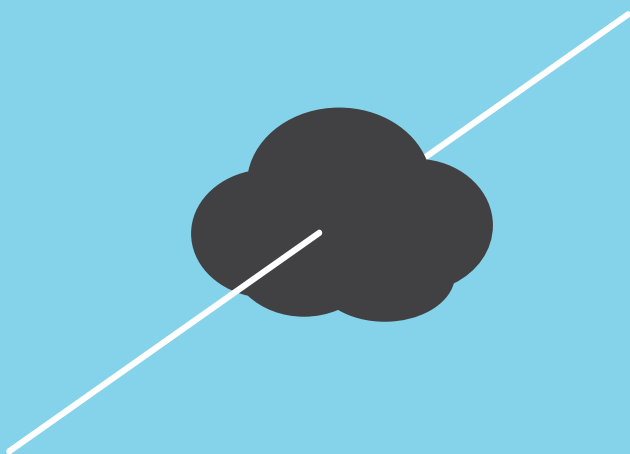


# CHAPTER 27 IN SERBIA: STILL UNDER CONSTRUCTION

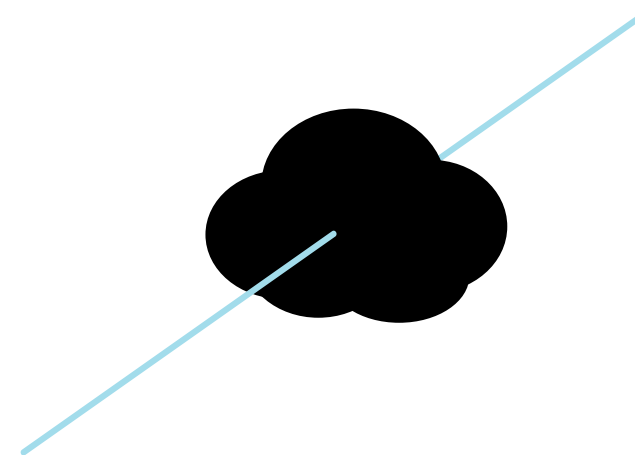


Shadow Report on Chapter 27  
Environment and Climate Change



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# CHAPTER 27 IN SERBIA: STILL UNDER CONSTRUCTION



Shadow Report on Chapter 27  
-  
Environment and Climate Change

**Reporting period:** September 2015 – October 2016

## Impressum

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## INTRODUCTION

This report addresses the main developments in the field of Environment and Climate Change (Chapter 27 of the European Union *acquis*) in the Republic of Serbia during the period September 2015 to October 2016. The report assesses these developments and offers recommendations for strengthening the process of transposing and implementing EU legislation covered by Chapter 27 in the Republic of Serbia.

2017 marks the fourth year in the process of negotiations on the Republic of Serbia's accession to the European Union. However, Chapter 27, the largest of the 35 negotiation Chapters in terms of legislation, is yet to be opened.

Protecting the environment and mitigating and adapting to climate change are critical challenges. The package of EU legislation included in Chapter 27 offers Serbia a comprehensive roadmap to achieve the highest levels of environmental protection and response to climate change. However, the size and the long term goals of the environmental and climate *acquis* demand the Government's full commitment. For the process to be a success, politicians must move Environment and Climate Change up their list of priorities. Strong determination will be necessary to address decades of accumulated environmental challenges and the immediate and future challenges posed by climate change.

The pace of progress in 2016 was undermined by a six month hiatus in legislative activity between March and August due to the national, provincial and municipal elections held in April. Although a vibrant political process is vital for our democracy, it is worth bearing in mind that the environment cannot vote and climate change will not wait.

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Despite notable delays during 2016, some important steps were taken. A Green Fund has been established to finance environmental protection activities. The Green Fund will operate as a budgetary fund, under the direct control by the Ministry of Finance. Although this is a positive development, placing the allocation of funds for environmental protection under the control of the Ministry of Finance is not optimal. Additionally, bylaws to regulate the Fund have not yet to be adopted, and it remains to be seen if this will further undermine its effectiveness. Nonetheless, the long term prospect of this development is positive.

There were also major developments regarding climate change. Development of the National Climate Change Strategy began in the second half of 2016. This is an important

step in climate policy development, building on the first climate targets set by the INDC in 2015 in the run up to the Paris Agreement. The development of the National Climate Change Strategy offers an important opportunity for a wider policy dialogue about climate change. The Government must show commitment to integrating climate change policy into other policy areas and aligning existing climate change commitments with EU climate targets up to 2020, 2030 and 2050. This work should begin with the immediate ratification of the Paris Agreement.

Coalition 27 was established in 2014 by civil society organisations specifically for the purpose of monitoring and contributing to negotiations in Chapter 27. This is the third annual report published by Coalition 27.

The report was jointly prepared by eleven members of Coalition 27: Belgrade Open School, Bird Study and Protection Society of Serbia, Centre for Ecology and Sustainable Development, Climate Action Network Europe, Environment Improvement Centre, GM Optimist, NGO Fractal, One Degree Serbia, Young Researchers of Serbia, World Organization for Nature (WWF) and Safer Chemicals Alternative. The report was prepared with the valuable support of the Heinrich Böll Foundation office for Serbia, Montenegro and Kosovo<sup>1</sup> and in cooperation with the Health and Environment Alliance (HEAL), which provided comments and opinion regarding air quality.

The report follows the thematic framework set out in the European Commission 2016 Report on Serbia. In each thematic section we address policy and legislative developments, implementation and financing, and offer our recommendations on how to improve the process.

The report covers seven thematic sections: horizontal legislation, air quality, water management, nature protection, industrial pollution and risk management, chemical management (for the first time), and climate change. It does not cover the issues of waste management, noise pollution or civil protection.

The report contains two annexes: (1) A comparative table of recommendations from the 2015 report and this year's report, and (2) an explanation of the methodologies and list of the authors (organisations) of each section.

The coalition's members would like to express their readiness to actively support the negotiation process, offering our expertise and capacities with a view to achieving the best possible outcome for all the citizens of Serbia.

This report has been published with the assistance of the CSOnnect programme implemented by the Regional Environmental Center for Central and Eastern Europe (REC).

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. The decision of the authors is to continue using the name Kosovo without asterisk, which does not reflect the official policy of the Coalition members' attitude towards the status of Kosovo.

## 01. HORIZONTAL LEGISLATION

### OVERVIEW

Some progress has been achieved in aligning the Law on Environmental Protection and the Law on Free Access to Information of Public Importance with the requirements of Chapter 27, which will improve citizen's ability to exercise the right to information and contribute to the better implementation of the Aarhus Convention. The quality of public consultations on Environmental Impact Assessment/Strategic Environmental Assessment (EIA/SEA) procedures was poor, with consultations rarely organized in a transparent or adequate manner. Proper implementation of transposed provisions of the Environmental Impact Assessment Directive<sup>2</sup> and Strategic Environmental Impact Assessment Directive<sup>3</sup> remain a burden for the public administration at national and local levels. A Green Fund has been established through amendments to the Law on Environmental Protection, however bylaws that should ensure independent oversight, adequate control of public spending and proper implementation of the 'polluter pays' principle have not yet been adopted. The reporting period was characterised by poor legislative activity, with the responsible authorities adopting only one of seven planned legislative acts related to horizontal legislation.

### POLICY & LEGISLATIVE DEVELOPMENTS

**There has been progress in aligning the Law on Environmental Protection and the Law on Free Access to Information of Public Importance as well as the Aarhus Convention and related *acquis*.** The amended Law on Environmental Protection provides satisfactory definitions of "environmental information" and "public authority", which are now in line with definitions stated in the Aarhus Convention. Further, Article 78, paragraph 2, of the Law on Environmental Protection states that access to environmental information shall be exercised in accordance with the law governing access to information of public importance, thereby nullifying previous incompatibilities between the Law on Free Access to Information of Public Importance and the Law on Environmental Protection in regard to the obligation of authorities to act in accordance with set deadlines. As a result, the overall legislative framework for access to information about the environment has been improved.

2 Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

3 Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

The Law on Ratification of Amendments to the Convention on Environmental Impact Assessment in a Transboundary Context was adopted on the 19<sup>th</sup> of February 2016. There was no progress related to the transposition of the Environmental Liability Directive<sup>4</sup>. A pre-draft version of a Law on Environmental Liability was developed in May 2016, however it was decided that the law is a midterm priority and will not be adopted before 2017<sup>5</sup>. The Law on Ratification of the Multilateral Agreement of the SEE Countries for Implementation of the EIA Convention in a Transboundary Context was planned to be adopted by the end of the reporting period, however it has not yet been adopted. A decree on amendments to the decree prescribing projects for which an environmental impact assessment is mandatory and those where an environmental impact assessment may be required was not adopted by the end of 2015, as was planned<sup>6</sup>. Despite planning to adopt a Law on National Spatial Data Infrastructure by the end of 2015, this law has also not yet been adopted.<sup>7</sup>

Several action plans that should have been adopted during the reporting period have not, including the Action Plan on Enhancing Administrative Capacities, the Multi-Year Plan for Investment and Financing, and the Action Plan for Implementation of the National Environmental Protection Programme. These delays indicate that environmental protection is not among legislators' priorities and illustrates a lack of capacities for full transposition of the *acquis*.

### IMPLEMENTATION

Some progress has been made concerning the legal framework for accessing environmental information. However, access to information is still subject to arbitrary decisions by civil servants and provision of access to politically sensitive documents remains limited.

**The quality of public consultations in EIA/SEA procedures is poor. Public consultations are rarely organized in a transparent or adequate manner.** The Ministry of Agriculture and Environmental Protection is obliged to publish all calls for public hearings and consultations on its website. However, information about the time and date of hearings is often not provided. For example, in the period September-October 2015 international and Hungarian organizations alerted organizations in Serbia that consultations on expanding the Paks Nuclear Power Plant project in Hungary was on-going. The EIA consultation for the PAKS Nuclear Power Plant was not conducted properly and only a small number of CSOs were directly approached to participate. Responsible authorities often delay issuing EIA reports and fail to inform interested parties about final decisions relating to EIA studies.

4 Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage

5 Transposition and implementation of Environmental and Climate Change Acquis – Chapter 27: Status and plans, Government of the Republic of Serbia, page 33

6 Transposition and implementation of Environmental and Climate Change Acquis – Chapter 27: Status and plans, Government of the Republic of Serbia, page 329

7 Transposition and implementation of Environmental and Climate Change Acquis – Chapter 27: Status and plans, Government of the Republic of Serbia, page 34

Development of the **National Emission Reduction Plan (NERP)**, according to Decision D/2013/05/MC-EnC<sup>8</sup> of the Ministerial Council of the Energy Community, indicates poor implementation of the Law on Strategic Environmental Impact Assessment (SEA Law). Article 9 of the SEA Law states that the responsible authority is required to adopt a decision on the preparation of a strategic environmental impact assessment after it obtains an official opinion from the public authority responsible for environmental protection. According to information provided by the Ministry of Agriculture and Environmental Protection, a decision on the preparation of a strategic environmental impact assessment has not been adopted. If the authorities have decided not to conduct a strategic environmental impact assessment for certain strategic documents, such as in this case, then they should at least formally adopt this decision and publish it in Official Gazette of the Republic of Serbia. According to information provided by the Ministry of Agriculture and Environmental Protection, a decision not to prepare of a strategic environmental impact assessment has also not been adopted.

The draft NERP was submitted to the Energy Community Secretariat on December 31<sup>st</sup> 2015.

According to Directive 2001/42/EC of the European Parliament and of the Council of June 27<sup>th</sup> 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) "environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment in the Member States, because it ensures that such effects of implementing plans and programmes are taken into account during their preparation and before their adoption." It is clearly stated in Article 4 of the SEA Directive that the environmental impact assessment shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure. At the 10th Environmental Task Force of the Energy Community the representatives of the Republic of Serbia stated that "if the NERP becomes part of the Serbian legal system, an SEA shall be carried out as well. However, since by the end of 2015, the final document will not be adopted, this is not yet foreseen"<sup>9</sup>. **Our conclusion is that the Republic of Serbia is omitting to conduct a proper Strategic Environmental Assessment in regard to NERP, but has nonetheless moved to implement provisions of the (Serbian) SEA Law and the SEA Directive. The implementation of the SEA Directive in Serbia should be carefully monitored by the European Commission.**

The Serbian Government is preparing the Third National Report on the implementation of the Aarhus Convention. A call for consultations with the public was launched and input collected. However, no further information is available despite assurances that the public will be informed about further steps in the development of the report.

8 Decision of the Ministerial Council of the Energy Community D/2013/05/MC-EnC: On the implementation of Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants

9 10th meeting of Energy Community Task force on Environment, 28th of October 2015, Energy Community Secretariat - Vienna, Austria <http://bit.ly/2bhWVbh>

Other important issues also remain, such as the inability of the national authority to access and provide information from businesses. For example, when the Republic of Serbia submitted the NERP in December 2015, CSOs inquired about the sources of information used for the development of the plan. The Ministry of Agriculture and Environmental Protection responded that, according to the Article 4 of the Aarhus Convention, access to information may be limited in cases when the third party considers information to be of high importance and therefore does not wish to provide it. Furthermore, and of significance, representatives of the Ministry said that the National Emission Reduction Plan was developed without data on emissions from all industries and polluters. According to the Article 4.4 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, information on emissions that is relevant for the protection of the environment should be disclosed.

The Annual report of the Commissioner for Information of Public Importance and Personal Data Protection for 2015 noted an increased number of complaints regarding access to information of public importance related to the environment.<sup>10</sup> 415 requests for information of public importance were addressed to the Ministry of Agriculture and Environmental Protection, after which 111 complaints were lodged against the Ministry. This is the second highest number of complaints lodged against any Ministry, behind only the Ministry of Internal Affairs<sup>11</sup>. According to the Commissioner<sup>12</sup>, the Ministry of Agriculture and Environmental Protection failed to comply with four resolutions made by the Commissioner requiring the Ministry to provide information to applicants.

In 2016 –up to the beginning of November– the Commissioner for Information of Public Importance and Personal Data Protection noted 270 lodged complaints regarding access to information of public importance related to the environment. Over half of these complaints (141) were lodged because of so-called administrative silence. Of the total number of 270 complaints, the proceedings for 125 cases have been closed: in 61 of these cases the Commissioner ordered that information should be provided to the complainant; in 61 of the cases the commissioner terminated proceedings because, in the meantime, the public authorities had complied with the freedom of information requests following the intervention of the Commissioner; and in 3 cases complaints were dismissed because of formal deficiencies. In 82.8% of rejected cases, the public authorities specified abuse of the right to information of public importance as the reason for turning down the access to information request<sup>13</sup>.

10 Republic of Serbia, Commissioner for Information of Public Importance and Personal Data Protection; Report on implementation of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection for 2015, page 21 <http://www.poverenik.org.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2015/IZVESTAJ2015/enizvestaj2015.pdf>

11 Ibid, page 23

12 <http://www.poverenik.org.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2015/IZVESTAJ2015/neizvršenaresenja2015.doc>

13 From the presentation of Stanojla Mandić, Deputy Commissioner for Information of Public Importance and Personal Data Protection in the Republic of Serbia, held during the Aarhus Ogledalo conference in Belgrade, November 18th 2016.

## FINANCING

In 2012, the Environmental Protection Fund was abolished, however the Government continued to collect fees paid by polluters and channelled this income into the state budget. Collecting taxes in this way failed to ensure regular and systematic financing of the environmental sector and allowed the allocation of collected taxes for other purposes.

**In February 2016, the amendments to the Law on Environmental Protection established the Republic of Serbia Green Fund**, which will collect all environmental-related taxes, funds and donations from various sources, aiming to enable more efficient use of funds allocated for environmental protection. The Green Fund has been formed as a budgetary fund (the Ministry of Finance will therefore be responsible for controlling the allocation of funds). The Green Fund is expected to become operational on January 1<sup>st</sup> 2017. However, to the best of our knowledge the bylaws required for the operation of the Green Fund have not yet been adopted (the Law stipulates that bylaws should be adopted within a one-year period after the law enters into force). The Green Fund cannot, therefore, be expected to be fully operational for some time. The lack of independent oversight and adequate control of the Green Fund resulting from the lack of necessary bylaws may have negative consequences for public spending in the environmental sector and on the EU accession process, as budget transparency is not sufficiently ensured in practice. The Ministry of Agriculture and Environmental Protection has already prepared a list of priority areas that the Green Fund will target – including a list of priority projects for the sub-sectors of waste management and wastewater management. However, neither the list of projects nor the methodology for the selection and prioritisation of infrastructure projects in the field of the environment are available to the public.

It is our conclusion that the **framework for environmental financing**, established by the Law on Environmental Protection, **will not be effective and will not contribute to the implementation of EU principles related to the environment, particularly the 'polluter pays' principle**. The system of environmental taxes is defined by the Law on Environmental Protection as a source of funds earmarked for achieving the objectives of environmental policy and is based on the "Polluter pays" principle. However, according to the recent amendment of the Law on Budgetary System (Article 2, para. 15) neither environmental taxes nor any other income earmarked for the Green Fund are recognised as a source of public income. The inconstancy of those two legal acts will negatively affect the recently established environmental financing system. Our concerns about this issue were raised previously with the Delegation of the EU on the 4<sup>th</sup> of December 2015<sup>14</sup>.

## RECOMMENDATIONS

### *Policy & Legislation*

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

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14 <http://bit.ly/25UYnp8>

## *Implementation*

- Enhance participation in public hearing procedures through making the process more transparent and inclusive, especially through providing timely information about the hearings and published reports.
- Improve SEA and EIA procedures and expand the list of projects for which SEA and EIA procedures are required.
- Ensure cumulative environmental impact assessments, particularly for small hydro plant projects.
- Utilize available information channels to inform interested members of the public and publish information related to environmental impact assessments on official websites of local municipalities.
- Publish investment plans for improvement of water and waste management at a local level.
- Ensure proper implementation of the Aarhus Convention and prevent selective implementation and tendentious interpretation of the Convention by the authorities.

## *Financing*

- Recognize environmental taxes and other income earmarked for the Green Fund as a source of public income that is reserved for funding environmental protection and preservation.



## 02. AIR QUALITY

### OVERVIEW

No progress was made toward adopting air quality plans. It is urgently necessary to speed up the adoption of air quality plans for Belgrade and other cities, and to ensure transparency and public participation in the process. The draft National Emission Reduction Plan (NERP) was submitted to the Energy Community Secretariat on the 31<sup>st</sup> of December 2015. However, it has not yet been adopted and the document is not publicly available; we therefore cannot comment on the content of the NERP.

As noted in the Coalition's previous report<sup>15</sup>, the full functioning of air quality monitoring systems needs to be assured in order to provide unbiased data about air quality in the country. Serbia has a satisfactory air quality monitoring system, which received EU support for infrastructure and capacity building in previous years. However, it is critical that the responsible authorities maintain and sufficiently finance the monitoring system.

### IMPLEMENTATION

Overall, air quality in Serbia worsened compared to 2014. No progress was made in the adoption or implementation of air quality plans.

Monitoring system data availability and the quality of data is lower than in 2014. Compared to 2014, air quality in two of the eight urban agglomerations has worsened; in two urban agglomerations air quality remains the same: Highly polluted. Data is not available for three urban agglomerations.

There are continuous inconsistencies in the number of fully functioning automatic measuring units, from year to year, which is also the case for the number and type of parameters selected to be monitored. Namely, for the year 2015, PM10<sup>16</sup> were measured at only six out of forty one automatic measuring stations, which is insufficient to gain a broader picture of the exposure of the general population.

15 [https://rs.boell.org/sites/default/files/uploads/2016/02/coalition27\\_shadow\\_report\\_2015.pdf](https://rs.boell.org/sites/default/files/uploads/2016/02/coalition27_shadow_report_2015.pdf)  
16 PM10 is particulate matter 10 micrometers or less in diameter

The annual update of air quality showed that four of Serbia's eight urban agglomerations fall into air quality category III, exceeding the margin of tolerance for several pollutants. For all five urban agglomerations for which data was reported, air quality worsened or remained in the same category: Over-polluted.

The Law on Air Protection<sup>17</sup> requires local government authorities to publish monthly reports on air quality based on data collected from the local network of measuring stations and measuring points. The reports should be available to the public – published in the media and on local government websites. However, our analysis of local government websites found that it is difficult to find data about air quality, due to the poor organization of information. In some cases the data were out dated, while in other cases the data were up to date but not presented as defined in the Law. According to the Law, air quality reports must contain tables, graphs and textual explanations of the data. However, reports on air quality often contain only graphical presentations of the data without explaining limit values. Limit values are legally binding concentrations of pollutants in the air that must not be exceeded. Presenting the data in only a graphical form makes it difficult for the public (non-experts) to interpret and does not clearly indicate if emissions of polluting particles are within the allowed limits. **Further, these data are published at least a month after they are recorded; as a result the public does not receive timely information about (high) levels of air pollutants when the limit values are breached.**

A large amount of air quality data collected throughout the county at a local level is not regarded as official data. The standards and rules that regulate air quality monitoring stipulate that air quality must be measured using an automatic measuring system, such as the National Network of Automatic Stations for Air Quality Monitoring, which is comprised of 37 stations. However, in many locations air quality data is measured manually by the local network of measuring stations. Although accredited manual methods are used by these measuring stations, the Law does not recognise air quality data measured in this way. As a result, in areas not covered by the automatic measuring network, official published data does not provide a realistic insight into local air quality. Of particular concern are locations where non-official measuring stations show air pollutants exceed the limit values.

Also of particular concern is the tendering process for contracting service providers (laboratories) to monitor air quality locally. As defined by the Law, the tenders are awarded to the lowest tendered offer, regardless of the quality of measuring and analysis processes, *per se*. This means that local legal entities with highly qualified staff that have invested in automatic measuring equipment, including the network of Institutes of Public Health, may not be awarded tenders, but rather to the bidder with the cheapest offer. This process is flawed and a procedure that leads to the best quality data should be established.

17 [http://www.paragraf.rs/propisi/zakon\\_o\\_zastiti\\_vazduha.html](http://www.paragraf.rs/propisi/zakon_o_zastiti_vazduha.html)

## RECOMMENDATIONS

### *Implementation*

Responsible stakeholders for air quality monitoring should ensure that the measuring system is well maintained and that data are made available, particularly in urban agglomerations such as Belgrade.

- Intersectoral cooperation needs to improve in order to enable full implementation of the legislation already in place in the country.
- Local governments/cities should improve the quality, visibility and accessibility of air quality data.

## 03. WATER QUALITY

### OVERVIEW

Intensive developments in water management planning in autumn 2015 indicated that a turning point in water management policy had been reached. **Unfortunately, however, momentum has been lost and more than a year later the Republic of Serbia still has not formally adopted the Water Management Strategy of the Republic of Serbia, nor revised the Law on Waters or the National Danube River Basin Management Plan.** These three documents are of great significance for further aligning national legislation with the *acquis* and for improving implementation of EU directives in the water sector.

The consultation processes for the three mentioned documents have been organized in a relatively fair manner with public discussions and adequate time for comment. The commenting process (explanation of accepted/rejected comments) was well documented and publicly announced. However, despite the fact that public discussions have been formally concluded and the documents prepared, they still have not been formally adopted nor have the causes for such long delays been publicly explained. To some extent this delay could be explained by the elections held in April 2016 and the subsequent changes in government. However, lack of political will and readiness to address the accumulated problems in the water management sector is still evident. **Despite the fact that the water sector has long been identified as one of the most complex and challenging areas of the whole EU accession process, clear and strong commitment from the Serbian government for advancement in this field remains absent.**

Such reluctance not only harms and slows down the formal EU accession process, but has a wider impact on the management of water resources that are of substantial relevance to Serbian society and the economy. There are numerous serious threats and pressures on rivers in Serbia (intensive small hydro power developments, gravel extraction, pollution). To prevent significant and irreversible impact on river ecosystems from these pressures, responsible institutions must react urgently. Facing such challenges, the delay in adopting legislation will have significant consequences on water management in general.

The Government of Serbia has not made any significant changes in the institutional framework for the water sector in the past year. The main institution for water management in the Republic of Serbia is the Republic Water Directorate within Ministry of Agriculture and Environmental Protection. The capacities of the Directorate are still low and no specific mea-

asures aimed at improving technical and organizational capacities have been implemented. Building and improving cooperation with other sectors also remains a significant challenge.

**Water pollution and the absence of waste water treatment systems are the most challenging issues facing the sector.** Some advances in infrastructural projects (waste water treatment plants) have been noted, primarily because of the implementation of the **Priority Environmental Infrastructure for Development (PEID)** programme, financed by the Swedish Government.

## POLICY & LEGISLATIVE DEVELOPMENTS

There were no major developments in legislation related to the water management sector in Serbia during the reporting period. The adoption of newly developed top-level sectorial documents is still being awaited. The lag in adopting amendments to the Law on Waters has caused delays in the development of relevant bylaws, which are of crucial importance for advancing the implementation of EU water Directives (for example, in regard to the Rulebook on Nitrate Vulnerable Zones). **Additionally, the development of Directive Specific Implementation Plans for the Water Framework Directive, the Drinking Water Directive, the Urban Waste Water Treatment Directive and the Nitrate Directive was planned for 2016 but their development has been postponed.**

## IMPLEMENTATION

**Responsible water management institutions evidently lack the personnel and technical capacities to implement the *acquis* in the water management sector.** This is primarily the consequence of unselective employment practices in governmental institutions, which disregard actual needs. In the past year, there were no substantial activities to strengthen institutional capacities.

Intersectoral cooperation in the field of water management remains a significant issue for preventing efficient implementation of the *acquis*. Negative examples of integration and coordination of institutions in regards water management have again been noted. Some projects related to water management that are being implemented by other ministries have not been properly communicated to institutions responsible for water management and nature conservation (for example coordination of activities on flood risk assessment and prevention between the Office for Reconstruction and Flood Relief and Ministry of Agriculture and Environmental Protection).

Such practice is common, not only in water management sector, and clearly indicates that the Government must invest more in the coordination of intersectoral cooperation, especially in regard to complex thematic issues such as water management. Experts working in institutions in the water management sector are generally aware of the importance of an integrated approach to water management, as well as of nature-based solutions in water management, but there is a lack of human capacity and financial provision, driven by an evident lack of support at a political level, in order to implement an integrated approach.

Of particularly importance is the development of systematic and permanent cooperation between water management and nature conservation sectors, which is not sufficient at present. There is a clear connection between the EU Nature Directives (Birds Directive and Habitat Directive) and the Water Framework Directive and Flood Directive. Improving synergy in the transposition and implementation of these directives is necessary.

The Republic Water Directorate has shown progress toward establishing a participatory approach and intersectoral cooperation but lacks the capacities for more significant progress.

Institutions responsible for water management in Serbia actively participate in activities related to international agreements and initiatives, namely the International Commission for the Protection of the Danube River (ICPDR) and International Sava River Basin Commission (ISRBC). Representatives of the Ministry of Agriculture and Environmental Protection participated in the ICPDR Ministerial meeting held in Vienna in February 2016. Ministers from the Danube countries have approved **The Danube River Basin District Management Plan - Update 2015** and **First Danube Flood Risk Management Plan**.

The other important international meeting that took place in the reporting period was **the Sixth meeting of the Parties to the Framework Agreement on the Sava River Basin** held in June 2016 in Belgrade. A positive development following this meeting has been an initiative to explore the potential of nature-based solutions for flood prevention in the Sava River basin. Experts involved in the Permanent Expert Group for Flood Prevention of ISRBC have supported the proposal for potential transboundary water retention in the Spačva-Morović region (Serbia-Croatia border). This initiative may be a sign of positive change in the general approach to water management and particularly transboundary flood mitigation in Serbia and in the region. Development of an integrative approach and support for nature-based solutions is in line with EU incentives and legislation in the field of water management (Water Framework Directive and Flood Directive). However, much more effort and decisiveness from the responsible water management institutions should be shown in this field.

As identified in all relevant analyses, the absence of waste water treatment systems in most cities and communities in Serbia is the main challenge in the water management sector. Improving the situation requires high investment due to large infrastructural needs. **Progress in waste water treatment has been very slow. In reporting period only limited progress in the construction and planning of wastewater treatment plants in Šabac, Niš, Bela Crkva, and Zrenjanin has been achieved. The largest project of this kind, the wastewater treatment plant for Belgrade, has not shown any progress in the reporting period.** These wastewater treatment projects are primarily supported by international donors (EU-IPA<sup>18</sup> funds and the PEID<sup>19</sup> programme of the Swedish Government). More decisive and stronger support from the Serbian Government is needed.

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18 Instrument for Pre-Accession Assistance

19 Priority Environmental Infrastructure for Development

## FINANCING

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### Box 1.

In 2016 the Government of Serbia allocated 2.16 billion RSD<sup>20</sup> for financing of water management, which is less than 0.2% of the total national budget for 2016<sup>21</sup>. This is substantially lower than 3.12 billion RSD allocated for the same purpose in 2015.

The largest portion of the annual budget for water management is allocated for river regulation and flood prevention (ca. 50% of the water management budget). Measures to protect waters from pollution are supported with only 62.5 million RSD (ca. 3% of the total annual budget for water management).

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## RECOMMENDATIONS

As no major developments have taken place in the past year, recommendations for improving water management mainly remain the same as those given in the previous report:

### *Policy & Legislation*

- Urgent adoption of the most relevant national documents in the water management sector.
- Building and improving collaboration with other sectors - better involvement of other sectors in development of water management policy should be ensured. Water management institutions should also make greater effort to influence policies in other sectors when they affect water management and water resources.
- Further improvement of public participation in policy development in the water management sector – some advancement has clearly been made. Both public institutions and CSO should make efforts to bring water related issues into the focus of the wider public.
- Integration of natural solutions in water management and better socio-economic valuation of ecological services (water purification, water regulation, flood prevention) – such an approach will not only help in conservation of natural ecosystems, but will also support the economic sustainability of water management measures.

### *Implementation*

- Capacity development and consolidation of public institutions for water management, especially at a local level – the complexity of water management issues de-

mands much stronger personnel and technical capacities. Responsible institutions should analyse existing capacities and develop a plan to strengthen them as soon as possible. To succeed in this, expert institutions as well as CSOs should advocate for better political and financial support for the water management sector.

- Develop a concrete plan and measurements for improvement of monitoring of waters according to the requirements of the Water Framework Directive – Serbia still does not have a comprehensive monitoring system for waters or concrete plans to establish such monitoring. Particularly problematic is the establishment and integration of monitoring of biotic features.
- Improve control and mitigation of the main identified threats: Intensive and poorly planned mini-hydropower developments, gravel extraction, pollution, uncontrolled use of groundwater, illegal riverside construction – river habitats, wetlands as well as water resources in general are highly threatened in Serbia. Immediate action on a national level is needed.

### *Financing*

- Promotion and support for public-private partnerships in waste water treatment systems. Fast and efficient advancement can be achieved by involving the private sector.
- Developing a more decisive approach in water pricing policy – many analyses have shown that the water pricing system in Serbia is unsustainable. Immediate action in this respect is needed.

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20 The Decree on Water Management Program for 2016 ("Official Gazette of the Republic of Serbia", no 28/2016)

21 The Government of Serbia has allocated 1.119 billion RSD for financing of public policies in 2016.

## 04. NATURE PROTECTION

### OVERVIEW

No significant progress was made in the Nature protection sector relating to the EU integration process during the reporting period.

Implementation of transposed EU nature protection Directives remains a challenge for national and local authorities, primarily due to the lack of capacities, weak cooperation between sectors and insufficient financing.

Implementation of Natura 2000<sup>22</sup> and the Birds and Habitats Directives remains very challenging and requires the development of appropriate bylaws and regulations. A Directive Specific Implementation Plan for the Birds and Habitats Directives has been developed and its implementation should be urged. Special attention should be paid to the lack of transparency by national authorities and their increasing mistrust toward the actions and intentions of civil society.

### POLICY & LEGISLATIVE DEVELOPMENTS

In October 2015, the Law on National Parks was adopted. Civil society and experts suggested that a Law should be adopted to regulate each national park (individually), in recognition of the differences between them. However, these recommendations were rejected.

**The Law on Nature Protection was amended in February 2016<sup>23</sup>, which has resulted in progress only in regard to the implementation of CITES<sup>24</sup> and slight improvements in the articles related to Natura 2000.**

Two important issues about the amended Law on Nature Protection should be noted. Firstly, the Law does not recognize CSOs as a type of organization that can provide data on species and habitats and describes other “competent and expert institutions and organizations” ambiguously, which could be misused during implementation, especially in regard to decision making about hunting, tourism and development, and

22 Natura 2000 is a network of nature protection areas in the territory of the European Union.

23 Official Gazette of RS”, no. 36/2009, 88/2010 and 91/2010 – corr. and 14/2016.

24 The Convention on International Trade in Endangered Species of Wild Fauna and Flora

for commissioning/conducting SEI/EIA/appropriate assessment studies. Secondly, a number of the amendments will be hard to implement within the protected areas governance system, especially in protected areas managed by publicly owned forestry companies, for example: Ecological Network Management (Article 40), Liabilities of the Manager (Article 68).

**The whole process of establishing Natura 2000 in Serbia is not progressing as planned.** The revision of the Regulation on ecological networks has been underway for at least 5 years, but there is no evidence of progress (there is no available information about the activities of the working group, published drafts or public consultations for this regulation).

**Work on finalizing the Regulation on appropriate assessment has been intensified since June 2016** due to the involvement of international experts and support through TAIX<sup>25</sup>. Further, participation in the working group for drafting the Regulation on appropriate assessment has finally been opened up to CSOs<sup>26</sup>.

**Some improvements have been made in processing cases of illegal poisoning of wild birds.** The Ministry of Agriculture and Environmental Protection has initiated the drafting of protocols for processing these cases in cooperation with other relevant institutions (Ministry of the Interior, Ministry of Justice, and The Republic Public Prosecutor’s Office). The process of drafting the protocols was also opened to the participation of CSOs. **However, the protocols have still not been formally approved** and no activities related to this issue were undertaken in the past several months. Due to the seasonal dynamic of poisoning (it most often occurs in early spring) it is of high importance to prepare the protocols and procedures before the next poisoning season. An additional challenge, which has persisted for many years, is payment for ecotoxicological analysis of poisoned protected birds by the Ministry of Agriculture and Environmental Protection to the veterinary authorities. Slight improvements are evident in consultations with the public during the development of laws, but a more systematic approach to public consultation by Ministry of Agriculture and Environmental Protection is needed. It should be noted that the **Environmental Protection Committee of the National Assembly of Serbia was very cooperative during the process of amending laws in February 2016**. Parliamentarians organized a series of meetings and consultations with CSOs and experts in order to prepare amendments.

### IMPLEMENTATION

**There is a lack of capacity for implementation of legislation at both national and local levels.** Within the Ministry of Agriculture and Environmental Protection there is an evident lack of support at a political level for necessary reforms and to foster cooperation with other sectors.

Protected areas managers (especially CSOs, municipalities and associations) need

25 Technical Assistance and Information Exchange instrument of the European Commission

26 Young Researchers of Serbia are participating in the working group

stronger support to develop and implement protection measures. **The whole system of governance of protected areas needs modernization and more finances.**

Cooperation between provincial and national institutions needs to be strengthened (for example between the Institute for Nature Conservation of Serbia and the Institute for Nature Conservation of AP Vojvodina).

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#### **Box 2.**

There are many infrastructure development projects that pose a tangible threat to the natural environment, protected species and protected areas.

Weak enforcement and neglect of environmental laws, as well as a lack of public participation in EIA/SEA procedures, are particularly problematic. Capacities are weak and there is a lack of communication between the Ministry and stakeholders at a local level. Institutions in the nature conservation sector are too passive toward other sectors and do no work actively to promote and enforce nature conservation principles.

For example, numerous small hydro power projects are on-going or in the process of licensing without having undertaken comprehensive impact assessments, even in cases where they are situated in protected areas or in ecological networks (significant ecological areas). Also, the tourism development project on Golija Mountain (a Nature Park, Biosphere reserve, IBA<sup>27</sup> and Emerald<sup>28</sup> site) is on-going and has been endorsed by the Government, but again without careful consideration of environmental issues.

The most recent project of concern is the development of the new port of Belgrade<sup>29</sup>. It is planned that the port will be built in an IBA area (potential SPA area<sup>30</sup>) and one of the most important breeding areas of the White-tailed eagle (BD Annex I species<sup>31</sup>). The Spatial plan for the new port has been developed without proper consideration of environmental and nature conservation issues. Early public consultations were undertaken during August 2016 (a period of the year when many people are on annual leave) without active dissemination of invitations to relevant CSOs, which should be the case for such challenging projects.

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27 An Important Bird and Biodiversity Area  
28 The Emerald Network is an ecological network made up of Areas of Special Conservation Interest in Europe.  
29 <http://www.mgsi.gov.rs/cir/dokumenti/rani-javni-uid-povodom-izrade-prostornog-plana-podrucnja-posebne-namene-nove-luke-u>  
30 A special protection area.  
31 [http://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/h/haliaeetus\\_albicilla\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/h/haliaeetus_albicilla_en.htm)

## **FINANCING**

Financing of nature protection remains a serious problem and the introduction of the Republic of Serbia Green Fund is not anticipated to bring about any significant change.

The state budget for 2016 is expected to include approximately 19 million RSD for establishing ecological networks; approximately 10.7 million RSD for establishing Natura 2000; and around 210 million RSD of subsidies for managers of protected areas. At the end of 2016 there is still no information about whether the small budget allocated for the Natura 2000 Network will be given to institutions and organizations working on the establishment of Natura 2000 as planned.

## **OTHER IMPORTANT INFORMATION**

During consultations on the midterm review of the Indicative Strategic Paper for Serbia (2014-2020) members of Coalition 27 expressed concern about nature protection plans, as the IPA project on Natura 2000 (EuropeAid/133834/C/SUP/RS) is not being implemented as programmed. This situation will neglect a number of plans and programmes. Official information is unavailable, however unofficially it has been indicated that project implementation has been stopped. This will severely affect and slow the implementation of Nature directives in Serbia.

## **RECOMMENDATIONS**

### ***Policy & Legislation***

- Improve cooperation between institutions and civil society organizations in the field of nature protection (particularly during the revision of legislation and by allowing CSOs to participate in research).
- Amend the Law on National Parks to include more efficient protection objectives and management systems. Strengthen procedures for decision making on the borders of national parks, including rules and procedures for changing park boards.

### ***Implementation***

- Fully implement the principles of sustainable development and safeguard natural protected areas from new energy projects that may negatively impact on the environment.
- Improve coordination and capacities of national institutions for nature protection (increase number of staff and technical capacity).
- Fulfil implementation of the Natura 2000 project (EuropeAid/133834/C/SUP/RS).
- Build the implementing capacities of police, inspectors and judges regarding regulations on species protection.

- Strengthen cooperation between all actors to prevent corruption in the nature protection sector (particularly related to illegal use of forestry, water resources and hunting).

### **Financing**

- Ensure the Green Fund provides adequate financing of nature protection in 2017 (identify priorities and criteria for allocating funds).
- Allocate national funding in 2017 to strengthen capacities at local and national levels for the implementation of legislation.

## **05. INDUSTRIAL POLLUTION AND RISK MANAGEMENT**

### **OVERVIEW**

Industry and industry-related activities are major sources of pollution in Serbia, including untreated industrial and municipal wastewater, agricultural runoff and drainage, river shipping and thermal power plants. Hazardous waste production in Serbia has been estimated at 100,000 tons per year<sup>32</sup>. However, there are no hazardous waste treatment facilities in the country. There are currently 10 operational sanitary landfills, with those in Kikinda, Leskovac, Jagodina and Lapovo run by public-private partnerships.

As noted in Coalition 27's previous Shadow Report<sup>33</sup>, historical industrial pollution is a significant problem. Large quantities of hazardous and industrial waste lie unattended at sites across the country, posing a serious threat to the environment; in numerous cases the companies that produced this hazardous waste have gone out of business or are undergoing bankruptcy, or lack the resources to deal with it. It is estimated that more than 5,000 tons of hazardous waste lies unattended at sites in Serbia owned by companies that are in the process of being restructured.

### **POLICY & LEGISLATIVE DEVELOPMENTS**

The Post-Screening Document for Chapter 27 states that the full transposition of the Industrial Emissions Directive (2010/75/EU) in the Republic of Serbia will be achieved by 2018 through amendments to the IPPC Law<sup>34</sup>.

In January 2016 the Republic of Serbia adopted a new Regulation in the field of water protection, regarding the control of emissions of pollutants in water and rules for implementation. New bylaws were also adopted based on the Law on Waters, which regulate emission of pollutants into water. These include a rulebook on measuring the quantity and quality of wastewater and subsequent reporting on the measurements ("Official Gazette of RS" no. 33/2016), and a decree on amending the Regulation of limit values of emissions of pollutants into water and deadlines for their achievement ("Official Gazette of RS" no.1/2016). Both bylaws were enacted in January 2016. It is the responsibility of business entities to conduct adequate monitoring of wastewaters and to submit reports

32 <http://www.ekapija.com/website/sr/page/314087>

33 [https://rs.boell.org/sites/default/files/uploads/2016/02/coalition27\\_shadow\\_report\\_2015.pdf](https://rs.boell.org/sites/default/files/uploads/2016/02/coalition27_shadow_report_2015.pdf)

34 Law on Integrated Pollution Prevention and Control.

to the Agency for Environmental Protection.

Also in January 2016, the Republic of Serbia adopted a Regulation on emission limit values for emissions of air pollutants from combustion plants ("Official Gazette of RS" no. 6/16) and a Regulation of the measurement of emissions of air pollutants from stationary sources of pollution ("Official Gazette of RS" no. 5/16).

A new **Law on Protection of Land ("Official Gazette of RS" no.112/2015) was adopted in December 2015 and came into force in January 2016**. The law regulates the protection of land and obliges land owners and users of land (legal and other persons using land or acting in a way that may affect the quality of soil), to take technical measures to prevent the discharge of pollutants, noxious and hazardous substances into the soil. The law also requires land owners and users to plan for the costs of protection against pollution and degradation of land as part of investment and production costs, and to monitor the impact of activities on soil quality. The Law requires land owners, users and facilities whose activities may be a cause of pollution and/or land degradation, prior to commencing activities, to take soil samples as a basis for an environmental impact assessment and as a baseline indicator for monitoring of environmental impact at the project site over time.

The Law on Inspection Control ("Official Gazette of RS", no.36/2015) was adopted in April 2015 and came into effect on the 30<sup>th</sup> of April 2016.

The EU funded project "Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishing the EMAS system", which concluded in 2014, produced a detailed analysis of legal gaps and recommendations for transposition into national legislation in these areas. The same project team should have developed an implementation plan for the Industrial Emissions Directive (Directive 2010/75/EU) by the end of 2015, including plans for harmonization, funding strategies and plans for the provision of public and private investment in infrastructure and technology necessary for full implementation of the Directive. However, the implementation plan has still not been developed. The State Secretary of the Ministry of Agriculture and Environmental Protection, Stana Božović has noted that "It is important for industry to define action plans for their facilities, which will include necessary measures for implementation and financial resources, so that specific plans for the implementation of the Directive can be achieved"<sup>35</sup>.

## IMPLEMENTATION

### Box 3: Changes after the reporting period

According to the second revised National Programme for the Adoption of the Acquis (NPAA), which was adopted on the 17<sup>th</sup> of November 2016, it is expected that the parts of the Industrial Emissions Directive that relate to industrial pollution will be transposed by mid-2018.

In the future, industrial operators will need to provide precise information on

the steps, costs and time necessary to harmonize activities with Industrial Emissions Directive regulations.

198 plants in Serbia are subject to integrated permitting. 168 integrated permit applications have been submitted, however the majority have been returned to applicants for revision due to lack of required technical documentation. Only 17 permits have been issued to date. There is a delay in issuing of IPPC permits, mainly due to the approval process by other authorities. A deadline until the 31<sup>st</sup> of December 2020 applies.<sup>36</sup>

There is a lack of capacities to address the challenges industrial pollution poses, especially at a local government level.

## FINANCING

No funds are envisaged for the implementation of this part of *acquis* by the state administration, with the exception of strengthening the administrative capacities of responsible institutions.

## RECOMMENDATIONS

### *Policy & Legislation*

- The Republic of Serbia should take immediate steps to comply with the Industrial Emissions Directive and to harmonize the procedures for obtaining the various permits required for the integrated permit.

### *Implementation*

- The Ministry of Agriculture and Environmental Protection and all relevant stakeholders should inform the public in Serbia, in a transparent manner, about all steps taken to create the specific plans for implementation of the Industrial Emissions Directive and law enforcement in this field.
- Fully ensure the public's right to participate in decision-making in cases when amendments are being made to integrated permits.



## 06. CHEMICALS MANAGEMENT

### OVERVIEW

**With the adoption of the Law on Chemicals and the Law on Biocidal Products and their bylaws, a modern system of chemicals management based on EU principles was established.** To ensure the adequate functioning of the system of chemicals and biocidal products management, it is necessary to continue to update existing regulations in order to properly adapt them in line with technical and scientific progress, as well as to build appropriate administrative capacities in this area.

In the period 2009–2012, all the then relevant bylaws in the field of chemicals and biocidal products management were adopted. Administrative capacities were also established, as well as a help desk, and producers, importers and distributors were informed about prescribed obligations and timeframes for their fulfilment. Implementation of relevant legislation was initiated, including the implementation of prescribed administrative procedures within the scope of work of the then responsible authority, the Serbian Chemicals Agency.

With the adoption of amendments to the Law on Chemicals in 2012 the Serbian Chemicals Agency was abolished and all chemicals management competences, registry material, equipment and staff were taken over by the ministry then responsible for environmental protection (now the Ministry of Agriculture and Environmental Protection).

**The harmonisation of national legislation with amendments to relevant EU regulations that were adopted in the EU after 2012 has noticeably slowed.** This is most evident in regard to further harmonisation with the numerous and comprehensive amendments to EU Regulations on classification, labelling and packaging, as well as on testing methods for the evaluation of dangerous properties of chemicals.

There has been no significant derogation from the planned timeframes set out in the NPAA 2014-2018<sup>37</sup> for aligning regulations on bans and restrictions on the production, placing on the market and use of chemicals, or for regulations on import and export of certain dangerous chemicals and detergents, with the amendments to corresponding EU regulations. However, further harmonisation in these sub-areas *is* necessary as these regulations have been additionally updated in the EU.

37 [http://www.seio.gov.rs/upload/documents/nacionalna\\_dokumenta/npaa/npaa\\_2014\\_2018.pdf](http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2014_2018.pdf)

### **Harmonisation with the new Regulation EU 528/2012 on biocidal products is planned for the first quarter of 2018.**

Amendments to the Law on Chemicals and the Law on Biocidal Products adopted in 2015 introduced a legal basis for prescribing taxes that provide budget revenue and for the redistribution of responsibilities of environmental protection inspectors, sanitary inspectors and trade inspectors. With regard to biocidal products, certain responsibilities were also given to veterinary inspectors. In the 2015 EC Progress Report<sup>38</sup> on Serbia, this redistribution of responsibilities was positively assessed. In addition, based on the number of inspectors who are, *inter alia*, engaged in monitoring the implementation of these laws, inspection capacities were assessed as adequate. The amendments to the laws envisage that responsible inspectorates shall establish a joint body for planning, monitoring, alignment and undertaking joint measures related to inspection. However, there is still no information available on the establishment of such a body or on the practical impact of redistributing inspection responsibilities.

The provisions of Article 27 of the Law on Chemicals were further specified and provided a basis for the transposition of a Candidate List of substances of very high concern (SVHC) into national legislation. The publication of this list in 2016 ensured the precise identification of all substances subject to the obligation of provision of information on SVHC in products.

The amendments to the Law on Biocidal Products, adopted in March 2015, provided alignment with earlier amendments to the Law on Chemicals, adopted in September 2012, in regard to the competent authority. Through this measure, two and a half years after the abolishment of the Serbian Chemicals Agency, the conditions were met to cease the provisory application of competent authority provisions of the Law on Chemicals with regard to specific competences in the field of biocidal products.

**A continuous decrease of administrative capacities for performing expert work in the area of chemicals management has been noted since the 4<sup>th</sup> quarter of 2012.** This topic is also discussed within the 2014 EC Progress Report<sup>39</sup> on Serbia, which points out the noted trend of decreased administrative capacities and emphasises the need to strengthen capacities in this area. Moreover, within the 2015 Post-Screening Document for Chapter 27 it was specified that administrative work is being performed by only 13 employees, one third of the human capacities in 2012.

### POLICY & LEGISLATIVE DEVELOPMENTS

The legal framework created by the adoption of the Law on Chemicals and the Law on Biocidal Products and their bylaws established a modern system of chemicals management based on EU principles. However, the development of the system of chemicals management should be continued, both through further harmonization, taking into account

38 [http://www.seio.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/godinja\\_izvestaji\\_15\\_final.pdf](http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/godinja_izvestaji_15_final.pdf)

39 [http://www.seio.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/serbia-progress-report14.pdf](http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/serbia-progress-report14.pdf)

new EU regulations and amendments to existing EU regulations, and through strengthening of capacities necessary for their implementation.

With regard to administrative capacities for performing tasks in this area, there has been a continuous decrease, with capacities now one third of those that existed in the 4th quarter of 2012. This issue is highlighted in the 2014 EC Progress Report on Serbia, as well as the need to strengthen capacities in this area, especially with regard to performing the most demanding tasks related to risk assessment.

Harmonization of national legislation in the period after 2012 has slowed, in particular with regard to the alignment of technical regulations (including specific lists), which must be continuously updated in order to ensure they are properly adjusted in line with scientific and technical progress, a process referred to as Adaption to Technical Progress (ATP<sup>40</sup>). This is most evident in relation to legislation on classification, labelling and packaging of chemicals (Regulation EU No. 1272/2008-CLP Regulation, including its ATPs). Serbian CLP regulations have only been updated in line with the 3<sup>rd</sup> ATP of the EU CLP regulation, dating from 2012, whereas in the EU the 9<sup>th</sup> ATP of the CLP Regulation entered into force in mid-2016.

Given the specificity and scope of aligning these technical regulations with scientifically confirmed facts and updated knowledge, the current approach to approval and adoption of technical regulations in the field of chemicals managements has proven to be insufficient, leading to the mentioned slowing of the process of harmonization.

In regard to updating the regulation of restrictions and bans on production, placing on the market and the use of chemicals, regulation of import and export of certain dangerous chemicals and regulation of detergents, as well as transposing the lists of active substances in biocidal products, there were no significant derogations from the planned timeframes for alignment with EU regulations set out in the NPAA. However, it should be noted that further harmonization of these regulations should be continued in order to keep pace with updates to EU regulations.

**Amendments to the Law on Chemicals and the Law on Biocidal Products adopted in 2015 introduced a legal basis for prescribing taxes that provide budget revenue, and for the redistribution of responsibilities between relevant inspectorates.** No public consultations on the amendments to the law were organized and the laws were adopted under urgent procedure.

It should be emphasized, with a view to explaining the terms used in specifying responsibilities delegated to the sanitary inspectorate, that point 20a of Article 3 of the Law on Chemicals, which was inserted into the Law, defines chemicals and products intended for "general use" as "general use articles", within the meaning defined in a (separate) law regulating the health safety of general use articles (items such as cosmetics, toys, jewellery etc.). A definition formulated in this way, in which chemicals intended for general use are equated with articles for general use is unclear and ambiguous, and implies that chemicals intended for general use are regulated by another law, which is not the case. Definitions in Article 3 of the Law on Chemicals apply to the entire law, have been transposed

40 Adaption to Technical Progress – ATP.

from EU regulations and should not be expanded with such unclear formulations that aggravate implementation. If the intention was to clarify which chemicals and products fall under the responsibility of sanitary inspectors, such clarification should have been provided in the part of the law that specifies the responsibilities of sanitary inspectors.

**A portion of the amendments to the Law on Chemicals adopted in March 2015 are positive.** Namely, the provisions of Article 27 of the Law specified unambiguously that the obligation to provide information on the presence of SVHC in products applies to all substances that are candidates for substances of very high concern, and not only to substances specified in the list transposed from Annex XIV of REACH<sup>41</sup>. In addition, the legal basis for transposing the EU Candidate List, published in accordance with Article 59 of REACH, was given.

The transposition of the EU Candidate List into national legislation in mid-2016 has facilitated **the exercise of consumer rights to information on SVHCs in products**, as it provides clear identification of substances to which the obligation to provide information applies, in accordance with the provisions of Article 27 of the Law on Chemicals.

Amendments to the Law on Biocidal Products of March 2015 provided alignment with Amendments to the Law on Chemicals of September 2012 ("Official Gazette of RS", No. 93/2012). Bearing in mind that the initial version of the Law on Chemicals adopted in September 2009 identified the Serbian Chemicals Agency as responsible for implementation of the law and that the Agency was abolished by Amendments to the Law on Chemicals adopted in September 2012, with all responsibilities simultaneously transferred to the ministry then responsible for environmental protection (now the Ministry of Agriculture and Environmental Protection), it has been necessary to align the legal, organizational and institutional conditions required for the proper functioning of the biocidal products management system in the Republic of Serbia. The amendments to the Law on Biocidal Products adopted in March 2015, two and a half years after the abolishment of the Serbian Chemicals Agency, eliminated the lack of alignment regarding the responsible authority for implementation of the law and provided the conditions to cease the provisory application of competent authority provisions of the Law on Chemicals with regard to specific competences in the field of biocidal products.

However, since 2013, a new Regulation on biocidal products (528/2012/EU) has been applicable in the EU and the former Directive on Biocidal Products 98/8/EC, which the Serbian Law on Biocidal Products is harmonized with, has been repealed. It is therefore necessary to align national legislation with the new EU Regulation on biocidal products. Additionally, it is necessary to create conditions for the implementation of procedures for authorizing biocidal products in line with corresponding procedures and requirements prescribed in the EU, both in terms of establishing information infrastructure to safely connect with the EU information system (R4BP) and in terms of building capacities for performing regulatory risk assessment of biocidal products.

Building capacities to conduct these highly demanding assessments and procedures, which have not been undertaken in Serbia to date, is essential. Indeed, the NAD<sup>42</sup> identi-

41 Regulation (EC) No 1907/2006 - REACH

42 National priorities for international assistance for the period 2014-2017. year, with projections to 2020.

fies capacity building in this area as one of the national priorities for international assistance for the period 2014 – 2017 with projections until 2020.

The legal framework for carrying out animal testing for the purpose of gathering data on dangerous properties of chemicals and biocidal products has not been aligned with Directive 2010/63/EU on the protection of animals used for scientific purposes. The transposition of this directive into national legislation is planned for the third quarter of the 2017. It should be noted that although a legislation on good laboratory practice (GLP) has been adopted, mechanisms for issuing GLP certificates in Serbia have not yet been established, therefore no domestic laboratory can fulfil the conditions for performing testing of toxicological and ecotoxicological properties in accordance with prescribed methods of testing dangerous properties of chemicals set out in Regulation (EC) 440/2008 on testing methods. In relation to this issue, it is necessary to establish better intersectoral cooperation, as GLP falls under the responsibility of the Ministry of Health, the protection of animals fall under the responsibility of the Veterinary Directorate, while chemicals fall under the responsibility of the Ministry of Agriculture and Environmental Protection.

Given that the legislation on chemicals covers only one phase of the life cycle of chemicals, i.e. placing on the market and use of chemicals, and that there are other phases in chemicals life cycle, from production to disposal, it is of essential importance to establish adequate cooperation and coordination between departments in charge of implementing regulations on chemicals and other relevant sectors, primarily in the field of environmental protection. This cooperation and coordination is necessary in order to synchronize activities across different sectors and ensure safe chemicals management throughout their entire life cycle, and for the implementation of the principles set out in the Strategic Approach to International Chemicals Management (SAICM)<sup>43</sup>. Article 7 of the Law on Chemicals lays down provisions on Integrated Chemicals Management, including the obligation to adopt an Integrated Chemicals Management Programme and to establish a Joint Body with the task of preparing the programme and associated action plans, as well as monitoring the implementation of the programme and action plans and coordinating activities related to safe chemicals management throughout their life cycle. To date, no information has been available about the establishment and work of the Joint Body or the adoption of the Integrated Chemicals Management Programme.

## IMPLEMENTATION

The Department for Chemicals within the Ministry of Agriculture and Environmental Protection is in charge of **activities related to carrying out administrative procedures** relating to chemicals management. Administrative procedures are being implemented. However, due to the large volume and content of documentation required by procedures, as well as the confidentiality of certain data they contain, it is necessary to improve and accelerate administration procedures through **developing a modern system of electronic data submission**, with appropriate protection and strictly defined levels of data access. The need for electronic data submission was identified within the draft Action Plan for

43 Strategic Approach to International Chemicals Management - SAICM

the National Programme for Environmental Protection (NPEP) for the period 2015–2019 but only in regard to the inclusion of chemicals into the Chemicals Register. The scope of electronic data submission should be widened to include administrative procedures related to biocidal products.

Inspection control in regard to the implementation of a greater portion of the provisions of regulations on chemicals and biocidal products is the responsibility of the Inspectorate for Environmental Protection. The Sanitary Inspectorate is responsible for control of the implementation of regulations on bans and restrictions, placing on the market and use of chemicals and products intended for general use. In addition, the Sanitary Inspectorate is responsible for inspection of the use of biocidal products by professionals for registered activities, as well as in areas, facilities and activities that are subject to sanitary control, except for the use of biocidal products in facilities in which veterinary activities are performed. The Trade Inspectorate is responsible for control of compliance with the conditions for keeping dangerous chemicals (as well as biocidal products) in sales areas and the labelling of such areas. In 2015, the Veterinary Inspectorate took over responsibility for performing control of the use of biocidal products by professional users performing registered veterinary activities, as well as in areas, facilities and activities under veterinary control.

**This redistribution of responsibilities was introduced with the amendments to the Law on Chemicals and the Law on Biocidal Products** ("Official Gazette of RS", no. 25/2015) and was positively assessed in the 2015 EC Progress Report on Serbia. In addition, based on the number of inspectors who are, *inter alia*, engaged in control of the implementation of these laws, inspection capacities were assessed as adequate. The amendments to the laws envisage that responsible inspectorates shall form a joint body for planning, monitoring, alignment and undertaking joint measures related to inspection. However, to date, no information is available on the establishment of such a body. **The practical impact of this redistribution of responsibilities between various inspectorates is expected to be seen in the upcoming period, as well as the provision of information on the establishment and work of the joint body.**

## FINANCING

**The system of chemicals and biocidal products management is financed from the budget of the Republic of Serbia.**

Taxes on biocidal products are collected in accordance with the regulation on tax height, tax payers, and the manner of payment of taxes for evaluation and verification of data on biocidal products ("Official Gazette of RS", no. 90/15).

In regard to taxes related to chemicals, at present only the minimum republic administrative tax is levied, as the necessary regulation on taxes has not yet been adopted, although the basis for it is provided for in the amendments to the Law on Chemicals of March 2015.

Given the structure and manner in which the budget system functions, data are not available on the amount of tax revenue spent on administrative procedures or the development of the chemicals and biocidal products management system.

**Data is also not available on whether and to what extent part of cost of the chemicals and biocidal products management system are paid from contributions from other tax payers, i.e. those who do not generate revenue from chemicals and/or biocidal products.**

This is not in accordance with the basic principles set out in REACH and the EU Regulation of biocidal products, or the accompanying EU implementing regulations on fees (Regulation (EC) No.340/2008 and Regulation (EU) No.564/2013), according to which the costs of regulatory procedures related to chemicals and biocidal products should be borne by economic entities that generate revenue from their placing on the market.

## **OTHER IMPORTANT INFORMATION**

Given that the process of reducing the number of employees in state authorities is on-going, it is unrealistic to expect a significant increase in the number of employees in the Department for Chemicals within the Ministry of Agriculture and Environmental Protection or that adequate capacities to conduct regulatory risk assessment will be developed within the state administration. Therefore, in order to upgrade existing capacities for regulatory risk assessment, mechanisms for engaging external experts in chemistry, toxicology, ecotoxicology and related sciences from the scientific and academic sector should be established, and their expertise should be upgraded through trainings on regulatory activities. This should be done with the long term perspective in mind, in order to ensure that the Republic of Serbia possesses the necessary capacity to fulfil its future obligations as a Member State in terms of provision of national capacities for carrying out procedures connected to regulatory risk assessment and obligations in the EU related to chemicals and biocidal products.

## **RECOMMENDATIONS**

### ***Policy & Legislation***

- Establish adequate dynamics of alignment with relevant amendments to EU regulations in this field, in particular with regard to adjustments to scientific and technical progress.

### ***Implementation***

- Improve existing administrative capacities for performing tasks related to chemicals management and create mechanisms and conditions for engaging external experts in order to compensate for the lack of capacities for regulatory risk assessment.
- Improve implementation of administrative procedures through establishing information infrastructure for electronic data submission, with appropriate protection and levels of data access.
- Establish a joint body for planning, monitoring, alignment and undertaking joint measures of inspectorates with responsibilities relating to chemicals and biocidal products.

- Establish better intersectoral cooperation among state authorities responsible for GLP, protection of animals and chemicals, in order to create conditions for the application of the Regulation on testing methods for the evaluation of dangerous properties of chemicals.
- 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.

### ***Financing***

- Prescribe 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 economic entities that generate revenue from their placement on the market.

## 07. CLIMATE CHANGE

### OVERVIEW

The existing policy framework does not yet adequately addresses key issues in the area of climate change nor is it aligned with EU policies and laws. No new strategy or law regulating this area was adopted in the reporting period in Serbia. However, important developments have been noted in the second half of 2016.

The development of the National Climate Change Strategy (NCCS) of Republic of Serbia has begun. This is an important step in climate policy development in the country, following the first climate target developed in 2015 in the run up to the Paris Agreement. The NCCS development is an excellent opportunity for a wider public dialogue on climate change and the sectors affected by it, notably energy.

Nonetheless, the Government of Serbia is yet to express strong political commitment toward integrating climate change policy into other policy areas. It is also necessary to align the existing commitments with EU climate policy up to 2020, 2030 and 2050, as the European Commission and the European Parliament have repeatedly called for. This work should start with the expedite ratification of the Paris Agreement as well as the revision of the national climate target as part of the NCCS development process.

### POLICY & LEGISLATIVE DEVELOPMENTS

**Methodological clarification:** *In the past, Serbia was designated with the status of a developing country (non-Annex I) under the United Nations Framework Convention on Climate Change (UNFCCC). This implied a more lax set of commitments on greenhouse gas (GHG) emissions reduction compared to developed countries, particularly the EU. However, the EU accession process requires Serbia to fully align with the EU climate policy and take over an adequate share of climate action. The Paris Agreement, adopted in December 2015, formally scraped the division of developed and developing countries, requiring everyone to take urgent and ambitious action. UNFCCC and EU obligations, particularly in the period after 2020, will go hand in hand. Therefore, this report examines Serbian obligations to the UNFCCC and EU jointly. The role of external financing in achieving the required emissions reduction is recognised and further elaborated on below.*

The **First Biennial Update Report (FBUR)** was submitted to the United Nations Framework Convention on Climate Change on the 28<sup>th</sup> of March 2016<sup>44</sup>. The report presents a modest

44 [http://unfccc.int/essential\\_background/library/items/3599.php?rec=j&preref=7838#beg](http://unfccc.int/essential_background/library/items/3599.php?rec=j&preref=7838#beg)

step towards inclusive decision-making, as a public consultation was carried out before the document was finalised. Some factual mistakes identified by civil society stakeholders have been adopted, resulting in some changes to the document; however the no fundamental changes to the content of the document resulted from the consultation. According to analysis by RES Foundation<sup>45</sup>, the document was prepared with several breaches of guidelines concerning mitigation measures: GHG emissions were inconsistently presented in numerous tables and time series contain data on emissions with different geographical coverage. This includes the fact that the FBUR has clarified and confirmed that the emissions of Kosovo<sup>46</sup> are factored into the emissions data for 1990 but not 2030. Moreover, the Nationally Appropriate Mitigation Actions<sup>47</sup> (NAMAs) and the Energy Sector Development Strategy until 2025 (ESDS)<sup>48</sup> were used as a basis for mitigation actions despite the clear non-relevance of numerous NAMAs and the fact that the ESDS plans for an actual increase in GHG emissions.

It is positive that the Republic of Serbia supported the **Paris Agreement** in December 2015 and formally signed the agreement in New York in April 2016. The President of Serbia has announced that the country will revise its intended nationally determined contribution (INDC) during the development of the National Climate Change Strategy<sup>49</sup>. The revision of the INDC, as an obligation accepted as part of the Paris Agreement, was also announced by the State Secretary of the Ministry of Agriculture and Environmental Protection. Unfortunately, even though the Paris Agreement has entered into force, the Republic of Serbia has not yet ratified it. The former Serbian Minister of Agriculture and Environmental Protection announced that the Republic of Serbia planned to ratify the Agreement in 2016<sup>50</sup>. There was no development on this issue, seemingly due to snap elections held in April 2016 and a recent change of Minister. In June 2016, the State Secretary for Environment announced that the ratification will take place by mid-2017 at the latest<sup>51</sup>. We hope this announcement will be followed through on, given that the new government was endorsed by the National Assembly in August 2016.

The **National Climate Change Strategy (NCCS)** is being developed with funding provided under the EU Instrument for Pre-Accession (IPA). The implementing consortium was selected recently and a kick off meeting took place in Belgrade in September 2016. The Meeting was open to civil society representatives, which is a good start to the process. Moreover, representatives of civil society have been invited to join the working group that will support the development of the strategy.

One of the key issues for consideration within the NCCS will be to raise the ambition of the current climate pledge. The actual, legally binding GHG emissions reduction target must, as a bare minimum, be in line with the EU GHG emissions reduction target of at least 40% by 2030. Goals for the period after 2050 that are compliant with the globally adopted net zero

45 RES Foundation (2016): Monitoring Republic of Serbia's climate policy: Quality of Climate- Can we do more?

46 Hereby used without prejudices on its status.

47 <http://www.klimatskepromene.rs/english/mitigation-actions>

48 Available at the following link, under Strategic documents (in Serbian): <http://www.mre.gov.rs/dokumenta-efi-kasnost-izvori.php>

49 <http://www.un.org/sustainabledevelopment/wp-content/uploads/2016/04/SerbiaE.pdf>

50 <http://beta.rs/zelena-srbija/zs-srbija/21024-bogosavljevic-boskovic-srbija-ce-u-narednih-godinu-ratifikovati-sporazum-o-klimi>

51 <http://www.euractiv.rs/odrzi-razvoj/10076-srbija-e-ratifikovati-pariski-sporazum-o-klimi-do-polovine-2017>

greenhouse gas emissions target should also be enshrined in the NCCS in order to provide guidance to society and business in the transition to a low carbon economy by mid-century.

It is also crucial that the NCCS looks into scenarios that are not based on the existing policy options but rather, as set out in the NCCS Terms of Reference<sup>52</sup>, envisage a scenario that will explore **maximum technical GHG emission reduction potential in case all best available technologies are put in place**.

#### Box 4: Revising INDC

As noted, the **intended nationally determined contribution (INDC)** should be revised through the development of the National Climate Change Strategy. Serbia made its first pledge to tackle greenhouse gas emissions by submitting an INDC to the UNFCCC in June 2015. The INDC is, however, highly problematic, as it does not meet some of the crucial conditions required of it:

**The Serbian INDC is unambitious and does not contribute to global climate action:** The pledge indicates that the Republic of Serbia aims to reduce its GHG emissions by 9.8% compared to 1990, which stipulates an actual increase of 15% as emissions are currently 25% below 1990 levels.

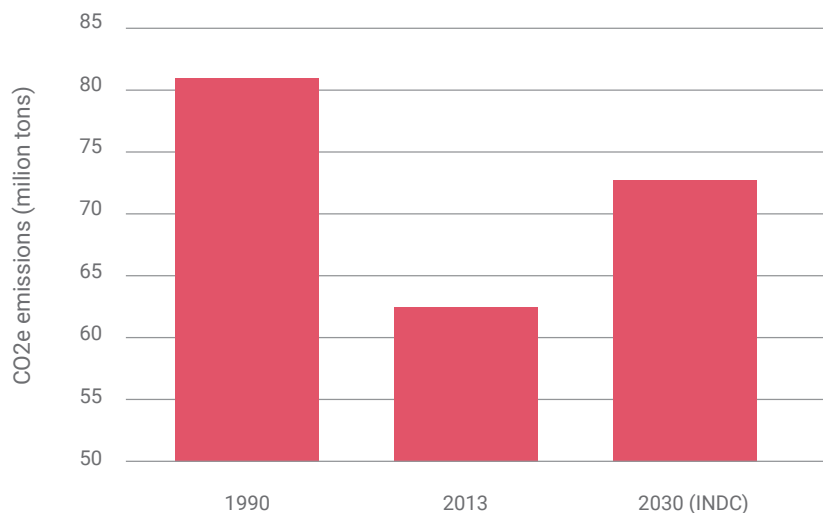


Figure 1. GHG emissions in million tons of CO<sub>2</sub>e.<sup>53 54</sup>

<sup>52</sup> Available upon request.

<sup>53</sup> Ministry of Environment and Spatial Planning (2010): Initial National Communication of the Republic of Serbia under the United Nations Framework Convention on Climate Change. Available at:

<http://unfccc.int/resource/docs/natc/srbnc1.pdf>

<sup>54</sup> Jovic, A (2015): Greenhouse gases inventory and emissions projections with mitigation measures; presentation made at the workshop Climate change policies – importance of climate change considerations in sectorial and local/regional development goals.

**The Serbian INDC is not equitable.** The Republic of Serbia plans to increase CO<sub>2</sub> emissions at a time when the whole world, including developing countries, is trying to reduce them.

**The process of the development of the INDC was not transparent.** There was no public consultation process regarding this very important document. It was merely presented to the public in April 2015 at an event in the National Assembly, which must not be mistaken for a proper process of public consultation that requires adequate time for analysis and development of written comments. Lack of public consultation risks a lack of ownership of this climate goal by society at large.

Moreover, the INDC document does not offer any concrete measures on how the target will be achieved. Instead, it leaves all major decisions for the National Climate Change Strategy.

Transposition of Regulation 525/2013 on **monitoring mechanism regulation (MMR)** began in May 2015 with the support of the IPA 2013 Twinning project. However, we are not aware of any progress regarding the establishment of a MMR system in Serbia.

Serbia is in the early stages of preparing for the implementation of the **EU Emissions Trading Scheme (EU ETS)**. The Ministry of Agriculture and Environmental Protection has begun transposing elements of the EU ETS directive concerning the system for monitoring, reporting and verification (MRV) of greenhouse gas emissions. The establishment of an MRV system was planned within IPA 2013 financing but the process has been delayed due to a lack of an appropriate institutional set-up. A draft of the Law on GHG Emission Reduction System has been developed, with public consultation and adoption expected by the end of 2016. The official working group developing the law included civil society representatives, which is another positive development regarding the transparency of the decision-making process.

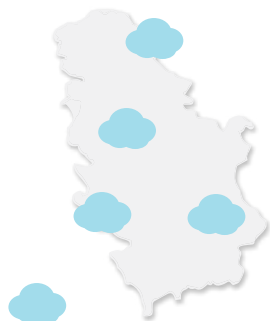
Progress was recorded in the area of **climate change adaptation**. The Climate Change Adaptation Plan and Vulnerability Assessment for the City of Belgrade was adopted in October 2015<sup>55</sup>. The Plan was prepared with civil society participation. The First National Adaptation Plan has also been developed but has not yet been adopted by the Government. Participation in the Covenant of Mayors and Mayors Adapt initiatives was very low.

Overall, there is a significant need for enhanced cooperation and coordination in order to strengthen local level stakeholders to implement mitigation and adaptation measures.

## WHAT HAS SERBIA DONE SO FAR?

June  
2015

Serbia submitted its first climate target to the UN Convention on Climate Change



Serbia supported Paris Climate Agreement

December  
2015

April 2016

Serbia signed the Paris Climate Agreement



Preparatory work on several laws and the National Climate Change Strategy is ongoing



## WHAT NEEDS TO BE DONE?



**URGENTLY:**

Ratification of the Paris Climate Agreement

Increasing our **CLIMATE TARGET**, leading to a real decrease of our greenhouse gases emissions

Developing National Climate Change Strategy, in line with the long-term objectives of the Paris Climate Agreement



Shifting focus away from fossil fuels and on to zero-carbon energy, climate smart agriculture and increased resilience of other sectors

CLIMATE TARGET OF SERBIA SHOULD BE REVISED WHILE DEVELOPING THE NATIONAL CLIMATE CHANGE STRATEGY, AS THE EXISTING ONE IS HIGHLY PROBLEMATIC. IT DOES NOT MEET SOME OF THE CRUCIAL CONDITIONS REQUIRED FOR SUCH A DOCUMENT AS DESCRIBED IN THE BOX 04.

## IMPLEMENTATION

Assessing the implementation of climate policy in Serbia is not a straight-forward exercise. The limited existing strategic and legislative framework prescribes hardly any specific measures that can be tracked.

However, some indirect indicators that are important for effective and successful climate policy implementation can be identified. These include intersectoral cooperation and climate action mainstreaming in other sectors and policy areas. Further, it is possible to assess the political willingness to deal with climate change based on the administrative capacity dedicated to the issue.

### **In 2016 administrative capacities dedicated to climate change remained limited.**

The new government, formed in August 2016, retained separate climate change divisions within both the Ministry of Agriculture and Environmental Protection (MAEP, Climate Change Division) and the Ministry of Energy and Mining (Sustainable Development and Climate Change Division). Although the Climate Change Division at MAEP still only has five members of staff<sup>56</sup>, it is important to note that certain improvements in the climate change policy agenda are the result of their devoted work. Given the intense legislative and strategic activity planned for the next three years, it is evident that the Climate Change Division of MAEP will require significant support.

A considerable lack of **climate action mainstreaming** is still evident in other sectors, with the Energy Sector Development Strategy until 2025 (ESDS) offering the clearest example. The Strategy shows that the Government plans to continue to rely heavily on fossil fuels, notably coal, until 2050 and beyond. The Strategy does not take into account the future price of carbon that Serbia will have to pay upon its accession to the EU. This demonstrates a complete lack of understanding of the significance of climate change or its future impact on the Serbian energy sector and economy as a whole. The situation is no better in other sectors.

**The National Council on Climate Change**, which was established in November 2014, offered hope for improved **intersectoral cooperation** and better climate action mainstreaming. However, as the previous report<sup>57</sup> by Coalition 27 noted, this hope has not yet been realized. There was no change on this matter in most of 2016, with the exception that the Council held one session<sup>58</sup> in February 2016 to discuss the implications of the Paris Agreement for Serbia.

56 European Integration Office (2014): National Programme for the adoption of the EU Acquis (NPAA). Available at: [http://www.seio.gov.rs/upload/documents/nacionalna\\_dokumenta/npaa/npaa\\_eng\\_\\_2014\\_2018.pdf](http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_eng__2014_2018.pdf)

57 Coalition 27 (2016): Serbia on the Road to EU Accession: Securing ambition for Chapter 27. Available at: [https://rs.boell.org/sites/default/files/uploads/2016/02/coalition27\\_shadow\\_report\\_2015.pdf](https://rs.boell.org/sites/default/files/uploads/2016/02/coalition27_shadow_report_2015.pdf)

58 <http://www.mpzss.gov.rs/treca-sednica-nacionalnog-saveta-za-klimatske-promene/>

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## Box 5: Changes after the reporting period

In November 2016, representatives of civil society organizations were invited to join the National Council on Climate Change during the process of amending the decision of the Serbian Government on establishing the National Council on Climate Change. This was due to a large number of changes among the Council's members. CSO representatives have been invited to take a permanent role in the activities of the Council, which is a very welcome step forward.

In December 2016, the Law on Ratification of the Paris Agreement entered the legislative procedure at the National Assembly.

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## FINANCING

The Republic of Serbia does not have a dedicated financing mechanism for climate action and significantly depends on external financial support. So far, all activities related to UNFCCC and EU obligations have been conducted with support from UNDP, EU, bilateral or other international donors. The Republic of Serbia should continue to develop projects that support GHG emissions reduction and build the country's resilience to the impact of climate change in order to access funds from the IPA II and other funding available through the Western Balkans Investment Framework (including implementation of regional cooperation programmes such as the Energy Community, Sustainability Charter of the Western Balkans 6 process, etc.), while ensuring true environmental and social sustainability of these projects.

The Green Fund, which the Government has announced will become operational on January 1<sup>st</sup> 2017, will be indispensable for beginning the process of implementing climate-friendly measures in all sectors. Further inaction in the area of climate change is usually politically justified by its high costs, while at the same time the fossil fuel and mining industries are being heavily subsidised. The debate does not adequately consider the costs of inaction on climate change. Underinvesting now will result in more severe impacts of climate change that will cost Serbian citizens and economy more in the future.

Targeted policy action, coupled with appropriate use of public and international funds, would help leverage further investment in clean technologies by private investors, who are a necessary part of the solution to the climate challenge.

## RECOMMENDATIONS

Serbian climate policy should be formulated to be fully compatible with EU climate policy and UNFCCC obligations. This means that the EU 2030 Climate and Energy Framework, as well as the EU 2050 Roadmap, must be the minimum requirement when formu-



lating the National Climate Change Strategy. These EU goals need to be fully reflected in other sectors as well; therefore thorough revision of the ESDS is necessary. Moreover, climate change mitigation and adaptation measures must be developed through intersectoral cooperation between the competent ministries and partnerships with local government, business and civil society.

### ***Policy & Legislation***

- Address the shortcomings of the First Biennial Update Report in the next communication to the UNFCCC, in accordance with the issues raised by the civil society stakeholders.
- Initiate Paris Agreement ratification procedure in order to enable formal ratification by the National Assembly by mid-2017 at the latest.
- Revise and increase the INDC by the end of 2018 at the latest, in order to align it with the EU 2030 and 2050 goals and ensure that the country achieves true reduction of emissions, comparable to the EU goal of at least 40% by 2030 compared to 1990 levels.
- Consider ambitious decarbonisation scenarios when developing the NCCS, taking into consideration externalities, such as health costs of proposed policy options.
- Build on the progress made in 2016 on stakeholder engagement and continue good cooperation with civil society; ensure the widest possible public involvement and fair public consultation processes enabling local municipalities, civil society and citizens to actively participate in the development of the NCCS and the revision of the INDC.

### ***Implementation***

- Improve public access to climate change and energy related information, especially regarding climate-related finance.
- Make better use of the National Climate Change Council and allocate permanent council membership to CSO representatives<sup>59</sup>.
- Increase the number of civil servants appointed to deal with climate change in ministries and focus on raising their capacities.
- Develop educational programmes on climate change and its effects, as well as training for scientific, technical and managerial personnel relating to Article 6 of the UNFCCC. Include energy efficiency and use of renewable resources in the education curriculum and offer professional training in accordance with the Sustainability Charter of the Western Balkans 6.
- Provide obligatory trainings for local municipalities to assess climate change exposure and vulnerabilities and produce action plans for mitigation and adaptation.

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<sup>59</sup> Partially achieved in November 2016, when civil society representatives were granted access to the National Climate Change Council.

### ***Financing***

- Develop projects that support a real GHG emissions reduction and build the country's resilience to climate impact in order to access funding from EU, regional and other international donors, while ensuring true environmental and social sustainability of these projects.
- Develop a domestic financing mechanism to support strategic priority needs, inter alia, by shifting funds from polluting fossil fuel subsidies to climate action.
- Use both international and domestic sources to further leverage private financing of climate-proof solutions in all sectors.

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## Horizontal Legislation



## Air Quality



● Adopted

● Not adopted

● Partially adopted

● Adopted

● Not adopted

● Partially adopted

RECOMMENDATION FROM THE PREVIOUS REPORT	COMMENT	RECOMMENDATION FOR 2017	RECOMMENDATION FROM THE PREVIOUS REPORT	COMMENT	RECOMMENDATION FOR 2017
<p><span style="color: red;">●</span> Respect for legally binding rules on implementation of EIA procedures, and implementation of the principles of Aarhus Convention, are the key elements for an effective horizontal sector.</p>	No progress has been identified.	<p>Ensure proper implementation of the Aarhus Convention and prevent selective implementation and tendentious interpretation of the Convention by the authorities.</p>	<p><span style="color: red;">●</span> Air quality monitoring systems need to be improved, particularly in urban agglomerations such as Belgrade.</p>	Even less data is available than in the previous reporting period. The quality of system maintenance has systematically decreased, as has air quality.	Responsible stakeholders for air quality monitoring should ensure that the measuring system is well maintained and that data is made available, particularly in urban agglomerations such as Belgrade.
<p><span style="color: red;">●</span> Unfair political pressure arising from investor influence must be tackled so that professional and experienced public officials can perform their work objectively.</p>	No progress has been identified.	<p>Enhance participation in public hearings procedures through making the process more transparent and inclusive, especially through providing timely information about the hearings and publishing reports.</p>	<p><span style="color: red;">●</span> Transparent public participation needs to become a priority.</p>	No progress has been identified.	n / a
<p><span style="color: red;">●</span> Principles of sustainable development must be respected as a framework for projects with obvious adverse effects on the environment. Nature protection, particularly in natural protected areas must prevail over particular economic interests.</p>	No progress has been identified.	<p>Ensure cumulative environmental impact assessment, particularly for small hydro plant projects.</p>	○ n / a	n / a	Intersectoral cooperation needs to improve in order to enable full implementation of the legislation already in place in the country.
<p><span style="color: red;">●</span> Interests and specificities of local communities must be taken into account in project development, particularly in water management, waste and renewable energy.</p>	No progress has been identified.	<p>Utilize available information channels to inform interested public and publish information related to the environmental impact assessment on official web sites of local municipalities. Publish investment plans for improvement of water and waste management on local level.</p>	○ n / a	n / a	Local governments / cities should improve the quality, visibility and accessibility of air quality data.

## Water Quality



● Adopted

● Not adopted

● Partially adopted

### RECOMMENDATION FROM THE PREVIOUS REPORT

### COMMENT

### RECOMMENDATION FOR 2017

● Capacity development and consolidation of public institutions for water management - all relevant strategic documents (NEAS, Strategy for water management) underpin low capacities of public bodies (both on national and local level). Number and scope of the challenges demand much more effective and organized public sector. Responsible institutions should analyse existing capacities and develop a plan for their improvement as soon as possible.

No progress has been identified.

Capacity development and consolidation of public institutions for water management, especially at a local level – the complexity of water management issues demands much stronger personnel and technical capacities. Responsible institutions should analyse existing capacities and develop a plan to strengthen them as soon as possible. To succeed in this, expert institutions as well as CSOs should advocate for better political and financial support for the water management sector.

● Better integration of water management in other sectors (spatial planning, nature conservation).

Some improvements were made (such as collaboration on projects like nexus assessments of river basins) but more a systematic approach is needed to achieve significant advancement.

Building and improving collaboration with other sectors - better involvement of other sectors in the development of water management policy should be ensured.

● Improvement of public participation in policy development in water management sector.

Some advancement is evident, but there is still much room for improvement.

Further improvement of public participation in policy development in water management sector - some advancement has clearly been made. Both public institutions and CSO should make efforts to bring water related issues into the focus of the wider public.

● Integration of natural solutions in water management and better consideration of ecosystem services.

International Sava River Basin Commission has supported the project on revitalization of natural water retention in Spačva-Morović region.

Integration of natural solutions in water management and better socio-economic valuation of ecosystem services (water purification, water regulation, flood prevention) – such an approach will not only help in conservation of natural ecosystems, but will also support the economic sustainability of water management measures.

● More decisive approach in water pricing policy.

No progress has been identified.

More decisive approach in water pricing policy.

● Concrete plan and measurements for improvement of monitoring of waters according to the WFD requirements.

Progress toward establishing plan/measurements depends on the adoption of the legislation.

Concrete plan and measurements for improvement of monitoring of waters according to the WFD requirements.

● Incentive for active management in water protection (improvement of status of waters). More decisive policy in regards to development of mini-hydro power plants. Extraction of river sediments should be more restricted and better controlled.

Some measures are planned in the draft Law on Waters, but the Law is yet to be adopted.

Improve control and mitigation of the main identified threats: Intensive and poorly planned mini-hydropower developments, gravel extraction, pollution, uncontrolled use of groundwater, illegal riverside construction – river habitats, wetlands as well as water resources in general are highly threatened in Serbia. Immediate action on a national level is needed.

● Integration of nature directives (Birds and Habitat Directives) in water management.

Some advances have been made in the draft Law on Waters, but the Law is yet to be adopted.

Integration of nature directives (Birds and Habitat Directives) in water management.

● Water protection measures should be better implemented in spatial planning - this is especially the case for tourism development and for regulation of settlement sprawl around rivers.

No progress has been identified.

Building and improving collaboration with other sectors - better involvement of other sectors in development on water management policy should be ensured.

● Environmental impact of certain water management measures should be considered more thoroughly.

This largely depends on the adoption of the new set of legislation.

Integration of natural solutions in water management and better consideration of ecological services.

## Nature Protection



● Adopted

● Not adopted

● Partially adopted

### RECOMMENDATION FROM THE PREVIOUS REPORT

### COMMENT

### RECOMMENDATION FOR 2017

● Amend the Law on nature protection and bylaws in relation to ecological network Natura 2000.

Some progress has been made related to ecological networks in the amended Law on Nature Protection (February 2016). Some progress was also made in developing sub-law documents (Regulation on Appropriate Assessment). Additional work is needed but intent to do so in 2017 is not visible.

n / a

● Involve representatives of civil society organizations in working groups for drafting laws and policy development.

Small improvements have been made during the preparation of the Regulation on Appropriate Assessment, the National Strategy on Climate Change, etc., but more systematic work is needed.

Improve cooperation between institutions and civil society organizations in the field of nature protection (particularly during the revision of legislation and by allowing CSOs to participate in research).

● Strengthen capacities on local and national level for the implementation of legislation.

Capacity building programmes within ECRAN projects were organized for nature protection sector but more programs are needed, especially for local authorities.

Improve coordination and capacities of national institutions for nature protection (increase number of staff and technical capacity). Allocate national funding in 2017 to strengthen capacities at local and national levels for the implementation of legislation.

● Develop a system for sustainable financing of nature protection; dedicate funds from state budget for designation of Natura 2000 sites.

No information is available regarding how funds from state budget allocated for nature protection are utilized; the Green Fund did not become operational during the reporting period.

Ensure the Green Fund provides adequate financing of nature protection in 2017 (identify priorities and criteria for allocating funds). Fulfil implementation of the Natura 2000 project (EuropeAid/133834/c/sup/rs)

● Build capacities of police, inspectors and judges regarding species protection related regulations.

Some education on CITES was conducted, but more work is necessary.

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

● Strengthening cooperation with other sectors (hunting, fishery, agriculture).

During 2016 a number of important decision making processes were postponed due to the pre- and post-election dialogue among political parties. The appointment of new persons to Ministerial positions and directors of public companies slowed cooperation among sectors.

Strengthen cooperation between all actors to prevent corruption in nature protection sector (particularly related to illegal use of forestry, water resources and hunting).

● Amend the Law on National Parks through more efficient protection objectives and management systems. Strengthen procedures for decision making on the boarders of national parks, including rules and procedures for changing park boarders.

There is no identifiable political support for adopting changes or amending the Law on National Parks to make it implementable.

Amend the Law on National Parks to include more efficient protection objectives and management systems. Strengthen procedures for decision making on the boarders of national parks, including rules and procedures for changing park boarders.

● Fully implement the principles of sustainable development and protect natural protected areas from new energy projects with possible negative environmental effects.

This recommendation is closely connected with recommendations to strengthen cooperation among different sectors and to improve cooperation with CSOs.

Fully implement the principles of sustainable development and safeguard natural protected areas from new energy projects that may negatively impact on the environment.



- this area was not covered in previous report, therefore there are only recommendations for 2017 -

● Adopted

● Not adopted

● Partially adopted

## RECOMMENDATION FROM THE PREVIOUS REPORT

## COMMENT

## RECOMMENDATION FOR 2017

● Enable an adequate timeframe and broad public participation in line with the Aarhus Convention (when all options are still open) in drafting and adoption of national emission reduction plan (NERP) for the energy sector network that includes thermal power plants.

NERP was submitted to the Energy Community Secretariat in December 2015 and both the national authorities and the Energy Community refused to disclose it to the public for comments.

The Republic of Serbia should take immediate steps to comply with the Industrial Emissions Directive and to harmonize the procedures for obtaining the various permits required for the integrated permit.

● Penal policy must be significantly improved, so that polluters are always held accountable of their actions.

Penalties are now at a very low level: It is far easier to pay penalties than to comply with environmental standards.

The Ministry of Agriculture and Environmental Protection and all relevant stakeholders should inform the public in Serbia, in a transparent manner, about all steps taken to create the specific plans for implementation of the Industrial Emissions Directive and law enforcement in this field.

○ n / a

n / a

Fully ensure the public's right to participate in decision-making in cases when amendments are being made to integrated permits.

## RECOMMENDATION FOR 2017

Establish adequate dynamics of alignment with relevant amendments to EU regulations in this field, in particular with regard to adjustment to scientific and technical progress.

Improve existing administrative capacities for performing expert work in this field and create mechanisms and conditions for engaging external experts in order to compensate for the lack of capacities for activities of regulatory risk assessment.

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

Establish a joint body for planning, monitoring, alignment and undertaking joint measures by the inspectorates responsible for control related to chemicals and biocidal products.

Establish better intersectoral cooperation among state authorities responsible for GLP, protection of animals and chemicals, in order to create conditions for the application of regulations on testing methods for the evaluation of dangerous properties of chemicals.

Establish 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, in relation to the adoption and implementation of the Integrated Chemicals Management Program.

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

## Climate Change



● Adopted

● Not adopted

● Partially adopted

### RECOMMENDATION FROM THE PREVIOUS REPORT

### COMMENT

### RECOMMENDATION FOR 2017

● Revise and increase the INDC by the end of 2018 at the latest, in order to align it with the EU 2030 goal and ensure that the country achieves true reduction of emissions, of at least 40% compared to 1990 levels.

The recommendation has not been implemented as such; however, there is an on-going process of developing a National Climate Change Strategy, which opens up space to fulfil the recommendation. Additionally President Nikolić has announced that the INDC will be reconsidered within the National Climate Change Strategy development process.

Revise and increase the INDC by the end of 2018 at the latest, in order to align it with the EU 2030 target of at least 40% reduction of emissions compared to 1990 levels, ensuring that the country achieves true reduction of emissions.

● Make better use of National Climate Change Council and invite CSOs representatives to its meetings.

Only one meeting of the National Climate Change Council took place in 2016. Permanent council membership was granted to CSO representatives after the reporting period (in November 2016).

Make better use of the National Climate Change Council, ensure real intersectoral coordination and mainstreaming of climate action into other policies.

● Revise the draft BUR according to comments submitted by the civil society.

The FBUR represents a small step forward, as a public consultation was carried out before the document was finalised. Some factual mistakes raised by the civil society have been adopted, however no fundamental changes to the content of the document arose from the public consultation. The FBUR is currently undergoing a review process under the auspices of the UNFCCC, so space remains to amend the FBUR with consideration to detailed recommendations made by CSOs.

Address the shortcomings of the First Biennial Update Report in the next communication to the UNFCCC, in accordance with the issues raised by the civil society stakeholders.

● Mandate MAEP to ensure wide participation of civil society and other interested stakeholders in the development of the National Climate Change Strategy from the very beginning of its preparation.

The kick off meeting for the development of the Strategy ensured wide participation of civil society groups; representatives of Coalition 27 were invited to join the official working group developing the National Climate Change strategy.

Build on the progress made in 2016 on stakeholder engagement and continue good cooperation with civil society; ensure the widest possible public involvement and fair public consultation processes enabling local municipalities, civil society and citizens to actively participate in the development of the NCCS and the revision of the INDC.

● Increase the number of civil servants within ministries that deal with sectorial climate change impact and focus on raising their capacities.

According to the information received from the Ministry of Agriculture and Environmental Protection, there was no change in their capacities.

Increase the number of civil servants within the ministries that deal with sectorial climate change impact and focus on raising their capacities.

● Provide obligatory trainings for local municipalities to assess climate change exposure and vulnerabilities and produce action plans for mitigation and adaptation.

To our knowledge, this has not happened in an organized way, though we recognize that there are various initiatives taking place in local municipalities, often resulting from municipalities' own initiative or those of civil society.

Provide obligatory trainings for local municipalities to assess climate change exposure and vulnerabilities and produce action plans for mitigation and adaptation.

● Develop a financing mechanism to support strategic priority needs, *inter alia*, by shifting funds from polluting fossil fuel subsidies to climate action.

The Green Fund has been established; however, there is no specific financing mechanism for climate action. The country continues to subsidise fossil fuel industries while little is invested to energy efficiency and renewable energy generation.

Develop a domestic financing mechanism to support strategic priority needs, *inter alia*, by shifting funds from polluting fossil fuel subsidies to climate action.

### HORIZONTAL LEGISLATION



#### Methodology:

- Analysis of relevant documents (state legislation and EU documents) related to horizontal legislation - source material collected online
- Analysis of current level of compliance of domestic legislation with the acquis, as well as the extent to which landmarks and plans, set by strategic documents, were fulfilled
- Evaluation of the schedule for transposition of certain legislative acts, according to the deadlines and obligations defined by the Transposition and Implementation of Environmental and Climate Change acquis – Chapter 27: Status and Plans and National Programme for the adoption of the acquis (NPAA) 2014 – 2018
- Participation in public consultations on EIA and SEA procedures, as well as consultations with local authorities and CSOs

#### List of the Authors (Organizations)

- Belgrade Open School
- Young Researchers of Serbia

### AIR QUALITY




#### Methodology:

- Expert analysis of reports and comparative analysis of reports from previous years
- Direct communication with experts in air quality (meetings, workshops, interviews)

#### List of the Authors (Organizations)

- Health and Environment Alliance (HEAL)
- NGO Fractal

### WATER QUALITY



#### Methodology:

- Policy analysis – comparative analysis of national legal and strategic documents with the relevant acquis
- Analysis of relevant studies and projects
- Direct communication with experts in water management (meetings, workshops)

#### List of the Authors (Organizations)

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

### NATURE PROTECTION



#### Methodology:

- Information was primarily collected during and/or in relation to field work. This includes:
  - work on natural habitats revitalization and other activities in protected areas, conducted by Young Researchers of Serbia
  - meetings and workshops with relevant actors, such as Institutes for nature conservation, the Ministry of Agriculture and Environmental Protection, protected area managers, experts and scientist, conducted by WWF
  - Scientific field work, data collection on species and bird protection activities, conducted by Bird Protection and Study Society
- Interviews, expert analyses and media monitoring were also conducted to collect and assess information

#### List of the Authors (Organizations)

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



## INDUSTRIAL POLLUTION AND RISK MANAGEMENT



### Methodology:

- Policy analysis
- Analysis of relevant studies and projects

### List of the Authors (Organizations)

- Centre for Ecology and Sustainable Development

## CHEMICALS MANAGEMENT



### Methodology:

- Documents and relevant information on chemical management collected from official sources online
- Analysis of compliance of national and EU legislation
- Analysis of institutional and administrative capacities and implementation practice

### List of the Authors (Organizations)

- Safer Chemicals Alternative

## CLIMATE CHANGE



### Methodology:

- Policy analysis
- Media monitoring
- Request for information from the Climate Change Division of the Ministry of Agriculture and Environmental Protection

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