

**ACTUAL STATUS OF EU ENVIRONMENTAL ACQUIS
(Chapter 27) IN SERBIA¹**

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Summary²:

General –shows that Actual Government is keeping *environmental approximation* “on hold” (one of the evidence is The Law on budget for 2013).

Rebuilding (after broken continuity in 2012) and further strengthening of the relevant institutions and of the administrative (human/personal) capacity should remain a new strong priority.

In the last year, numerous changes of laws and secondary legislation relevant to environment sector, took place. This should be carefully monitored – because the changes could lead to approaches less accepting EU guiding principles than previous ones.

It is need for enforcement of implementation of environmental legislation – the measures should be link with the inclusion of environment in the other sector policies, including the justice system and financial control mechanisms.

With abolishment of Environment Fund in 2012, good tool/mechanism /economic instrument for enforcement are lost, and substitution mechanism is not developed.

Environmental infrastructure priorities (as noted in NEAS, RIO+20 document, Draft Fiscal Strategy, etc) should be built in accordance with plan. However, 2013 seems “freeze” some infrastructure projects (zero money in Law on budget to support this priority), leading to need to re-calculate finance within documents.

Environmental CSOs have to improve their capacities and coordination in order to have stronger role in EU accession processes.

Horizontal - Decision actually taken environmental sector are implemented on *Ad hoc* basis, and not through implementation of Action Plans. In addition, some important EC environmental related legislation is still waiting for attention to be addressed, like environmental liability.

Capacities for implementation of legislation on national, provincial and local level are missing (e.g. Law on strategic environmental assessment, Law on EIA, related public participation and access to information).

² Summary is sent to EC Delegation in Serbia, as the written contribution to 2013 country EC Progress Report (on April 2, 2013)

In EIA, SEA and IPPC permits processes, the implementation needs to be improved, in particular the public consultation process and the quality of the dialogue with the CSOs, including NGOs. Parallel with strengthening capacities of NGOs, involvement and capacities of other CSOs categories, should be straighten, i.e. professional and business associations, employer's organizations, trades unions, associations of local self-government, foundations, independent research institutes, the not-for profit media.

Air quality - No progress. From “insufficient money” this year that comes to “almost no money” for air quality related work.

Waste management: Mining waste directive still not transposed (sub-law of The Law on Mining and Geological Research still not prepared/approved). Proper infrastructure for waste management is precondition for economic and sustainable development.

In continuity, from 2000 when country ratifies Basel convention, waste management is constantly developing (having Waste Management Strategy, 2003, updated in 2010, as the umbrella).

There are some “signals” (statements by government officials) that some of strategies (already in place and implementation, and in accordance with EU) “will be revised”. For example, often National Waste Management Strategy (2003, updated 2010) is mentioned in that context. This should be carefully monitored – because the new possible approaches could lead to strategies less accepting EU guiding principles than actual ones.

In the Republic of Serbia there is no hazardous waste treatment facility. No progress in this matter.

Water quality - Noted problems in 2012 Progress Report remain. The Law on Waters should be checked against the “integrated basin” approach. Further progress has been made in the construction of wastewater treatment plants.

Nature protection - No progress. It is big confusion about competences in nature protection, i.e. between the Ministry of natural resources, mining and spatial planning and Ministry of Energy, Development and Environmental Protection.

The administrative capacity in relation to protected areas (including in UNESCO biosphere reserve Golija-Studenica) is insufficient.

Industrial pollution control - No progress. Noted problems in 2012 Progress Report remain.

Chemicals - No progress (i.e. evident negative development).
Chemical Agency abolished.

The helpdesk of the (former) Serbian Chemicals Agency, with observer status with the European Chemicals Agency, do not exist anymore.

Unit for chemicals within competent Ministry, in April 2013 still do not exist (from 42 staff members in former agency it comes to unknown structure related chemicals). Agency's (Agency for Chemicals) transferred competences and administrative capacity is not preserved, until now.

Climate change - No progress. No progress in a mitigation commitment by 2020.

Preparation of the Second National Communication, on a project basis, started in September 2012 and it should be finalized not later than in June 2015.

The progress in this matter is closely linked with post 2015 Energy Strategy, under development (in April 2013 draft is not available to the public). There are however some RES projects on the agenda that are more in line with the to build unsustainable RES projects; the development of the energy sector is not submitted for SEAs and these plans are not open to wide public consultations thus leading to unsustainable development patterns.

It is the lack of involvement of environmental CSOs in dialogue.

The administrative structure on climate change should be considerably strengthened.

Noise - There is no progress to report in the area of noise.

Civil protection - Impression is that it is improving.

The EU Environmental *acquis* cover the ten broad categories, bellow.

Horizontal (EIA, access to information, SEA, public participation, environmental liability)

Indicators in terms of:

	View	Explanation
Decision actually taken	<p>1. Decision actually taken are implemented on <i>Ad hoc</i> basis, and not through implementation of Action Plans</p> <p>2. Action Plans for implementation are still not developed for some important decision taken</p> <p>3. The Law on budget for 2013 shows that actual Government is keeping <i>environmental approximation</i> “on hold”.</p> <p>4. Possible changes of existing strategies should be carefully</p>	<p>The set of decisions taken through adoption of different strategies (already noted in 2012 Progress Report³), are implemented on <i>Ad hoc</i> basis, and not through implementation of Action Plans (for some of them Action Plans are still not developed, although prescribed by strategy itself, for example for the <i>National Strategy for the Sustainable Use of Natural Resources and Goods</i>, as well as for strategic document towards green growth⁴).</p> <p>On the other hand, for strategies like EAS (<i>Environmental Approximation Strategy</i>)⁵ , in the Law on budget for 2013 the financial support is “zero” (literally mentioned), leading to impression that actual Government is keeping <i>environmental approximation</i> “on hold”.</p>

³ National Environmental Approximation Strategy (2011), Strategy for the Implementation of the Aarhus Convention was adopted (2011), The National Strategy for Sustainable Use of Natural Resources and Goods was adopted (2012), etc.

⁴ In 2012 document “Study on Achievements and Perspectives towards a Green Economy and Sustainable Growth in Serbia” was prepared and use as the platform for Serbian delegation participation on Rio+20 UN Sustainable Development Conference;
<http://sustainabledevelopment.un.org/content/documents/984serbia.pdf>

⁵ The one of the most important document in terms of European integrations in the field of environment.

		monitored	<p>There are some “signals” (statements by government officials) that some of strategies (already in place and implementation, and in accordance with EU) “will be revised”. For example, often National Waste Management Strategy (2003, updated 2010) is mentioned in that context.</p> <p>This should be carefully monitored – because the new possible approaches could lead to strategies less accepting EU guiding principles than actual ones.</p>
Legislation adopted	Transposition of the EU’s environmental legislation into national legislation	<p>National governments have to show:</p> <ul style="list-style-type: none"> - continuous commitments to EU accession, and - adopt on time new developments in EU. <p>In the last year, numerous changes of laws and secondary legislation relevant to environment sector, took place. This should be carefully monitored – because the changes could lead to approaches less accepting EU guiding principles than previous ones.</p> <p>In addition, some important EC environmental related legislation is still waiting for attention to be addressed, like:</p> <ul style="list-style-type: none"> - Environmental liability - Secondary legislation related mining waste management. 	
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	<p>Capacities for implementation of legislation on national, provincial and local level are missing (e.g. Law on strategic environmental assessment, Law on EIA, related public participation and access to information).</p> <p>-Rebuilding (after</p>	<p>Horizontal legislation implementation (EIA, SEA, environmental sustainability, access to information, public participation) is at low level.</p> <p>The organisation of Ministry in charge for Environment, as well as some other important institutions (Agency for Chemicals has been abolished, Environment Fund has been abolished, Environmental Protection Agency is now a unit within the Ministry, and no longer a separate legal entity , for example) has</p>

		<p>broken continuity in 2012) and further strengthening of the relevant institutions and of the administrative capacity should remain a new strong priority.</p> <p>Flow of documents between energy and environmental sectors should be monitored carefully, in order to be sure that energy sector is submitting documents for EIA and SEA procedures.</p>	<p>undergone major changes since the most recent general election (May 2012), mainly through the implementation of the new Law on Ministries (26 July 2012), what influences implementation, administrative capacity and inter-institutional cooperation, and is expected to be reflected in the 2013 EC Progress Report.</p> <p>Administrative (institutional and human professional/ personnel) capacity in the sector is changed, by non-transparent and procedure against the legal provisions (without open application process and qualification as the bases for administrative posts): all assistant ministers, director for department called “environmental Agency”, head of units for waste, etc.</p> <p>The same Assistant Minister in charge is therefore responsible for the energy⁶ and environment⁷ portfolios. Merging energy sector and environmental sector should be carefully monitored (it seems that in late July 2012 established Ministry for Energy, Development and Environmental Protection, placed great emphasis on the energy sector, as presented on the Ministry’s web site www.merz.gov.rs). In particular, it is important to monitor is energy sector “submit” for EIAs and SEAs relevant projects.</p>
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⁶ Government Decision on Nomination of President, Secretary and Deputy Secretary of Sub-Groups of Working Groups of Coordination Body for EU Accession (16 November 2012)

⁷ Decision on Nomination of President, Secretary and deputy secretary of working subgroups of Working Group of Coordination Body for EU Accession

	<p>putting in place the <i>monitoring</i> for implementation</p>	<p>In EIA, SEA and IPPC permits processes, the implementation needs to be improved, in particular the public consultation process and the quality of the dialogue with the CSOs, including NGOs.</p> <p>Parallel with strengthening capacities of NGOs, involvement and capacities of other CSOs categories, should be straighten, i.e. professional and business associations, employer's organizations, trades unions, associations of local self-government, foundations, independent research institutes, the not-for profit media.</p>	<p>There is a need to advocate voice of CSOs, especially environmental NGOs. The role for education and media in driving</p> <p>Environmental CSOs have to improve their capacities (and knowledge) and coordination in order to have stronger role in EU accession processes (within SEIO SEKO mechanism, as well as through other modalities).</p> <p>To note that in Serbia common understanding is that CSOs=NGOs⁸.</p>
	<p>putting in place <i>enforcement</i> for implementation</p>	<p>It is need for enforcement of implementation of environmental legislation – the measures should be link with the inclusion of environment in the other sectoral policies, including the justice system and financial control mechanisms.</p> <p>With abolishment of Environment Fund in 2012, good tool/mechanism /economic instrument for enforcement is lost,</p>	

⁸ The European Economic and Social Committee (EESC) defines CSOs (representing citizens) as "all organisational structures whose members have objectives and responsibilities that are of general interest and who act as mediators between the public authorities and citizens." This includes all not-for-profit Non-governmental Organisations (NGOs), community-based organisations, faith-based organisations, professional and business associations, employer's organisations, trades unions, associations of local self-government, foundations, independent research institutes, the not-for profit media, charities, Red Cross and Red Crescent societies.

		and substitution mechanism is not developed.	
	establishing the <i>infrastructure</i> required to be able to comply with the legislation	Environmental infrastructure priorities (as noted in NEAS, RIO+20 document, Draft Fiscal Strategy, etc) should be built in accordance with plan. However, 2013 seems “freeze” some infrastructure projects (zero money in Law on budget to support this priority), leading to need to re-calculate finance within documents.	One of priorities for strategic development is to empower the environment sector (including promoting investment in infrastructure that supports all aspects of sustainable development, from green job creation to environmental protection and support for the strengthening of expert capacities, etc.) ⁹ . As presented in the Draft Fiscal Strategy, the macro-economic stability is the key pre-condition for fulfilling the outlined priorities of economic growth and the increase of employment and of the living standard in the Republic of Serbia. It is big concern that Law of 2013 budget do not recognise this priority.

Air quality

Indicators in terms of:

		View	Explanation
Decision actually taken			
Legislation adopted	Transposition of the EU’s environmental legislation into national legislation	No progress	
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation		
	putting in place the <i>monitoring</i> for implementation	Big problems detected, due the fact that Environmental Agency is abolished as the separate legal entity, and no money dedicated	

⁹ Study on Achievements and Perspectives Towards a Green Economy and Sustainable Growth in Serbia, UNDP/UNEP, 2012

		for further commissioning of a national calibration laboratory for air monitors and an analytical laboratory for air pollutants. From “insufficient money” this year that comes to “almost no money” for air quality related work.
	putting in place <i>enforcement</i> for implementation	No progress
	establishing the <i>infrastructure</i> required to be able to comply with the legislation	

Waste management

Indicators in terms of:

		View	Explanation
Decision actually taken			
Legislation adopted	Transposition of the EU’s environmental legislation into national legislation	<p>Mining waste directive still not transposed (sub-law of The Law on Mining and Geological Research still not prepared/approved)</p> <p>In continuity, from 2000 when country ratify Basel convention, waste management is constantly developing (having Waste Management Strategy, 2003, updated in 2010, as the umbrella).</p> <p>National plans for specific hazardous waste streams are</p>	<p>Mining waste: annual production of mining waste is about 130 million m³ of waste rock and about 10 million tons of waste from flotation. There is no official cadastre of mining waste and amount of mining waste generated in them and therefore no clear picture of the potential environmental risk. Extractive industries for resources to satisfy energy and raw material requirements may alter the composition of the landscape, disrupting land-use</p>

		under preparation.	and drainage patterns, contaminating soil and water resources, removing habitats for wildlife, and generate huge amounts of waste.
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	Recent institutional and personal changes consequences, as well as frequent changes of previously approved environmental legislation, should be monitored carefully, in order to detect are they in line with accession to EU. There are some “signals” (statements by government officials) that some of strategies (already in place and implementation, and in accordance with EU) “will be revised”. For example, often National Waste Management Strategy (2003, updated 2010) is mentioned in that context. This should be carefully monitored – because the new possible approaches could lead to strategies less accepting EU guiding principles than actual ones.	
	putting in place the <i>monitoring</i> for implementation		
	putting in place <i>enforcement</i> for implementation		
	establishing the <i>infrastructure</i> required to be able to comply with the legislation	Proper infrastructure for waste management is precondition for economic and sustainable development. In the Republic of Serbia there is no hazardous waste treatment facility. No progress in this matter.	Waste Management Strategy (Official Gazette of RS, no. 29/10) stipulates the construction of 12 regional waste management centres, which would include regional sanitary landfills in short-term period (2010-2014). Five regional sanitary landfills have been constructed so far in the Republic of Serbia and four regional landfills are currently

			<p>under construction. In addition, sanitary landfills have been constructed in Pirot and Pancevo, also with regional character but they do not have been put in operation yet.</p> <p>In the Republic of Serbia there is no hazardous waste treatment facility and according to national legislation, hazardous waste is being exported, so there is an urgent need of environmentally sound and efficient hazardous waste management.</p>
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Water quality

Indicators in terms of:

		View	Explanation
Decision actually taken			
Legislation adopted	Transposition of the EU's environmental legislation into national legislation	The Law on Waters exists should be checked against the "integrated basin" approach.	
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	The capacity of the Directorate for Water needs to be substantially enhanced.	
	putting in place the <i>monitoring</i> for implementation	Noted problems in 2012 Progress Report remain.	
	putting in place	For more than 20 years, competent directorate for water management is in the same ministry with agriculture.	

	<i>enforcement</i> for implementation	Although, water pollution from agriculture should be covered by the both sectors (water and agriculture) of one ministry, in practice, usually one sector approach is dominant.	
	establishing the <i>infrastructure</i> required to be able to comply with the legislation	Proper infrastructure for waste water management is precondition for economic and sustainable development.	Further progress has been made in the construction of wastewater treatment plants: one waste water treatment plant in Subotica has been completed while the construction of plants in Vrbas, Kula, Leskovac and Sabac is ongoing. Funds and own resources are allocated with priority to waste water collection and treatment.

Nature protection,

Indicators in terms of:

		View	Explanation
Decision actually taken			
Legislation adopted	Transposition of the EU's environmental legislation into national legislation	No progress	
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	<p>It is big confusion about competences in nature protection, i.e. between the Ministry of natural resources, mining and spatial planning and Ministry of Energy, Development and Environmental Protection.</p> <p>The administrative capacity in relation to protected areas (including in UNESCO biosphere reserve Golija-Studenica) is insufficient.</p>	

	putting in place the <i>monitoring</i> for implementation	No progress
	putting in place <i>enforcement</i> for implementation	
	establishing the <i>infrastructure</i> required to be able to comply with the legislation	

Industrial pollution control

Indicators in terms of:

		View	Explanation
Decision actually taken			
Legislation adopted	Transposition of the EU's environmental legislation into national legislation	No progress	
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	Recent institutional and personal changes consequences, as well as frequent changes of previously approved environmental legislation, should be monitored carefully, in order to detect are they in line with accession to EU.	
	putting in place the <i>monitoring</i> for implementation	Noted problems in 2012 Progress Report remain.	
	putting in place <i>enforcement</i> for implementation		
	establishing the <i>infrastructure</i> required to be able to comply with the legislation		

Chemicals

Indicators in terms of:

	View	Explanation
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Decision actually taken			
Legislation adopted	Transposition of the EU's environmental legislation into national legislation	<p>No progress (i.e. evident negative development).</p> <p>Again, in order to adequately prepare for REACH implementation after Serbia's accession to EU, it is necessary <i>to build knowledge within all competent authorities on REACH, especially related to those obligations in REACH that are related to centralised procedures which are not transposed in national legislation.</i></p>	<p>Also, there is a new EU Biocidal Products Regulation (EU) No 528/2012 that will apply from 1 September 2013 in the EU and will replace the old Biocidal Products Directive 98/8/EC, and since it will be transposed to national legislation, it will be necessary to prepare the new system for financing administration of the biocidal products management in line with the provisions of this new EU Regulation.</p>
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	Chemical Agency abolished. Rebuilding (after broken continuity in 2012) and further strengthening of the relevant institution/unit and of the administrative capacity should remain a new strong priority.	
	putting in place the <i>monitoring</i> for implementation	The helpdesk of the (former) Serbian Chemicals Agency, with observer status with the European Chemicals Agency, do not exist anymore.	
	putting in place <i>enforcement</i> for implementation	Freeze – no progress; Unit for chemicals within competent Ministry, in April 2013 still do not exist (from 42 staff members in former agency it comes to unknown structure related chemicals). Agency's (Agency for Chemicals) transferred competences and administrative capacities are not preserved, until now.	
	establishing the <i>infrastructure</i> required to be able to comply with the legislation		

Climate change

Indicators in terms of:

		View	Explanation
Decision actually taken			
Legislation adopted	Transposition of the EU's environmental legislation into national legislation	Preparation of the Second National Communication, on a project basis, started in September 2012 and it should be finalized not later than in June 2015. According to the UNFCCC requirements first biannual report Serbia shall submit not after the end of 2014.	<p>Even though the national Regulation on methodology for collection of data needed for preparation of GHG inventory has been adopted by the Serbian Government, a system for economy-wide and systematic data collection on GHG emissions and other information relevant to climate change is not yet fully established, and needs to be improved to align with EU requirements on monitoring, reporting and verification, more precisely Decision No 280/2004/EC concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol (Monitoring Mechanism Decision-MMD) and Commission Decision 2005/166/EC laying down rules implementing Decision No 280/2004/EC (Implementing Provisions). Here is important to mention that the full establishment and improvement of the national system should take into account the proposed revisions by the European Commission to the Monitoring Mechanism Decision.</p> <p>The progress in this matter is closely linked with post 2015 Energy Strategy, under development (in April 2013 draft is not available to the public). There are however some RES projects on the agenda that are more in line with the to build unsustainable RES projects that will serve as export resources for "feed- in- tariffs" and support the</p>

		<p>profitability of those companies with mostly negative consequences on the environment in Serbia. The development of the energy sector is not submitted for SEAs and these plans are not open to wide public consultations thus leading to unsustainable development patterns.</p> <p>One important problem in this regard is the lack of involvement of environmental CSOs in dialogue, decision making, EU funds programming etc. Environmental CSOs have to improve their capacities and coordination in order to have stronger role in EU accession processes.</p>
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	No progress.
	putting in place the <i>monitoring</i> for implementation	No progress in a mitigation commitment by 2020.
	putting in place <i>enforcement</i> for implementation	The administrative structure on climate change should be considerably strengthened, and capacity building support is required in order to address the significant capacity, cooperation and coordination needs in the area.
	establishing the <i>infrastructure</i> required to be able to comply with the legislation	

Noise

There is no progress to report in the area of noise pending the designation of competent authorities, the identification of areas for strategic noise mapping and the drawing-up of corresponding action plans. According to the Law, noise mapping shall be made in two rounds. It shall be ensured that no later than 30th of June 2015 first round of strategic noise maps shall be made, and no later than 31st of December 2020, second round shall be made. According to the Law action plans shall be made in two rounds as well (2016 and 2020). This means that the full implementation of the Directive will be achieved. Before strategic noise mapping started it is necessary to identify competent authorities and to identify areas that are to be mapped.

Civil protection

Impression is that it is improving¹⁰.

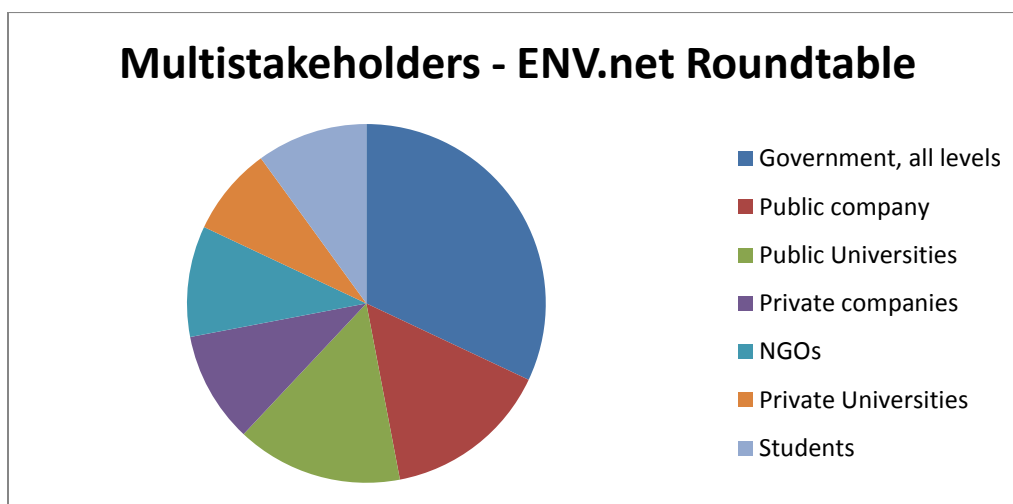
Validation

Above analysis is checked / opinion validate, on ENV.net National Conference in June 2013 and outreach results further analysed (using multi-stakeholder platform as the basis for involvement in dialogue as much as possible different stakeholders, including different categories of CSOs).

ENV.net Roundtable, held on June 10, participants contributed to validation¹¹.

Participants working for Governmental Institutions			Participants from Non-Governmental Sector			Other
Governmental institutions at all levels (Ministry, Secretariats)	Public Companies	Public Universities	Private companies	Private Universities	NGOs	Students
32%	15%	15%	10%	8%	10%	10%

Presented differently:



¹⁰ However, we (still) do not follow in details this segment – competent authority is Ministry of Interior

¹¹ 19 participants = 100%

Dialogue participants validate the gaps with marks:

5 – excellent	
4 – Very good	
3 – good	
2 - unsatisfactory	
1 – terrible	

Resulted average marks:

		Horizontal (EIA, SEA, public participation, environmental liability)	Air quality	Waste	Water quality	Nature protection	Industrial Pollution Control	Chemicals	Climate change	Noise	Civil protection
Legislation adopted	Transposition of the EU's environmental legislation into national legislation	3,4	2,9	3,1	2,8	3,0	3,0	3,0	2,5	2,9	2,9
Degree of implementation	putting in place the <i>administrative capacity</i> for implementation	2,8	2,7	2,6	2,5	2,6	2,6	2,7	2,5	2,6	2,7
	putting in place the <i>monitoring</i> for implementation	2,9	2,5	3,2	2,5	3,5	2,6	2,7	2,6	2,6	3,2
	putting in place <i>enforcement</i> for implementation	3,1	2,9	3,0	3,1	2,6	2,4	2,3	2,9	3,1	3,1
	establishing the <i>infrastructure</i> required to be able to comply with the legislation	2,8	2,5	2,4	2,4	2,9	3,0	2,9	2,3	2,9	3,0

Other dialogue results are presented below.

		Horizontal (EIA, SEA, public participation, environmental liability)	Air quality	Waste	Water quality	Nature protection	Industrial Pollution Control	Chemicals	Climate change	Noise	Civil protection
Degree of implementation by	Republic	3,2									
	Industry and Commerce	4,1									
	Local level	2,6									

Concluded remarks

Validation process proves desk analysis assessment, i.e. in general **EU environmental approximation is showing serious gaps**, needed to be strongly addressed in coming years. In addition, this shows that focus of ENV.net project should be **implementation**.