chemicals and waste management, as well as reporting to the obligations under these international agreements.

FINANCING

Considering that the financial aspect of chemicals management and biocidal products has been thoroughly analyzed in previous reports¹⁴⁸, it is important to take into account the fact that no changes have been introduced since then. The system of chemicals management and biocidal products is financed from the budget of the Republic of Serbia. **Due to the structure and functioning of the budget system, the data on the amount of revenue generated from the fees which are used to cover the costs of providing administrative services for the implementation of administrative procedures is not available. It is not known whether, and to what extent, is the cost paid from the funds generated from other taxpayers, or those who do not generate income from chemicals and/or biocidal products.** This is not in line with the basic principles set out in REACH and the Biocidal Products Regulations (BPR), as well as the accompanying EU Regulations governing fees (Regulation (EC) No. 340/2008 and Regulation (EU) No. 564/2013), according to which **the costs related to regulatory procedures in respect of chemicals and biocidal products must be borne by economic operators who, from placing them on the market, earn income.** In this sense, the new law on biocidal products, which is expected to be enforced in 2019, did not take over the system of fees according to the EU model as it is not in accordance with the domestic system that regulates collection of taxes and fees, which needs to be amended as soon as possible. Given that the appropriated funds (fees), among other things, would be used to assess the hazards, exposures and risks of bottled products (which is not part of the usual administrative procedure), all citizens of Serbia would benefit because human health and the environment is being protected in this way.

147 Strategic Approach to International Chemicals Management - SAICM

148 Coalition 27 (2017): Chapter 27 in Serbia: Still Under Construction; Coalition 27 (2018): Chapter 27 in Serbia: No - progress Report

RECOMMENDATIONS

Legislative framework:

- Establish adequate dynamics of harmonization with relevant amendments to EU regulations in this field.
- Adopt the Draft Law on Biocidal Products.

Implementation of Legislation:

- It is necessary to strengthen administrative and professional capacities in this area, especially in the field of entering chemicals into the Register and managing biocidal products, especially due to the introduction of the new procedure for the recognition of the EU act which arises from the Draft Law on Biocidal Products.
- Further development of the Register for Biocidal Products within the Integrated Register of Chemicals is needed.
- Review the requirements for the entry of chemicals into the Register of Chemicals from the previous years for which no decisions have yet been issued by way of procedure simplification in terms of requests for supplementary documentation.
- The Government of Republic of Serbia needs to adopt an updated NIP for the implementation of the Stockholm Convention on POPs before holding the ninth Conference of the signatory parties to the Stockholm Convention in 2019.
- Establish a Joint Body for the purpose of planning, monitoring, harmonizing and undertaking joint measures of various inspections in charge of control and supervision of chemicals and biocidal products.
- Establish a Joint Body for integrated chemical management in order to establish satisfactory cooperation and coordination between all relevant sectors and ensure safe chemicals management throughout its life cycle, i.e. the adoption and implementation of the Integrated Chemicals Management Program. The joint body should consist of representatives of competent state authorities in the field of chemicals management, industry, scientific-research organizations and non-governmental organizations.

Financing:

- Modify the domestic system governing the collection of fees and charges in terms of taking over the EU model of financing chemicals and biocidal products management systems to ensure that the fees related to regulatory procedures in respect of chemicals and biocidal products are born by economic operators who generate income by placing the same on the market.

07. NOISE

OVERVIEW:

In the period analyzed for the purposes of this report, there were no significant changes in the legislative framework. There has been some progress in implementing regulations. However, communal noise remains a major problem. For example, the daily level of noise recorded in Belgrade in 2017, in 9 out of 10 locations that were presented in the publication “Belgrade in Figures” was higher than 60 dB(A), while in all ten locations, the level of recorded noise at night was higher than 53 dB(A).¹⁴⁹

LEGISLATIVE FRAMEWORK:

- Legislative framework for noise in the Republic of Serbia includes:
- Law on the Protection of Environmental Noise (“Official Gazette of the Republic of Serbia”, no. 36/09 and 88/10)
- Regulation on Noise Indicators, Limit Values, Noise Indicators Assessment Methods, Annoyance and Harmful Effects of Environmental (“Official Gazette of the Republic of Serbia”, no. 75/10)
- Rulebook on the National List of Indicators of Environmental Protection Indicator (“Official Gazette of the Republic of Serbia”, No. 37/2011)
- Rulebook on the Methods of Noise Measurement, Content and Scope of the Noise Measurement Reports (“Official Gazette of the Republic of Serbia” No. 72/10)
- Rulebook on the Methodology for Action Plan Development (“Official Gazette of the Republic of Serbia”, No. 72/10)
- Rulebook on the Methodology for Determining Acoustic Zones (“Official Gazette of the Republic of Serbia”, number 72/10)
- Rulebook on the Content and Method for the Development of Strategic Noise Maps (“Official Gazette of the Republic of Serbia”, No. 80/2010)
- Rulebook on the Conditions to be Fulfilled by a Professional Organisation for Noise Measurement, and Documentation to be Submitted with the Application for Acquiring the Authorisation for Noise Measurement (“Official Gazette of the Republic of Serbia” No. 72/2010)

The Draft Law on Amendments to the Law on the Protection of Environmental Noise, which should contain changes in competencies, new methods for the assess-

149 https://zis.beograd.gov.rs/images/ZIS/Files/Publikacije/BUB_2018_E.pdf

ment of indicators defined in Annex II of the Directive 2002/49/EC, reporting mechanisms, introduction of the “polluter pays” principle, and deadlines for harmonization with obligations was not delivered, even though it was planned.¹⁵⁰

THE IMPLEMENTATION OF LEGISLATION

Since 2010, regulations in the area of noise protection in the Republic of Serbia have been aligned to a large extent with the regulations in force in the countries of the European Union. The most important regulation in the noise sub-sector is the Noise Directive (2002/49/EC), which requires Member States to prepare and publish **Strategic Noise Maps** every 5 years (which includes noise assessment, noise reduction action plans for larger inhabited centers, road junctions and transport networks, and public information; a strategic noise map is part of the Chapter 27 recommendations relating to the approximation of European environmental standards whose full implementation is foreseen by the end of 2021¹⁵¹). Other noise directives help implement the Framework Directive.

According to available data, there has been some progress in this area between March 2018 and February 2019. By developing strategic noise maps for road traffic directive 2002/49/EC is partially implemented. PE “Roads of Serbia” made strategic noise maps for all 843 km of roads.¹⁵² In addition, the JSC “Serbian Railways Infrastructure” in October 2018 adopted a Decision on awarding the Low-Value Public Procurement Contract- Environment Noise Measurement and Strategic Noise Mapping Development¹⁵³ using the CNOSSOS method for railways on which annual traffic volume exceeds more than 30000 trains per year, i.e. for three railway lines in the total length of 25,879 km.¹⁵⁴ In June 2018, a project for the development of the Strategic Noise Mapping of the City of Niš was launched using the CNOSSOS method that will last for 14 months.¹⁵⁵ The full implementation of Directive 2002/49/EC is envisaged by the end of 2021.¹⁵⁶

FINANCING

The funds for the creation of the Strategic Noise Mapping of the City of Niš were partly provided by the IPA project. In addition, it is envisaged to provide funds from the IPA project for the development of other strategic noise maps and action plans.¹⁵⁷

150 <http://civilnodrustvo.gov.rs/upload/documents/zakoni/Plan%20Rada%20Vlade%202018.PDF>

151 http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf

152 http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf

153 http://infrazs.rs/nabavke/odu_jnmv_1002018.pdf

154 http://infrazs.rs/nabavke/kd_jnmv_1002018.pdf

155 <http://www.pregovarackagrupa27.gov.rs/envap-3-projekat-je-podrzao-radionicu-za-izradu-strateske-karte-buke-za-aglomeraciju-grada-nisa-envap-3-supported-organization-of-a-workshop-implementing-environmental-noise-directive-for-nis-aggl/>

156 http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf

157 http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/NPAA_2016_revizija_srp.pdf

RECOMMENDATIONS

Legislative framework

- Fully harmonize the Law and bylaws with Directive 2002/49/EC.
- Make changes to the Law on Environmental Noise Protection.
- Introduce unique noise-level calculation methods in accordance with Directive 2015/996 (CNOSSOS).

Implementation of Legislation:

- Develop strategic noise mapping and action plans for the remaining 4 agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), as well as Nikola Tesla Airport.
- Develop action plans to reduce noise levels in “noisy” zones and maintain existing levels in “quiet” zones.
- Introduce 24 hour continuous noise monitoring and make data available through a unified display of automatic noise monitoring.
- Evaluate the adverse effects of noise on human health and the environment.
- Work on the training of the noise experts (especially at the local level).

Financing

- Provide funds for the implementation of plans (and responsibilities) in the field of noise.

08. CLIMATE CHANGE

OVERVIEW

As was the case with the previous report, the period between March 2018 and January 2019 marked a continuation of disproportionate policy development and genuine commitment to progress in both prevention and mitigation of climate change.

A series of announced changes to legislation development has been performed; however, no process over the course of the reporting period has been actualized. Slight progress has been made in terms of process transparency, whereas data transparency, reliability and availability still remain unclear.

Even though a series of legislative changes to transposition of EU acquis, as well as to declarative commitment to the European path, have been announced the fact remains that a relevant area such as energy points to lack of connectivity between various sectors.

Nevertheless, certain progress has been made over the course of the development of the Strategy on Climate Change and Action Plan. However, a different approach to the energy sector compared to other sectors has been noticeable in the process of development of this document. This is the only sector for which no full analysis of legislative or strategic framework impact on the level of greenhouse gas emissions (GHG) has been conducted, nor analysis of the sector's exposure to climate change impact. A detailed analysis of public policy documents in the energy sector, which mostly contributes to GHG emissions, is necessary in order to achieve the goals of the Strategy.

No progress has been made in publishing accurate, verifiable and/or reliable information on greenhouse gas inventory. According to the State of the Environment in 2017 Report, prepared by the Serbian Environmental Protection Agency (SEPA), information on the GHG inventory is presented without any prior explanation as to how the information was obtained in the first place. Moreover, this data was also included in the Second National Communication of the Republic of Serbia under the United Nations Framework Convention on Climate Change (UNFCCC), whilst the European Commission has stated that accuracy of the same data has to be improved in its 2018 Report on Serbia.

The Draft Climate Change Law was prepared, after which it passed the public debate process, and it is currently pending parliamentary procedure. The Draft Law itself, however, does not present progress towards successful and full transposition and implementation of the EU Emissions Trading System Directive (EU ETS), which is a key part of the European Union's climate change legislation. Even though the Draft sets the basic benchmarks relative to continuous monitoring and reporting on greenhouse gas emissions, any achievement of the Draft's goals in reduction of GHG emissions remains under question.

LEGISLATIVE FRAMEWORK

Since the legislative framework is in its early stage of development, limited progress has been made with regard to application of regulations in this field.

CLIMATE STRATEGY AND ACTION PLAN

The Working Group engaged in developing the Climate Strategy and Action Plan continued its work in 2018. Three meetings were held in 2018 (in March, September and December). The current public policy framework was drawn up; the adaptation scenarios have been defined and assessed, as well as the National Greenhouse Gas Emissions Baseline Scenarios for the years 2020, 2030 and 2050. The Strategy reflects the evident and special status of the energy sector, since this is the only sector that has been elaborated (apart from agriculture and forestry, waste and wastewater), but for which no analysis of legal and strategic documents in terms of their impact on greenhouse gas emissions has been conducted, nor its exposure to climate change impact. A detailed analysis of compliance with the EU acquis in Chapter 15 has been performed for the energy sector, for which reason it is difficult to assess a contribution of individual documents and instruments of public policy to GHG emissions. Thus, it is also difficult to plan measures and instruments that would aim at reducing GHG emissions from the energy sector. Nevertheless, it has been made clear that the energy sector is the most important sector in terms of greenhouse gas emissions, accounting as it does for 79% of total greenhouse emissions of the Republic of Serbia. Furthermore, the Strategy continues to rely on an unchanged and unambitious NDC of 9.8%, and the Second National Communication Report of Serbia to UNFCCC.

Greenhouse gas inventory information has been unclear since 2014. Publicly available information is contradictory: in some documents, the GHG inventory for the year 2014 is based on projections from 2013, whereas other documents state that the inventory has been unavailable since 2014.

The European Commission's 2018 Report on Serbia (dated April 2018) referred to greenhouse gas inventory. It was submitted by Serbia within the Second Communication Report of the Republic of Serbia under the UNFCCC¹⁵⁸, but assessed as insufficiently accurate.

However, this data was used again in the State of the Environment in 2017 Report that was published in September 2018 by the Serbian Environmental Protection Agency. At the very end of this Report, in the conclusions, there was information on greenhouse gas inventory (page 148)¹⁵⁹:

“Based on data, information and analysis set out in this Report, the following conclusions have been drawn according to thematic sections: ... Based on GHG Inventory, the total estimated greenhouse gas emissions in the Republic of Serbia (without sinks) amounted to 67,148, 23 Gg CO₂ eq in 2014. Since 2000, total GHG emissions have increased by 7.8%. “

158 <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf>.

159 http://www.sepa.gov.rs/download/lzvestaj_2017.pdf.

This is the only place in the Report where GHG inventory is mentioned, and also it is the first time that GHG inventory has been included in the State of the Environment reports published by SEPA. The report was presented in this form in November 2018 to the Environmental Protection Committee of the National Assembly of the Republic of Serbia, which adopted the Report at its 16th session¹⁶⁰, after which the Report became an official document. Since January 2019, an altered report on the State of the Environment in 2017 can be found on the website of the Serbian Environmental Protection Agency, without information on GHG inventory that was previously included in the Report's version originally presented to and adopted by the Environmental Protection Committee.

The Annual Report on Air Quality in the Republic of Serbia for 2017, published by the SEPA in autumn 2018, does not contain any information on GHG inventory. In September 2018, the Statistical Office of the Republic of Serbia stated in their Annual Report on Air Emissions Accounts for 2016 that there is no data on GHG inventory available after 2014.¹⁶¹

Coalition 27 and RES Foundation have sent inquiries to SEPA and the Statistical Office of the Republic of Serbia addressing, issues related to greenhouse gas inventory. The questions, inter alia, refer to data exchange between the Agency and the Statistical Office of the Republic of Serbia, reasons for GHG inventory inclusion in the State of the Environment in 2017 Report without any previous clarifications regarding inventory methodology development, as well as the fact that the greenhouse gas inventory has not been made publicly available.

In its response, the Statistical Office of the Republic of Serbia states that the Serbian Environmental Protection Agency is responsible for preparation of air pollution emission inventory, which it then provides to the Office, and further explains that the last available GHG data had been delivered to them in October 2018; the Statistical Office announced that this data will either appear in the next release of the Office or in the Eco-Bulletin announced for mid-December 2018.

The Serbian Environmental Protection Agency in its reply, inter alia, states that the provisions of the Law on Air Protection ("Official Gazette of the Republic of Serbia" No. 36/2009 and 10/2013) prevent the Agency from making the GHG inventory publicly available, and that the GHG inventory's publication will only become possible once the Law on Climate Change has been adopted. On the other hand, Article 50 of the Law on Air Protection clearly states that data from the National Greenhouse Gas Inventory is public information"

The Eco-Bulletin of the Statistical Office of the Republic of Serbia¹⁶² was published in December 2018, and it states that total greenhouse gas emissions in 2014 were 40, 411.989 Gg. However, it does not say whether this information includes sinks or not.

160 http://www.parlament.gov.rs/16_sednica_Odbora_za_za%C5%A1titu_%C5%BEivotne_sredine_35150.941.html

161 <http://publikacije.stat.gov.rs/G2018/Pdf/G20181256.pdf>.

162 The Statistical Office of the Republic of Serbia, Ecological Bulletin 2017, page 105: <http://publikacije.stat.gov.rs/G2018/Pdf/G20185640.pdf>.

Data on GHG inventory for the year 2014 can also be found in the working materials produced for the Working Group engaged in the project Climate Strategy and Action Plan, to which representatives of Coalition 27 had access, in the capacity of members of the Working Group. This data is different from the aforementioned data, which is for the time being the only publicly available data from the Second National Communication Report of the Republic of Serbia under the United Nations Framework Convention on Climate Change and the State of the Environment in the 2017 Report.

Data that can be obtained, thus, vary significantly, meaning that both transparent and reliable GHG inventory information is still missing. The Ministry of Environmental Protection is beginning the preparation of the Second Biennial Update Report and the Third National Communication Report under the UN Framework Convention on Climate Change, which is why it is crucial to promptly set the exact GHG emissions values for the year 2014, as well as for subsequent years. This is also an obligation under the Law on Air Protection of the Republic of Serbia, whereby it is made clear that SEPA is responsible for organizing the GHG inventory, and that the GHG inventory is public information (Article 50). As for making the process of developing these documents open to public, certain progress has been made since the Ministry of Environmental Protection allowed civil society organizations to take part in the working group tasks. Unfortunately, since there was no public call the process itself was neither fully transparent nor inclusive.

LAW ON CLIMATE CHANGE

The Draft Climate Change Law was in the public debate process between the 15th of March and the 20th of April, 2018. The Report on Public Debate¹⁶³ was approved on the 14th of June; however, the Draft Law is still not in the parliamentary procedure. The Members of Coalition 27, as well as other non-governmental organizations and expert members of the public, had many comments on the Draft¹⁶⁴, pointing out to shortcomings of this document, which they believe will not be sufficient to prepare Serbia's economy for climate change challenges, EU membership nor obligations arising from membership in the context of climate change.

IMPLEMENTATION OF LEGISLATION

Slight progress has been made in implementing climate change mitigation measures or their adaptation, especially with regard to areas identified in the last report: administrative capacities, integration of climate measures into other sectors and cross-sectorial cooperation. A significant progress in implementation of measures has been rendered inoperative since the legal framework in this area is still developing.

163 Public Debate Report on Draft Climate Change Law: <http://www.ekologija.gov.rs/izvestaj-o-javnoj-raspravi-o-nacrtu-zakona-o-klimatskim-promenama/>.

164 Coalition 27 Comments on Draft Climate Change Law <http://www.bos.rs/ekz/uploaded/Komentari%20Koalicije%2027%20na%20Nacrt%20zakona%20o%20klimatskim%20promenama.pdf>.

FINANCING

Little progress has been made in financing measures of mitigation and adaptation to climate change. Based on the Report on Budget Execution in 2018¹⁶⁵, a conclusion was drawn that the Ministry of Environmental Protection had allocated funds to the amount of RSD 28,737,720.00 for the project entitled “Local Development Resilient to Climate Change”, and that the funds in amount of RSD 40,543,506.00 were used for afforestation from the Green Fund. However, based on available information it is not possible to conclude how much money was spent on activities that contribute to mitigation and adaptation to climate change, bearing in mind that activities in different sectors also have an impact on climate change. There has been no progress in terms of reforming subsidies on fossil fuels. Since the problem of climate change is of an intersectoral character, it is necessary to pay special attention to activities and plans regarding implementation of activities and their financing in other sectors, such as energy, traffic, etc. An illustrative example of the current situation is the aforementioned Regulation on Energy Sector Development Strategy of the Republic of Serbia by 2025 with projections until 2030, for the period between 2017 and 2023, which outlines the plans for state investments, primarily in the field of fossil fuels¹⁶⁶.

Plans and strategies of Serbia related to climate change are still not adequately developed, nor are the financial plans, despite frequent declarative statements in which the state recognizes the importance of early action in the fight against climate change. Plans and strategies are not even in compliance with the low level of climate ambition we are currently facing.

RECOMMENDATIONS

Legislative framework

- Adopt the Law on Climate Change and transpose the EU legal framework on climate change by the end of 2019.
- Start prompt revision of the NDC in order to prepare the final version before the UNFCCC negotiations in 2020, in accordance with the Paris Agreement. The new/amended NDC should match in ambition the upcoming revision of EU goals for 2030 and plan for decarbonisation by 2050.
- Set up a continuous mechanism for monitoring the development and work of local self-government units on climate change mitigation and adaptation issues, and set up a mechanism for providing technical and expert support to local self-government units that start developing action plans for climate change adaptation purposes.

165 http://www.ekologija.gov.rs/wp-content/uploads/informator/IZVR%C5%A0ENJE_BUD%C5%BDETA.pdf.

166 The entire Regulation text is available on <http://www.mre.gov.rs/doc/javne%20rasprave/17.07.17/04.%20POS%2010%2007%202017.pdf>.

- All legislation elements (laws, bylaws, etc.) that are directly related to greenhouse gas emitters should be revised so as to include the climate change aspect (so-called climate change *mainstreaming*).
- Fully support the work of the Energy Community Secretariat¹⁶⁷ and define goals to reduce greenhouse gas and increase energy production from renewable resources and energy efficiency. Establish a working group in accordance with the principles of public participation and start activities on the development of integrated National Energy and Climate Plans (NECP) within a set timeframe; and enable adequate public participation in such a process.

Implementation of legislation

- Improve the role of the National Committee on Climate Change by establishing cross - sector cooperation and integrating mitigation and adaptation measures to climate change into other public policies, as well as involving the representatives of civil society organizations in the work of the Committee.
- Over the course of preparation of Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report it is important to take into account issues already described in relation to reliability and accuracy of GHG inventory data. Use relevant available data in place of projections. Ensure the adequate participation of civil society representatives.
- Make GHG inventory data public, verifiable and easily accessible, in accordance with the laws of the Republic of Serbia and assumed international obligations, such as the Aarhus Convention and the Paris Agreement.
- Continue and improve work with regard to inclusion of civil society organizations in the process of legislative and strategic development, thus ensuring the widest possible public involvement and fair public debate process; enable local self-governments, civil society and citizens to actively participate in preparation of the Climate Strategy and Action Plan and NDC revision.
- Increase the number of civil servants at ministries engaged in climate change impacts across various sectors and focus on increasing their capacities.
- Improve the practice of involving the public in the relevant policy-making procedures in the field of climate change.

¹⁶⁷ Policy guidelines by the Energy Community Secretariat on the development of National Energy and Climate Plans under Recommendation 2018/01/MC-EnC, https://www.energy-community.org/dam/jcr:c9886332-a1f5-43ee-b46c-31c637aedfa6/PC_03_2018_ECS_NECP.pdf

Financing

- Set up a financial mechanism that will support strategic priorities (that are in line with Serbia's accession to the European Union), among other things, by redirecting the funds allocated to the fossil fuel industry to mitigation and adaptation to climate change.

WHAT ARE AVAILABLE DATA ON GREENHOUSE GAS EMISSIONS?

WHAT DO LAWS AND CONSTITUTION SAY?



Constitution of the Republic of Serbia:

Everyone has the right to a healthy environment, as well as to timely and complete information about environmental condition.

Law on Environmental Protection of the Republic of Serbia

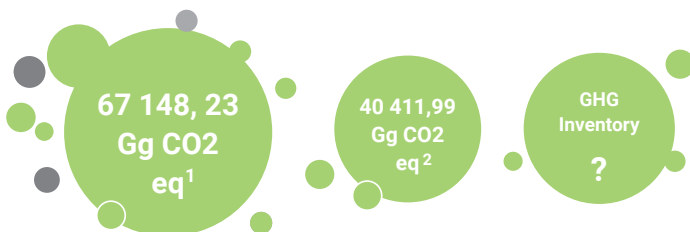
Data on environmental protection are public.

Law on Air Protection of the Republic of Serbia:

The National Greenhouse Gas Inventory is under the management of the Environmental Protection Agency.

Data on National Greenhouse Gas Inventory are public.

WHAT DO PUBLICLY AVAILABLE AND OFFICIAL DATA ON GREENHOUSE GAS EMISSIONS IN 2014 SAY?



1: The Second National Communication Report of the Republic of Serbia under the United Nations Framework Convention on Climate Change, October 2017; Report on the State of the Environment in 2017, Serbian Environmental Protection Agency, September 2018;

2: Eco-Bulletin of the Statistical Office of the Republic of Serbia, (December, 2018);

WHICH DATA ON GHG INVENTORY ARE PUBLIC, COMPARABLE, COMPLETE AND RELIABLE?

09. FORESTRY

OVERVIEW

Forestry is considered through several chapters in the EU accession process, with the key two chapters being: agriculture and rural development, and the environment. There is no doubt that the impact of this sector on the environment as a whole, and especially on climate change, nature conservation, nature conservation and water management, is very significant.

The EU accession process in the field of forestry is based on two regulations governing trade in timber and timber products: the *FLEGT Regulation*¹⁶⁸ regulating the importation of timber products into the European Union and the *EUTR Regulation*¹⁶⁹ governing trade in timber and timber products. Serbia's readiness to apply these two decrees is still assessed as low. The lack of a functional strategic document in the field of forestry continues to be highlighted as one of the main disadvantages to progress. In the previous period there were no significant developments in relation to the forestry sector's preparation for accession to the European Union.

Although the state of the forest is generally assessed as satisfactory, there are numerous problems, among which the high number of coppice stands (57%), the proliferation of illegal logging, the lack of data on forests in private ownership and poor control of their use.

Decision-making processes in forestry are still quite closed and do not allow the effective involvement of a wider circle of stakeholders. Also, the cooperation of the forestry sector with other related sectors, such as nature conservation and agriculture, is still insufficient.

Although modern forest management must be based on an integral approach in Serbia, there are still problems with it. This is especially reflected in the topic of climate change where forestry plays a very important role, but it does not appear to be happening in Serbia.

LEGISLATIVE FRAMEWORK

In the previous period, there were no activities towards the preparation of strategic and planning documents, for which reason the preparation of the Forest Development Program, which is envisaged by the Law on Forests, still has not started.¹⁷⁰ As a consequence, Serbia still does not have an overarching strategic plan for the field of forestry.

168 Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community

169 Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market

170 "Official Gazette of the Republic of Serbia", No. 30/2010, 93/2012 and 89/2015

In the field of legal documents regulating the forestry sector (Law on Forests and other secondary legislation), there were also no significant changes in the previous period.

In the field of preparation for the implementation of the two most important European forest regulations (FLEGT Regulation¹⁷¹ and EUTR Regulation¹⁷²), there was also no significant progress in 2018, thereby the evaluation from the previous screening remains valid, i.e. **Serbia still has insufficient capacity to implement these two regulations.** The main objections are the poorly defined responsibilities of the involved institutions, as well as the absence of a clear control system that would allow the implementation of these regulations.

EU strategic documents in the field of forestry (EU Forestry Strategy 2014, Green Paper on Forest Protection in the EU) remain insufficiently considered within the professional public in Serbia.

THE IMPLEMENTATION OF LEGISLATIONS

The responsible institution for implementation of forestry policy in Serbia is the Forest Directorate of the Ministry of Agriculture, Forestry and Water Management. All publicly owned forests are run by public companies (PE Srbijašume, PE Vojvodinašume and public enterprises managing national parks). State forests account for about 43% of the forests in Serbia, and the rest is privately owned¹⁷³. In relation to the volume of wood, the state sector contains about 48% of the total wood volume, while the private ownership accounts for 52%. This indicates a somewhat worse state of private forests. Also, the annual increment in state forests is estimated at 4,4 m³/ha, whilst only 3.6 m³/ha in private.

High natural forests account for only 29% of the total forested territory in Serbia, and about 2/3 of these areas are state-owned.¹⁷⁴

According to Forest Administration data on the state forests in Serbia, 51% of the annual growth is currently harvested, and plans are realized at the level of about 50%. This practically means that forestry companies consume around half of the renewed timber annually. The data on private forests are drastically different, for which reason it is estimated that around 90% of the annual growth is cut at an annual level. Due to this data and other qualitative assessments, the current management and use of forests in Serbia is assessed by the competent institutions as inadequate. The potential of the forestry sector is far greater in terms of its possible contribution to the economy, society and environmental protection. According to Forest Administration data, there is a gradual increase in the wood mass. Thus, in 2015, it was 2.79 million m³, and in 2018 it exceeded 3 million m³. There is also a gradual growth of annual harvesting plans and their realizations (the plan for 2017 was 2.53 million m³, with an implementation of about 2.35 million m³; in 2018

171 Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community

172 Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market

173 Data available at: <http://upravazasume.gov.rs/wp-content/uploads/2017/02/1.-S.Stamatovic-Koncept-unapredjenja.pdf>

174 Data available at: <https://upravazasume.gov.rs/wp-content/uploads/2019/01/Godisnji-sastanak.pdf>

the plan includes 2.66 million m³, and the implementation is estimated at 2.4 million m³). Of course, the difference between the planned harvest and realized one is still significant.

The lack of adequate planning and control of the use of forests in private ownership remains one of the significant problems in Serbian forestry. **Data that is necessary for adequate forest management is generally not available concerning forests in private ownership, and therefore the control of the use of these forests is very poor.** One of the possible directions for solving this problem is to address the association of private forest owners and educate them to properly perform forestry work. However, this process is very slow, due to the fact that the number of forestry associations, as well as the areas they cover, remains insignificant.

According to Forest Administration data, in the previous years, the quality of forest use control has been enhanced. This is primarily reflected by the increase in the amount of seized wood (from 493 m³ in 2015 to 9,448 m³ in 2017). Also, an increase in the fee for felled timber from about RSD 380 million in 2015 to about RSD 460 million in 2017 is also evident.

Bearing in mind the abovementioned, it can be said that there are certain indications of the consolidation of the forestry sector in Serbia.

Illegal logging remains a significant problem. It is far more evident in private forests, but there are also cases of illegal logging and the avoidance of legal frameworks in state forests. One of these cases was presented in the study “Natural Resources and Corruption Practices” prepared by several civil society organizations¹⁷⁵. Namely, data gathered by organizations indicate malversations in the course of remedying forest fires.

In 2018, realization of the GEF project entitled “Contribution of Sustainable Forest Management to the Reduction of Carbon Emissions and Stable Development” began.¹⁷⁶ Within this project, the second national forest inventory is planned according to the improved methodology.

Certain progress has also been achieved in certification of forests in Serbia in the previous period. In 2018 an elaboration of an interim national standard for certification of forests took effect.. The development of this standard was done under the coordination of the SGS certification company.

Harmonization and cooperation of the forestry sector and nature conservation is of particular importance for the implementation of the EU Birds and Habitats Directives (the establishment of the Natura 2000 ecological Network). In this regard, no significant progress has been made in the previous period.

175 Belgrade Open School, Podrinje Anti-Corruption Team and “Rzav - God save Rzav”. Available at: http://trftp.bos.rs/publications/9-pakt_prirodni-resursi-i-koruptivne-prakse.pdf

176 Project data available on: <https://www.thegef.org/project/contribution-sustainable-forest-management-low-emission-and-resilient-development>

FINANCING

In 2018, the Budgetary Forest Fund was estimated to be around RSD 750 million, which is the same as in the previous year.

Approximately RSD 640 million (about 87%) of the defined amount was spent. Most of the funds were again allocated to the construction and reconstruction of forest roads, about RSD 460 million. In 2018, about RSD 86 million was allocated to afforestation, which is about 25% less compared to the previous year.

In the previous period, gradual financing of joint private forest owners from the Forest Fund Budget has also been noticeable.

RECOMMENDATIONS

Legislative framework

- A national strategic document (development program) for forestry needs to be developed, which will give a long-term vision of the development of this area in Serbia with an action plan complete with precise sources of funding, responsible institutions and implementation dynamics. This document must take into account relevant EU documents in this area (EU Forestry Strategy, Green Paper on Forest Protection).
- Develop an institutional framework with clearly defined competencies for the implementation of EUTR and FLEGT Regulations.

The implementation of legislation

- Strengthen the capacities of the relevant institutions in the implementation of EU legislation and international treaties in the field of nature conservation (Birds and Habitats Directives, CITES Conventions, etc.).
- Strengthen the capacities of competent forestry institutions in terms of EU integration in the field of climate change and energy.
- Ensure public participation in the development of key documents governing the use of forests (including the basics of forest management).
- Evaluate and promote other ecosystem services provided by forests, except wood, and use them in forest management planning.
- Improve the quality of information of privately owned forests and increase control over their use.

- Improve cooperation with other sectors (nature conservation, energy, climate change, water management) for the purpose of integrated management of forest ecosystems.

Financing

- Direct the funds of the Budgetary Forest Fund to a greater extent towards financing of the protection and improvement of forest ecosystems providing services of general interest.

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Financing in the field of environment and climate change



Adopted



Not adopted



Partially adopted



New recommendation



Adopt bylaws that will increase the operation of the Green Fund.



Enable the return of the dedicated character of funds collected from environmental protection fees by amending the Law on the Budget System and the Law on Fees for the Use of Public Goods.



Increase allocation from the budget of the Republic of Serbia to environmental protection sector.



Increase the number of employees in the field of environmental protection in accordance with the appropriate Law (systematisation) and needs.




Envisage a measurable and comprehensive monitoring and reporting system on investment funds (from the budget, funds, IPA, bilateral donations) in the field of environmental protection and climate change.




Increase the capacity of the Ministry of Environmental Protection relative to assessment of needs and work goals, short-term and long-term planning of activities, absorption of funds from pre-accession funds and adequate implementation of projects.




 Adopted


 Not adopted

 Partially adopted

 New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

 Adopt all necessary bylaws in order to ensure proper functioning and independent monitoring of the Green Fund.

 Improve participation of the public in public consultation, especially at the local level through more transparent and comprehensive information. Creating a unified procedure for publishing information from public discussions would significantly contribute to the transparency of the process. The implementation of the Guidelines for making web presentations of state administration, provincial authorities and local self-government units which clearly indicate that competent authorities should "regularly publish the most important information about their work, including the news on all activities that are of interest to the general public" would also contribute to the provision of timely and transparent information to

COMMENTARY

There was no adoption of regulations that would be operationalized by the Green Fund.

There has been no progress in providing relevant information regarding Environmental Impact Assessment procedures in local governments in a given period.

RECOMMENDATION FOR 2019

Adopt all necessary bylaws in order to enable proper functioning and independent monitoring of the Green Fund.

Provide transparent and timely information to the public on the conduct of public hearings through promotion of public information via the Internet, in accordance with the guidelines for the development of web presentations of state administration bodies, territorial autonomy bodies and local self-government units.

the public.
The Office for Information Technology and e-government of the Government of the Republic of Serbia: Guidelines for making web presentations of state administration, provincial authorities and local self-government units, 2014, page 12.

http://www.deu.gov.rs/doc/Smernice_5_0.pdf

● Qualitatively improve Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) processes by adopting necessary bylaws and planned amendments to the Laws on EIA and SEA.

● Harmonize List I (projects requiring impact assessment) and List II (projects for which an impact assessment may be required) with Annexes I and II to Directive 2011/92/EU. Establish a list of plans and programs for which a strategic environmental assessment is mandatory and lists of plans and programs for which a strategic environmental assessment may be required.

There were no amendments to these laws or to accompanying regulations, over the course of the reporting period.

Amendments to the Law on Environmental Impact Assessment were not made over the course of the reporting period covered by this report, and consequently the lists accompanying these laws were not made compliant with the Annexes of the Directive 2011/92/EU. The same holds true for the Strategic Environmental Assessment. The same holds true for the Strategic Environmental Assessment.


Improve the qualitative processes of the Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) by adopting the necessary bylaws and planned amendments to the Law on EIA and the Law on SEA.

Harmonize List I (projects for which environmental impact assessment is obligatory) and List II (projects for which an impact assessment may be required) with Annexes I and II of Directive 2011/92/EU. Establish a list of plans and programs for which a strategic impact assessment is mandatory and a list of plans and programs for which a strategic impact assessment may be required.

<ul style="list-style-type: none"> ● Ensure inclusion of cumulative impact assessment into studies of environmental impact assessment, particularly for hydro plant projects, wind parks, extraction of river sediments, etc, and adhere to the Rulebook on the content of the request for the need for impact assessment and the content of the request for the determination of the scope and content of the studies of environmental impact assessment (Official Gazette of the Republic of Serbia", No. 69/05). 	<p>The cumulative impact on the environment is not sufficiently taken into account when drafting and approving environmental impact assessment studies, especially for projects set out in List 2 (projects for which no environmental impact assessment is mandatory). An environmental impact assessment case study for the Vinča incinerator shows that the Rulebook on the Content was not fully adhered to over the course of the Environmental Impact Assessment Study development.</p>	<p>Comply with the Rulebook on the Content of the Request for the Impact Assessment Need and the Content of the Requirements for Determining the Scope and Content of the Environmental Impact Assessment Study ("Official Gazette of the Republic of Serbia", No. 69/05) while elaborating studies on environmental impact assessment. Ensure inclusion of a cumulative impact assessment in environmental impact assessment studies.</p>
<ul style="list-style-type: none"> ● Publish investment plans for improvement of water and waste management at a local level regularly. 	<p>There was no progress in accepting this recommendation in the reporting period.</p>	<p>Regularly publish investment plans for improving water and waste management at the local level.</p>
<ul style="list-style-type: none"> ● Establish a practice of quality control of environmental impact assessment studies, as well as a review of studies every five years. 	<p>/</p>	<p>Establish a quality control of environmental impact assessment studies, as well as a review of studies every five years.</p>
<ul style="list-style-type: none"> ● In order to achieve higher compliance with Directive 2003/35/EC, it is necessary to increase the capacity of Aarhus Centers in relation to the participation of the public during the preparation and modification or revision of plans and programs 	<p>This recommendation should be extended to state administration bodies and local governments. It is necessary to raise the capacities of state administration bodies and local governments in order to facilitate the inclusion and participation of the general public, whereas the capacities of Aarhus Centers should be increased in order to strengthen their assistance in the process of public involvement.</p>	<p>In order to achieve greater compliance with Directive 2003/35/EC, it is necessary to increase the capacity of national institutions, local self-governments and Aarhus Centers in relation to public participation procedures during the preparation and modification or revision of plans and programs.</p>
<ul style="list-style-type: none"> ● Tighten penalty provisions for environmental pollution. 	<p>Amendments to Criminal Law in order for it to be systematized with Directive 2008/99/EC were not made during this reporting period.</p>	<p>Increase penalties for environmental pollution.</p>






 Adopted

 Not adopted

 Partially adopted

 New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

-  Responsible stakeholders for air quality monitoring should ensure that the measuring system is well maintained and that data is made available to the public. The system for air quality monitoring should be properly financed to ensure the uninterrupted quality operating of air quality monitoring networks, particularly in urban agglomerations such as Belgrade.
-  Inter-sectoral cooperation needs to be improved in order to enable full implementation of the legislation already in place in the country.
-  Local governments/cities should improve the quality, visibility and ensure simple public access to air quality monitoring data provided by local monitoring networks.

COMMENTARY

Some progress can be seen primarily in the activities of the Environmental Protection Agency. However, budget cuts for this purpose point moves in a negative direction. The long-term unavailability of data on air quality measured using the monitoring system of Institute of Public Health of Belgrade is quite concerning.

The establishment of the Working Group can be seen as an attempt to establish cross-sectoral cooperation. However, media inscriptions, which are the only available source of information regarding the tasks this Working Group is supposed to perform, indicate that tasks, for which responsible institutions and defined procedures already exist, have been put before the Working Group, which cannot contribute to better air quality protection policy.

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RECOMMENDATION FOR 2019

The responsible stakeholders for air quality monitoring should ensure that the measuring system is well maintained and that data is made available to the public, Financing for smooth quality operation of air quality monitoring networks should also be secured; especially for urban agglomerations like Belgrade.

Inter-sectoral cooperation needs to be improved in order to enable the full implementation of existing national regulations.

Local governments/cities should improve the quality and visibility, as well as ensure the public easy access to air quality data, which is provided from local monitoring networks.

● Start the process of adopting the Air Quality Strategy urgently.

The approval process of the Air Quality Strategy was not begun. However, an implementation partner for the project was selected through which the basis for this Strategy will be prepared.

Start the process of adopting the Air Quality Strategy urgently.

● Initiate the process of establishing binding standards for low-power combustion appliances used in households (wood stoves and solid fuel stoves).

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Start the process of establishing binding standards for low-power combustion appliances used in households (stoves and solid fuel stoves) in accordance with the Ecodesign Directive 2009/125/EC. Bearing in mind the frequent usage of inefficient stoves and solid fuel ovens in households, it is necessary to consider the expired transposition deadlines for this directive.

● The existing legislative framework needs to be complemented by binding regulations that will regulate efficiency and emissions of solid fuel combustion devices.

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Supplement the existing legislative framework with binding regulations that will regulate the efficiency and emissions of solid fuel combustion appliances.

● It is necessary to ensure that relevant institutions enforce regulations related to the legal deadlines for the establishment of public policies on air quality, regulations related to air quality measurement, information exchange on air quality and obligations under international agreements.

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It is necessary to ensure that the competent institutions enforce regulations related to legal deadlines for the establishment of public policies concerning air quality, regulations related to measuring air quality, exchange of air quality information and obligations under international agreements.

● Provide funding for the uninterrupted operation of the inspection.

● Information on detected exceeded hourly and daily allowed thresholds (AT) should include information about non-operational air quality monitoring stations

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Provide funding for the uninterrupted operation of the inspectorate.

Monthly information on detected overtime and daytime limit values (LV) must include information on analyzers that did not work in that month.

Waste Management



● Adopted

● Not adopted

● Partially adopted

○ New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

● Improve the waste management control system with particular emphasis on the movement and disposal of waste

COMMENTARY

Since March 2017, when the Rulebook was passed, until the end of 2017, 35, 800 of movements of hazardous waste were reported on the territory of the Republic of Serbia. From the beginning of 2018 until July the 25th, 2018, 33,436 movements of hazardous waste were reported. Every day, between 200 and 250 new movements of hazardous waste are being reported.

RECOMMENDATION FOR 2019

Improve the waste management control system with special emphasis on the movement and disposal of waste.

<ul style="list-style-type: none"> ● Provide prerequisites for the application of waste management hierarchy principles with emphasis on waste prevention, reuse and recycling of waste. 	<p>During 2017, the total amount of waste per capita rose from 1.3t to 1.6t, thus not fulfilling the first principle of waste management hierarchy - prevention and reduction of waste generation.</p>	<p>Provide prerequisites for the application of the waste management hierarchy principles with emphasis on waste prevention, and reuse and recycling of waste.</p>
<ul style="list-style-type: none"> ● Create an economic model that will motivate local governments to deposit waste on sanitary landfills and accelerate the process of closing and rehabilitation of illegal landfills. 	<p>/</p>	<p>Create an economic model that will motivate local governments to dispose of waste on sanitary landfills and accelerate the process of closure and remediation of illegal landfills/dumpsites.</p>
<ul style="list-style-type: none"> ● Provide a public reporting system for emissions from illegal landfills operated by PUCs. 	<p>/</p>	<p>Provide a public reporting system for emissions from the landfills/dumpsites operated by the PUCs</p>
<ul style="list-style-type: none"> ● Ensure the application of the "polluter pays" principle and carry out the inspection of the industries in question in order to ensure accurate reporting. 	<p>/</p>	<p>Ensure the implementation of the "polluter pays" principle and implement the bond industry's inspection process to ensure true reporting.</p>
<ul style="list-style-type: none"> ● Improve the legal framework in order to establish a more rigorous control of system operators and greater transparency of their work. 	<p>/</p>	<p>Improve the legal framework to establish more rigorous control of the system operators and greater transparency of their work.</p>
<ul style="list-style-type: none"> ● Improve public awareness of the importance of establishing a waste management system and the consequences that inadequate management has on human health and the environment. 	<p>On the website of the Ministry of Environmental Protection (http://www.ekologija.gov.rs/) there is information on waste management. The phone number and e-mail address are enclosed in order to report movements of hazardous waste.</p>	<p>Improve public awareness of the importance of establishing a waste management system and the harmful consequences of inadequate waste management on human health and the environment.</p>

<ul style="list-style-type: none"> ● Develop partnerships with the civil sector and include it in the process of drafting new regulations and monitoring the application of the existing ones. 	/	<p>Develop partnerships with the civil sector and include them in the process of drafting new regulations and monitoring the application of existing ones.</p>
<ul style="list-style-type: none"> ● Develop capacity of institutions at all levels for monitoring and control of the implementation of regulations. 	/	<p>Develop partnerships with the civil sector and include them in the process of drafting new regulations and monitoring the application of existing ones.</p>
<ul style="list-style-type: none"> ● Develop an efficient judicial system, capable of monitoring and efficiently implementing regulations in the field of waste management. 	/	<p>Develop an efficient judicial system, capable of monitoring and effectively implementing regulations in the field of waste management</p>
<ul style="list-style-type: none"> ● Provide financial support to regions and local self-government units to prepare the documentation necessary to obtain the EU funds needed for the construction of sanitary landfills. 	<p>In order to provide financial resources and prepare the documentation, it is necessary to have all the information. The Environmental Protection Agency website contains a list of municipalities that have not fulfilled their legal obligations nor sent a report on municipal waste (http://www.sepa.gov.rs/DostavljanjePodataka/Default.aspx).</p>	<p>Introduce penalties for municipalities that do not send reports and data to the Environmental Protection Agency.</p>
<ul style="list-style-type: none"> ● Provide funds for financing of projects for rehabilitation of illegal landfills, the introduction of selective collection of waste, construction of transfer stations and construction of sanitary landfills. 	/	<p>Provide funds for financing landfill/dumpsite rehabilitation projects, the introduction of selective waste collection, the construction of transfer stations and the construction of sanitary landfills</p>

● Provide resources for information and education on the importance of establishing a waste management system and, in partnership with CSOs and the media; inform and educate the public.

● Suspend all activities related to the amendment of the Law on Waste Management, which would "legalize" the import of waste for co-processing and use as an alternative fuel.

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Provide information and education resources on the importance of establishing a waste management system and, in partnership with CSOs and the media, inform and educate the public.

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Suspend all activities related to the amendment of the Law on Waste Management, which would "legalize" the import of waste for the purpose of co-processing and its reuse as an alternative fuel.

- Improve the legal framework to enable the effective implementation of extended liability principles.
- Review the regional plans and the national Waste Management Strategy, which will continue in parallel with the implementation of infrastructure projects for the construction of landfills.
- Adopt a strategy in the management of waste sludge in Serbia, which is planned to be completed by the end of 2019.
- Some local governments have not adopted a waste management plan or a plan for remediation of non-sanitary landfills and dumpsites and, for that, they have not suffered any penal provisions prescribed by the Law on Waste Management. Introduce penalties for local governments that do not have a waste management plan and do not regularly submit data to the Environmental Protection Agency.
- Apply the "polluter pay" principle in the field of the Law on Waste Management because currently it is an unfinished legal definition that lacks mechanisms for the producer's extended liability.
- Leasing of chemicals, i.e. the supply of essential chemicals within the context of a circular economy (making as little waste as possible).
- The ban on the export of hazardous waste from 2020 causes a problem, work on solving it.
- Introduce economic tools for reducing waste that goes to landfills without any treatment.
- Introduce a deposit system for packaging waste.
- Introduce an umbrella insurance policy to hazardous waste operators so that, in the event of revocation of the license, the insurance will bear the costs of remediating hazardous waste and incurred damages.



Adopted



Not adopted



Partially adopted



New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

- Develop and consolidate the capacity of public institutions in charge of water management, particularly at the local level – the complexity of water management issues demands much more human and technical capacities. Responsible institutions should analyze existing capacities and develop a plan to improve them as soon as possible. To succeed in this, expert institutions, as well as CSOs, should advocate for better political and financial support for water management sector.

- Develop structured cooperation with other relevant sectors: environment protection, energy, agriculture, and spatial planning.

This should involve establishing permanent communication and information exchange between these sectors.

COMMENTARY

Earlier, no significant progress had been made in terms of strengthening the capacities of the competent institutions.

There is no systematic approach to strengthening this cooperation. Only isolated initiatives are present.

RECOMMENDATION FOR 2019

Capacity building and improvement of the public institutions responsible for water management, especially at the local level - the complexity of water management issues requires increased personnel and technical capacities. It is necessary for competent institutions to conduct an analysis regarding the existing capacities as soon as possible and develop a plan for their improvement. In order to achieve this, professional institutions and CSOs should advocate greater political and financial support for the Water Resource Sector.

Develop structured cooperation with other relevant sectors: environmental protection, energy, agriculture, spatial planning. This implies the establishment of continuous communication and exchange of information between the sectors.

<p>Further improvement of public participation in policy development in the water management sector is of crucial importance. Public consultations should result in far more beyond the minimal legal requirements. Involvement of the parties interested should start at the earliest stages of policy development.</p>	<p>Progress has been made through CSOs participation in preparation of negotiating platforms/specific implementation plans for the EU Water Directives</p>	<p>It is necessary to further promote public participation in the development of public policies in the Water Resource Sector. Public consultations should provide more opportunities than the legal minimum. Engagement of stakeholders should begin at an early stage in the development of public policies.</p>
<p>Integration of nature based solutions in water management practices and better consideration of ecosystem services. Specific capacities for these issues should be developed in relevant institutions.</p>	<p>/</p>	<p>Integration of nature based solutions into water management practices and more serious consideration of ecosystem services. It is necessary to develop specific capacities for these needs in the competent institutions.</p>
<p>A more decisive approach to water pricing policy.</p>	<p>/</p>	<p>A more decisive approach to water pricing policy.</p>
<p>Development of a concrete plan and measures for improvement of monitoring of water quality according to the Water Framework Directive (WFD) requirements.</p>	<p>Some progress has been made in the activities of the Environmental Protection Agency, but there is still a lack of capacity and resources to establish and implement appropriate monitoring for the whole territory of Serbia. Also, it is necessary to harmonize the subordinate legislation that defines this area.</p>	<p>Develop a concrete plan and measures in order to improve monitoring of water quality accordance with the requirements of the Water Framework Directive (WFD).</p>
<p>Improve the control and mitigation of the main identified threats: intensive and poorly planned mini-hydropower plant development, gravel extraction, pollution, uncontrolled use of ground waters, illegal construction along rivers: river habitats, wetlands and water resources in general are highly threatened in Serbia. Immediate action at a national level is needed.</p>	<p>In some areas, improvements in control and mitigation of consequences have occurred, primarily in the approval of certain relevant documents (e.g. Plan on Extracting River Deposits), but the extent and intensity of the negative impacts are still very much highlighted.</p>	<p>Improve the control and mitigation of key hazards: poorly planned small hydropower plants that are being built intensively, gravel extraction, pollution, uncontrolled use of underground waters, illegal construction on the river banks - river habitats, swamps, and water resources are in general very vulnerable in Serbia. Immediate action at the national level is required.</p>

● Integration of the nature directives (Birds and Habitats Directives) (Birds and Habitats Directives) in water management. Better coordination between water management sector and environmental protection sector is needed regarding the implementation of EU directives.

● Develop specific strategies to improve investment in wastewater treatment facilities. Initiate development of strategies and models for knowledge transfers on wastewater treatment technologies to reduce the costs and mobilize domestic capacities.

● A permanent increase of the budgetary allocations for financing activities in relation to water management and protection.

There is still no structured cooperation between these two sectors. The primary reason is that the environmental protection sector is late with the implementation of directives in the field of nature conservation.

Earlier, several wastewater treatment projects had been initiated; mainly projects funded by foreign donors (EU, international development banks, etc.).

In recent years there has been a slight increase in total funds allocated to water management, but still most of the funds are directed to protection against the health effects of water pollution.


Integration of nature directives (Birds Directive and Habitats Directive) into the area of water management. Better coordination is needed between the water management and environmental sectors in relation to the implementation of EU directives.


Develop specific strategies for improving investments in wastewater treatment facilities. Initiate the development of models and strategies for knowledge transfer in the field of wastewater treatment in order to reduce costs and use domestic capacities.

A permanent increase of budget funds for financing activities which provide resources for water management and protection.




 Adopted


 Not adopted

 Partially adopted

 New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

-  Complete the Protocol on procedures and cooperation between institutions and organizations in combating illegal killing, trapping and trade of wild animals – by the Ministry of Environmental Protection with final consultations with experts and scientists as well as the adoption of the Protocol by the government of the Republic of Serbia by mid-2018.
Strengthen cooperation between all actors to prevent corruption in the nature protection sector (particularly related to illegal use of forests, water resources and hunting).

-  Amend the Law on National Parks. Improve regulatory framework on protected areas, and especially regulations on management, categorization, and implementation of protective measures and inclusion of interested parties in the management of protected areas.
Complete announced

COMMENTARY

There is no data available on the progress of this process. CSOs that were involved in this process earlier were not informed about the current activities.

In 2018, progress was made towards involving stakeholders in the management of national parks; bypassing the Rulebook on the Procedure for Proposing and Nominating Members of the National Park System Advisory Board. The Ministry of Environmental Protection has initiated amendments to the Law on Nature Conservation in

RECOMMENDATION FOR 2019

Completion of the drafting of the Protocol on the Actions and Cooperation of Authorities and Organizations in Combating Illegal Killing, Trapping and Trade in Wild Animals by the Ministry of Environmental Protection with the final consultation of the professional and scientific public, as well as the adoption of the Protocol by the Government of the Republic of Serbia.

Strengthen cooperation among all stakeholders in order to prevent corruption in the nature conservation sector (especially those related to the illegal use of forests, water resources and hunting).

Revise the Law on National Parks. Make National Park Service Law revision a process that will enable the active participation of experts and interested public in developing the legislative framework for the management of protected areas; especially legal provisions relating to the mechanism of protected areas management,

amendments to the Law on Nature Protection (fully transpose the provisions of the Habitats Directive and the Birds Directive).

Complete the Strategy for Nature Protection of Serbia with the participation of civil society and adopt all bylaws that have been already completed, but the adoption of which is being delayed (e.g. Regulation on Appropriate Assessment).

connection with the construction of small hydropower plants in protected areas.

In 2018, progress was made in the development of the Nature Conservation Strategy albeit with a number of inconsistencies and in a non-transparent manner.

categorization of protected areas, establishment and implementation of regimes and protection measures.

Fully transpose the provisions of the EU Birds Directive and Habitats Directive into national legislation. Implement the announced amendment of the Law on Nature Protection. Within the process that will enable the active participation of experts and interested public, complete the drafting of the Nature Conservation Strategy of Serbia and enable the enforcement of all prepared regulations whose enforcement has been postponed (e.g., the Regulation Acceptance Testing).

Improve cooperation in the processes of developing strategies, laws and bylaws between nature protection, energy, construction and urban planning sectors, as well as the cooperation on legislation enforcement particularly in Environmental Impact Assessment and Strategic Environmental Assessment processes.

Some progress in cross-sectoral cooperation was made by forming working group engaged in amendments to the Law on Environmental Impact Assessment and the Law on Strategic Environmental Assessment. The working groups consist of representatives of all institutions and bodies in charge of these areas, as well as representatives of civil society organizations. The insufficient interest of the planning and construction sector for the above topics is noticeable.

Improve cooperation in the processes of adopting strategies, laws and bylaws between the sectors of nature conservation, energy, spatial and urban planning and construction, as well as cooperation between said sectors when it comes to enforcement, especially in the Environmental Impact Assessment and Strategic Impact Assessment.

Improve cooperation between authorities and civil society organizations in the field of nature protection, during the process of preparing new strategic documents, laws, during data collection and nature protection. Involve experts in the preparation of the negotiating position for Chapter 27 in the area of nature protection.

Representatives of the academic community and professional civil society organizations are engaged in developing negotiating positions for Chapter 27. Representatives of civil society organizations are involved in several draft bills concerning nature conservation through working groups.

Improve cooperation between state institutions and civil society organizations in the field of nature conservation during the preparation of strategic documents and regulations, work on data collection and nature conservation. Achieve full participation of civil society organizations in the processes by considering and appreciating attitudes and expert opinions. Continue active information and involvement of civil society organizations in the preparation of a negotiating position for Chapter 27 in the field of nature conservation.

● Improve cooperation and increase the capacities of national institutions for nature protection (increase the number and qualifications of staff, as well as technical capacities). Allocate funding to strengthen capacities at local and national levels for the implementation of legislation.

● Improve planning and spending of funds from the budget of the Republic of Serbia for 2018 and 2019 for the establishment of the Ecological Network and for protected areas. Ensure the Green Fund provides adequate financing of nature protection in 2018 and 2019 (identify priorities and criteria for allocating funds) and set up an expenditure reporting system.

● Build the implementing capacities of police, inspectors and judges regarding regulations on species protection.

The nature conservation sector does not receive adequate support from the Government of Serbia. Funds allocated in the budget of Serbia and the numbers of employees are insufficient for the functioning of the sector. There is information that the new systematization of positions in the Ministry of Environmental Protection has been approved, and that an increase in the number of employees is planned. However, details are still unknown to the general public.

Funds allocated to projects for the establishment of the Ecological Network and Natura 2000 Network for 2018.

A group from the Ministry of Environmental Protection for the implementation of the CITES organized training for members of the Anti-Smuggling and Investigation Department, Customs Administration. According to announcements, the same training was organized for public prosecutors and representatives of other institutions in charge of law enforcement.

Improve cooperation and increase the capacities of state institutions in charge of nature conservation (increase the number and professional capabilities of employees and technical capacities), and establish a better organization of work. Allow full implementation of the systematization of job positions within the Ministry of Environmental Protection. Allocate public funds for strengthening the capacity for the implementation of legal regulations at both the local and national level.


Ensure the spending of funds from the Republic of Serbia budget allocated to activities to establish the Ecological network and Natura 2000 network in 2019 and define the budget for these purposes for the year 2020. Ensure adequate and purposeful financing of nature conservation from the Green Fund in accordance with the needs of nature conservation (identify priorities and criteria for allocation of funds).


Continue the continuous capacity building of the police, the inspectorate, the prosecution and judiciary for the implementation of regulations related to the protection of species and habitats, in cooperation with professional organizations of civil society.

	<p>A seminar on Nature Conservation and Precaution Measures in the field of Nature Conservation was held for representatives of the competent institutions and protected areas managers with the participation of CSOs.</p>	
<p>● Strengthen inspection supervision in protected areas in order to prevent illegal construction and logging in 2018.</p>	<p>There is no information available on implementation of this recommendation.</p>	<p>In 2019, strengthen the inspection of protected areas in order to combat illegal construction, logging and other activities that lead to destruction of habitats.</p>
<p>● Harmonize laws dealing with the protection of nature, particularly regarding laws ratifying international agreements.</p>	<p>No progress has been made since the last report.</p>	<p>Harmonize regulations in the field of nature conservation not only with each other but also with other laws and areas concerning nature conservation.</p>
<p>● Ensure more active work of the competent Ministry in solving problems and preventing violations of the provisions of the international Convention on the Conservation of European Wildlife and Natural Habitats in Serbia.</p>	<p>The recommendation of Coalition 27 is not on the priority list of the competent institutions.</p>	<p>Ensure more active work of the competent Ministry in solving problems and preventing violations of the provisions of the International Convention on the Conservation of European Wild Flora and Fauna and Natural Habitats in Serbia.</p>
<p>● Ensure transparent and adequate allocation of funds in the budget and reporting on their spending; allocate more funds for the practical protection of species and habitats.</p>	<p>The recommendation of Coalition 27 is not on the priority list of the competent institutions.</p>	<p>Ensure transparent and adequate allocation of resources in the nature conservation budget and reporting on their spending; allocate more funds for practical protection of species and habitats.</p>
<p>○ Ensure regular and adequate reporting under the international conventions in the field of nature conservation as ratified by Serbia (in particular according to the Convention on the Conservation of European Wild Flora and Fauna and Natural Habitats, the Convention on the Conservation of Migratory Species of Wild Animals and the CITES Convention).</p>		
<p>○ Ensure better cooperation and open flow of information between different sectors within the Ministry of Environmental Protection, as well as between state institutions whose work influences or concerns nature protection.</p>		






 Adopted

 Not adopted

 Partially adopted

 New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

-  Establish adequate dynamics of harmonization with relevant amendments to EU regulations in this field.
-  Adopt a new Law on Biocidal Products harmonized with EU Regulation 528/2012 on biocidal products to the extent to which it is possible due to centralized procedures at the EU level.
-  Amend the Rulebook on permits for performing business activities, that is, on permits for the use of particularly hazardous chemicals: delist the hazard class skin corrosion/irritation (subcategory 1B) from criteria for particularly hazardous chemicals. When the Law on Chemicals is next amended, we suggest the provisions about particularly hazardous chemicals to be removed (they do not exist even in the EU), taking into account the existence of other risk control measures for hazardous chemicals that have been implemented in practice for some time.

COMMENTARY

A review of progress in harmonizing regulations is found in this report.

The drafting of the Law on Biocidal Products for the purpose of harmonization with the Biocidal Products Regulation (528/2012/EU) was completed in 2018. The general public hearing was held between the 25th of October and the 23rd of November 2018. However, its passage is expected in 2019.

In May 2018, amendments were made to the Rulebook on Permits for Performing Business Activity of Movement and Trade, i.e. Permits for Using Particularly Hazardous Substances (Official Gazette of RS, No. 29/2018), which annuls the provision that chemicals fall under the dangerous category of Corrosive damage/skin irritation, subcategory 1b, which are considered particularly hazardous chemicals.

RECOMMENDATION FOR 2019

Establish adequate dynamics of harmonization with relevant amendments to EU regulations in this field.

Adopt the Draft Law on Biocidal Products.

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● Continue improving existing administrative and professional capacities in this area and create mechanisms and conditions for engaging external experts in order to compensate for the lack of capacities for regulatory risk assessment activities.

There was no increase in the number of employees' engaged in management of chemicals and biocidal products.

It is necessary to strengthen administrative and professional capacities in this area, especially in the field of entering chemicals into the Register and managing biocidal products, especially due to the introduction of the new procedure for the recognition of the EU act which arises from the Draft Law on Biocidal Products.

● Improve the implementation of administrative procedures through establishing information infrastructure for electronic data submission, with appropriate protection and levels of data access.

Through the course of 2018, a pilot version of the e-platform for the entry of chemicals into the Integral Register of Chemicals(eIRH) was established and a period of testing was conducted, so that from January 2019 this electronic platform began to operate, while the actual effects of its application can be expected in the forthcoming period.

Review the requirements for the entry of chemicals into the Register of Chemicals from the previous years for which no decisions have yet been issued by way of procedure simplification in terms of requests for supplementary documentation. Further development of the Register for Biocidal Products within the Integrated Register of Chemicals is needed.

● Establish the Joint Body for planning, monitoring, harmonization and undertaking joint measures of different inspectorates in charge of the control and monitoring of chemicals and biocidal products.

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Establish a Joint Body for the purpose of planning, monitoring, harmonizing and undertaking joint measures of various inspections in charge of control and supervision of chemicals and biocidal products.

Establish the Joint Body for Integrated Chemicals Management in order to provide satisfactory cooperation and coordination between all relevant sectors and ensure safe chemicals management throughout their entire life cycle, that is, adopt and start implementation of the Integrated Chemicals Management Program.

Determine fees for administrative procedures related to chemicals and establish financial mechanisms to ensure that costs of regulatory procedures related to chemicals and biocidal products are borne by business entities that generate revenue from their placement on the market.

The Government of the Republic of Serbia needs to adopt the updated NIP for the implementation of the Stockholm Convention on POPs as soon as possible in order to implement the activities defined in specific action plans, primarily the activities related to monitoring POPs in the environment and food.

The results of the project "Strengthening the Synergies between the Basel, Rotterdam, Stockholm and Minamata Conventions at the national level in the Republic of Serbia" are expected to contribute to a better coordination of work in the field of chemicals and waste management, as well as reporting according to obligations under these international agreements.

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Establish a Joint Body for integrated chemical management in order to establish satisfactory cooperation and coordination between all relevant sectors and ensure safe chemicals management throughout its life cycle, i.e. the adoption and implementation of the Integrated Chemicals Management Program. The joint body should consist of representatives of competent state authorities in the field of chemicals management, industry, scientific-research organizations and non-governmental organizations.

Modify the domestic system governing the collection of fees and charges in terms of taking over the EU model of financing chemicals and biocidal products management systems to ensure that the fees related to regulatory procedures in respect of chemicals and biocidal products are born by economic operators who generate income by placing the same on the market.

The Government of Republic of Serbia needs to adopt an updated NIP for the implementation of the Stockholm Convention on POPs before holding the ninth Conference of the signatory parties to the Stockholm Convention in 2019.



 Adopted

 Not adopted





 Partially adopted

 New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

COMMENTARY

RECOMMENDATION FOR 2019

-  Ensure the Law and bylaws are fully compliant with Directive 2002/49/EC.
-  Work on the training of noise experts (especially at the local level).
-  Secure funds for the implementation of plans (and obligations) in the area of noise (according to the National Program, the costs for the noise sector are estimated at 18.6 million Euros).
-  Develop strategic noise maps and action plans for 5 agglomerations (Belgrade, Novi Sad, Niš, Kragujevac and Subotica), as well as for the railway and Nikola Tesla Airport.

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In June 2018, a project for the creation of a Strategic Map for the measurement of noise in the city of Niš, which is financed by the IPA project and which will last for 14 months, started. In October 2018, the "JSC Serbian Railways Infrastructure" passed a Decision on awarding the Contract for Low-Value Public Procurement - Environmental Noise Measurement and Strategic Noise Maps Development

Fully harmonize the Law and bylaws with Directive 2002/49/EC

Work on the training of the noise experts (especially at the local level).

Provide funds for the implementation of plans (and responsibilities) in the field of noise.

Develop strategic noise mapping and action plans for the remaining 4 agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), as well as Nikola Tesla Airport.

- Make changes to the Law on the Protection of Environmental Noise.
- Evaluate the adverse effects of noise on human health and the environment.
- Introduce 24 hour continuous noise monitoring and make data available through a unified display of automatic noise monitoring.
- Develop action plans to reduce noise levels in "noisy" zones and maintain existing levels in "quiet" zones.
- Introduce unique noise-level calculation methods in accordance with Directive 2015/996 (CNOSSOS).

Climate changes



Adopted
 Not adopted
 Partially adopted
 New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT

- Revise the NDC by the end of 2018 at the latest, in order to align it with the EU 2030 targets, and ensure that the state reaches at least a 40% reduction in emissions compared to 1990 levels, ensuring that the country achieves a real reduction in emissions.

COMMENTARY

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RECOMMENDATION FOR 2019

Start prompt revision of the NDC in order to prepare the final version before the UNFCCC negotiations in 2020, in accordance with the Paris Agreement. The new/amended NDC should match in ambition the upcoming revision of EU goals for 2030 and plan for decarbonisation by 2050.

● Make better and more active use of the role of the National Climate Change Council and include CSO representatives in the work of the Council. Ensure inter-sectoral cooperation and include climate change mitigation and adaptation measures into other policies.

● Urgently (before the next climate negotiations) revise and address the shortcomings of the first two updated reports and inform UNFCCC accordingly, in accordance with the issues raised by the civil society.

● Build on the progress made in 2016 on interested parties' engagement and continue cooperation with civil society; ensure the broadest possible public involvement and fair public consultation processes enabling local self-government units, civil society and citizens to actively participate in the development of the NCCS and the revision of the NDC.

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Improve the role of the National Committee on Climate Change by establishing cross - sectoral cooperation and integrating mitigation and adaptation measures to climate change into other public policies, as well as involving the representatives of civil society organizations in the work of the Committee.

Over the course of preparation of Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report it is important to take into account issues already described in relation to reliability and accuracy of GHG inventory data. Use relevant available data in place of projections. Ensure the adequate participation of civil society representatives.

Continue and improve work with regard to inclusion of civil society organizations in the process of legislative and strategic development, thus ensuring the widest possible public involvement and fair public debate process; enable local self-governments, civil society and citizens to actively participate in preparation of the Climate Strategy and Action Plan and NDC revision.

● Increase the number of civil servants within the ministries dealing with climate change impact in different sectors and focus on increasing their capacities.

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Increase the number of civil servants at ministries engaged in climate change impacts across various sectors and focus on increasing their capacities.

● It is necessary to establish a continuous mechanism for monitoring the development and work of local self-governments on issues of prevention and adaptation to climate change. The work on the creation of action plans for adapting to climate change is still needed.

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Set up a continuous mechanism for monitoring the development and work of local self-government units on climate change mitigation and adaptation issues, and set up a mechanism for providing technical and expert support to local self-government units that start developing action plans for climate change adaptation purposes.

● Develop a financial mechanism to support strategic priorities, among other things, by shifting funds from polluting fossil fuel subsidies to the measures of mitigation and adaptation to climate change.

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Set up a financial mechanism that will support strategic priorities (that are in line with Serbia's accession to the European Union), among other things, by redirecting the funds allocated to the fossil fuel industry to mitigation and adaptation to climate change.

● Adopt the Law on Climate Change and transpose the EU legal framework on climate by the end of 2018.

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Adopt the Law on Climate Change and transpose the EU legal framework on climate change by the end of 2019.

● All elements of legislation (laws, bylaws, etc.) that are directly related to the greenhouse gas emitters should be revised to include the climate change aspect (so-called *mainstreaming*)

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All legislation elements (laws, bylaws, etc.) that are directly related to greenhouse gas emitters should be revised so as to include the climate change aspect (so-called climate change *mainstreaming*).

● Continue and improve the practice of involving civil society organizations into relevant processes.

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Improve the practice of involving the public in the relevant policy-making procedures in the field of climate change.


○ Make GHG inventory data public, verifiable and easily accessible, in accordance with the laws of the Republic of Serbia and assumed international obligations, such as the Aarhus Convention and the Paris Agreement.

○ Fully support the work of the Energy Community Secretariat and define goals to reduce greenhouse gas and increase energy production from renewable resources and energy efficiency. Establish a working group in accordance with the principles of public participation and start activities on the development of integrated National Energy and Climate Plans (NECP) within a set timeframe; and enable adequate public participation in such a process.



 Adopted

 Not adopted


 Partially adopted

 New recommendation

RECOMMENDATION FROM THE PREVIOUS REPORT


COMMENTARY

RECOMMENDATION FOR 2019

 It is necessary to develop a national strategic document (development program) for forestry that will offer a long-term vision of the development of this area in Serbia with precise sources of funding and implementation dynamics. This document must take into account the relevant EU documents in this area (EU Forest Strategy, Green Paper on Forest Protection).


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A national strategic document (development program) for forestry needs to be developed, which will give a long-term vision of the development of this area in Serbia with an action plan complete with precise sources of funding, responsible institutions and implementation dynamics. This document must take into account relevant EU documents in this area (EU Forestry Strategy, Green Paper on Forest Protection).

 Develop an institutional framework with clearly defined responsibilities for the implementation of the EUTR and the FLEGT Regulation.

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Develop an institutional framework with clearly defined competencies for the implementation of EUTR and FLEGT Regulations.

 Strengthen the capacities of the competent institutions with regard to the implementation of EU legislation in the field of nature protection (Habitats Directive and Birds Directive).

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Strengthen the capacities of the relevant institutions in the implementation of EU legislation and international treaties in the field of nature conservation (Birds and Habitats Directives, CITES Conventions, etc.).

● Strengthen the capacities of competent forestry institutions regarding EU integration in the field of climate change and energy.

● Enable greater public participation in the development of critical documents governing the use of forests (including the basics of forest management).

● Acknowledge and promote other ecosystem services provided by forests, except wood, and use them in forest management planning.

● Improve the quality of information on privately owned forests and increase control over their use.

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The concept of forestry promotion by the Forest Administration is based on an integrated approach and takes into account other forest functions, i.e. ecosystem services, but there are still no significant shifts in practice.

The Forest Administration started implementing certain measures aimed at improving the control of the use of private forests (enhanced inspection control), but still no significant progress has been made.

Strengthen the capacities of competent forestry institutions in terms of EU integration in the field of climate change and energy.

Ensure public participation in the development of key documents governing the use of forests (including the basics of forest management).

Evaluate and promote other ecosystem services provided by forests, except wood, and use them in forest management planning.

Improve the quality of information of privately owned forests and increase control over their use.

FINANCING IN THE FIELD OF ENVIRONMENT AND CLIMATE CHANGE



Methodology:

- Data collection (from announcements of competent institutions, sending requests for access to information of public importance, etc.) and analysis of the received data
- Analysis of the work of the Ministry of Environmental Protection in 2018
- Direct communication with experts in the field of financing
- Consultations with responsible institutions
- Analysis of media content

List of authors (organizations)

- Young Researchers of Serbia
- Belgrade Open School
- Bird Protection and Study Society of Serbia

HORIZONTAL LEGISLATION



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information are collected from official sources available on the Internet
- Analysis of relevant studies and projects
- Data related to the implementation of EIA and SEA procedures were collected through participation in public consultations and consultations with local authorities and CSOs

List of authors (organizations)

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- Bird Protection and Study Society of Serbia



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information were collected from official sources available on the Internet
- Direct communication with experts in air quality (meetings, workshops, interviews)
- Consultations with responsible institutions
- Analysis of media content

List of authors (organizations)

- RES Foundation



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information were collected from official sources
- Cooperation with experts from the field of waste management
- Analysis of relevant statistical data available on the Internet

List of authors (organizations)

- Environment Engineering Group



Methodology:

- Policy analysis - comparative analysis of national legal and strategic documents and EU legislation - documents and information were collected from official sources available on the Internet
- Analysis of relevant studies and projects
- Direct communication with experts in water quality (meetings, workshops)
- Participation in working groups for drafting by-laws and national implementation plans (organized by Ministry of Environmental Protection)

List of authors (organizations)

- The World Organization for Nature (WWF)
- Young Researchers of Serbia



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information were collected from official sources available on the Internet
- Analysis of relevant studies and projects
- Direct communication with experts in the field of nature protection (meetings, workshops)
- Scientific field work: collecting and analyzing data on habitats and species
- Participation in working groups for drafting by-laws and national implementation plans (organized by Ministry of Environmental Protection)

List of authors (organizations)

- Bird Protection and Study Society of Serbia
- Young Researchers of Serbia
- The World Organization for Nature (WWF)



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information were collected from official sources available on the Internet
- Analysis of institutional and administrative capacity and implementation in practice

List of authors (organizations)

- Safer Chemicals alternative



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information were collected from official sources available on the Internet
- Analysis of relevant studies and projects

List of authors (organizations)

- Environment Engineering Group
- Environment Improvement Center



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information were collected from official sources available on the Internet
- Analysis of relevant studies and projects
- Analysis of media content

List of authors (organizations)

- Climate Action Network Europe (CAN)
- Environment Improvement Center
- Belgrade Open School



Methodology:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information are collected from official sources available on the Internet
- Analysis of relevant studies and projects
- Direct communication with experts in the field of forestry (meetings, workshops)

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STUDY SOCIETY OF SERBIA



This report is published within the project “Civil Society as a Force for a Change in Serbia’s EU Accession Process” which is implemented by Bird Protection and Study Society of Serbia in partnership with Belgrade Open School, and through the programme “Protected Areas for Nature and People” which is implemented by WWF Adria with the assistance of Sweden. The contents of this publication are the sole responsibility of its authors and do not necessarily reflect the views of the donor.

The report was prepared with support of the Heinrich Boell Foundation.

