



One step
forward

**two steps
back**

Shadow Report on Chapter 27

The background of the entire page is a grayscale photograph of a mountain range. The mountains are layered, with the closest peaks in the foreground and more distant, hazy peaks in the background, creating a sense of depth. The lighting is soft, suggesting a misty or foggy day.

Chapter 27 in Serbia: **One step forward, two steps back**

Shadow Report on Chapter 27:
Environment and Climate Change

January 2021 – March 2022

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Introduction

This report is the ninth in a series of shadow progress reports on Chapter 27 – Environment and climate change by Coalition 27. The report, titled “One step forward, two steps back” covers the period from January 2021 to March 2022. The previous two reports were prepared during the COVID-19 pandemic. In the meantime, life has slowly returned to its usual course, and with it legislative activity and other public affairs. During the previous reporting period, we witnessed civic movements as well as protests caused by concern for the state of the environment in the country. During the period this report was being prepared, the country went through another election cycle, and the quality of the environment was an important topic in the election campaign. The Republic of Serbia (re)elected MPs, as well as the President of the Republic and city councilors in the capital. In the period from previous report to this one, environmental topics have moved from street protests into institutions. It is hoped that this will make these issues a higher priority for the National Assembly and Government.

In addition to these broader social incentives to improve the environment, there are also new political incentives. At the Intergovernmental Conference in Brussels, in December 2021, negotiations were opened within Cluster 4 (Green Agenda and Sustainable Connectivity), which includes Chapter 27. The negotiations will be conducted according to the methodology adopted in 2020, when the chapters were grouped into clusters, which is the most significant development in the negotiation process. Within the framework of the European Union, other things are also changing. Reforms aimed at decarbonization continue to accelerate, and the recovery from the pandemic will be marked by achieving the goals of the European Green Deal. As a result, the EU continues to take great steps towards improving the environment and, more broadly, sustainable development. For EU candidate countries, the application of European legislation therefore represents a kind of moving target. On the other hand, Serbia has made only small steps towards transposing and implementing legislation. This is best evidenced by the main recommenda-

tions of the European Commission, as well as our Shadow Report, which have remained the same year after year. Serbia is not approaching EU standards with sure steps, and those standards keep moving slowly but surely further away. It seems that Serbia is not stagnating, but rather slowly moving away from European Union goals, as if taking a step backwards. When Serbia's Negotiating Position for Chapter 27, which was adopted in 2019, was finally announced publicly (February 2022), it turned out that some of the stated deadlines for the transposition and implementation of legislation had already expired. One step forward, two steps back!

So, what are the next steps? The 2011 National Strategy of Approximation in the field of the environment, which set goals until 2030, estimated that Chapter 27 would require over ten billion euros of investment. A decade later, the moving target has moved even further away, so that today we can confidently say that this now represents a very conservative estimate. It is certain that Serbia will have to make large investments in infrastructure projects in the sector. Likewise, we know that the capacities of the public administration are quite weak at all levels. Large projects require good management and transparency in implementation, not only to control the spending of public funds, but also to find the best possible solutions in a situation where administrative capacities are limited.

The road is long and arduous, and Serbia is not yet fit enough, so all social actors must encourage and support one another. Coalition 27 remains committed to improving the environment and is available to the Government, the European Commission, and all other stakeholders, to contribute to this endeavor with our collective knowledge and experience. We believe that with the transparent and benevolent involvement of all interested parties, together, we can reach our goals. Step by step, but always forward.

Coalition 27 was founded in 2014 by civil society organizations, predominantly with the goal of following and contributing to negotiations on Chapter 27. Today, Coalition 27 consists of eight organizations: The Safer Chemicals Alternative,

the Belgrade Open School, the Environment Improvement Centre, the Bird Protection and Study Society of Serbia, the Environment Engineering Group, Young Researchers of Serbia, the Climate Action Network Europe (CAN Europe), and the World Wide Fund for Nature Adria – Serbia (WWF Adria – Serbia).

The report encompasses eight thematic areas: horizontal legislation; air quality; waste management; water quality; nature protection; chemicals management; noise; and climate change. Given that forestry has a major impact on numerous areas in the environment (nature protection, climate change, etc.), this year's report (as well as previous ones) provides an overview of those areas as well. The report does not address issues of civil protection, nor issues of industrial pollution and risk management. In each thematic area, developments in the adoption of public policies and legislation, regulatory enforcement and financing are discussed, and recommendations are made for improving the process.

The section titled "Green Cards" is a new addition to the Report. With the aim of obtaining the most accurate insight into the implementation of environmental protection and improvement of policies at the local level, we have begun a multi-year process of monitoring the work of local self-governments. Green Cards have been compiled based on data obtained by civil society organizations engaged through the "Green Power Up" support programme and the "Green Incubator" project.

The report also contains the following attachments:

1. List of abbreviations;
2. A comparative table of recommendations from the previous report of Coalition 27 and this year's report;
3. An explanation of the methodologies used and a list of authors (organizations) for each chapter.

We would like to express our gratitude to the Renewables and Environmental Regulatory Institute (RERI) for contributing to drafting the Horizontal Legislation section, as well as to the civil society organizations that took part in gathering field data alongside Coalition 27 member organizations.



Horizontal Legislation

Overview

In the previous reporting period, the practice of limiting space for public participation in decision-making processes continued. Legislative activity was somewhat more intense than in the previous year. However, the long-awaited amendments to the Law on Impact Assessment and Strategic Impact Assessment were not adopted, although drafts were presented to the public, but, as has previously been the case, the public hearings were held during public holidays (New Year and Christmas).

The process of adopting the Spatial Plan of the Republic of Serbia, one of the most important national planning documents, was marked by violations of the Aarhus Convention, the Law on Strategic Environmental Impact Assessment and the Protocol on Strategic Environmental Impact Assessment within the Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention).

The draft Law on Amendments to the Law on Integrated Prevention and Control of Environmental Pollution was not put up for public discussion, which again pushed back the deadline for issuing integrated permits, sending a clear signal to major polluters that they could continue their activities without obtaining the permits.

The draft Law on Amendments to the Law on Water entered parliamentary proceedings without public participation, and following an urgent procedure. A group of citizens' associations sent a request to the National Assembly to immediately withdraw the Law from the procedure, as it is not in accordance with the Constitution of the Republic of Serbia.

The Regulation on public participation in the development of certain plans and programs in the field of environmental protection has been adopted and could potentially ensure better availability of relevant information. Public participation during the pandemic was, and continues to be, difficult, and in

some cases completely impossible. Thus, only selected civil society and public representatives were invited to the public debate on the Law on Amendments to the Law on Nature Protection, while consultations on the Draft Law on Amendments to the Law on Environmental Protection were conducted via video conference, but with very few participants.

The adoption of the Law on Amendments to the Law on Free Access to Information of Public Importance expands the powers of the Commissioner for Information of Public Importance and Personal Data Protection. The number of complaints to the Commissioner concerning the Ministry of Environmental Protection continues to increase every year.

There is still an obvious lack of information on the costs related to the harmonization of Serbian regulations in the field of horizontal legislation with those of the European Union, as well as their implementation.

The reporting period was marked by great media and public attention regarding the exploitation of lithium within the "Jadar" project. The epilogue of this story, which for a time paralyzed the entire political scene, is still to be written.

Strategic and Legislative Framework

Environmental impact assessment and Directive 2011/92/EU (replaced by Directive 2014/52/EU)

According to the Government's Work Plan for 2021, the adoption of amendments to the Law on Environmental Impact Assessment is scheduled for December 2021.¹ Although the Law has not yet been adopted, in contrast to previous years when the Government's work plans merely moved the deadline for the adoption of this Law (2018, 2019, 2020), the Draft Law was finally presented to the public in November 2021, when public consultations were organized, while the public debate was held in January 2022.

In order for the Environmental Impact Assessment Directive (Directive 2014/52/EU) to be fully transposed into domestic legislation, in addition to adopting amendments to the Law a Regulation on amendments to the Regulation establishing the list (I) of projects for which an impact assessment is mandatory and a list (II) of projects for which an environmental impact assessment may be required must be adopted. The adoption of this Regulation was not part of the Government's Work Plan for 2021. As of the writing of this report, the Government's Work Plan for 2022 has not been published.

In the Negotiating Position for Chapter 27, the Republic of Serbia has recognized that the quality of the impact assessment and the public consultation process are the main challenges in the implementation of the Directive.²

1 The Government of the Republic of Serbia (2021): The Government's Work Plan for 2021, available at: https://www.srbija.gov.rs/extfile/sr/370541/plan_rada_vlade_za_2021_cyr.pdf

2 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

Strategic impact assessment and Directive 2001/42/EC

In order to fully harmonize domestic legislation with Directive 2001/42/EC, which regulates the assessment of the impact of certain plans and programs on the environment, the adoption of amendments to the Law on Strategic Environmental Impact Assessment was announced. This adoption process was planned to be completed in the fourth quarter of 2018. The Government Work Plan for 2021 moved the deadline for the adoption of the amendments to December 2021. However, this deadline was not met either.

The Ministry of Environmental Protection conducted a public debate regarding the Draft Law on Environmental Impact Assessment and the Draft Law on Strategic Environmental Impact Assessment in the period from December 24 to January 14, but the Report on the debate has not yet been published. This period overlapped with national and religious holiday, reducing the time available for the public to participate. The public presentation of both drafts was held on January 10.³

Public participation in the development of certain plans and programs and Directive 2003/35/EC

The negotiating position of the Republic of Serbia for Chapter 27 states this Directive will be fully transposed by the end of 2020 through: the Law on Amendments to the Law on Environmental Impact Assessment; the Law on Amendments to the Law on Integrated Prevention and Control of Environmental Pollution; the Law on Amendments to the Law on Water and the Decree on Public Participation in the Development of Certain Plans and Programs in the Field of Environmental Protection.⁴

When it comes to environmental impact assessment, instead of a Law on Amendments, a Draft Law on Environmental Impact Assessment was compiled,

3 Ministry of Environmental Protection, Public call for participation in the public debate on the Draft Law on Environmental Impact Assessment, available at: <https://www.ekologija.gov.rs/saopstenja/najave/javni-poziv-za-ucese-u-javnoj-raspravi-o-nacrtu-zakona-o-proceni-uticaja-na-zivotnu-sredinu>

4 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

which was put to public discussion in the period from December 24, 2021, to January 14, 2022. Coalition 27 participated in the public debate, and voiced its position that choosing this period for conducting the public debate meant that the period of public participation was effectively shortened to less than 20 days, because it included the New Year and Christmas holidays, which is contrary to regulations and good practices in public participation.

The Regulation on public participation in the development of certain plans and programs in the field of environmental protection was adopted in December 2021. This document refers to: air quality plans, plans and programs in the field of waste management, protection from noise, and water pollution protection plans, and does not refer to plans and programs where public participation is ensured through the strategic impact assessment procedure, nor to plans and programs adopted in accordance with the law governing the management and protection of water. The regulation establishes the obligation of the competent authority to inform the public through a public call about the place and time of public insights, public presentations and public debates on draft plans or programs, and the method of submitting comments and objections, as well as the obligation to inform the public through print newspapers and online – through the website of the competent authority. This ensures a higher level of information availability. Public insight must last for at least 30 days, starting from the day the public call for participation in the public debate was published, and public presentations and public discussions can be held no earlier than 20 days from the day the public call was published.⁵

Environmental crimes and Directive 2008/99/EC

No progress has been made in harmonizing legal regulations related to environmental criminal law; Directive 2008/99/EC is still only partially transposed into domestic legislation. Enforcement remains a key priority, including achieving visible results in the implementation of the Environmental Crimes Directive. The most recent amendments to the Criminal Code were made in 2019.

5 RERI (2021): The Regulation on public participation in the development of plans and programs in the field of environmental protection has been adopted, available at: <https://www.reri.org.rs/usvojena-uredba-o-ucescu-javnosti-u-izradi-planova-i-programa-u-oblasti-zastite-zivotne-sredine/>

Directive 2007 /2 /EC – INSPIRE Directive

In its Negotiating Position for Chapter 27, the Republic of Serbia has requested a transitional period of two years and four months from the date of accession to the EU for the full implementation of the INSPIRE Directive. The number of years required for the transition period toward the full implementation of the Directive⁶ should be determined by the Specific Implementation Plan for the INSPIRE Directive.

In order to further harmonize the legislative framework with the EU acquis, the adoption of a series of by-laws is planned, namely regulations related to monitoring and reporting (2020), interoperability, network services and access to geodata sets and services, including public access and data exchange between public authorities (2020).⁷

Availability of environmental information and Directive 2003/04/EC

Directive 2003/4/EC on public availability of environmental information has been almost completely transposed into domestic legislation.

With the aim of fully harmonizing the legislative framework with the Directive, harmonization of the provisions of the Law on Free Access to Information of Public Importance is planned with regard to exceptions to the obligation to provide environmental information.⁸ The negotiating position for Chapter 27, which was adopted in 2019, envisaged the completion of this process by the end of 2020. However, the Law on Amendments to the Law on Free Access to Information of Public Importance⁹ was instead adopted at the end of 2021. The amendment expands the powers of the Commissioner for information of

6 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

7 Ibid.

8 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

9 “Official Gazette of RS”, no. 120/2004, 54/2007, 104/2009, 36/2010 and 105/2021.

public importance and personal data protection and regulates the conduct of proceedings before administrative bodies, but does not completely align the Law with the Directive. The amendment only partially transposes the provisions of the Directive, because a limitation on the right to access to information was introduced. However, it omits provisions included in the Directive that clearly indicate that the reasons for limiting the right to access to information must be interpreted restrictively, as exceptions to the general rule were omitted. Additionally, the obligation to ensure the availability of information on emissions of polluting substances into the environment is not explicitly prescribed.

In May 2021, the Ministry of State Administration and Local Self-Government of Serbia announced a public hearing on the Draft Amendments to the Law on Free Access to Information of Public Importance. The proposed amendments actually violated already established practices and principles of free access to information. The main drawback of the proposed amendments is that the Ministry proposed to expand the scope for denying the right to access information of public importance, while at the same time giving broad discretionary powers to authorities. Nevertheless, after the shortcomings of the law were pointed out, mainly by civil society, the final version of the Law on Free Access to Information of Public Importance was significantly more in line with the established principles of the right to access to information. However, the final version of the Law did not abolish the ban on submitting complaints to the Commissioner for Access to Information of Public Importance and Protection of Personal Data in cases where information is withheld by the Government of the Republic of Serbia, the National Assembly, the President of the Republic, the Supreme Court of Cassation, the Constitutional Court or the Republic Public Prosecutor. Rather, the Law expanded the number of bodies against which no complaint may be filed with the Commissioner, adding the National Bank of Serbia to the list of privileged bodies against whose decisions only an administrative dispute may be initiated, which can take many years to resolve.

Responsibility for preventing and eliminating damage to the environment and Directive 2004/35/EC

There was no progress regarding the adoption of the Law on Liability for Environmental Damage, meaning no progress has been made in transposing the Directive on Liability for Environmental Damage 2004/35/EC. The directive is in the initial phase of transposition into domestic legislation. For its complete transposition, the adoption of the Law on Liability for Environmental Damage is necessary.¹⁰ The preparation of the Law began in 2015, while the first public consultations regarding the Draft Law on Liability for Environmental Damage were held in 2019. The Government's Work Plan for 2021 foresaw the adoption of the Draft Law in December 2021. However, at the time of the writing this report, the Law had not yet been adopted.¹¹

10 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

11 Government of the Republic of Serbia (2021): Work plan of the Government of the Republic of Serbia for 2021, available at: <https://www.srbija.gov.rs/dokument/370535/plan-rada-vlade-republike-srbije.php>

The Implementation of Regulations

The trend of shrinking space for public participation in the decision-making process in the field of environmental protection continued in 2021. This year was also marked by the COVID-19 pandemic, which was also repeatedly abused as an excuse to prevent the participation of the interested public in decision-making processes. Even after preventive measures to suppress the pandemic were lifted, the public continued to be prevented from participating in public presentations of draft plans and reports on strategic environmental impact assessments, as well as draft laws and other regulations and public policy documents.

The implementation of the Law on Strategic Environmental Impact Assessment is inconsistent, rendering it an ineffective instrument for the prevention of potential harmful effects of plans, programs and policies on the environment. The quality of strategic environmental impact assessment reports is unsatisfactory, and the results of public consultations are often not taken into account in the decision-making process. For example, the comments of civil society organizations on the Draft Spatial Plan of the Republic of Serbia, which referred to the newly planned thermal power plants (which are foreseen in the Draft), were rejected by the Ministry of Construction, Transportation and Infrastructure, which stated in its response that the proposed thermal power plants referred to in the Plan are only potential projects. The Ministry also failed to make clear reference The Green Agenda for the Western Balkans or the climate change and energy policies of the EU, with which Serbia should comply.

Serbia also showed a lack of capacity to carry out cross-border consultations regarding plans with cross-border effects. Cross-border consultations regarding the Draft Spatial Plan of the Republic of Serbia were opened after the conclusion of the consultations in Serbia, which is not in line with the requirements of

the Directive on Strategic Environmental Impact Assessment and the Protocol on Strategic Environmental Impact Assessment to the ESPOO Convention.

The Ministry of Environmental Protection persistently denies access to legal remedies to the public and civil society organizations in cases where they believe their rights have been violated in the process of strategic impact assessment. Namely, the Ministry of Environmental Protection denies that the decision on granting approval for a strategic environmental impact assessment is a legal act against which a legal remedy can be filed, without explaining the legal nature of the approval for the strategic environmental impact assessment.

Application of the Law on Strategic Impact Assessment in the Case of the Spatial Plan of the Republic of Serbia

The Spatial Plan of the Republic of Serbia (PPRS) is the basic planning document for the spatial planning and development of the Republic of Serbia. The draft of this important development planning document was available for public inspection in the period from April 5 to May 5, 2021. On that occasion, the procedure failed to properly apply the standards of the Aarhus Convention regarding public participation. The Aarhus Convention Compliance Committee has emphasized that the Convention applies in its entirety, with equal force, during the COVID-19 pandemic, and that the rights guaranteed by the Convention cannot be diminished.

The Ministry of Construction, Transportation and Infrastructure failed to inform the public about the time and place of the public hearing in its announcement of the public insight into the PPRS, which is contrary to the regulations. The public discussion on the Report on the Strategic Environmental Impact Assessment of PPRS was held only a month and a half after the public insight was completed, at the same time as the public sessions of the Planning Commission were held, from June 25 to July 5, 2021. The competent authority, contrary to the regulations, equated the public sessions of the Planning Commission with the public debate on the Strategic Impact Assessment Report. Given that, according to the Law on Strategic Impact Assessment (Article 19), the public debate on the Report on the Strategic Impact Assessment of the PPRS

is held as part of the public insight procedure for the PPRS, in doing this, the competent authority denied the public the right to participate in the public discussion. Additionally, Article 20 of the same Law stipulates that a report on the participation of interested authorities and organizations and the public shall be prepared within 30 days from the end of the public hearing, and in this case, the Report was published only in October 2021.

The Ministry of Construction, Transportation and Infrastructure, as the competent authority, limited public participation in this process, using the COVID-19 pandemic, inappropriately, as a justification and dividing the public session of the Planning Commission into five sessions, with separate sessions for civil society, local self-government units, public companies and citizens.¹² The participants were thus separated despite the fact that, according to the then valid Order on the prohibition of gatherings in public places in closed and open spaces in the Republic of Serbia ("Official Gazette of the RS", no. 60/2021), gatherings in closed spaces of up to 500 persons were allowed in spaces of appropriate volume.

Public participation was also limited by the duration of public inspection, which was held for 30 days. For a technically demanding document of over 600 pages, this period was too short, especially bearing in mind that the period was essentially shortened by five days due to national holidays (Easter and International Labor Day), which are non-working days. This is contrary to the Aarhus Convention. The Aarhus Convention Compliance Committee has made it clear that at least six weeks should be allowed for the public to review documents, and then a further six weeks for public insight and submission of comments.

Obligations stemming from international treaties defining public participation were also violated. Namely, quite late in the process of drafting this document, the Republic of Serbia informed the remaining neighboring countries about the possible cross-border impact of the Spatial Plan on the environment, even

12 Ministry of Construction, Transportation and Infrastructure: Announcement for the public session of the Commission for Public Inspection of the Draft Spatial Plan of the Republic of Serbia from 2021 to 2035 and the Report on the Strategic Assessment of the Impact of the Spatial Plan of the Republic of Serbia from 2021 to 2035 on the Environment; available at: https://www.mgsi.gov.rs/sites/default/files/OGLAS%20javna%20sednica%20PPRS%202021-2035_0.pdf

though it was obliged to submit all relevant documentation to the countries that initiated cross-border consultations at the latest when the draft document was put up for public insight in Serbia. Bulgaria, Romania and Bosnia and Herzegovina initiated cross-border consultations following a letter from non-governmental organizations, and submitted requests for information in the process of drafting the Spatial Plan. Public consultations were subsequently held in Hungary, Bosnia and Herzegovina and Romania, while Croatia expressed dissatisfaction with the fact that documentation was submitted in Cyrillic. Public consultations were repeated in Romania, because that the documentation was presented exclusively in English.

In the absence of a broader social dialogue on the Spatial Plan, civil society organizations and experts analyzed the Draft of this document, organized a consultative process and invited citizens to join the public discussion. Despite the fact that no effort was made by the competent ministry to raise awareness of or present this complex document to the public, citizens submitted over 800 individual comments during the public discussion.

Application of the Law on Strategic Environmental Impact Assessment in the case of drafting Amendments to the General Regulation Plan of Belgrade

The General Regulation Plan (GRP) of the City of Belgrade is the umbrella regulatory document for urban planning in Belgrade. The public insight into the second stage of the first phase of drafting amendments and additions to the urban plan was held in the period from December 20, 2021 to January 21, 2022. Despite holding the public inspection during the New Year's and Christmas holiday period, when the attention of most citizens was elsewhere, more than 900 objections were received from the public. Six civil society organizations submitted a request to the competent authorities to postpone the public inspection procedure until the conditions for effective public participation were met. The competent institutions did not respond to this request.

A public presentation of all planning documents that require a Strategic Environmental Impact Assessment Report (such as a GRP) must be held, not

only to enable the interested public to participate in the process of planning and managing their city, but also to inform the public in a timely manner about all the relevant and effects of the proposed planning solutions on the environment.

Proper timing, comprehension, integrity and accuracy of published information are a precondition for the quality participation of the public, submitting comments and suggestions, and respect for the principles of participation and precaution in environmental protection. This cannot be achieved if the public is involved exclusively in the final stage of public insight. According to the Law, the public presentation must be held during the public insight, and must be open to the public. In this case, the public presentation, i.e. the public discussion on the Report on Strategic Environmental Impact Assessment, was not carried, given that the competent authority (as in the case of PPRS) incorrectly judged the public discussion on the strategic assessment report to be the same as the public session of the Planning Commission. The public presentation and the public meeting of the Planning Commission cannot be held together, because only objectors can participate in the public meeting of the Commission. In this way, the provisions of the Aarhus Convention, an international agreement that guarantees the public the right to participate in decision-making in the field of the environment, of which Serbia is a signatory, were violated.

Over 100 citizens attended the meeting of the Planning Commission, which lasted nine hours, in a space that (even without observing epidemiological measures) could only fit half of those who were present. Citizens largely expressed concerns about proposed construction on green areas, unfavorable traffic solutions in Košutnjak, and environmental devastation in the area of Bara Reva in Krnjača.

The Report on the Strategic Impact Assessment of the GRP was prepared in violation of all legal regulations, with fundamental deficiencies and inadequate methodology. A significant part of the planning scope was completely omitted and was not considered, under the pretext that this was done at the level of subordinate planning acts. Even setting aside the fact that harmonizing planning acts "from the bottom up" is illegal, this approach is especially illogical and unacceptable in the field of strategic environmental impact assessment.

Strategic impact assessment is precisely the mechanism through which all aspects of planning are viewed holistically and cumulative impacts of planning solutions on the environment are observed on a wider spatial level, which are impossible to observe at a narrower spatial scope.

At the end of the public session of the Planning Commission, the civil society organizations RERI and the Institute for Urban Policy submitted a request to the Secretariat for Urbanism and Construction Affairs of the City of Belgrade to suspend the further adoption of the plan and return the procedure to the beginning, in order to remedy all illegal actions and irregularities, and allow the public to effectively participate in drafting this important document (again without any response from the institutions). Amendments to the GRP for the City of Belgrade were officially adopted on February 14, 2022, at a session of the Belgrade City Assembly.

The implementation of the Law on Environmental Impact Assessment is at an alarmingly low level, with procedures being seriously violated and the quality of environmental impact assessment studies insufficient.

The key violations of the Law on Environmental Impact Assessment are a consequence of a *salami slicing* strategy (slicing one larger project with a potentially large negative impact on the environment into several smaller projects with a smaller impact, in order to avoid an adequate environmental impact assessment), issuing construction permits without having obtained approval for the environmental impact assessment study, and even the construction of new buildings without a building permit. The *salami slicing* strategy was also identified as a common practice related to thermal energy complexes, the *Zijin Bor Copper smelter and mining complex* in Bor, as well as in the construction of the *Linglong tire factory* in Zrenjanin.

Issuing building permits without or before approval for an impact assessment study is a practice commonly employed by competent authorities. The Regulatory Institute for Renewable Energy and the Environment (RERI) has identified numerous examples of this practice, including the following:

- Construction permits for a construction waste landfill in Bara Reva (Reva marsh, Krnjača) was issued without the appropriate approval for an environmental impact assessment study (and at a later stage the request for approval for the environmental impact assessment study was rejected). The construction permit was also issued without nature protection conditions, which were subsequently obtained. The Reva marsh is a location within an area of special natural importance (at the confluence of the Sava and Danube rivers) that provides a habitat for more than 120 species of birds;
- Construction permits for the phased construction of a flue gas desulphurization plant within the Nikola Tesla B thermal power plant were issued to *Elektroprivreda Srbije* (EPS) without approval for the environmental impact assessment study;
- A construction permit for the construction of a copper smelter in Bor by the investor *Zijin Bor Copper* was issued without approval for the environmental impact assessment study. Certain parts of this building are under construction without a building permit. In this case, RERI initiated a surprise inspection procedure, criminal charges and misdemeanor proceedings;
- The construction of a mine waste water treatment plant in Bor, which is being carried out by the company *Zijin Bor Copper*, is also ongoing and is being carried out without approval for the Environmental Impact Assessment study.

The Jadar project and the implementation of the Law on Environmental Impact Assessment

The project that attracted the most media and public attention during the reporting period was the *Jadar* lithium and boron mine, which illustrates the inconsistent implementation of the Law on Environmental Impact Assessment.

Namely, the *Rio Sava Exploration* company, a daughter company of the *Rio Tinto* company, submitted a Request for determining the scope and contents of the Environmental Impact Assessment Study in July 2021, less than a month after the Ministry of Construction, Transportation and Infrastructure issued a Decision on the preparation strategic assessment of the impact on the environment of changes and additions to the Spatial Plan of the special purpose area for the realization of the *Jadar* project for the exploitation and processing of the jadarite mineral. The preparation of the Study on the environmental impact assessment of the *Jadar* project based on the Spatial Plan of the special purpose area, which is expected to be amended next year, and which represents the framework for realizing the special purpose of the planning area, creates a risk for the realization of the project, as it will not be in accordance with solutions from the amended special purpose area Spatial Plan, or the guidelines from the strategic environmental impact assessment of that Plan. The company divided the project into several smaller ones (*salami slicing*), and thus the request did not include the water supply system that was supposed to regulate the system of wells from the alluvium of the Drina River and its transport to the ore beneficiation plant, instead presenting it as a separate project. In addition, the request itself was incomplete and contained a number of deficiencies, including, among other things, failing to show the impact of ore processing on the environment or all types of waste that would be generated, as well as failing to clearly show the project's impact on water.

A large number of citizens and associations representing public interests participated in the environmental impact assessment procedure. However, in August 2021, the Ministry of Environmental Protection issued a decision on determining the scope and content of the Environmental Impact Assessment Study. Due to the shortcomings of the process described above, ten complaints to the adopted Decision by the Ministry were submitted by the interested public. On March 29, 2022, the Government of the Republic of Serbia, acting on the complaints received, annulled the decision of the Ministry of Environmental Protection on determining the scope and content of the Study, referring to the

Regulation¹³ from January 2022, which annuls the Regulation on establishing the Special Purpose Area Spatial Plan for the realization of the project.

Project for the construction of a flue gas desulphurization plant in TENT B and implementation of the Law on Environmental Impact Assessment

The Ministry of Environmental Protection announced on December 27, 2021 that EPS had submitted a request for approval of a Study on the impact assessment of the construction of a flue gas desulfurization plant in TENT B. On April 12, 2022, the Ministry announced that approval had been given for the Study¹⁴, despite the *salami slicing* of the project into several separate projects. Namely, the approved project does not include the gypsum suspension transport and disposal system – although the disposal of waste generated by the operation of the plant should have been an integral part of the project. Without assessing the impact of the project as a whole, it is impossible to fully determine the extent and complexity of the project's impact on the environment. Additionally, the Study was approved despite not containing mandatory elements prescribed by the Law on Environmental Impact Assessment (data on the characteristics and location of the project are missing, adequate alternatives have not been considered, and the impact of the project on the climate has not been assessed).

During the reporting period, public participation in environmental decision-making was limited, and in some cases made completely impossible. Although an e-consultation website (ekonsultacije.gov.rs) was launched in December 2021¹⁵, where all competent state administration bodies are obliged to publish all relevant information about the consultations and public hearings they conduct in a timely manner, the Ministry of Environmental Protection often did not fulfill this obligation, and irregularly and inadequately informed the public about the public consultations and public debates that it conducted.

13 Regulation on terminating the Regulation on establishing the Spatial Plan of the special purpose area for the realization of the "Jadar" project of exploitation and processing of jadarite mineral, available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2022/8/1>

14 The announcement was made after the reporting period, but is discussed here due to the importance (i.e. topicality) of the event for the period covered by the report.

15 Government of the Republic of Serbia: Decision of June 17, 2021, available at <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/odluka/2021/62/2/reg>

The draft Law on Amendments to the Law on Integrated Prevention and Control of Environmental Pollution was adopted on October 21, 2021, at a session of the Government of the Republic of Serbia, and was submitted to the National Assembly on October 22, without a public hearing. The Law contains only three articles. Article 2 proposes to extend the deadline for issuing integrated permits until December 31, 2024. The deadline from the previous Law on Integrated Prevention and Control of Environmental Pollution expired on December 31, 2020. Integrated permits are important, as they provide comprehensive environmental protection (protection of air, water and soil from pollution), prevention of pollution at source and application of the best technical solutions that are in accordance with environmental protection standards. These permits are a guarantee that even large polluters must operate in accordance with high environmental protection standards, and thus do not harm people's health and the environment. To date, as stated in the analysis of the effect of the Law, only 46 permits have been issued, which means that, at the time this report was prepared, a total of 181 plants are carrying out activities without the necessary work permits¹⁶, causing great damage to the environment and people. The Law on Amendments to the Law on Integrated Prevention and Control of Environmental Pollution was adopted in the National Assembly, without public discussion, on November 17, 2021.

The Draft Law on Amendments to the Law on Water entered the parliamentary proceedings under urgent procedure on June 25, 2021. Public participation was not enabled during the drafting of this proposal, nor in any previous phase, nor was the public informed in any way about the drafting of this act, which is critically important for the preservation of water as a public good and a key resource for all citizens of Serbia. This procedure, in which no public hearing was organized, directly violated Articles 76 and 77 of the Law on State Administration. The amendments were not announced in any public document or official statements. Even the website of the Directorate for Water of the Ministry of Agriculture, Forestry and Water Management does not contain the Draft Law, or any information that would indicate that changes

16 RERI (2021): The Government of Serbia again proposes postponing the implementation of the Law on Integrated Pollution Prevention and Control, available at: <https://www.reri.org.rs/vlada-srbije-ponovo-predlaze-odlaganje-primene-zakona-o-integrisanom-sprecavanju-i-kontroli-zagadivanja/>

to the Law were being made.¹⁷ Despite the reasoned requests from citizens' associations that the Law should be withdrawn from procedure, as it is not in accordance with the Constitution of the Republic of Serbia, and a petition signed by more than 70,000 citizens, the Law on Amendments to the Law on Water was adopted by the National Assembly on July 14, 2021. However, the Law did not enter into force, because the President of the Republic of Serbia refused to sign it. Previously, citizen's associations had addressed an open letter to the President, stating that the Law that has been adopted by the National Assembly is unconstitutional.¹⁸

A public hearing on the Draft Law on Amendments to the Law on Nature Protection was published in March 2021, and the Ministry of Environmental Protection held a public presentation of the amendments to the Law on April 6, 2021. Work on amendments to the Law on Nature Protection began in 2018, when a Working Group was established, whose members included some of the members of Coalition 27. The work continued in the following period with varying intensity, but since February 2019 the Working Group has had no activities, nor did civil society organizations that were members of the Working Group receive information about continuing work on amendments to the Law. In March 2021, civil society members of the working group found out through informal channels that a public hearing was underway. Only select representatives of civil society were invited to the public discussion, held as a video conference, having been forwarded the link for it, while the same link was not publicly available on the Ministry's website (as a result, the public could not participate in the public discussion). Only a few civil society organizations and a few competent institutions took part in the public debate organized this way, which is a direct consequence of the non-transparent invitation and announcement of the beginning of the public debate. Due to this and a number of other irregularities in the drafting process, such as the failure to include professional institutions (the Institute for Nature Protection of Serbia and the Provincial Institute for Nature Protection) in the Working Group that prepared

17 Coalition 27: Immediately withdraw the unconstitutional proposal to amend the Law on Water, available at: <https://www.koalicija27.org/vesti/hitno-povuci-neustavni-predlog-izmena-zakona-o-vodama/>

18 RERI: <https://www.reri.org.rs/otvoreno-pismo-aleksandru-vucicu-predsedniku-republike-srbije/>

the Draft, a group of civil society organizations requested the withdrawal¹⁹ of the Draft Law on Amendments to the Law on Nature Protection. The request for withdrawal was not accepted, and the Law on Amendments to the Law on Nature Protection was adopted. The report on the public hearing²⁰ was published late, in a form that does not comply with regulations and standards.

The public debate on the Draft Law on Amendments to the Law on Environmental Protection was also held in the form of a video conference with a small number of participants. It was held by representatives of the Ministry of Environmental Protection who could not answer most of the participants' questions, which concerned the character of the proposed amendments to the Law.

The lack of preparation and information on the part of the representatives of the Ministry of Environmental Protection, as well as the absence of representatives of other ministries and members of working groups who worked on the preparation of certain draft laws, proved to be a problem in the public debates held during 2021, which greatly affected the quality of discussions and reduced contributions from interested parties.

Law on responsibility for damage to the environment

The report of the Republic Inspectorate for Environmental Protection for 2021, as the competent institution and the main source of information on the implementation of this Law, has not been published at the time of writing this report. It is therefore impossible to provide an assessment of developments in this area during the reporting period.

Specific implementation plan for the INSPIRE directive

The Negotiating Position for Chapter 27 stated that it is necessary to adopt a Specific Implementation Plan in order to fully implement the INSPIRE Directive. The Specific Implementation Plan should be developed within the EU project

19 Coalition 27: Repeat the process of amending the Law on Nature Protection, available at: <https://www.koalicija27.org/vesti/koalicija-27-ponoviti-proces-izmena-zakona-o-zastiti-prirode/>

20 Report on the Public Debate on the Draft Law on Amendments to the Law on Nature Protection, available at: <https://www.ekologija.gov.rs/lat/informacije-od-javnog-znacaja/izvestaji-sa-javnih-rasprava/izvestaj-o-javnoj-raspravi-o-nacrtu-zakona-o-izmenama-i-dopunama-zakona-o-zastiti-prirode>

“EU for a better environment”. For the purposes of developing the Specific Implementation Plan, a working group was established under the leadership of the Republic Geodetic Authority, which had several meetings during the implementation of the project. According to information on the “EU for you” official website, the Specific Implementation Plan has been adopted, however, it has not been published and is not available to the general public.

Access to information of public importance

In 2021, the Office of the Protector of Citizens (Ombudsman) considered a total of 5,947 cases, of which only 39 related to environmental protection. The largest number of complaints received by the Office in this field concerned the emission of noise and unpleasant odors in the environment above the prescribed limit values, as well as the overflowing of torrential streams and rivers that cause material damage to citizens. Citizens also noted the failure of the Ministry of Environmental Protection to act on their petitions as a frequent problem.

In 2021 the Commissioner received 5,181 formal complaints related to access to information of public importance.²¹ The number of resolved complaints concerning information on endangerment and environmental protection was 131 (2.5% of the total number of resolved complaints).²²

During 2021, 307 requests were submitted to the Commissioner and 27 complaints were filed against the Ministry of Environmental Protection. The number of complaints to the Commissioner against the Ministry is slightly higher than in 2020 (when there were 19) and twice as high as in 2019.

Crimes against the environment

The issue of criminal liability of legal entities for crimes against the environment is rarely raised in practice. Namely, in the majority of cases, the person responsible is subject to criminal liability for a criminal act that is a consequence

21 Commissioner for Information of Public Importance and Personal Data Protection (2022): Report on the work of the Commissioner for Information of Public Importance and Personal Data Protection for 2021, available at: https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2021/Izve%C5%A1taj_LAT.pdf

22 Ibid.

of the company's illegal business activities, and the outcome of the criminal procedure is merely the individual being punished, but not the company. In the Republic of Serbia, since 2008, the Law on Liability of Legal Entities for Criminal Offenses ("Official Gazette of RS", No. 97/08) has been in force, which regulates the conditions for the liability of legal entities for criminal offenses in a special part of the Criminal Code and other laws. This law prescribes criminal sanctions for legal entities, such as fines and termination of legal entities. Acting on RERI's criminal complaint, the Basic Public Prosecutor's Office in Negotin issued an order in April 2022 postponing criminal prosecution against the company *Zijin Copper*, as well as the responsible person from that company, for the criminal offense of environmental pollution, and ordered them to pay RSD 1,000,000.00 for humanitarian or other public purposes.²³

23 The comment refers to the period after the reporting period, and was added due to the importance (i.e., topicality) of the event for the period covered by the report.

Financing

According to the National Strategy for approximation in the field of the environment, horizontal legislation is an area where harmonization, from an economic and financial point of view, does not represent a great challenge, while the expected costs of implementing regulations are significantly higher.²⁴ In the post-screening document²⁵ it is noted that most of the costs in this sector, of around €15,000,000, will be incurred by implementing the INSPIRE Directive. In the Negotiating Position for Chapter 27 itself, there is very little information about the estimated costs of further compliance with EU legislation and the costs of implementation itself. The only information regarding funding is related to the INSPIRE Directive, which states that a detailed situation assessment, implementation plan, accompanying costs and funding mechanism will be part of the Specific Implementation Plan for the INSPIRE Directive, to be developed with IPA support in 2014. There is still an obvious lack of information on the costs related to the harmonization of the regulations of the Republic of Serbia in the field of horizontal legislation with those of the European Union, as well as their implementation. In addition to the fact that data on consumption is generally not available to the public, and even when certain data does exist, it is often insufficiently precise and does not feature accompanying explanations, as is the case with the Report on the use of the budget of the Ministry of Environmental Protection for 2021.²⁶

24 National strategy for approximation in the field of environment for the Republic of Serbia ("Official Gazette of RS", No. 80 of October 28, 2011) <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2011/80/1/reg>

25 Status and plans for the transposition and implementation of the EU acquis for Chapter 27: Environment and climate change, September 2015: <https://eupregovori.bos.rs/progovori-o-pregovorima/uploaded/Post-screening-SRP.pdf>

26 <https://www.ekologija.gov.rs/sites/default/files/inline-files/IZVR%C5%A0ENJE%20BUD%C5%BDETA%20MZZS%2001.01-31.12.2021.pdf>

Recommendations



Strategic and Legislative Framework

1. Qualitatively improve the processes of strategic environmental impact assessment (SEIA) and environmental impact assessment (EIA) by adopting a new Law on Environmental Impact Assessment and Law on Strategic Environmental Impact Assessment, as well as the necessary by-laws.
2. Harmonize List I (projects for which an impact assessment is necessary) and List II (projects for which an impact assessment may be required) with Annexes I and II of Directive 2011/92/EU.
3. Create a list of plans and programs for which a strategic environmental impact assessment is mandatory and a list of plans and programs for which a strategic environmental impact assessment may be required.



The Implementation of Regulations

4. Provide transparent and timely information online for the public about public hearings. Improve the functionality of the e-consultation website so that it is appropriately adapted to the average user (access to documents, information about the start, duration and venue of public hearings, etc.).
5. Ensure the full implementation of the Regulation on the methodology of public policy management, analysis of the effects of public policies and regulations and the content of individual public policy documents (8/2019-79) in the environmental protection sector.

- 6.** Fully implement the guidelines set out in the Rulebook on the content of requests on the need for environmental impact assessments and the content of requests for determining the scope and content of the Environmental Impact Assessment Study when drafting environmental impact assessment studies.
- 7.** Ensure the inclusion of cumulative impact assessment in environmental impact assessment studies.
- 8.** Establish quality control of environmental impact assessment studies, as well as a review of studies every five years.
- 9.** Tighten the penal provisions for environmental pollution, and consistently apply the Law on Liability of Legal Entities for Criminal Offenses ("Official Gazette of RS", No. 97/08).
- 10.** Ensure the full implementation of the Aarhus Convention during the COVID-19 pandemic with regard to citizens' rights to take part in the decision-making process, right to information on the environment, and right to legal protection. All decision-making processes (adopting plans, programs, public policies, legislation, and approval of projects with possible environmental impacts) that violate citizens' rights must be postponed until epidemiological conditions allow for the implementation of these processes in accordance with Serbian law and the Aarhus Convention.



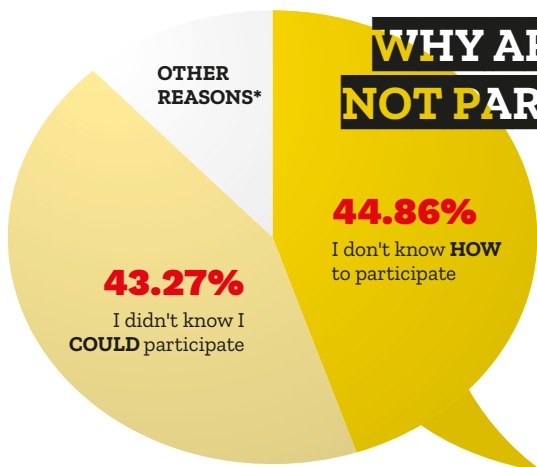
HORIZONTAL LEGISLATION

DO CITIZENS PARTICIPATE IN ENVIRONMENTAL DECISION-MAKING?

80.55%

of respondents have
**NEVER
PARTICIPATED**
in environmental
decision-making processes

WHY ARE CITIZENS NOT PARTICIPATING?



* other reasons

- I have no expertise in the subject matter
- I didn't have the chance, nobody invited me!
- Lack of time
- The decisions are adopted formally
- I don't think anyone cares about my views!

Source: The research was conducted from December 2021 to January 2022, as part of the EKO SISTEM program, supported by Sweden and implemented by the Young Researchers of Serbia. The poll included 1,486 citizens from all over Serbia.



KOALICIJA 27



Air Quality

Overview

The drafting of the national Air Protection Program in the Republic of Serbia for the period from 2022 to 2030 with an Action Plan has begun, which represents a positive and long-awaited step forward in the development of air protection policy in Serbia. On the other hand, although the National Emissions Reduction Plan (NERP) has been adopted, it is still not being implemented, as evidenced by the multiple exceedances of permitted SO₂ emissions from thermal energy plants in Serbia.

Air quality in Serbia is still very poor. The report of the Environmental Protection Agency for 2020 showed that in that year the air in most local areas was excessively polluted due to excessive PM₁₀ and/or PM_{2.5}, with the special exception of the city of Bor, where the air was excessively polluted due excessive SO₂. In Bor, the limit of 500 µg/m³, a concentration that is extremely dangerous for the health of citizens, was exceeded for as many as 25 days, which is twice as many as in 2019. On the other hand, in Novi Sad, according to the Agency's Report, the air was of the first category, i.e. clean, with annual concentration of PM₁₀ particles that were below 40 µg/m³; however, the daily limit value was exceeded at three out of five stations by as many as 60 times, which, according to the current Regulation, also makes the air excessively polluted.

The development of public air protection policies at a local level, primarily through the adoption and implementation of air quality plans and short-term action plans, continues to be slow. Energy poverty is singled out as the key cause of air pollution originating from individual fireplaces. This is a problem that should be given special attention by defining adequate measures aimed at improving energy efficiency and the introduction of clean technologies, with special support for socially and energy vulnerable households.

The Ministry of Environmental Protection, as well as the Ministry of Mining and Energy have again allocated significant funds in the 2022 budget for

activities aimed at improving air quality. On the other hand, the allocation of funds for air, water and sediment quality monitoring have decreased noticeably compared to previous years.

Strategic and Legislative Framework

The drafting of the Air Protection Program in the Republic of Serbia for the period from 2022 to 2030 with an Action Plan is the most significant development in the strategic and legislative framework for air protection in the previous year. The draft Program was prepared through the project "EU for a better environment – Development of a framework for harmonization with EU legislation in the field of air, chemicals and horizontal issues".²⁷ The development of the Program represents a positive and long-awaited step forward in air protection policy in Serbia. The draft Program recognizes the negative impact of air pollution on public health, with an ambitious vision of achieving clean air in Serbia by 2030, and offers general and specific goals, as well as several scenarios for achieving the goals.

The overall goal of the Program is to "reduce adverse health impacts from exposure to poor quality air by 2030 compared to 2015 by reducing exposure to air pollution, while limiting adverse impacts on ecosystems."

The specific objectives are as follows:

- **Specific objective 1:** Reduction of SO₂ emissions by 92% and suspended PM_{2.5} particles by 58.3% from the energy sector in 2030 compared to 2015;
- **Specific objective 2:** Reduction of air pollutant emissions from industrial processes and product use through compliance with emission levels related to best available techniques;
- **Specific objective 3:** Reduction of ammonia emissions from the agricultural sector by 20.5% compared to 2015;

²⁷ <https://eas3.euzatebe.rs/rs/o-projektu>

Specific objective 4: Promotion of the transition to clean air for all.²⁸

The scenario with existing measures (WEM) is based on the assumption that no policies and measures which would affect the amount of pollutants in the air will be adopted until 2030, except for those adopted by the end of 2020.

Three more scenarios with additional measures (WAM) were elaborated within the Draft:

- **Scenario WAM A:** Full implementation of all relevant EU directives and regulations related to ambient air quality that have not yet been fully transposed and implemented.
- **Scenario WAM B:** This is an intensive control scenario. In addition to the limit values from the WAM A scenario, in some cases stricter emission limit values are prescribed and national financial and fiscal policies and measures are introduced for key categories of emission sources (such as promotion schemes for deregistration or shipping to recycling centres, replacement of passenger vehicles and heating wood and coal-burning appliances in households).
- **Scenario WAM C:** Scenario of complete control. In addition to all of the measures introduced through the WAM B scenario, additional necessary measures are introduced, including specific local measures (such as incentives, bans and restrictions), which aim to comply with the limit values from Directive 2008/50/EC for suspended particles ($PM_{2.5}$ and PM_{10}), NO_x , SO_2 and O_3 .²⁹

On the other hand, there are certain aspects of the document that need attention. Taking into account the current state of the implementation of air protection policies in Serbia, it is questionable to what extent the assumptions

28 Ministry of Environmental Protection (2021): Air Protection Program in the Republic of Serbia for the period from 2022 to 2030 with an Action Plan; EU for a better environment; Project "Development of a framework for harmonization with EU legislation in the field of air, chemicals and horizontal issues (EuropeAid/138598/IH/SER/RS)" Available at: https://drive.google.com/file/d/1MJySY2_gdnFKqz8UMBmKDvFUFdnmwvB/view

29 Ministry of Environmental Protection (2021): Air Protection Program in the Republic of Serbia for the period from 2022 to 2030 with Action Plan – Explanation available at: <https://drive.google.com/file/d/1wkUbr-oc9ptVnflLUkhHnVAX2M4wkRyH/view>

on which the Program is based are achievable, especially taking into account the fact that fulfilling the objectives of the Program relies to a large extent on the implementation of the National Emission Reduction Plan (NERP), which is continuously being violated.

Directive 2008/50/EC on ambient air quality and cleaner air for Europe and Directive 2004/107/EC on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air have largely been transcribed into Serbian legislation. However, full harmonization has not yet been achieved. Certain provisions that have not been transferred are those that only apply to EU member states, while some provisions require reformulation. The period 2018-2021 was set as the deadline for transposing the directives in full, through amendments to the Law on Air and the Regulation on monitoring conditions and air quality requirements. The plan of the Government of the Republic of Serbia for 2021 did not include any amendments to the Law on Air Protection, so they were not adopted in 2021. Based on the Negotiating Position for Chapter 27³⁰, most of the provisions of the EU legislation in the field of air protection should be implemented by the date of Serbia's accession to the European Union, which has not yet been defined.

A lack of administrative capacity was noted at all levels (national, provincial, local). This represents a significant obstacle and it is necessary to increase the existing administrative capacities at all levels. There are also insufficient financial resources at all levels, which affects the application of the adopted rules, as well as the adoption of the necessary Air Quality Plan and Air Protection Program with Action Plan.

30 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

The Implementation of Regulations

The state of air quality

The annual report on the state of air quality, prepared by the Environmental Protection Agency³¹ shows that in 2020 the air was excessively polluted in the following agglomerations: Belgrade, Niš, Smederevo, Pančevo, Užice, Kosjerić and Bor; as well as cities and municipalities: Valjevo, Kraljevo, Novi Pazar, Kragujevac, Zaječar, Popovac, Subotica and Zrenjanin. In all these places, with the exception of Bor, the air was assessed as excessively polluted due to exceeding the limit values of PM_{10} and/or $PM_{2.5}$ suspended particles. These particles, which are produced as a result of the burning of solid fuels, are the dominant pollutant, with nearly 2.5 million inhabitants of Serbia being exposed to excessive concentrations. Radinac, near Smederevo, stands out, where the annual PM_{10} limit value of $60 \mu\text{g}/\text{m}^3$ was exceeded, and the daily limit values were exceeded on 148 occasion. On the other hand, exceedance of the annual $PM_{2.5}$ value limit was highest in Valjevo ($45 \mu\text{g}/\text{m}^3$).

In addition to the previously mentioned cities and agglomerations faced with excessive particulate air pollution, special attention should be paid to the analysis of the air condition in the agglomeration of Bor, where the air is also rated as excessively polluted, but due to exceeding the limit value of SO_2 . The monitoring station in the City Park of Bor showed an exceedance of the average annual value ($74 \mu\text{g}/\text{m}^3$), while the daily limit value of $125 \mu\text{g}/\text{m}^3$ was exceeded on 58 days. This station also measured exceedances of the permitted number of hours with concentrations higher than $350 \mu\text{g}/\text{m}^3$ during the

31 Environmental Protection Agency (2021): Annual report on air quality in the Republic of Serbia in 2020, available at: http://www.sepa.gov.rs/download/izv/Vazduh_2020.pdf

year. The Regulation on monitoring conditions and air quality requirements³² defines that SO₂ concentrations of 500 µg/m³, continuously in effect for three consecutive hours, represent a danger to public health. This concentration was reached in Bor on 25 occasions in 2021, which is twice as many as in 2020. In addition, high concentrations of heavy metals were measured in Bor. Lead measurements showed that the annual limit value of 500 µg/m³ was exceeded twice at the Bor Jugopetrol station (1,194 µg/m³), where the daily limit value (1,000 µg/m³) was also exceeded. The two aforementioned stations in Bor also registered exceedances of target values of arsenic and cadmium.

Air quality in the agglomeration of Novi Sad in 2021 was rated in the first category, with annual PM₁₀ concentrations below 40 µg/m³, which was a significant improvement on 2019, when air quality was rated in the third category (excessively polluted). However, at three out of five stations in the city, the daily limit value for PM10 particles was exceeded on more than 35 days.³³ At the Rumenačka station in Novi Sad, the daily limit was exceeded 60 occasions. According to the current Regulation on monitoring conditions and air quality requirements, one of these two criteria being fulfilled means that the air is excessively polluted, which would mean that the air quality in the agglomeration of Novi Sad should not be classified in the first category.³⁴

Air quality monitoring

During 2020, the Environmental Protection Agency expanded the network of stations by establishing measurements in Vršac and Novi Pazar, and the station in Paraćin, which, due to damage caused by floods, had not been in operation since 2014, was made operational. The expansion of monitoring is crucial for assessing the true state of air quality in Serbia, and this is best illustrated by the example of Novi Pazar: As soon as the new monitoring station became

32 Government of the Republic of Serbia (2013): Regulation on monitoring conditions and air quality requirements, available at: <https://www.paragraf.rs/propisi/uredba-uslovima-monitoring-zahtevima-kvaliteta-vazduha.html>

33 According to the Regulation on monitoring conditions and air quality requirements, the daily limit value of PM₁₀ may not be exceeded more than 35 times in one calendar year.

34 RERI, BOŠ: What did we breathe between the two Septembers? Review of the Annual Report on the state of air quality in the Republic of Serbia for 2020, available at: <https://bos.rs/ekz/uploaded/BOS%CC%8C,RERI%20-%20Prikaz%20Izves%CC%8Ctaj%20o%20stanju%20kvaliteta%20vazduha%20za%202020.%20godinu.pdf>

operational and provided a sufficient amount of data for the year 2020, the city was placed in the category of excessively polluted cities.

The increase in data reliability is also noticeable. Namely, in 2020, as many as 90% of stations met the conditions for data quality, and only 22% of stations met those conditions just three years earlier. The importance of comprehensive air quality measurement is best illustrated by the fact that at 36 out of 46 stations where particulate pollution is monitored, the air was rated as excessively polluted. In addition, at 11 out of 20 stations where the air is rated as clean, the concentration of $PM_{10}/PM_{2.5}$ particles is not measured at all.

When assessing air quality for 2020, in addition to the data collected by the Environmental Protection Agency, data from three stations operated by the City Institute for Public Health of Belgrade were used, as well as data from automatic monitoring in the local networks of the Autonomous Province of Vojvodina (APV), the City of Belgrade and the City of Pančevo as well as monitoring points in the cities of Sremska Mitrovica, Subotica, Novi Sad, Smederevo, Užice, Bor, Kraljevo and Niš. It should be noted that a project financed by EU IPA funds from 2016, which aimed to integrate all data from networks for automatic monitoring of air quality, was not successfully completed. The trend of increasing the volume of monitoring and data availability has not been fully observed in all environments. Failures also occur, for example monitoring stations managed by the Autonomous Province of Vojvodina have not delivered data in real time for a prolonged period, while data from the cities of Belgrade and Pančevo are only available on the Environmental Protection Agency's website, but not on the open data website.³⁵

In order to complete the picture of pollution it is necessary to take into account the results of local monitoring. However, local monitoring of air pollution has not been implemented to a sufficient extent in a large number of areas for the Environmental Protection Agency to consider this data to be official when making air quality assessments. With the exception of institutions³⁶ whose

35 National Environmental Association NEA (2022): Air 2021, available at: <https://nea.rs/index.php/2022/01/01/nea-predstavlja-vazduh-2021/>

36 The institutions whose measurements are included in the official air quality monitoring assessment for the year 2020, are listed at the beginning of a previous paragraph.

results were taken into account when making the air quality assessment, most of the local measurements are listed in the Agency's Report as illustrative and are not incorporated into the assessment. Čačak is a good example of the extent to which the inclusion of local monitoring would significantly influence the results of the air quality assessment. Monitoring of PM_{10} conducted by the local Public Health Institute in Čačak found that excessive pollution was recorded on 33 of the 85 days on which measurements were taken. This illustrates how inclusion of local monitoring would significantly change the picture of the state of air in Serbia.

At a local level, certain problems are observed regarding the frequency and reliability of air quality monitoring. A trend of untimely tender announcements, and thus signing of contracts between local self-government units and local Public Health Institutes, has been observed. Monitoring points being moved or completely shut down prevents both the collection and valid analysis of data. Finally, the number of cities/towns where monitoring of the presence of particles in ambient air is carried out is insufficient (only 26 cities/towns), which makes it difficult to provide a broader picture of the risks to public health due to air pollution.³⁷ Given the impact of particle pollution on public health, it is concerning that only 12 of the 29 cities in Serbia with a population of more than 50,000 inhabitants have state stations for automatic monitoring that measure PM concentrations. This means that about 1.35 million citizens living in the remaining 17 cities do not have such information.

Public air protection policies

As a signatory to the Treaty Establishing the Energy Community, it is the duty of the Republic of Serbia to ensure compliance with the emission limit values of polluting substances contained in the Directive on large combustion plants. To comply with the Directive, Serbia chose to adopt a National Emissions Reduction Plan (NERP). This document stipulates that thermal power plants

37 Institute for Public Health of Serbia "Dr. Milan Jovanović Batut" (2021): Urban air pollution on the territory of the Republic of Serbia measured within the network of public health institutions in 2020, available at: <https://www.batut.org.rs/download/izvestaji/higijena/Godisnji%20izvestaj%20vazduh%202020.pdf>

in Serbia may not emit more than 55,000 tons of SO₂ per year, in total.³⁸ This limit was repeatedly exceeded during 2018, the first year to which the NERP applies, as well as during the following years. During 2021, more than 280,000 tons of SO₂ were emitted from thermal power plants in Serbia³⁹, five times more than allowed.

Due to multiple exceedances of SO₂ emissions, the Renewables and Environmental Regulatory Institute (RERI) filed a lawsuit in January 2021 against *Elektroprivreda Srbije* (EPS), due to “endangering the health of citizens of the Republic of Serbia, and due to multiple exceedances of permitted SO₂ emissions from thermal power plants Nikola Tesla and Kostolac”.⁴⁰

During 2020, the City of Belgrade carried out the process of compiling a Draft Air Quality Plan. The public was not involved in this process. Civil society organizations (BOŠ and RERI) therefore organized two rounds of public consultations for the interested public during December 2020 and January 2021. The draft Plan was set for public inspection on January 15, 2021, with a deadline of 15 days for submitting comments. After that, the Secretariat for Environmental Protection published its answers to these comments and again organized a repeated public review of the Draft Air Quality Plan in the Belgrade agglomeration on March 10, 2021. The repeated public review also lasted 15 days, this time the Secretariat did not organize public consultations; BOŠ and RERI therefore organized a third round of consultations. After the repeated public review, the Plan was adopted on June 9, 2021.⁴¹

The process of drafting and adopting this document was accompanied by many procedural failures, including the failure to meet the basic criteria of a public hearing; the documentation on the basis of which the Plan was created was not

38 Bankwatch network (2021): Comply or close, available at: <https://www.complyorclose.org/wp-content/uploads/2021/08/Sr-USKLADITI-ILI-ZATVORITI.pdf>

39 European Environmental Agency (2022): LCP Energy Community Serbia 2021 Final, available at: https://cdr.eionet.europa.eu/rs/eu/energycommunity/envyknvkw/LCP_Energy_Community_Serbia_2021_final.xlsx/manage_document

40 Renewables and Environmental Regulatory Institute (2021): RERI has sued EPS for endangering citizens' health, available at: <https://www.reri.org.rs/reri-tuzio-eps-zbog-ugrozavanja-zdravlja-gradana/>

41 City of Belgrade (2021): Plans and decisions for the improvement of the environment adopted at today's meeting, available at: <https://www.beograd.rs/cir/beoinfo/1783979-planovi-i-odluke-za-unapredjenje-zastite-zivotne-sredine-usvojeni-na-danasnjoj-sednici/>

attached, nor was the analysis of the effects of the previous Air Quality Plan. In addition to procedural failures, there were numerous omissions within the content of the Plan itself. The key objections to the draft plan, in addition to the fact that it was not prepared in accordance with the Rulebook on the content of air quality plans, is that it does not contain a vision for reducing pollution and improving air quality, or targets for reducing air pollution, which would provide a baseline for measuring the successful implementation of the Plan. Due to these omissions, as well as many others, the participants of the public consultation agreed that the proposed draft Plan should have been withdrawn from the procedure.

According to data obtained from the Ministry of Environmental Protection, in addition to Belgrade, in 2021 the City of Kragujevac also received approval for an Air Quality Plan, while the air quality plans for the cities of Bor, Kraljevo, Niš, Valjevo and the Municipality of Kosjerić are in the process of obtaining approval from the Ministry.

On the other hand, the cities of Bor, Kragujevac, Kruševac, Leskovac, Sremska Mitrovica and the Municipality of Trstenik received approval from the Ministry for short-term action plans. Novi Bečej, Beočin, Šabac and Kraljevo are in the process of obtaining approval for short-term action plans, while the municipalities of Bojnik, Kladovo, Kovin, Medveđa and Vlasotince have had their requests for approval rejected.

Air pollution and energy poverty

The inventory of the Environmental Protection Agency, which shows the sources of air pollution in the latest annual report, was unambiguous about the main sources. The dominant source of PM_{10} and $PM_{2.5}$ particle pollution are thermal power plants less than 50 MW in capacity and individual combustion plants. These polluters contribute 51% of the emissions of suspended PM_{10} particles, and 67% of the emissions of suspended $PM_{2.5}$ particles.

An important factor driving air pollution in Serbia is the use of individual combustion stoves, which are used by the vast majority of households for heating. Energy poverty, which is influenced by a number of factors, primarily

low household income, high consumption of available income on energy and insufficient energy efficiency⁴², lies at the root of air pollution originating from individual combustion stoves. Citizens affected by energy poverty are neither able to provide for sufficient comfort in the household, nor to cover heating costs.

The RES Foundation report "Everything you wanted to know about energy poverty in Serbia" offers a detailed analysis of this problem. The report states that:

"Over a million households use individual heating devices;

- almost 60% of households use firewood as the primary fuel for heating;
- stoves and ovens used for heating are largely out-dated and inefficient, with efficiency estimated at below 40%;
- 20% of buildings in Serbia lack thermal protection, almost 60% of the construction stock in Serbia does not meet the regulatory standards in terms of construction physics, and the number of newly designed buildings built in compliance with the most up-to-date energy efficiency regulations is negligible compared to the total building corpus;
- 9.9% of households in the country cannot afford a warm enough home, while a quarter (25%) are unable to pay utility bills regularly;
- As many as 66% of socially disadvantaged citizens use firewood for heating purposes. The quality of firewood used by socially disadvantaged households is also below average;
- Despite the fact that two-thirds of low-income respondents rely on firewood for heating purposes, 91% of them did not receive any assistance to buy it".⁴³

42 RES Foundation (2021): Everything you wanted to know about energy poverty in Serbia in 2021, available at: <https://resfoundation.org/rs/wp-content/uploads/2021/10/Sve-sto-ste-hteli-da-znate-o-energetskom-siromastvu-u-Srbiji.pdf>

43 Ibid.

Based on the above, it is clear that the solution to this problem requires an approach that prioritizes improving the energy efficiency of households, with support for the introduction of modern, energy-efficient heating devices, which offer a number of benefits – better comfort, more rational consumption and reduction of air pollution, both outside and inside the household. Special emphasis should be placed on supporting energy-poor households through:

“a) measures to improve energy efficiency and increase the use of renewable energy sources;

b) measures to protect vulnerable consumers; c) measures to improve the information provided to citizens”.⁴⁴

⁴⁴ Ibid.

Financing

In the budget of the Republic of Serbia for 2021, the Ministry of Environmental Protection⁴⁵ planned several budget lines for activities to increase air quality. Within this budget, budget lines were allocated for: "Reduction of air pollution in Serbia originating from individual sources – stoves (houses and independent communities)"; "Afforestation in order to protect and preserve natural diversity", as well as co-financing projects for procuring, replacing, reconstructing and rehabilitating boiler rooms for heating in 2021.

Funds from the aforementioned budget lines were distributed to local governments, which applied for the funds through calls announced by the Ministry. A total of 69 applications were received for the Ministry's tender for providing funds to co-finance projects for procuring, replacing, reconstructing and rehabilitating boiler rooms for heating in 2021. RSD 200 million was distributed to 49 municipalities and cities; the other 20 applications were rejected due to failure to meet the set criteria.⁴⁶ The call for co-financing afforestation projects was announced on February 1, 2021. Funds were distributed to 38 units of local self-government and city municipalities, out of a total of 52 that had submitted applications.⁴⁷ On February 1, 2021, the Ministry announced a call for co-financing air pollution reduction projects in Serbia originating from individual stoves. A total of 17 applications were submitted for the call, and RSD 100 million allocated for this budget line were awarded to ten local self-governments and city municipalities.⁴⁸

45 National Assembly of the Republic of Serbia, Law on the Budget of the Republic of Serbia for 2021, available at: <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2020/149/1/reg/>

46 Ministry of Environmental Protection (2021): Final ranking list of projects for the allocation of funds for the co-financing of the realization of projects of procurement, replacement, reconstruction and rehabilitation of boiler houses, available at: <https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/konkursi/konacna-rang-lista-projekata-za-dodelu-sredstava-za-sufinansiranje-realizacije-projekata-nabavke-zamene-rekonstrukcije-i-sanacije-kotlarnica>

47 Ministry of Environmental Protection (2021): Final ranking list for the allocation of funds for co-financing the implementation of afforestation projects, available at: <https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/konkursi/konacna-rang-lista-za-dodelu-sredstava-za-sufinansiranje-realizacije-projekata-posumljavanja>

48 Ministry of Environmental Protection (2021): Final decision on determining the final ranking list, available at: <https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/konkursi/konacna-odluka-o-utvrdjivanju-konacne-rang-liste>

Within the budget for 2022, the Ministry of Environmental Protection has once again provided funds for these budget lines. For the activity "Reduction of air pollution in Serbia originating from individual sources" RSD 150 million has been allocated, which is 50 million more than the previous year. As in the previous year, RSD 100 million was allocated for the activity "Afforestation in order to protect and preserve natural diversity", and RSD 200 million was again allocated for the activity "Procuring, replacing, reconstructing and rehabilitating boiler rooms for heating".⁴⁹

In addition to the Ministry of Environmental Protection, the Ministry of Mining and Energy also allocated significant funds for the Energy Efficiency Program within the Law on the Budget of the Republic of Serbia for 2022. RSD 277,850,000 has been allocated for the entire program, of which RSD 75 million is intended for program activities "Energy efficiency in central government buildings" and "Energy efficiency in public buildings and renewable energy sources in the district heating sector". In addition, another RSD 3,700,000 was allocated for "Energy efficiency and energy management in municipalities in Serbia".

In the budget of the Republic of Serbia for 2022, as in previous years, funds have been allocated for air, water and sediment quality monitoring. In previous years, there was a trend of increasing allocations for this budget line, but in the budget for 2022 the amount planned for this activity is RSD 112,600,000, which is significantly less than last year's amount of RSD 129,901,000, although monitoring is still lacking in many areas in Serbia.

The draft Air Protection Program in the Republic of Serbia for the period from 2022 to 2030 with the Action Plan offers a rough estimate that €2.964 billion will be required for the implementation of the Program during this period, while it is estimated that consumers, i.e. households, will contribute 65.9%, and investors 34.1% of this amount.

49 National Assembly of the Republic of Serbia, Law on the Budget of the Republic of Serbia for 2022, available at: <http://www.parlament.gov.rs/upload/archive/files/cir/doc/zakoni/2021/1955-21%20za%20sajt.pdf>

Recommendations



Strategic and Legislative Framework

1. Start the process of establishing binding standards for low-power combustion appliances used in households (stoves and solid fuel stoves) in accordance with the Eco-design Directive (2009/125/EC). Given the widespread use of inefficient stoves and solid fuel ovens in households, consider the accelerated transposition of this Directive.
2. The participation of citizens in the adoption of documents concerning air quality at a national and local level should be enabled.



The Implementation of Regulations

3. Ensure that competent institutions enforce regulations related to legal deadlines for the creation of public policies concerning air quality, regulations related to air quality monitoring, the exchange of air quality information, and obligations under international agreements.
4. Monthly information about detected exceedances of hourly and daily limit values (LV) must include information about which monitoring stations were/were not operating during that month.
5. Stakeholders responsible for air quality monitoring should ensure that the monitoring system is well-maintained and that data is made available. Financing for the smooth operation of air quality monitoring networks should also be secured, especially for urban agglomerations such as Belgrade.

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



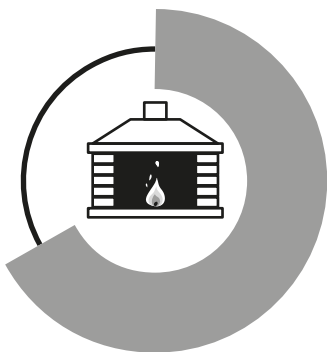
Financing

7. Secure financing for the unobstructed work of inspectorates for environmental protection.



AIR QUALITY

AIR POLLUTION AND ENERGY POVERTY



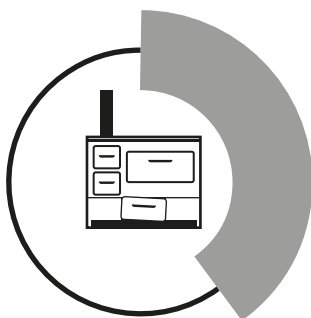
67%

of PM_{2.5} particulate matter emissions originates from **individual stoves** (independent household heating) and **heating plants less than 50 MW in capacity.**



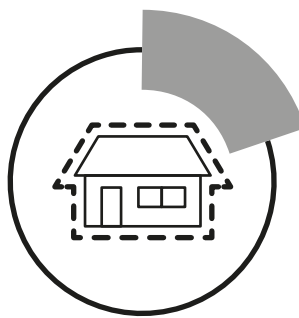
ALMOST 60%

of households use **firewood** as their primary fuel for heating.



LESS THAN 40%

Heating stoves and furnaces are estimated to have an efficiency of 40%, because these appliances are **outdated and inefficient.**



20%

of facilities in Serbia have **no thermal insulation.**





Waste Management

Overview

The reporting period saw the opening of Cluster 4 on the Green agenda and sustainable connectivity, as well as the increased activity of institutions in preparing and adopting strategic documents for the waste management sector in Serbia and preparing amendments to the legislation.

The waste management system in Serbia is still in the initial stage of development and many issues remain undefined, as a result of which waste continues to have a direct impact on the environment and human health. Failure to comply with the Law on Waste Management and accompanying regulations is not adequately sanctioned or prevented. Concerningly, many local self-government units continue to ignore regulations, without any consequences, resulting in the accumulation of waste in illegal and unsanitary landfills and increasing environmental pollution.

The urgent need to improve the waste management system is best illustrated by the 1,715 registered fires at landfills in 2021⁵⁰, which is the largest number of fires registered in one year to date.

50 <https://www.danas.rs/vesti/drustvo/prosle-godine-izbilo-1715-pozara-na-smetlistima-sirom-srbije/>

Strategic and Legislative Framework

The waste management strategy for the period 2010–2019 expired in 2019, and a new strategic document regulating waste management was not adapted until January 2022.

On September 15, 2021, the Economic and Finance Committee of the Government of the Republic of Serbia adopted a Conclusion with a Public Debate Program on the Draft Waste Management Program in the Republic of Serbia for 2021–2024, which made this strategic document available to the public.

During the public debate on the Draft Waste Management Program in the Republic of Serbia for 2021–2024, Articles 6, 7 and 8 of the Aarhus Convention, which define public participation in making plans, programs and policies related to the environment and public participation procedures, were violated, which resulted in qualified public participation during the preparation of implementation processes and legally binding normative instruments not being enabled. Additionally, after the analysis of the proposal for the waste management program in the Republic of Serbia for the period 2021–2024, the process of drafting the document was called into question, because an *ex-ante* analysis of the effects of regulations prescribed by the Law on the Planning System of the Republic of Serbia⁵¹, as well as the obligation to carry out a strategic impact assessment for plans, programs, foundations and strategies in the field of waste management prescribed by the Law on Strategic Environmental Impact Assessment was not fulfilled.⁵² After the public debate was completed, this document was withdrawn from procedure and on December 22, 2021, the Economic and Finance Committee of the Government of the Republic of Serbia adopted the Conclusion with the Public Hearing Program on the Draft Waste

51 "Official Gazette of RS", no. 30/2018.

52 "Official Gazette of RS", no. 135/2004 and 88/2010.

Management Program in the Republic of Serbia from 2022 to 2031, which returns the process of establishing the strategic framework into line with the Law on the Planning System of the Republic of Serbia.

One of the most important changes brought by the Draft Waste Management Program in the Republic of Serbia for the period 2022 to 2031 is a transition from the concept of regional sanitary landfills to the concept of regional recycling centers, as well as the introduction of a deposit system. Furthermore, the Draft Proposal also refers to the Directive on single-use plastics in European Union (EU) member countries. However, some single-use plastic products are not banned in the Draft Proposal, nor does it ban use of bags with additives that contribute to the creation of microplastics, which are banned in the EU.

The report on the Public Debate on the Draft Waste Management Program in the Republic of Serbia for the period 2022 to 2031 showed great public interest in the content, which received 119 comments from business entities, professional associations and non-governmental organizations. After the public debate, the Program was officially adopted by the Government of the Republic of Serbia on January 28, 2022, which gave Serbia, after more than two years, a strategic framework in the field of waste management. Work on developing an Action Plan for the implementation of this program for the period 2022-2024 started during March 2022 and, after a public presentation and consideration of comments on its content, it was adopted on April 28, 2022.⁵³

In addition to this program, on the same day (December 22, 2021), the same Committee adopted a Conclusion with a Public Debate Program on the Draft Circular Economy Development Program in the Republic of Serbia for the period 2022-2024, which made this document available to the public. The Report on the Public Debate on the Draft Circular Economy Development Program in the Republic of Serbia for the period 2022-2024 also showed great public interest in the content, which received 96 comments from business entities, professional associations and non-governmental organizations. The adoption of this program is expected in 2022.

53 The comment refers to the period after the reporting period, and was added due to the importance (i.e., topicality) of the event for the period covered by the report.

On October 13, 2021, the Economic and Finance Committee of the Government of the Republic of Serbia adopted the Conclusion with a Public Debate Program on the Draft Law on Amendments to the Law on Waste Management, which made the proposed amendments to the Law available to the public. Unfortunately, the Report on the Public Debate on the Draft Law on Amendments to the Law on Waste Management was not published, so it is impossible to determine the level of interest and success of the public debate. During the online presentation of the program, the number of participants was limited, so, at the public's request, the online presentation was repeated.

In line with the new Draft Law on Waste Management⁵⁴, operators of waste mobile plants may now treat all types of waste, including R1 operations, which include the use of waste primarily as fuel or other means of energy production. This change means that mobile plants will be able to use waste as fuel or for energy production, which is unacceptable, because this introduces a new technology for waste treatment without additional explanations or by-laws that would regulate the operation of these plants in detail and ensure the prevention of environmental pollution and negative impacts on public health.

Additionally, the new Draft Law on Waste Management extends the storage period for hazardous waste from 12 months to 36 months. This change will require increasing the capacities of waste producers' temporary waste storage facilities, and will enable the accumulation of hazardous waste in one location, which may lead to endangering the environment. This does not benefit the waste producers themselves, as it will increase their waste management costs.

The amendments to the Law on Waste Management also include changes to the article on the thermal treatment of waste. In order for waste to be incinerated, by-laws defining the permissible limit values of emissions of polluting substances into the air and water must be adopted.

Pursuant to the Law on Waste Management, the Minister of Environmental Protection amended two important rulebooks: the Rulebook on the form of

54 Overview of the provisions of the Law on Waste Management being amended, available at: <https://www.ekologija.gov.rs/sites/default/files/inline-files/Pregled%20odredaba%20u%20Zakonu%20o%20upravljanju%20otpadom%20koje%20se%20menjaju%20-%202.pdf>

daily records and the annual report on waste with instructions for filling them out⁵⁵, and the Rulebook on categories, testing and classification of waste.⁵⁶

The Draft Law on Waste Management changed the names of planning documents – instead of the term *strategy* the term *program* will be used. Programs will be compiled every three years, which is in collision with the newly adopted Waste Management Program covering the period 2022-2031.

Taking all the above into account, a logical solution would be to create a new draft of amendments to the Law on Waste Management. However, considering the scope of the changes, the best option would be to draft a new Law on Waste Management, which would be adopted with a broad social dialogue and ensure that this long-neglected area moves forward from its current deadlock.

One of the key activities to be carried out in the coming period is improving human, institutional and organizational capacities for the implementation of planned activities, in the governmental, civil and private sectors.

As the above regulations were being adopted, non-governmental organizations were very active, and tried to improve strategic documents at various levels and proposed new public policy texts. One of the successful examples is the Textile Waste Reduction Program for the period 2021-2030, which was prepared for the City of Belgrade, in cooperation with a large number of interested parties, by the Environment Improvement Center, with its provisions adopted as part of the Local Waste Management Plan of the City of Belgrade 2021-2030⁵⁷, adopted in June 2021. In addition, as part of the "Green Incubator" project, which is implemented with the support of the EU by the Belgrade Open School, Young Researchers of Serbia and the Environment Engineering Group, a methodology for monitoring activities in this area at a local level was developed and a study was compiled on "The Initial Foundations for the Transition to a Circular Economy" for 40 local communities in Serbia.

55 "Official Gazette of RS", no. 79, dated August 6, 2021

56 "Official Gazette of RS", no. 39, dated April 21, 2021

57 <https://www.slistbeograd.rs/pdf/2021/47-2021.pdf#view=Fit&page=1>

The Implementation of Regulations

In December 2021, the Environmental Protection Agency published the Report on Waste Management in the Republic of Serbia for the period from 2011 to 2020⁵⁸, which provides a more detailed overview of the situation in this area.

Based on the Report, it can be concluded that no significant progress has been made in the implementation of regulations and that the majority of collected municipal waste continues to be dumped in unsanitary and illegal landfills.

The number of facilities reporting on waste generation is gradually increasing, and from 2011 to 2020, it increased by a little over five times. Between 2011 and 2019 the number of reports from facilities involved in waste management also constantly increased. In 2020, there was a slight increase in reporting by waste reuse operators compared to the previous year, while the number of operators who reported on the disposal, import and export of waste decreased slightly. In 2020, there was a slight increase in the total number of reports compared to the previous year.

The amount of waste generated in 2020 continued to grow, amounting to 1.8 tonnes per inhabitant per year, indicating that unless serious measures are taken to reduce the amount of waste being generated and promote its reuse, this trend can be expected to continue in the years to come.

It continues to be impossible to determine the exact amount municipal waste that is collected and deposited by the majority of local governments, because there is no established measurement system or adequate infrastructure. The majority of local governments that submit reports to the Environmental Protection

58 Ministry of Environmental Protection, Environmental Protection Agency (2021): Waste management in the Republic of Serbia in the period from 2011 to 2020, available at: http://sepa.gov.rs/download/UpravljanjeOtpadomRS_2011_2020.pdf

Agency base their data on different assessment methods. Additionally, most PUCs fail to perform their legal obligations in accordance with the Rulebook on the methodology for collecting data on the composition and quantities of municipal waste on the territory of local self-government units⁵⁹, and instead base their data on the composition of municipal waste on estimates. Some local self-governments continue to fail to submit reports on the composition and quantities of municipal waste on their territories, with no consequences or legal sanctions for this failure to comply with the law.

In 2021, 11 sanitary landfills were active in Serbia, in addition to the Vinča landfill, which is currently operating on a trial basis.

Although the amount of waste deposited in sanitary landfills increases every year, the largest portion of collected municipal waste is still dumped in unsanitary landfills – dumping grounds (based on reports from 144 local governments, there are at least 138 dumping grounds in Serbia). Additionally, it is estimated that there are over 3,000 illegal landfills in Serbia, which exist because municipal waste collection systems do not cover the entire territory, and that the existing regulatory mechanisms have proven unable to prevent illegal waste disposal.

The practice of mixing hazardous household waste with non-hazardous waste is still widespread, and there are no indications that this behavior will be sanctioned in the near future, regardless of the fact the Law strictly prohibits it.

In 2020, the most exported secondary raw materials were metals (282,369 t), paper and cardboard (82,323 t) and glass (19,029 t), while the most imported secondary raw materials were paper and cardboard (129,617 t), metals (21,759 t) and plastic (17,636 t). Special attention should be paid to solving the problem of the amount of paper and cardboard that is exported and imported, taking into account the existing capacities for processing paper and cardboard in Serbia, and the consequences that the transport of these raw materials has on climate change.

59 "Official Gazette of RS", no. 61/2010, 14/2020.

In 2020, approximately two million tonnes of waste were disposed of, of which 11,600 tonnes were hazardous waste. Hazardous waste was mainly disposed of at industrial waste landfills, where 11,389 tonnes of hazardous waste were deposited, while 269 tonnes were disposed of at regional landfills with a permit for hazardous waste disposal. The hazardous waste disposed of at the industrial waste landfill is mainly sludge and filter cakes containing hazardous substances.

The register of permits issued for waste management at the end of November 2021 contained 2,509 valid permits, which is slightly more than in the same period of the previous year. During 2016, as part of the National Register of Pollution Sources, a Register of revoked permits for waste management was created. By the end of November 2021, a total of 139 revoked permits were recorded.

Packaging waste

In 2020, 1,918 companies were included in systems for managing waste packaging. An additional 248 companies (identified from reports they submitted to the regulator on the amount of packaging they placed on the market of the Republic of Serbia) were operating outside of these systems.

The General and Specific National Goals for the Republic of Serbia in 2020 have been met for the reuse of packaging waste, with 62.6% being reused, as well as for the recycling of packaging waste, with 60.0% being recycled. The Specific goal prescribed by the Regulation for 2020, which stands at 62.2%, has been reached.

Special waste streams

The Law on Fees for the Use of Public Goods⁶⁰ prescribes which products become special waste streams after use and the amount of fees for these products, as well as the method and deadlines for submitting annual reports.

60 "Official Gazette of RS", number 95/2018 and 49/2019.

The number of companies that have submitted a report on products that become special waste streams after use until November 30, 2021, is recorded in the database of the National Register of Pollution Sources. For 2020, 9,482 companies submitted a report on products that become special waste streams after use.

According to the data of the National Institute of Statistics, in 2020 56.3 million tonnes of waste was produced by agriculture, forestry and fishing, mining, processing industry, electricity, gas and steam supply, water supply and waste water management, construction and service sectors in Serbia, of which 79.9% was non-hazardous waste and 20.1% hazardous waste. The largest share of hazardous waste was generated by the mining sector (24.6%).⁶¹

61 <https://www.stat.gov.rs/oblasti/zivotna-sredina/otpad-i-opasne-hemikalije/>

Financing

In the coming period, large investments in municipal waste management systems are expected, which will largely come through loans from the EBRD, the "Clean Serbia" program, and from KfW. Additional funding for these investments is expected to be provided through PA funds and the republic budget.

The degree of transparency of these investments varies from source to source. It is therefore necessary to provide support to civil society to track these investments and report on them to the public.

The fees paid by citizens and legal entities for municipal waste services, in most cases, do not cover waste management costs. To make up the shortfall, most municipal waste management systems are subsidized by local self-governments. The cost of waste management is still not determined by the real cost, which hinders the further development and improvement of the waste management system.

The inability of competent institutions to prevent the creation of illegal landfills is costing the citizens of Serbia very dearly. In 2021, RSD 74,985,999.02 was invested in 43 municipalities from the budget of the Ministry of Environmental Protection through a public call for co-financing projects to prevent illegal dumping and remove dumping grounds, which were primarily used for clearing illegal landfills.⁶² RSD 80,000,000.00 is planned for a public call with the same purpose in 2022. This is only part of the funds spent on clearing illegal landfills, while some local self-government units also allocate funds for this purpose from their budgets.

62 Decision on establishing the final ranking list of projects according to the Public Call for co-financing projects to prevent illegal dumping and remove dumping grounds in 2021 | Ministry of Environmental Protection, available at: <https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/konkursi/odluka-outvrdivanju-konacne-rang-liste-projekata-po-javnom-konkursu-za-sufinansiranje-realizacije-projekataprevencije-nelegalnog-odlaganja-otpada-i-uklanjanje-u-2021-godini>

Due to the availability and accuracy of data provided by the City Administration for Environmental Protection of Novi Sad, it can be determined that the City of Novi Sad spent RSD 36,240,456.00 from the Budget Fund for Environmental Protection on cleaning and rehabilitating public areas in 2020. These funds were used for the rehabilitation of illegal landfills and public areas, removing 1,831.70 tonnes of waste.⁶³ This means that the residents of Novi Sad paid for the cleaning and rehabilitation of waste from public areas in the amount of RSD 19,785.15 per tonne (about 169 EUR/t), which far exceeds the costs of collecting, transporting and depositing waste at a sanitary landfill, let alone the unsanitary landfill – dumping ground that exists in Novi Sad.

63 City Administration for Environmental Protection (<http://www.environovisad.rs>)

Recommendations



Strategic and Legislative Framework

- 1.** Build partnerships with civil society and the business sector when adopting regulations, and establish clear communication with the public.
- 2.** Improve the legal framework in order to enable the effective application of the principle of extended liability and the “polluter pays” principle.
- 3.** Harmonize regional and local waste management plans with national level strategic documents.
- 4.** Adopt the waste sludge management strategy in Serbia.
- 5.** Adopt the Draft Waste Prevention Plan.
- 6.** Involve industry in the application of the circular economy.
- 7.** Adopt a regulation that will regulate the delivery of hazardous waste by natural persons to authorized operators.
- 8.** Adopt a new Law on Waste Management.



The implementation of regulations

- 9.** Prevent the creation of new illegal landfills by expanding the coverage of municipal waste collection to 100% and increasing inspection supervision.
- 10.** Introduce an obligation to monitor water, air and soil at all municipal waste landfills to prevent the occurrence of fires and environmental pollution.

- 11.** Raise public awareness of the importance of establishing a waste management system and the consequences of inappropriate waste management on public health and the environment.
- 12.** Provide for appropriate management of hazardous waste generated in Serbia in anticipation of the expected ban on exporting hazardous waste.
- 13.** Provide capacities for treatment or permanent storage of hazardous waste, in cases where that waste cannot be treated.
- 14.** Introduce more intense inspection supervision of the implementation of the Law on Packaging and Packaging Waste.
- 15.** Create a bespoke methodology for collecting and sending data to the Republic Statistical Office and the Environmental Protection Agency and ensure the reliability of the data obtained.
- 16.** Systematically organize textile waste management. Organize separate collection of textile waste and ensure that collected textile waste does not end up in landfills or incinerators.
- 17.** Ensure the implementation of the Law on Waste Management in practice.
- 18.** Ensure that the quantities of collected municipal waste are measured and its morphological composition determined by monitoring the implementation of the Law on Waste Management, supporting the procurement of the necessary scales at unsanitary landfill sites, and providing training for employees at utility companies to apply the Rulebook on the methodology for collecting data on the composition and quantities of municipal waste in the territory local self-government units.⁶⁴



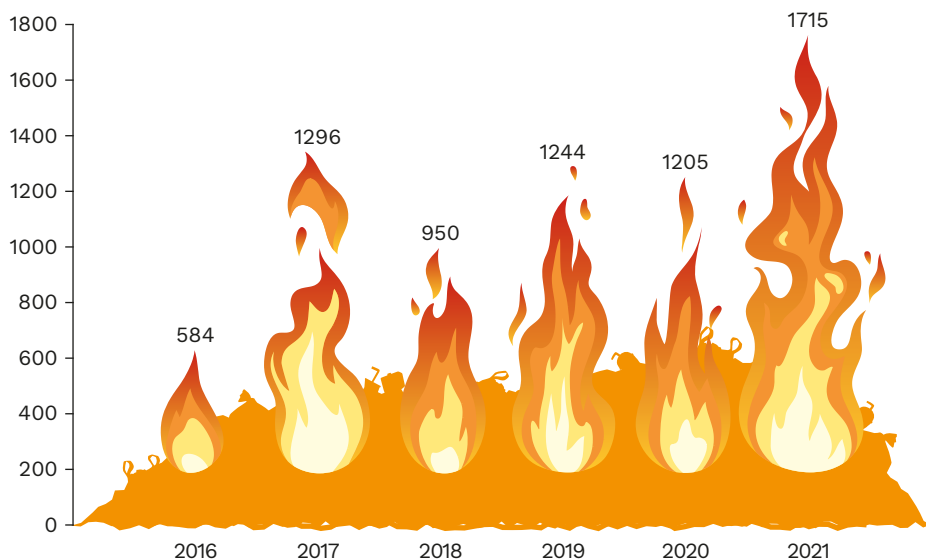
Financing

- 19.** Introduce economic instruments to reduce the amount of waste that ends up at landfills without treatment.
- 20.** Introduce a deposit system for a portion of packaging waste.
- 21.** Introduce umbrella insurance for hazardous waste operators so that the insurance covers the costs of hazardous waste remediation and resulting damages if an operator's license is revoked.
- 22.** Adopt a by-law to define fees for importing medicines and placing them on the market due to the possibility that these medicines will become hazardous waste after their expiration date.
- 23.** Ensure transparency and easy availability of data on the costs of building infrastructure in the waste management sector (regional centers, landfills, equipment, etc.) and sources of financing.
- 24.** Ensure realistic financing of the costs of collection, transportation, treatment and disposal of waste, according to the "polluter pays" principle.
- 25.** Ensure that waste management costs are included in the price of products and services, in order to avoid shifting costs from consumers to citizens.
- 26.** Provide capacities and political will to use available EU funds and grants instead of credit arrangements for infrastructure construction.

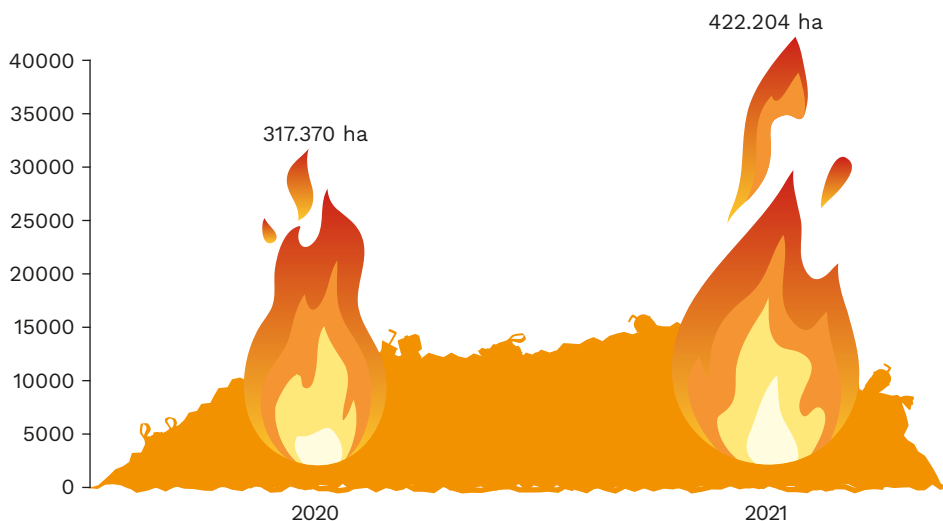


WASTE MANAGEMENT

NUMBER OF LANDFILL FIRES



AFFECTED LANDFILL AREA



* **Source:** MUP RS - Sector for Emergency Situations



KOALICIJA 27



Water Quality

Overview

The reporting period did not see any significant developments in the strategic and legislative framework for water management. The Action Plan for the implementation of the Water Management Strategy was adopted, so the conditions for its implementation have finally been created. A public debate was held in connection with the Draft Water Management Plan, which gives hope that this key document will soon be adopted.

The key development compared to previous years was the significant increase in investment in collectors and wastewater treatment plants. In 2021, the government provided tens of billions of RSD for these projects throughout Serbia. The vast majority of funds were secured through loans from foreign banks. The lack of transparency in the planning and implementation procedures (i.e. selection of contractors) is a cause for concern. Direct contracting without carrying out a tender procedure is still practiced, leaving the public unaware of the selection criteria. Additionally, all these investments rely on traditional and outdated technologies, while new technologies based on smaller and decentralized systems are almost completely absent, even though these could be a much better and more favorable solution for a significant number of local governments in Serbia.

Hydromorphological pressures in the form of intense river sediment exploitation, damming and construction along watercourses are still very much present, while the capacities of the inspectorate for water and other competent institutions remain insufficient.

Integral management of water resources has still not found its way into all sectors, so unsustainable projects with harmful effects on water resources proliferate in spatial planning documentation and various sectoral plans.

Strategic and Legislative Framework

In the previous reporting period, the Law on Water was not amended, although the competent authorities intended to do so. In June 2021, the Government of the Republic of Serbia prepared the Draft Law on Amendments to the Law on Water in an expedited procedure. On June 25, the Law entered the parliamentary procedure without any announcement and without a public hearing. According to the authorities' interpretation, the amendments concerned minor technical changes that do not require the implementation of a complete procedure. In reality, the proposed amendments were far from technical. Among other things, they included the introduction of a direct bargaining mechanism for leasing river bank land. 46 civil society organizations responded to the proposed amendments, sending requests to the President of the Assembly and the Assembly Committee for Agriculture, Water Management and Forestry to withdraw the Law from procedure. That request was rejected, and the Assembly of the Republic of Serbia adopted the Draft Law on Amendments to the Law on Water. Civil society organizations continued to apply pressure through the media on the President of the Republic of Serbia not to sign the Law and instead return it to parliamentary procedure. In a very short period of time, around 70,000 citizens signed a petition organized by RERI and WWF. On July 23, 2021 this campaign resulted in the President's refusal to sign the Law and its return to parliamentary procedure.

The entire procedure was completely non-transparent, without any opportunity for the involvement of the interested and expert public. As such, it represents a setback in the process for adopting legal and strategic documents in the field of water, which had worked relatively well to date.

There is a clear need to amend the Law on Water in order to fully harmonize it with European legislation. It is concerning that such amendments were not included in this version of the Draft Law.

The Negotiating Position of the Republic of Serbia for Chapter 27 states that the full transposition of the EU Water Framework Directive into the Law on Water should have been completed by the end of 2020. A large number of by-laws are connected to the adoption of the new Law on Water, which are necessary for the complete transposition of EU legislation (e.g. the Rulebook on technical requirements with specifications for chemical analyses and analyses required for water monitoring). The failure to adopt the new Law on Water also postponed the creation of a legal basis for the adoption of these by-laws.

In November 2021, the Rulebook on Confirming the River Sediment Extraction Plan was adopted⁶⁵, and is valid for a period of two years.

In 2021, working groups were formed to draft the Rulebook, which more closely prescribes the method and criteria for determining the environmental flow. This is a very important by-law that would contribute to the protection of water bodies and the prevention and mitigation of negative hydromorphological pressures (primarily the construction of barriers and dams). The obligation to adopt the Rulebook was prescribed in 2009, when the Law on Water came into force, but the Rulebook has not been adopted in the 13 years since. Civil society is included in the work of the working groups, however by the end of the reporting period, not even a Draft Rulebook has been written.

The Action Plan for the implementation of the Water Management Strategy on the territory of the Republic of Serbia for the period from 2021 to 2023⁶⁶ was adopted in August 2021. The Action plan should have been adopted in 2017. As the Action plan entered into force, the basis for more efficient implementation of the Strategy was created.

At the end of 2021, a public debate was held on the Draft Water Management Plan on the territory of the Republic of Serbia for the period 2021-2027. Consultations

65 "Official Gazette of RS", no. 107/2021.

66 "Official Gazette of RS", no. 79/2021.

for this draft had also been carried out earlier, mainly through video conferences. During the public debate on the Draft Plan, the Ministry of Agriculture, Water Management and Forestry only allowed public insight of electronic documents, with the possibility of sending written comments. There was no public presentation and discussion related to the Draft Plan, which clearly limits effective public participation. With this Plan, it should be possible to include Serbia in the EU river basin planning cycle. Namely, the EU Water Framework Directive prescribes the synchronized adoption of plans for river basins (*River Basin Management Plan – RBM*) with a planning period of six years. The period from 2021 to 2027 is the third planning cycle, which Serbia should participate in. Among other things, the Plan identifies and analyses significant pressures on water, defines protected areas, prescribes a monitoring program for surface and underground water, as well as a program of measures. The Draft Plan had not been adopted at the time of writing of this report.

The Water Management Plan is a complex document, primarily intended for the professional public in the field of water management and water protection. It is also a document of interest to the general public, as it defines activities regarding the protection of water as a resource and public good. In this regard, consultations and activities to raise public awareness about future plans should be more proactive and intensive. The obligation to provide timely and meaningful information to the public is also prescribed by the EU Water Framework Directive.

At the end of 2021, the Water Directorate of the Ministry of Agriculture, Forestry and Water Management formed a Working Group for the development of a Flood Risk Management Plan. The adoption of the Flood Risk Management Plan is defined by the Law on Water⁶⁷, Articles 49, 50 and 51, and it is adopted for a period of six years.

67 “Official Gazette of RS”, no. 30/2010, 93/2012, 101/2016, 95/2018 and 95/2018 – other law

The Implementation of Regulations

In 2021, investment in the field of water protection continued, primarily in the construction of a sewage network and the construction of municipal wastewater treatment plant (WWTP).

During 2021, water purification plants were put into operation in Leskovac, Bačka Topola and Raška, and in December 2021, a water line was put into trial operation in Zlatibor. Tenders were also announced for the construction of wastewater treatment plants in Krnjača, Temerin, Blac, and Brus, and documentation was prepared for a plant near Doljevac. The Government of the Republic of Serbia announced that by the end of 2021, the construction of WWTPs will begin in 27 local governments. However, based on the available data, it is impossible to verify whether this actually took place.

The beginning of construction on the WWTP for the city of Belgrade was also announced for the end of 2021, but failed to materialize.

It is still difficult to monitor the dynamics of WWTP construction, as no consolidated data is available on all projects in the territory of Serbia. The Government of the Republic of Serbia states that in the next five years, through the "Clean Serbia" project, around four billion euros will be invested in communal infrastructure and around 7,000 km of sewage networks and more than 250 WWTPs will be built. The "Clean Serbia" project is not available to the public in its entirety. Only fragmentary information about the project appears in the media. Details about the project phases, the manner and deadlines for its implementation, as well as the financial details are unknown. The beginning of the first phase of the project was announced in August 2021, when a contract was signed between the Ministry of Construction, Transport and Infrastructure, the Chinese company CBRC and representatives of 14 local governments from Serbia. This contract covers the construction of 26 WWTPs and about 700 km

of sewage networks in 14 municipalities and cities.⁶⁸ The lack of transparency is extremely problematic given the size of the investments, i.e. public funds given to Chinese companies without clear criteria or tenders.

In addition to suspecting extensive corruption in WWTP construction projects, the professional public is increasingly critical of the technologies used in WWTPs being built in Serbia.⁶⁹ Namely, these are mostly outdated technologies which require extensive infrastructure that would be difficult to adapt later⁷⁰. In Serbia, there are currently no WWTPs based on modern technologies using blue-green measures.

It should be noted that the Wastewater Treatment Guide was presented at the end of 2021.⁷¹ The guide was created as part of the “Public-Private Dialogue for Development” project, implemented by the Republic Secretariat for Public Policies and financed by USAID. The guide is primarily intended for public and business entities that generate wastewater, in order to provide support in planning and implementing water protection activities. The guide should facilitate and speed up the much-needed involvement of a wider range of actors in solving the wastewater problem in Serbia.

In 2020 about 18% of municipal wastewater was treated (55 out of 304 million m³).⁷² In 2019, that percentage was around 16%, while in 2017 and 2018 it was around 17%.⁷³ A slightly higher proportion of industrial waste water was treated in 2020 – about 27%.⁷⁴ Although slight progress has been made, it is very slow. The reliability of this data should also be questioned, especially in the case of industrial wastewater, given that national and local pollutant registers are not complete and up-to-date.

68 <https://www.energetskiportal.rs/pocela-prva-faza-projekta-cista-srbija>

69 <https://www.rts.rs/page/tv/sr/story/3110/rts-nauka/4695982/eko-perspektive-prof-cedo-maksimovic.html>

70 http://www.vodoprivreda.net/wp-content/uploads/2019/01/5-Cedo-Maksimovic_R.pdf

71 https://www.rdvode.gov.rs/doc/Vodic_za_preciscavanje_otpadnih_voda.pdf

72 Source: RZS <https://publikacije.stat.gov.rs/G2021/Pdf/G20211102.pdf>

73 Source: RZS: <https://publikacije.stat.gov.rs/G2019/Pdf/G20191101.pdf>

74 Source: RZS: <https://publikacije.stat.gov.rs/G2021/Pdf/G20211154.pdf>

The Environmental Protection Agency and the Republic Hydrometeorological Service continued regular monitoring of surface waters in 2021, but the results have not yet been published. In Serbia, the water quantity and levels are regularly monitored, as well as its chemical and ecological status. Chemical and ecological characteristics are monitored through surveillance and operational monitoring. Surveillance monitoring involves monitoring parameters in order to ensure a complete overview of water status and provide information on long-term trends, while operational monitoring is performed to establish the status of water bodies that have been identified as at-risk of failing to meet environmental protection goals. In 2021, water quantity and level measurements were performed at 184 measuring profiles, surveillance monitoring was performed at 56 measuring stations, and operational monitoring at 80 measuring stations.⁷⁵ The scope of monitoring has not significantly changed compared to 2020, but the number of operational monitoring stations has increased. In 2020, operational monitoring was carried out at 75 measuring stations.

The monitoring coverage of surface waters does not meet the requirements of the Water Framework Directive. With the new typology of water bodies, which is also proposed in the Draft Water Management Plan, the requirements for water quality monitoring will increase as the number of delineated water bodies increases. According to data presented in the Draft Water Management Plan, the number of water bodies on the territory of Serbia is 3,216, which is five times more than are recognized according to the current typology. In this regard, the capacities of the Environmental Protection Agency would have to be significantly increased in order to harmonize water quality monitoring with European water policies.

During the reporting period, no significant progress was made towards systematically solving the issue of the construction of small hydropower plants. Amendments to the Law on Nature Protection introduced a ban on the construction of small hydroelectric power plants in protected areas.⁷⁶ Although these amendments to the Law can be considered positive, exemptions from

75 Regulation on defining the Program for the annual monitoring of water status for the year 2021, "Official Gazette of the RS", no. 34/2021.

76 Law on Amendments to the Law on Nature Protection, "Official Gazette of RS", no. 71/2021.

the ban, which were also enacted through amendments to the Law, leave large loopholes that could be exploited. Namely, the construction of small hydropower plants is remains possible if they are declared to be projects of public and general interest in accordance with the Law on the Use of Renewable Energy Sources⁷⁷, or as projects of special or national interest for the Republic of Serbia. As clear criteria for defining such projects have not yet been determined, these exemptions may be misused for the construction of small hydroelectric power plants in individual cases. Information on the cadastre of small hydropower plants, which was supposed to be prepared by the Ministry of Energy, is not yet available to the public.

Intensive and often illegal extraction of river sediments is still a serious threat to the preservation of watercourses in Serbia. In 2021, a new River Sediment Extraction Plan was adopted.⁷⁸ The Plan did not change the permitted quantities of gravel extraction and is practically exactly the same as the Plan for the period 2019–2021. The Law does not prescribe the creation of a river sediment extraction report, so it is unclear which parameters serve as the basis for adopting or updating river sediment extraction plans. Given the very weak control over the extraction of river sediments, the effectiveness of these plans should rightfully be called into question.

An example of bad practice in the planning and control of river sediment extraction is the case of gravel extraction in the Western Morava near Parmenac, close to Čačak. Gravel excavation began at this location in May 2021 without any permit or documentation. Excavation was carried out illegally, outside of any procedure, for the construction of a section of the Čačak-Požega highway, which is being carried out by *China Communications Construction Company*. Only after civil society organizations raised the alarm did the inspectorate visit the location and temporarily halt exploitation.⁷⁹ Exploitation was later continued, having obtained the necessary documentation, but it is unknown whether the contractors were punished for their illegal actions.

77 Law on the Use of Renewable Energy Sources, "Official Gazette of RS", no. 40/2021.

78 Rulebook on establishing the River Sediments Extraction Plan, with the River Sediments Extraction Plan, "Official Gazette of the RS", no. 107/2021.

79 <https://www.021.rs/story/Info/Srbija/274475/Inspekcija-zabranila-kineskoj-kompaniji-eksploataciju-sljunka-za-gradnju-autoputa.html>

Control of water use and water protection still remains a weak point, due to the very modest capacities of the water inspectorate. There are currently 13 inspectors employed to control the use of water resources on the territory of Serbia, which is a very small number given the number of water bodies, the number of water acts and, in general, the number of operations that have an impact on water. It is interesting to note that 49 jobs were systematized in the Department of Water Inspection, of which only 13 were filled. This modest number of inspectors is also trending downwards. In 2008, the number of water inspectors was 34. During 2021, the water inspectorate carried out a total of 1,932 inspections, and 65 misdemeanor, three economic offenses and three criminal reports were filed.⁸⁰ The number of inspections decreased significantly compared to 2017, when over 3,100 were undertaken, however the number of reported violations did not change significantly.

The case of the General Urban Plan of the City of Novi Sad⁸¹, which plans to relocate the Danube embankment, remained relevant in 2021. The disputed proposal, which goes against good practices in water management, the principle of integral management and numerous international agreements signed by Serbia, remained part of the Plan.

The Government of Serbia has not yet officially established the National Water Conference in accordance with Article 142 of the Law on Water. The Ministry of Agriculture, Forestry and Water Management proposed the composition of this body, but that proposal has still not been formally adopted. Given that the Conference should play an important role in solving the accumulated problems in the field of water and ensure greater transparency in the adoption of public policies related to water management, the delay in its formation is highly problematic.

At the end of 2021, the Ministry of Economy of the Republic of Serbia announced a Public Call for the privatization of the Institute for Water Management

80 Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate, Water Inspection Department (2022): Report on the work of the water inspection department for the period January 1 – December 31, 2021, available at: <https://www.rdvode.gov.rs/doc/IZVESTAJ-O-RADU-ODELJENJA-VODNE-INSPEKCIJE-ZA-2021-GODINU.pdf>

81 <http://www.novisad.rs/lat/prezentovan-nacrt-generalnog-urbanistickog-plana-novog-sada-do-2030-godine>

"Jaroslav Černi". It is one of the key institutions for water management on the territory of Serbia, with great experience and internationally recognized expertise in this field. Among the professional public, this decision, leaves an important institution in private hands, was met with indignation and justified suspicion that the institute will be used for the needs of individual interests. In December, a decision was made to sell the Institute to the *Millenium team company*, which has been involved in several controversial projects. The Renewables and Environmental Regulatory Institute (RERI) highlighted that there is no justification for privatization, and drew attention to deficiencies in the implementation of the privatization procedure.⁸²

82 <https://www.reri.org.rs/sporna-privatizacija-instituta-jaroslav-cerni/>

Financing

According to the Regulation on Establishing the Water Management Program in 2021, RSD 4.67 billion has been allocated for water management for management and use of water, protection of water from pollution, watercourse management and protection against the harmful effects of water, as well as planning and international cooperation in the field of water. This is a significant increase compared to 2020, when RSD 3.68 billion was allocated for the same purposes. The distribution of funds has changed significantly compared to the previous year. The most significant increase in the budget was for the management and use of water, with RSD 1.3 billion allocated, i.e. around RSD 700 million more than the previous year. RSD 3.2 billion has been earmarked for watercourse management, about RSD 300 million more than the previous year. Funds for water protection remained at the same level as the previous year, at a modest RSD 13.4 million.

Other funds are also earmarked for water management and water protection. In 2021, the Government of the Republic of Serbia allocated⁸³:

- RSD 32.3 billion for the wastewater treatment and channelization project in Belgrade (loan from Chinese banks);
- RSD 7.1 billion for the construction and design of collectors and water purification plants in Batajnica (loan from Chinese banks);
- RSD 10.1 billion for water supply and wastewater treatment projects in local self-government units (loan from the Export-Import Bank);
- RSD 11.9 billion for the Water Supply and Wastewater Treatment Program in medium-sized municipalities (loan from KfW Bank);

83 Law on the Budget of the Republic of Serbia for 2021, "Official Gazette of the RS", no. 149/2020, 40/2021, 100/2021.

- RSD 60 million for the construction of a drinking water treatment plant in Kikinda.

Total budget allocations for water management are difficult to monitor because they are incorporated into several budget lines (capital investments, co-financing of international projects, etc.) as well as through the budgets of local self-governments. It is evident that there has been a significant increase in investment in wastewater treatment infrastructure, which is mainly realized through loans from foreign banks.

Recommendations



Strategic and Legislative Framework

- 1.** Integrate nature directives (Birds Directive and Habitats Directive) into the field of water management. Better coordination is needed between the water management sector and the environmental sector regarding the implementation of EU directives.
- 2.** Develop a concrete plan and set of measures for the improvement of water quality monitoring in accordance with the requirements of the Water Framework Directive.
- 3.** Develop specific strategies to improve investment in wastewater treatment facilities. Initiate the development of models and strategies for knowledge transfer in the field of wastewater treatment in order to reduce costs and mobilize domestic capacities.
- 4.** Adopt strategic and planning documents in accordance with the obligations arising from the Water Framework Directive (Water Management Plan, Flood Risk Management Plan).



The Implementation of Regulations

- 5.** Develop capacities and improve the organization of public institutions responsible for water management, especially at a local level – the complexity of water management issues requires stronger personnel and technical capacities. The competent institutions must conduct an analysis of the existing capacities as soon as possible and develop a plan for their improvement. To achieve this, professional institutions and CSOs need to advocate for greater political and financial support for the water management sector.

- 6.** Develop structured cooperation with other relevant sectors: environmental protection, energy, agriculture and spatial planning. This requires constant communication and exchange of information between sectors to be established.
- 7.** Further improve public participation in policy development in the water management sector. Public consultations should provide more opportunities than the legal minimum. Stakeholder involvement should begin in the early stages of policy development.
- 8.** Integrate nature-based solutions into water management practices and more seriously consider ecosystem services. Specific capacities for these needs should be developed in the competent institutions.
- 9.** Improve control and mitigation of key dangers: poorly planned small hydropower plants, gravel extraction, pollution, uncontrolled use of groundwater, and illegal construction on river banks – river habitats, wetlands, and water resources in general are very endangered in Serbia. Urgent action is needed at the national level.
- 10.** Develop a single database on planning and constructing WWTPs that is available to the interested public, enabling more efficient and systematic planning and monitoring of project implementation throughout Serbia.
- 11.** Raise the capacities of the water inspectorate and increase the number of water inspectors.
- 12.** Establish water quality monitoring in accordance with the requirements of the Water Framework Directive.
- 13.** Determine the borders of water land in the cadastre.



Financing

- 14.** Gradually increase water prices and fees for wastewater drainage and treatment services, in order to provide for the construction of the necessary facilities for water drainage and treatment and their normal operation.
- 15.** Permanently increase budget funds for financing water management activities and water protection.



WATER QUALITY

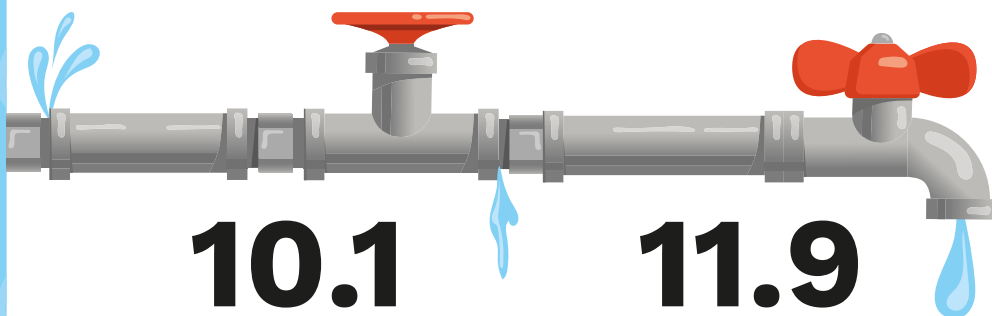
LOANS/CREDITS TAKEN OUT BY SERBIA FOR CONSTRUCTION OF WASTE WATER COLLECTION AND TREATMENT FACILITIES

32.3

RSD 32.3 billion for the
project of wastewater
treatment in Belgrade
(**LOANED FROM CHINESE BANKS**)

7.1

RSD 7.1 billion for building
and designing a wastewater
treatment plant in Batajnica
(**LOANED FROM CHINESE BANKS**)



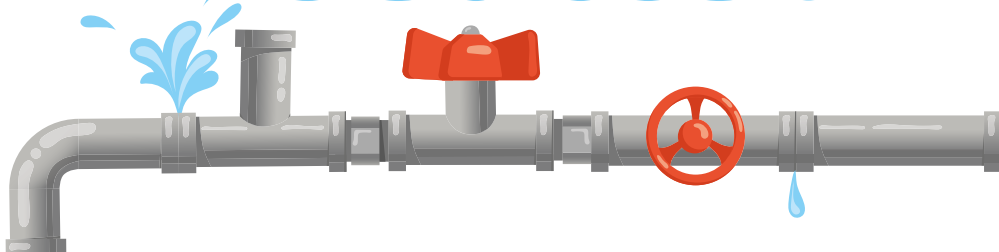
10.1

RSD 10.1 billion for water supply and
wastewater treatment projects in
local self-governments (**LOANED
FROM THE EXPORT-IMPORT BANK**)

11.9

RSD 11.9 billion for the Water Supply and
Wastewater treatment projects in
medium-sized municipalities wastewater
treatment (**LOANED FROM THE KFW BANK**)

Results?



KOALICIJA 27



Nature Protection

Overview

After Chapter 27 was opened within Cluster 4 in December 2021, the Negotiating Position, and thus the EU Common Position for Chapter 27, became available to the public. The chapter of the Common Position dealing with nature protection states that Serbia has partially harmonized national legislation with EU legislation on nature protection. The EU has asked Serbia to provide additional information on the timetable for full harmonization.

Additionally, the Common Position states that: “Serbia should submit to the Commission a list of proposed Natura 2000 sites, which sufficiently cover habitats and species in accordance with the requirements of the Birds Directive and the Habitats Directive, and demonstrate the capacity to manage the Natura 2000 network. Serbia should submit the National Action Plan on the Prevention of the Illegal Killing of Birds and start implementing a system for the enforcement of the relevant EU legal regulations, including the prevention of the criminal act of the illegal killing of birds”.

In 2021, some progress was made in the strategic and legislative framework, with the adoption of the Law on Amendments to the Law on Nature Protection, as well as the adoption of the Nature Protection Program of the Republic of Serbia for the period from 2021 to 2023.

According to civil society organizations, the procedure for adopting the Spatial Plan of the Republic of Serbia from 2021 to 2035 and the Report on the Strategic Environmental Assessment of the Spatial Plan of the Republic of Serbia from 2021 to 2035 was not implemented in accordance with the law. For this reason, civil society organization requested that the public review procedure is repeated.

As in previous years, decision-makers have failed to take a proactive approach to the implementation of regulations, both in terms of the speed at which procedures for establishing new protected areas are implemented, and in terms

of the failure to react appropriately in the absence of an effective monitoring and control system.

During the reporting period, protection procedures were initiated for ten protected areas, including two areas proposed for new national parks. These are the areas of Kučaj – Beljanica, which had not been protected until now, and Stara Planina, which has hitherto been protected as a nature park.

Although investing in nature protection and improving the protected area management system can be considered an investment in the resilience of society, the state is not sufficiently committed to enabling progress in nature protection.

Strategic and Legislative Framework

The long-delayed procedure for compiling the Draft Law on Amendments to the Law on Nature Protection accelerated significantly at the end of March 2021, when the interested parties were informed that the Draft Amendments had been put up for public discussion. Numerous errors were identified in the drafting procedure, the public discussion, as well as the content of the amendments themselves. These were pointed out by more than 40 civil society organizations, who demanded that the Ministry declare the drafting procedure invalid and restart the entire procedure.⁸⁴ The Ministry of Environmental Protection did not respond to this request. On July 14, 2021, the National Assembly of the Republic of Serbia adopted the Law on Amendments to the Law on Nature Protection.⁸⁵ Although the Law on Nature Protection with the new amendments is legal, the process through which it was passed delegitimizes it. As a step towards creating conditions for improving the legislative framework for nature protection, a Social Dialogue was held on this topic on October 1, 2021, which was attended by representatives of relevant ministries and civil society. The Dialogue resulted in a text detailing binding procedures⁸⁶ that the participants had agreed to. It was agreed that a constant reconsideration of the nature protection system in the Republic of Serbia is necessary. The Ministry of Environmental Protection reaffirmed its commitment to continuing the implementation of the Law on the Planning System, which prescribes the participation of all interested parties and target groups in the process of monitoring the effects of public policies, as well as the preparation of an ex

84 Coalition 27: Repeat the process of amending the Law on Nature Protection (<https://www.koalicija27.org/vesti/koalicija-27-ponoviti-proces-izmena-zakona-o-zastiti-prirode/>)

85 National Assembly of the Republic of Serbia (National Assembly of the Republic of Serbia | In convocation from August 3, 2020: (<http://www.parlament.gov.rs/akti/doneti-zakoni/u-sazivu-od-3-avgusta-2020.4686.html>))

86 Ministry for Human and Minority Rights and Social Dialogue (<https://minljmpdd.gov.rs/lat/obavezujuca-postupanja.php>)

post analysis of the effects of the application of the Law and other by-laws and regulations. Civil society organizations undertook to prepare analyses of the effects of the implementation of the Law in the next year and submit them to the Ministry of Environmental Protection. Civil society organizations also agreed to participate in all processes related to drafting public documents at the invitation of the Ministry of Environmental Protection⁸⁷. After this event, the dialogue on this topic was not continued until the end of 2021. The Law on Nature Protection should guarantee the protection and preservation of nature, biological, geological and landscape diversity as part of the environment. Bearing this in mind, the legislative framework can only be improved through a process that is transparent, lawful, and involves all interested parties.

A large portion of the amendments to the Law on Nature Protection in 2021 concerned the ecological network and the appropriate assessment. In spite of extensive changes and the obvious intention of the state to regulate and harmonize domestic legislation in this area with EU legislation, the details of the procedure for appropriate assessment and the competencies of various actors within the procedure remain unclear. At the public debate, representatives of the Ministry of Environmental Protection stated that the draft amendments concerning the ecological network and appropriate assessment were insufficiently developed and unclear.

Defining such a complex, new appropriate assessment procedure, which will affect all projects and activities concerning national ecological network sites and the European ecological network Natura 2000 (which, according to preliminary estimates, will cover about 25% of the territory of Serbia), certainly required a more structured discussion with a wider range of interested parties.

An additional problem in the implementation of the appropriate assessment, as the basic mechanism for the protection of the European ecological network Natura 2000, is that the Regulation on the appropriate assessment has still not been adopted, 13 years after this procedure was introduced into Serbian

87 A Dialogue on Amendments to the Law on Nature Protection was held – Energy, Climate and Environment (<https://www.bos.rs/ekz/vesti/134/10108/odrzan-dijalog-o-izmenama-i-dopunama-zakona-o-zastitiprirode.html>)

legislation. Without a Regulation to define the procedures and competencies related to the appropriate assessment, this procedure cannot be implemented.

The lack of harmonization between domestic regulations and EU legislation is illustrated by the protection of species in accordance with the Birds Directive. The valid Rulebook on declaring a hunting ban on protected game species is not harmonized with the Birds Directive, because it allows hunting of certain species throughout the year in order to prevent damage to hunting grounds, which is in direct conflict with Article 9, paragraph 2 of the Directive. There is evident will to improve regulations in this area, demonstrated by the Amendments to the Rulebook on the ban on hunting protected wild game species, which banned the hunting of three endangered species of wild birds in Serbia, namely the turtle dove (*Streptopelia turtur*), gray partridge (*Perdix perdix*) and quail (*Coturnix coturnix*).⁸⁸ Additional efforts are needed to permanently protect a large number of bird species that are threatened in Serbia, which are currently considered hunting game. Among them are the bean goose (*Anser fabalis*), whose global population has declined by almost 80%, and is designated a critically endangered species (CR) on the national Red List. Permanent protection is also needed for the common pochard (*Aythya ferina*) and the garganey (*Anas querquedula*), whose numbers are globally and regionally declining, which Serbia has granted the status of endangered species (EN).⁸⁹ Likewise, the status of species in the Rulebook on designating and protecting strictly protected and protected species of plants, animals and fungi is not harmonized with their status within the Birds Directive and the Habitats Directive. In the reporting period, there was no progress in harmonizing these regulations with the Directives.

Although the Government Work Plan for 2020⁹⁰ envisaged the adoption of amendments to two laws with a significant impact on nature – the Law on Game and Hunting and the Law on the Protection and Sustainable Use of

88 Rulebook on declaring a hunting ban on protected game species – Ministry of Agriculture, Forestry and Water Management (<http://www.minpolj.gov.rs/download/pravilnik-o-izmenamapравilnika-o-proglasavanju-lovostajem-zasticenih-vrsta-divljaci/>)

89 An important step towards the protection of endangered migratory birds – Society for the Protection and Study of Birds of Serbia (<https://pticesrbije.rs/vazan-korak-ka-zastiti-ugrozenih-ptica-selica/>)

90 https://www.srbija.gov.rs/extfile/sr/370541/plan-rada-vlade-srbije-za-2020_cyr.pdf

Fish Stocks – there were no activities relating to amending these regulations during the reporting period.

During 2021, the procedure of harmonizing domestic regulations with the EU Regulation on the trade in wild species was not initiated⁹¹, which should be done by drafting the Law on Cross-Border Traffic and Trade in Wild Species of Plants and Animals.

A good example of dialogue between civil society and the Ministry of Environmental Protection was the prescription of the obligation to establish stakeholder councils in all protected areas in the Republic of Serbia through the Law on Nature Protection.

On May 20, 2021, the Government of the Republic of Serbia adopted the Nature Protection Program of the Republic of Serbia for the period from 2021 to 2023. The Program was adopted without a public discussion. Technically, the Program was significantly improved compared to previous public policies in the field of nature protection, as it contains clearly defined measures and activities, competent institutions, deadlines and financial resources. This will allow for monitoring the implementation of this document more objectively and transparently. The deadline for the preparation of the first report on the implementation of the Program is 120 days after the end of the first calendar year, i.e. April 2022. The adoption of this Program has still not remedied the lack of a long-term strategic document in the field of nature protection. The integral Environmental Protection Strategy, the preparation of which has been announced, will likely serve as such a document.

Nature protection and preservation of biodiversity is one of the five pillars to which the Government of the Republic of Serbia committed itself by signing the Sofia Declaration on the Green Agenda for the Western Balkans.⁹² The European Union has published the Economic and Investment Plan and guidelines for the implementation of the Green Agenda for the Western Balkans. According to this plan, 30 billion euros will be allocated for the region in the next seven

91 <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31997R0338>

92 Negotiation group for Chapter 27 (<https://www.pregovarackagrupa27.gov.rs/wp-content/uploads/2021/06/Deklaracija-iz-Sofije-o-Zelenoj-agendi-za-Zapadni-Balkan-SRP.pdf>)

years. €9 billion will be distributed as grants, while the rest of the funds will be invested using the new Western Balkans Guarantee Facility.⁹³

The procedure for adopting the Spatial Plan of the Republic of Serbia from 2021 to 2035 and the Report on the Strategic Environmental Assessment of the Spatial Plan of the Republic of Serbia from 2021 to 2035, one of the most important documents of the planning system of the Republic of Serbia, was not implemented in accordance with the law, according to civil society organizations. For this reason, civil society organization requested that the public review procedure is repeated. The explanation of this request, which was sent to the Ministry of Construction, Transport and Infrastructure on June 26, 2021, states that during the public inspection procedure, several violations of the positive regulations of the Republic of Serbia were committed, and critical deficiencies were observed in the documents in question regarding non-compliance with key international agreements that Serbia is party to.⁹⁴ In October 2021, the Ministry of Construction, Transport and Infrastructure published the Report on the public review Procedure, completely ignoring the request to repeat the procedure.⁹⁵ Due to the importance of the Spatial Plan and its impact on nature protection, the process must be implemented in accordance with the law and with the involvement of all interested parties.

In the previous period, protection procedures were initiated for 11 protected areas. Among them are two areas proposed for new national parks. These are the areas of Kučaj – Beljanica, which was not protected until now, and Stara Planina, which has to date been protected as a nature park. The establishment of these national parks was neither formally announced through strategic and planning documents nor informally by competent institutions. As a result, there was a lack of social dialogue about how to protect these two areas. These are certainly significant initiatives. New national parks have not been established in Serbia since the 1980s. However, to implement these processes appropriately

93 The Action Plan for the Green Agenda for the Western Balkans was adopted Energy Portal of Serbia (<https://www.energetskiportal.rs/usvojen-akcioni-plan-za-zelenu-agendu-za-zapadni-balkan/>)

94 <http://www.reri.org.rs>

95 Report on the public review PPRS 1 10.pdf (<https://www.mgsi.gov.rs/sites/default/files/Izvestaj%20o%20obavljenom%20javnom%20uvidu%20PPRS%201%2010.pdf>)

and purposefully, public discussions must be held at the local and national levels, in order to enable the participation of a wide spectrum of interested parties.

In addition to the abovementioned national parks, protection procedures have been initiated for nine other protected areas, the largest of which are the Area of Outstanding Characteristics of the Foreland of the Left Bank of the Danube near Belgrade and the Area of Outstanding Characteristics of Donja Mostonga. If these protected areas are declared as proposed, the total area under protection will increase by about 57,000 hectares.

The Implementation of Regulations

During the reporting period, the process for protecting five more areas was completed. Of these, four are new areas (Areas of outstanding characteristics Maljen and Ada and sections near Slankamen, and Nature Monuments Kalemegdanski rt and Kovačevića pećina). A review of the previous protection of Area of outstanding characteristics Ovčarsko-Kablaraska Gorge was also undertaken. The total area under protection has been increased by about 13,000 ha, increasing the total area of Serbia under protection to 7.81%. The new Nature Protection Program also set new goals for increasing the area under protection. The target value for 2021 was 8%, which was not reached.

In September 2021, the cross-border Mura-Drava-Danube biosphere reserve was declared the first pentilateral UNESCO MAB reserve in the world.⁹⁶ The reserve encompasses the territories of five countries – Austria, Hungary, Croatia, Slovenia and Serbia– and covers an area of almost one million hectares. In Serbia, the reserve includes the wider area of Upper Danube, the territories of the municipalities of Apatin, Sombor, Bač, Bačka Palanka and Odžaci. The establishment of such a protected area is of great importance for the improvement of nature protection in Serbia through the development of new models and practices of managing protected areas. The current Law on Nature Protection does not define the category of biosphere reserve, which will certainly complicate the management of the declared reserve.

Activities to establish the European ecological network Natura 2000 continued in 2021, mostly through the project "EU for Natura 2000 in Serbia". This project was started in May 2019 and was completed in November 2021. The most important results of the project are the identification of 277 sites of

96 https://www.panda.org/wwf_news/?3677441/Worlds-first-5-country-biosphere-reserve-will-benefit-people-and-nature-in-the-Amazon-of-Europe

potential interest to the community (pSCI) and 85 special areas for protection (SPA). Digital maps of the proposed sites are available on the website of the implementing party (DAPHNE)⁹⁷, but they are still not available on the official website for Natura 2000 in Serbia.⁹⁸ During the project, an information system for collecting and analyzing data about habitats and species was established and improved. This project breaks the long-term stalemate in the development of the Natura 2000 network in Serbia. It is now extremely important to secure financial resources through the national budget or from international donors for the continuation of activities and completing the process of identifying Natura 2000 sites in Serbia.

Ineffective prevention and failure to remove illegally constructed facilities remains a significant problem in many protected areas. The illegal building in the Kopaonik National Park, which attracted the attention of all relevant institutions and the public, has still not been demolished.⁹⁹ The increased interest of domestic tourists in visiting natural areas in Serbia has also caused a large increase in the construction of residential and tourist facilities. Very intense construction, mostly outside the legal framework, is evident in the Tara National Park¹⁰⁰, where dozens of illegal buildings have been recorded.

In accordance with the Law on Nature Protection¹⁰¹, the implementation of the amended Article 9 of the Law, which prescribes the jurisdiction and procedure for issuing nature protection conditions, began on January 1, 2022. For civil society organizations – particularly citizens' associations – that implement protection measures in protected areas, often in cooperation with protected area managers, such a centralized procedure is problematic, because waiting times for being issued a decision are too long, and the fees are too high for associations relying on project funding.

97 <https://daphne.sk/Natura2000Serbia/>

98 <http://www.natura2000.gov.rs/>

99 <https://www.euronews.rs/biznis/biznis-vesti/25832/nelegalni-ski-bife-na-pancicevom-vrhu-ipak-opstao-ministar-momirovic-tvr-di-da-je-sruseno-dve-trecine-objekta/vest>

100 <https://www.danas.rs/vesti/drustvo/nastavlja-se-nelegalna-gradnja-u-nacionalnom-parku-tara/>

101 "Official Gazette of RS", no. 36/2009, 88/2010, 91/2010 – amendment, 14/2016, 95/2018 – other law and 71/2021

In August 2021, the State Audit Institution published an audit report on the Public Enterprise Fruška Gora National Park¹⁰² that identifies numerous irregularities, mainly related to public procurement procedures, but also related to the management and use of natural resources. Deviations of more than 10% of planned and contracted volume of felling were found in 27 reports reviewed by the auditors. This means that over two years (2019 and 2020) 4400 m³ more wood was cut on Fruška Gora than planned. The report also stated that the public enterprise does not have established procedures for charging fees for the use of protected areas, which should be one of the key items in the sustainable financing of protected areas.

In December 2021, the State Audit Agency also published the Report on Auditing Business Expediency: Management of National Parks in Serbia¹⁰³, which included all national parks in Serbia. The report pointed to shortcomings in the work of ranger services and competent inspectorates, as well as the lack of coordination and cooperation among competent entities. In addition, it was noted that planning documents relevant for national parks are not adopted regularly, public companies that manage national parks often do not have control over all activities on the territory of national parks, and that the volume of wood cutting often exceeds the planned volume. The report also highlighted the problem of the spread of illegal construction in national parks, which occurs due to the inactivity of the competent entities and weak cooperation between them.

In 2021, the Environmental Protection Inspectorate, Department for Nature, conducted 665 inspections¹⁰⁴, 143 (about 18%) more than in 2020.¹⁰⁵ The largest portion (334) of these were special inspections. It is impossible to identify the purpose of these inspections (for example, of protected areas, control of the use of species, etc.) based on the Report on the Work of the Environmental Protection Inspectorate. In 2021, the Inspectorate filed 32 misdemeanor charges and one criminal charge, which is roughly the same as the previous year, 2020.

102 <http://www.dri.rs/php/document/download/3950/2>

103 <http://www.dri.rs/php/document/download/4358/2>

104 <https://www.ekologija.gov.rs/sites/default/files/inline-files/Inspekcija%20za%20zastitu%20zivotne%20sredine%20godisnji%20izvestaj%202021.pdf>

105 <https://www.ekologija.gov.rs/sites/default/files/inline-files/GODISNJI%20IZVESTAJ%20INSPEKCIJE%20ZA%20ZZS%20ZA%202020.pdf>

Financing

According to the Report on the execution of the budget of the Ministry of Environmental Protection for the period January 1, 2021 to December 31 2021¹⁰⁶, RSD 617,002,000 was earmarked for nature protection, of which 97.7%, or RSD 602,771,640.13 was spent.

Compared to 2020, when funds spent for nature protection amounted to RSD 425,537,182.00, there is a noticeable increase in funds spent in 2021, in the amount of RSD 177,237,458.13.

In 2021, RSD 269.8 million was allocated for the management of national parks and protected areas¹⁰⁷. An amount of RSD 229 million was set aside for the same needs in 2020¹⁰⁸, which indicates that financial support to protected areas increased by 18% in the reporting period.

This increase in allocated and spent funds for nature protection represents significant progress compared to previous years. However, given the numerous problems requiring extensive investment, as well as the fact that only 5.9% of the total spent budget of the Ministry of Environmental Protection in 2021 was spent on nature protection, the allocated funds remain insufficient to achieve systemic progress in this area. The available budgetary funds for the management of protected areas are still insufficient to achieve sustainable management. Most of the protected areas, especially national parks, nature parks and special nature reserves, are still primarily financed from the exploitation of natural resources, i.e. wood.

106 <https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/informator-o-radu>

107 Regulation on amending the regulation on the allocation and use of funds for subsidizing protected natural assets of national interest in 2021 ("Official Gazette of the RS", no. 117/2021)

108 Regulation on amending the regulation on the allocation and use of funds for subsidizing protected natural assets of national interest in 2022 ("Official Gazette of the RS", no. 98/2020)

The Law on Amendments to the Law on Nature Protection¹⁰⁹ (adopted in July 2021) amended Article 9, which regulates the procedure for requesting nature protection conditions in the process of developing plans, programs, projects, works and activities defined in Article 8 of this Law.

Nature Protection Conditions for National Parks and Category I and II Protected Areas established by the Government, are issued by the Ministry responsible for environmental protection, based on expertise previously obtained from the competent institute. In accordance with the Rulebook on the amount, method of calculation and collection of fees for the issuance of nature protection conditions¹¹⁰, applicants are obliged to pay a fee for the issuance of decisions on nature protection conditions, which is paid into the Budget of the Republic of Serbia. The explanation published by the Ministry of Environmental Protection on its website, related to the implementation of Article 9 of the Law on Nature Protection from January 1, 2022, does not state what purpose the collected funds will be used for. The fees are assumed to generate a significant income. It is therefore necessary to monitor whether the collected funds will be used for nature protection.

109 https://www.paragraf.rs/izmene_i_dopune/150721-zakon-o-izmenama-i-dopunama-zakona-o-zastiti-prirode.html

110 "Official Gazette of RS" no. 73/2011 and 106/2013

Recommendations



Strategic and Legislative Framework

- 1.** Draft and adopt a new Law on Nature Protection in accordance with EU legislation, ratified international agreements, good practice in this area, and the needs of nature protection in Serbia, through a transparent and inclusive process.
- 2.** Regulate the appropriate assessment procedure for the ecological network through the Law on Nature Protection and the Regulation on appropriate assessment.
- 3.** Create and adopt the Environmental Protection Strategy of the Republic of Serbia, covering nature protection, in accordance with the Global Strategic Plan for Biodiversity, the EU Biodiversity Strategy and the Green Agenda for the Western Balkans.
- 4.** Amend the Rulebook on Designating and Protecting Strictly Protected and Protected Species of Plants, Animals and Fungi and the Rulebook on Designating Protected Wild Game Species so that the provisions of the Habitats Directive and the Birds Directive related to hunting are fully transposed.
- 5.** Create and adopt a protocol to precisely determine the sequence and manner of action by the competent authorities in cases of poisoning, as well as other cases of illegal actions against wild species.
- 6.** Form an inter-ministerial working group for protected areas and the ecological network to coordinate work on the development of planning documents, feasibility studies for protected areas, management plans and area protection acts.

- 7.** Establish mechanisms in the Ministry of Environmental Protection for improving the participation of civil society organizations in the processes of drafting and monitoring the application of regulations, plans and other relevant documents in the field of nature protection in accordance with the Regulation on the Methodology of Public Policy Management, Impact Analysis of Public Policies and Regulations, and the Content of Individual Public Policy Documents, and the Guidelines for Involvement of Civil Society Organizations in the Adoption of Regulations of the Government of the Republic of Serbia.
- 8.** Define the biosphere reserve as a type of protected area in the Law on Nature Protection, and prescribe the competencies and basic measures for managing those areas.



The Implementation of Regulations

- 9.** Ensure a transparent and inclusive process of amending the Negotiating Position for Chapter 27 as well as assessments on the fulfillment of criteria in the field of nature protection by organizing regular consultations with civil society and other interested parties.
- 10.** Improve the capacities of the Ministry of Environmental Protection in the field of nature protection; increase the number of employees in the sector as a matter of priority.
- 11.** Improve the capacities of nature protection institutes (provincial and Republic-level) by increasing the number of professional staff and procurement of technical equipment.
- 12.** Continue building the capacities of the police, inspectorate, prosecution and judiciary for the implementation of regulations related to protecting species and habitats, in cooperation with professional civil society organizations.

- 13.** Improve the planning and implementation of inspection supervision over protected areas, i.e. ecological network sites.
- 14.** Provide free access to the online database of decisions on nature protection conditions issued by the Ministry of Environmental Protection of the Republic of Serbia and the Institute for Nature Protection for all interested parties.
- 15.** Improve cooperation with interested parties in the implementation of international agreements in the field of nature protection through regular information exchange and consultations.
- 16.** Form the National Council for the ecological network Natura 2000 and ensure intersectoral cooperation and continuous institutional support.
- 17.** Compile an effectiveness assessment of the management of protected areas, establish mechanisms for monitoring management effectiveness and ensure the availability of reports to the public.
- 18.** Establish a mechanism for the regular involvement of civil society in the planning and implementation of the Green Agenda (5th pillar – biodiversity: ecosystem protection and restoration).



Financing

- 19.** Continue regular financing of activities for establishing the ecological network of the Republic of Serbia and Natura 2000, with full and regular reporting on the activities carried out and the funds spent.
- 20.** Provide greater financial resources for the management of protected areas, as well as for the protection of species and habitats at the national and local level.



Chemicals Management

Overview

The legislative framework created by the adoption of the Law on Chemicals and the Law on Biocidal Products and corresponding by-laws established a system of chemicals management according to EU principles.

The Negotiating Position for Chapter 27 envisages the drafting and adoption of the Law on the Implementation of the REACH¹¹¹ Regulation, as well as the Law on the Implementation of the BPR Regulation¹¹², by the end of 2021, which would apply from the date of accession. However, these laws were not adopted in the planned period.¹¹³ Drafting a new Law on Chemicals is also planned, which would retain specific provisions from the existing law, i.e. those concerning the Chemicals Register (the national chemicals registers are in principle in accordance with EU legislation), but will not contain provisions harmonized with the REACH Regulation. The Republic of Serbia will implement the REACH and BPR regulations from the date of accession, depending on the agreed adaption periods. Serbia has requested adaptation periods for the full implementation of the REACH regulation (especially for the registration and authorization processes), as well as the CLP¹¹⁴ and BRP regulations.

During 2021, the new Law on Biocidal Products was adopted¹¹⁵ for the purpose of harmonizing domestic legislation with the Regulation on Biocidal Products (528/2012/EU). The Regulation could not be transposed in its entirety because, among other things, it regulates procedures that are centrally implemented by the European Chemicals Agency (ECHA) or the European Commission.

One of the key developments in the field of chemicals management is the introduction of a rule requiring that a recognition procedure must be initiated

111 REACH – Registration, Evaluation, Authorization and Restriction of chemicals

112 BPR – Biocidal Products Regulation

113 Negotiating position of the RS for Chapter 27, Government of the Republic of Serbia, 2019

114 CLP – Classification, Labeling and Packaging

115 “Official Gazette of RS”, no. 109/2021.

for biocidal products with approval from the competent authority of an EU member state or the European Commission. Another important development is the regulation of products that have been treated with a biocidal product when they are placed on the market.

The only regulations related to chemicals management that were updated in 2021 were the List of Candidate Substances for the List of Substances of Concern and the List of Substances of Concern. On December 3, 2021, the Ministry of Environmental Protection presented the new Draft Rulebook on the Classification, Packaging, Labeling and Advertising of Chemicals and Certain Products in accordance with GHS at the Chamber of Commerce of Serbia, with the aim of harmonizing it with ATP 12, with planned changes in all six annexes to be published in early 2022. However, the planned changes have not been published as of the writing of this report. A Draft of a new amendment to the Rulebook on Restrictions/Bans on Placing on the Market and Use of Chemicals was also presented. The Draft amendment should also have been published at the beginning of 2022, with prescribed transition periods, but was not.

It is important to emphasize the necessity of adopting bans related to the content of certain phthalates in consumer goods as soon as possible, as well as banning substances classified as carcinogenic, mutagenic and/or toxic for reproduction (categories 1A or 1B) in textiles, clothing and footwear. Both bans became binding in the EU during 2020, which means that products containing them were withdrawn from the EU market. There is a risk that consumer goods containing these banned substances will spill over from the EU market into the Serbian market (where they are still allowed due to the lack of such bans).

The situation is similar regarding the banning of placing certain substances found in tattoo inks and permanent makeup on the market, which became binding in the EU on January 5, 2022.

The EU has replaced Regulation 850/2004/EC on persistent organic pollutants with Regulation 2019/1021/EU and subsequent amendments, which now need to be harmonized domestically. The action plans of the National Implementation Plan for the Stockholm Convention remained unadopted, and as of 2021, they are out of date, as they were projected until 2020.

The Negotiating Position for Chapter 27 envisaged the adoption of the Law on the Implementation of the EU Regulation on Mercury (2017/852/EU) by the end of 2021, but the Law was not adopted. Worryingly, measures related to waste containing mercury from two chlor-alkali electrolysis plants in Serbia are not included in the Waste Management Program of the Republic of Serbia for the period from 2022 to 2031. So far, no decision has been made on the ratification of the Minamata Convention on Mercury.

The development of the legislative framework must continue, both through the harmonization of regulations, taking into account new EU regulations and amendments to existing regulations, as well as by strengthening the capacities necessary for the implementation of regulations.

Prescribed administrative procedures are being implemented, but given the scope and content of the documentation required by these procedures, as well as the confidentiality of certain data, the system must be further improved, especially regarding the electronic delivery of data. The administrative and professional capacities of the Department of Chemicals, as well as inspection bodies in the control of chemicals and biocidal products, must also be increased. Administrative procedures for registration in the Chemicals Register and the Provisional List for submission of technical files for biocidal products must be made more efficient in terms of strengthening electronic protection and access to data and improving work on electronic portals. Additionally, Decisions on registration in the Chemicals Register should be adopted under an accelerated procedure for requests from previous years and requests for biocidal product effectiveness testing should be harmonized with laboratory capacities in Serbia.

A mechanism for the implementation of Article 82 of the Law on Chemicals should be established. Article 82 orders the Ministry of Environmental Protection to develop and implement projects for monitoring the placing on the market and use of chemicals, monitoring their metabolites and the path of chemicals in the environment and organisms in order to monitor the risk that chemicals may pose to human health and the environment, i.e. to ensure control over the use of substances of concern and the enforcement of restrictions and bans on the production, placing on the market and use of chemicals. This very important

measure would achieve real progress in reducing the risk posed by the most dangerous chemicals.

Due to changes to the website of the Ministry of Environmental Protection, a lot of information about the field of chemicals management is no longer available, which further reduced the transparency of the implementation of regulations. It is therefore necessary to continue to improve the Chemicals and biocidal products information desk and complete the information it contains (describe below in the implementation of regulations section of this chapter). It is also necessary to make publicly available the number of decisions issued on registration in the Chemicals Register by year, as well as data on placing chemicals on the market by hazard class as statistical data, and information on the implementation of all conventions related to chemicals management. It would be useful for the Ministry to publish data on the registration of substances of concern, and whether the risk reduction measures applied by businesses are sufficient to control the risk posed by these chemicals.

Directive 2010/63/EU on the welfare of laboratory animals has been partially transposed. In order to fully harmonize national legislation with Directive 2010/63/EC on the welfare of laboratory animals, changes to the Law on Animal Welfare are necessary. According to the Negotiating Position for Chapter 27 these changes were planned by the end of 2020. A new Rulebook on the welfare of laboratory animals should also have been adopted by the end of 2021, but was not.

There were no significant changes in administrative capacities for professional work in this area compared to the previous period. Increased administrative capacities are required in order to implement regulations as well as for the further development of the chemicals management system. Inspection supervision of chemicals and biocidal products must also be strengthened (especially chemicals in consumer goods), both in terms of strengthening the capacities of the inspectorates themselves and increasing the number of inspections, as well as recording unsafe items that are withdrawn from the market due to chemical risk in the NEPRO database, in order to ensure that citizens are adequately informed.

Although, based on the increasing interest of consumers in sustainable ways of shopping and more frequent promotion of sustainable solutions in everyday life, it can be expected that more and more consumers will use their right to information about the content of dangerous substances in products, which is defined in Article 27 of the Law on Chemicals. The Ministry of Environmental Protection must supervise the protection of consumer rights stemming from this article. Based on a survey conducted by ALHem, as many as 80% of citizens (out of 215 surveyed) who sent a request for information about the content of dangerous substances in products did not receive it from the supplier, denying citizens their legal right.

Financial resources must be provided to strengthen the administrative and professional capacities of the Department of Chemicals at the Ministry of Environmental Protection, as well as the inspection authorities supervising the implementation of the Law on Chemicals and the new Law on Biocidal Products, so that administrative procedures can be carried out without breaking deadlines, having in mind their volume and complexity. With the opening of Cluster 4 – Green Agenda and Sustainable Connectivity in December 2021, within which Chapter 27 is located, the workload for the Department of Chemicals at the Ministry dealing with REACH and BPR regulations is increasing.

Strategic and Legislative Framework

The legislative framework created by the adoption of the Law on Chemicals and the Law on biocidal products and the corresponding by-laws established a chemicals management system based on EU principles. The Law on Chemicals is harmonized with the REACH regulation (EC 1907/2006) to the fullest possible extent, as the REACH regulation prescribes centralized procedures which require EU membership, such as registration, evaluation and authorization procedures.^{116,117} The Republic of Serbia requested the necessary adjustment periods for the full implementation of the REACH regulation (especially for registration and authorization processes), CLP and BRP regulations. The Negotiating Position for Chapter 27 envisaged the drafting and adoption of the Law on the Implementation of the REACH Regulation by 2021, which would apply from the date of accession, but this law has not yet been adopted. Drafting a new Law on Chemicals is also planned, which will retain specific provisions in the existing law related to the Chemicals Register (national registers of chemicals are in principle in accordance with EU legislation), but will not contain provisions harmonized with the REACH Regulation.

There was no progress in the reporting period in updating regulations on the classification and labeling of chemicals in order to adapt them in terms of technical and scientific progress. With the last update of the Rulebook on the list of classified substances¹¹⁸ in March 2020, the list is aligned with *Adaptation to Technical Progress* – ATP 13, which has been in force in the EU since May 1,

116 MEP 2009a. Ministry of Environmental Protection: Law on Chemicals, “Official Gazette of RS”, no. 36/2009, 88/2010, 92/2011, 93/2012 and 25/2015.

117 MEP, 2009b. Ministry of Environmental Protection, Law on Biocidal Products, “Official Gazette of RS”, no. 36/2009, 88/2010, 92/2011 and 25/2015.

118 “Official Gazette of RS”, no. 22/20.

2020, and in the Republic of Serbia since October 1, 2020.¹¹⁹ However, ATP 14 from September 9, 2021, as well as ATP 15 from March 1, 2022, are now in force in the EU, while ATP 17 will become binding from December 17, 2022. All these ATPs apply to the List of Classified Substances (Annex VI of the CLP Regulation).

There were no new updates in the reporting period regarding the Regulation on the classification, packaging, labeling and advertising of chemicals and certain products in accordance with the GHS¹²⁰ which remains aligned with ATP 11. ATP 12 was published in the EU in March 2019, and has been in force since October 17, 2020.

On December 3, 2021, the Ministry of Environmental Protection presented the new Draft Rulebook on the Classification, Packaging, Labeling and Advertising of Chemicals and Certain Products in accordance with GHS at the Chamber of Commerce of Serbia, with the aim of harmonizing it with ATP 12, with planned changes in all six annexes to be published in early 2022. However, the planned changes have not been published as of the writing of this report.

The draft Rulebook envisages the following changes: a new hazard class is introduced in the physical hazards section – desensitized explosives; a new hazard category is introduced – self-igniting gasses within the hazard class *Flammable gasses*; the following are adjusted: criteria for substances and mixtures that emit flammable gasses in contact with water; general provisions for the classification of aerosol forms of mixtures; general limit concentrations.

Definitions and classification criteria for hazard classes are being improved: explosives, flammable gasses, flammable liquids, flammable solids and mixtures; acute toxicity, skin corrosion/irritation, severe eye damage/eye irritation, skin sensitization and respiratory sensitization, germ cell mutagenicity, carcinogenicity, reproductive toxicity, specific target organ toxicity and aspiration hazard.

Some of the hazard notices and precautionary notices are being changed.

119 MEP, 2020a. Ministry of Environmental Protection: Rulebook on the List of Classified Substances, "Official Gazette of RS", no. 22/2020.

120 "Official Gazette of RS", no. 21/19.

It is important to emphasize that the regular harmonization of these regulations is extremely important, given that delays in updating the List of Classified Substances result in the deviation of data on harmonized classified substances in Serbia and the EU. Therefore, in some cases, there are deviations in the implementation of the prescribed provisions on the classification and labeling of the same substances and mixtures when they are on the market of the EU and the Republic of Serbia, which is contrary to the basic goal of the GHS system – that chemicals are classified and labeled according to the same rules on all markets, i.e. in the same way. If these rules are not followed, difficulties arise with regard to the free circulation of imported chemicals, as well as the protection of human health and the environment.

During the reporting period, there was no update to the regulations governing restrictions and bans on the production, placing on the market and use of chemicals.

On December 3, 2021, the Ministry of Environmental Protection presented to the Chamber of Commerce of Serbia a draft amendment to the Rulebook on Bans and Restrictions on Placing on the Market and Use of Chemicals, which was planned to be published at the beginning of 2022, but had not been as of the writing of this report. The planned changes envisage the adoption of the following bans/restrictions, with prescribed transition periods: phthalates (DEHP, DBP, BBP and DIBP) in products used indoors (2018/2005/EU); carcinogenic, mutagenic and toxic-reproductive substances in clothing, textiles and footwear (2018/1513/EU); (3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl) silanetriol, all its mono-, di – or tri-O-(alkyl) derivatives (TDFA) in mixtures for general use containing organic solvents in spray products (2019/957/EU); the use of diisocyanates as an independent substance or as a component of other substances or mixtures for industrial or professional use (2020/1149/EU), as well as the placing on the market of certain substances found in tattoo inks and permanent make-up (2020/2081/EU). The draft amendments to the Rulebook do not currently provide for the transposition of Regulation 2019/1148/EU banning/restricting explosive precursors, as well as banning/restricting lead content in shotgun pellets in and near wetlands (2021/57/EU) due to the objections of hunting associations.

This regulation must be further harmonized. The EU list currently numbers 76 entries, while the domestic regulation contains 71 restrictions/bans on the production, marketing and use of certain dangerous substances, mixtures or products. A ban on the content of certain phthalates in consumer goods must be adopted as soon as possible, as well as a ban on substances classified as carcinogenic, mutagenic and/or toxic for reproduction (categories 1A or 1B) in textiles, clothing and footwear. Both bans became binding in the EU during 2020, with products containing them being withdrawn from the EU market. There is a danger that these products will reach the market of the Republic of Serbia, as they have not yet been banned domestically. The situation is similar with the ban on placing on the market certain substances found in tattoo inks and permanent makeup, which became binding in the EU from 5 January 2022, and the planned transitional period for the Republic of Serbia is until 4 January 2023.

During 2021, the following bans which were adopted in the previous update of this regulation entered into force:

1. After January 1, 2021, a ban on marketing rinse-off cosmetic products, which are regulated by regulations on cosmetic products, if the mass fraction of octamethylcyclotetrasiloxane (D4) and decamethylcyclopentasiloxane (D5) is equal to or greater than 0.1%;
2. After June 1, 2021, N-methyl-2-pyrrolidone (NMP) shall not be placed on the market as a substance on its own or in mixtures in a concentration equal to or greater than 0.3 % unless manufacturers, importers and downstream users have included in the relevant chemical safety reports and safety data sheets Derived No-Effect Levels (DNELs) relating to exposure of workers of 14.4 mg/m³ for exposure by inhalation and 4.8 mg/kg/day for dermal exposure. NMP shall not be also manufactured, or used, as a substance on its own or in mixtures in a concentration equal to or greater than 0.3 % after June 1, 2021, unless manufacturers and downstream users take the appropriate risk management measures and provide

the appropriate operational conditions to ensure that exposure of workers is below the DNELs value.

3. After February 3, 2021, a ban on placing textile products on the market that can be assumed to be washed in water during the normal life cycle, if they contain nonylphenol or nonylphenol ethoxylate in concentrations equal to or greater than 0.1% (m/m) in that textile product or any part of the textile product;
4. After March 2, 2021, a ban on the production or marketing decabromodiphenyl ether (decaBDE) as an independent substance, or as a component of other substances or mixtures, as well as in products containing this substance in a concentration equal to or greater than 0.1% (m/m);

The EU has replaced Regulation 850/2004/EC on persistent organic pollutants with Regulation 2019/1021/EU and two subsequent amendments, which now need to be harmonized domestically. To our knowledge, the amendment of Schedule 2 of the Rulebook on Bans and Restrictions, Placing on the Market and Use of Chemicals has been prepared and was supposed to be adopted at the beginning of 2022, but at the time of writing this report it has not yet been implemented.

The List of Candidate Substances for the List of Substances of Concern has been updated¹²¹ since the previous reporting period¹²², bringing the number of entries up to 211. However, the List has been additionally updated on several occasions in the EU (the most recent update was in January 2022). The EU List now contains 223 entries, 12 substances more than the domestic regulation. This difference limits the exercise of consumer rights to information about the presence of those 12 substances in products on the market in Serbia. The List of Substances of Concern was also updated in 2021¹²³ and is now fully harmonized with the relevant EU List.

121 "Official Gazette of RS", no. 86/2021.

122 C27, 2020, Coalition 27 (2021): Chapter 27 in Serbia: Progress in Lockdown

123 "Official Gazette of RS", no. 86/2021.

During 2021, a new Law on Biocidal Products was adopted¹²⁴ in order to harmonize domestic legislation with the Regulation on Biocidal Products (528/2012/EU). However, the Regulation could not be transposed in its entirety due to the fact that, among other things, it regulates procedures that are centrally implemented by the European Chemicals Agency (ECHA) or the European Commission. In order to fully implement the EU Regulation on biocidal products, it is necessary, among other things, to have access to R4BP (the EU register for biocidal products), to create files in the IUCLID format, as well as to be able to exchange data, resolve complaints and communicate with the European Chemicals Agency (ECHA). The Republic of Serbia announced the necessary adaptation periods for the full implementation of the BPR Regulation, which concern submitting requests for the inclusion of alternative suppliers into ECHA, submitting requests for approval of biocidal products, as well as the gradual removal of non-compliant biocidal products from the market.

One of the key developments is the introduction of a rule requiring that a recognition procedure must be initiated for biocidal products with approval from the competent authority of an EU member state or the European Commission. Another important development is the regulation of placing products on the market that have been treated with a biocidal product (e.g. antibacterial socks treated with a biocidal product to prevent unpleasant odors; refrigerators treated with a biocidal product to prevent the development of mold and unpleasant odors; antibacterial dishwashing sponges). A provision was also introduced that obliges the entity placing the treated product on the market to submit data on the biocidal treatment of the product free of charge at consumers' request within 45 days. According to the Negotiating Position for Chapter 27 the drafting and adoption of the Law on the Implementation of the BPR Regulation, which would apply from the date of accession, was planned for the fourth quarter of 2021. However, this law has not yet been adopted.

The Negotiating Position for Chapter 27 envisaged the adoption of the Law on the Implementation of the EU Regulation on Mercury (2017/852/EU) by the end of 2021, but this law was not adopted. Worryingly, measures related to

124 "Official Gazette of RS", no. 109/2021.

waste containing mercury from two chlor-alkali electrolysis plants in Serbia are not included in the Waste Management Program of the Republic of Serbia for the period from 2022 to 2031. The Minamata Convention on mercury has not yet been ratified.

In terms of administrative capacities for professional work in this area, there were no significant changes compared to the capacities in the previous period. In order to assess the necessary increase in administrative capacity in this area, the ECHA (the European Chemicals Agency) created a document entitled *Action Plan – Serbia, Assessment of the national capacity and readiness to implement and enforce REACH, CLP, BPR and PIC in Montenegro and Serbia*¹²⁵. The Action Plan assesses the capacities of state authorities and gives recommendations for their improvement, which must be adopted.

There is a significant delay in the process of harmonizing regulations on the methods of testing the hazardous properties of chemicals, as the regulations have not been updated since 2012.

Directive 2010/63/EU on the welfare of testing animals has been partially transposed into the legislation of the Republic of Serbia. Almost all of the most important provisions (registration of users, breeders and suppliers, approval of trials, establishment of two bodies equivalent to an animal welfare body and a national board, etc.) were already been transposed into the Law on Animal Welfare¹²⁶ and the Regulation on the conditions for entry into the Register of animal tests and the content and manner of keeping the Register, the training program on the welfare of testing animals, the application form for approval to conduct animal tests, the manner of care, treatment and putting-down of testing animals, as well as the content and manner of keeping records on keeping, breeding and selling of testing animals and the implementation of animal tests¹²⁷. The Directorate for Veterinary Medicine at the Ministry of Agriculture, Forestry and Water Management is responsible for issuing permits

125 Action Plan-Serbia, 2019. Action Plan – Serbia, Assessment of the national capacity and readiness to implement and enforce REACH, CLP, BPR and PIC in Montenegro and Serbia, available at: https://echa.europa.eu/documents/10162/1459379/wp5_action_plan_serbia_en.pdf/f9a0828f-ddc8-32e5-4cef-34bb9e1c2114?t=1615544961678

126 "Official Gazette of RS", number 41/09

127 "Official Gazette of RS", number 39/10

for the implementation of animal tests, the registration of all users, breeders and suppliers, maintaining the Registry of animal tests, drafting legislation and regulations, recommendations and checklists and their implementation. Two bodies prescribed in Directive 2010/63 were established: the Ethical Commission for Protecting the Welfare of Testing Animals in every scientific organization and other legal entities that perform tests, as well as the Ethical Council for the Welfare of Testing Animals. This Council is equivalent to the National Committee for the Protection of Animals Used for Scientific Purposes, which is prescribed in Article 49 of Directive 2010/63.¹²⁸

For full the compliance of national legislation with Directive 2010/63/EC on the welfare of testing animals, amendments to the Law on Animal Welfare are necessary, which, according to the Negotiating Position for Chapter 27, were planned to be adopted by the end of 2020. A new Rulebook on the Welfare of Laboratory Animals must also be adopted, which was also planned to be adopted by the end of 2021. However, neither have been adopted.

The legislative framework must be further developed, both through the further harmonization of regulations, taking into account new EU regulations and amendments to existing regulations, as well as by strengthening the capacities necessary for the implementation of regulations.

128 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change

The Implementation of Regulations

The Department of Chemicals at the Ministry of Environmental Protection is in charge of implementing administrative procedures relating to chemicals management. Prescribed administrative procedures are being carried out, but given the volume and content of the documentation required by these procedures, as well as the confidentiality of certain data, it is necessary to continue improving the system, especially the electronic delivery of data.

Chemicals Register

The electronic delivery of data through the electronic platform for entering chemicals into the Integral Chemicals Register (eIRH) began operating in 2019, with appropriate protection and strictly defined data access levels. There are still administrative obstacles to submitting the Application Form through the Ministry's record office, due to the continued lack of an electronic record office, which means that the signed Form must be physically submitted to the Ministry. Additionally, there are occasional technical difficulties with the portal, because the server may be overloaded, especially in March, the most intensive period for reporting chemicals to the Register.

With the introduction of electronic applications, the verification of the submitted data and decisions by the competent authority were supposed to be accelerated. The current administrative procedure – from the moment that data is submitted to the final issuance of a Decision on entering the chemical into the Register – brakes all deadlines prescribed by law and usually lasts several years on average, especially for businesses registering a large number of chemicals.

Over the previous year, the delay in issuing Decisions on registering chemicals was reduced. However, in some cases the legally prescribed deadlines are still

being missed. As highlighted in the previous Report, requests from previous years should be resolved under an accelerated procedure, by simplifying the procedure in terms of requests for supplementary documentation, given that a large number of those chemicals are no longer in circulation or have changed their classification, labeling, and very often their composition.¹²⁹

The eIRH portal itself must be further developed and technically improved. Chemicals advisors should be consulted as part of this process, so that they can offer proposals and suggestions in order to facilitate the work and later review the submitted requests faster. It is necessary to harmonize the database of substances on the e-IRH portal with the Rulebook on the list of classified substances – Table 1, and harmonize the names of substances with domestic regulations.

The fees for entering chemicals into the Register should be reconsidered. Currently the ranges are too large (1-100, 100-500, etc.). For example, the fee is the same if only one chemical is registered or 99 chemicals are registered.

Strengthening the administrative capacities for registering chemicals is necessary in order to improve the work of the portal and take suggestions into account.

The number of issued decisions on registration in the Chemicals Register by year, as well as data on placing chemicals on the market by hazard class as statistical data must be made publicly available again on the website of the Ministry of Environmental Protection. In this regard, it would be useful for the Ministry to publish data on the registration of substances of concern, and information on whether the measures for risk reduction applied by businesses are sufficient to control the risk posed by these chemicals.

Biocidal products

As stated in the Negotiating Position for Chapter 27, the main challenges related to the implementation of the Law on Biocidal Products relate to the national approval of biocidal products, given that the instruments provided by the BPR

129 C27, 2020, Coalition 27 (2020): Chapter 27 in Serbia: Walking in the Mist

aimed at facilitating access to information on active substances and biocidal products (e.g. negotiations on data sharing, resolution of disputes related to data sharing by the Agency, access to R4BP) are not available to the Ministry of Environmental Protection and Serbian applicants for national approval in the pre-accession period.

The functionality of the e-IRH portal must be improved with regard to biocidal products, and employ stringent IT/security standards. Considering the scope and content of the documentation required by this procedure, as well as the confidentiality of certain data, it is necessary to improve the existing data protection and strictly define the different levels of data access (to enable direct electronic submission of data for owners of confidential data, i.e. foreign manufacturers, as well as to limit the level of access for importers, while allowing chemical advisors access to all the data they need to create documentation required by domestic regulations).

General use items

The Rulebook on Establishing the Program for Health Safety Monitoring of consumer goods for the year 2021 was entirely the same as the previous year. It planned inspection supervision of 3,394 consumer goods that may contain substances defined in the regulations on bans and restrictions from the Law on Chemicals and the Law on the Health Safety of consumer goods and corresponding by-laws, namely: materials and objects in contact with food (1,860), toys (912), and materials and objects that come into direct contact with the skin or mucous membranes during use (622). Items withdrawn from the market are publicly announced in the NEPRO system (notification system for unsafe products), which is an integral part of the market surveillance system and has the goal of providing consumers with better protection from unsafe products, while also educating all market participants and raising awareness of the importance of product safety.^{130, 131}

Despite the extensive monitoring planned for 2021 by the Ministry of Health, only three products which were withdrawn from the market due to chemical

130 Ministry of Health, 2009. Ministry of Health, Law on General Product Safety ("Official Gazette of RS", no. 41/2009, 77/2019)

131 NEPRO. Database of unsafe products, Ministry of Trade, Tourism and Telecommunications

risk were entered into the NEPRO database in 2021. The results of the monitoring conducted for 2021 were not been published at the time of writing of this report. It is therefore impossible to determine whether a product has been withdrawn from the market or whether data about it has been entered into the NEPRO database.

The program for monitoring the health safety of consumer goods should be harmonized every year with the needs of the market and the adopted regulations, such as specific restrictions and bans on the use of chemicals, which would enable better market control. On the other hand, if the Monitoring Plan should be the same every year, then there is no need to adopt it on an annual basis.

Public access to monitoring results must be ensured.

Year	Number of publicly available notices on unsafe products in the NEPRO database in the chemical risk category	The number of samples evaluated as chemically defective for the content of bisphenol A, phthalates and metals in the Public Health Institutes network*
in 2021	3	ND
in 2020	2	73
in 2019	35	89
in 2018	2	26
in 2017	1	36
in 2016	2	46
in 2015	0	69

* food dishes and utensils, food packaging (items and materials in contact with food), children's toys, items that come into direct contact with the skin or mucous membranes during use are taken into account.

ND no data

The Dr. Milan Jovanović Batut Institute for Public Health publishes an Annual Report on the Health Safety of consumer goods in the Republic of Serbia¹³² every

132 Institute for Public Health of Serbia "Dr. Milan Jovanović Batut" (2021): Annual Report on the Health Safety of consumer goods in the Republic of Serbia for 2020, available at: https://www.batut.org.rs/download/izvestaji/Zdravstvena_ispravnost_predmeta_opste_upotrebe2020.pdf

year. The Report includes products from the List of restrictions/bans on the production, placing on the market and use of certain dangerous substances, mixtures or products, such as items that come into contact with food (utensils and packaging), dishes, toys and decorative items (jewelry). The last annual report was published in 2020. The published data differs from data in the NEPRO database for that year. It can therefore be concluded that the NEPRO database is still irregularly updated, thus depriving consumers of information about products containing dangerous substances.

In addition to the Ministry of Trade, Tourism and Telecommunications regularly updating the NEPRO database based on reports from the Ministry of Health's inspection, it is necessary for the Ministry of Environmental Protection to establish a mechanism for the implementation of Article 82 of the Law on Chemicals, which requires the Ministry to develop and implement projects for monitoring the marketing and use of chemicals, monitoring their metabolites and the path of chemicals in the environment and living organisms, in order to monitor the risk posed by chemicals to human health and the environment, i.e. to ensure control over the use of substances of concern and implement restrictions and bans on the production, marketing and use of chemicals.¹³³ This is a very significant measure that has not been implemented by the Ministry so far, which would enable real progress towards reducing the risk of the most dangerous chemicals.

Chemicals info desk

The Information Desk for Chemicals and Biocidal Products of the Ministry of Environmental Protection was established in 2010, and prepares information and guidelines intended primarily for business entities placing chemicals and biocidal products on the market in the Republic of Serbia, as well as interested parties and citizens, i.e. consumers, publicly available on its website. The Chemicals Information Desk is modeled after the *help desk* of the European Chemicals Agency and is part of the *HelpNet* network of the European Chemicals Agency

133 MEP 2009a. Ministry of Environmental Protection: Law on Chemicals, "Official Gazette of RS", no. 36/2009, 88/2010, 92/2011, 93/2012 and 25/2015.

(ECHA), and since 2016 it has been officially listed on the ECHA website.¹³⁴ During the creation of the new website of the Ministry of Environmental Protection in 2020, not all of the existing sub-pages, or the information contained therein, were transferred (this issue was highlighted in the previous Report). During 2021, the Chemicals Information Desk was not updated with these documents. We therefore emphasize again that it is necessary to improve the availability of information, such as:

- 1.** Guidelines and criteria for entering a biocidal product in the Provisional List, i.e. specifically, make publicly available information on the requirements/criteria for testing the effectiveness of a biocidal product by product type and its purpose. The non-transparency of this information leads to companies being asked for additional tests (that often cannot be carried out in the Republic of Serbia), which they could not have foreseen before making a decision to produce/import the item in question and preparing documentation for entry on to the Temporary List.
- 2.** Guidelines for demarcation of biocidal products. These criteria and guidelines are insisted upon in practice, but are not mentioned in the Chemicals Information Desk for biocidal products.
- 3.** Publish all the necessary guides by the European Chemicals Agency in the Serbian language, as they are used in practice and insisted upon within the curriculum and examination for chemicals advisers, as well as the administrative procedure itself.
- 4.** Establish a "Frequently Asked Questions" section about the complex documentation and criteria for implementing administrative procedures, and enable more efficient and direct communication with interested parties – improving communication with businesses and chemicals advisors, which is currently mostly based on electronic correspondence.

¹³⁴ ECHA. European Chemicals Agency, HelpDesks, <https://echa.europa.eu/support/helpdesks>

Consumers' right to information on the content of substances of concern in products

Article 27 of the Law on Chemicals of the Republic of Serbia prescribes that, at the request of consumers, any supplier of a product that contains a substance of concern in a concentration greater than 0.1% (m/m) is obliged to provide consumers with sufficient information, to the best of the supplier's knowledge at that time, to allow for the safe use of the product, including, at a minimum, the name of the substance in question. This article applies to products such as e.g. clothes, furniture, toys, electronic devices, etc. In the case of products such as food, medicine, cosmetics, cleaning agents or paints, this obligation applies only to materials used for packaging these products.¹³⁵

In order to make it easier for consumers to request this information in accordance with the law, since December 2019, the *Scan4Chem* mobile application has been available in Serbia, through which a request for information on the content of substances of concern can be sent to the manufacturer.¹³⁶ About 13,000 products in Serbia have been scanned and searched using the application since December 2020, and around 3,000 requests for information about the content of substances of concern in products have been sent.

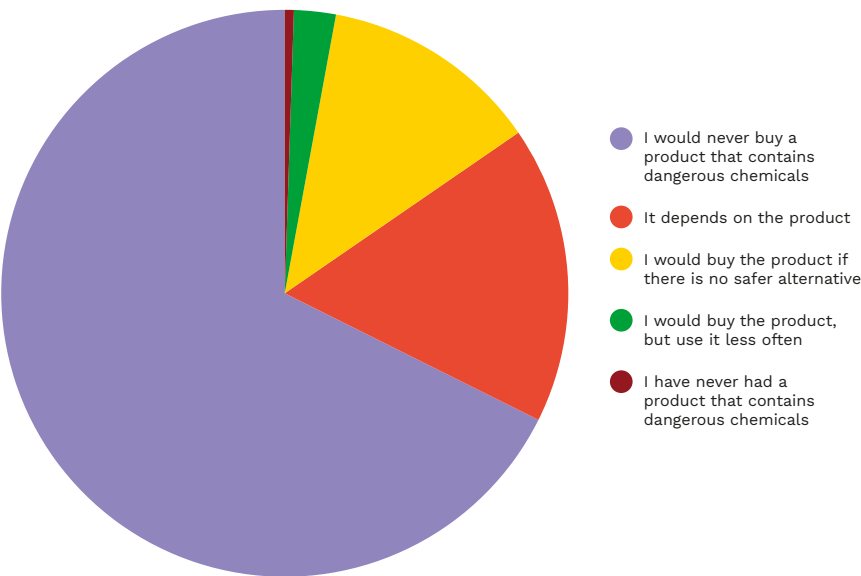
Based on the preliminary results of a survey conducted among users of the *Scan4Chem* application, two out of three citizens would not buy a product and/or would look for safer alternatives if they found out that the product contained dangerous chemicals. Around 80% of surveyed users of the application who sent a request for information about the presence of dangerous chemicals in a product stated that they received a response from the company: never, rarely or sometimes¹³⁷ (ALHem, 2021).

135 MEP 2009a. Ministry of Environmental Protection: Law on Chemicals ("Official Gazette of RS", no. 36/2009, 88/2010, 92/2011, 93/2012 and 25/2015)

136 ALHem, 2019. AskReach <http://alhem.rs/ask-reach/>

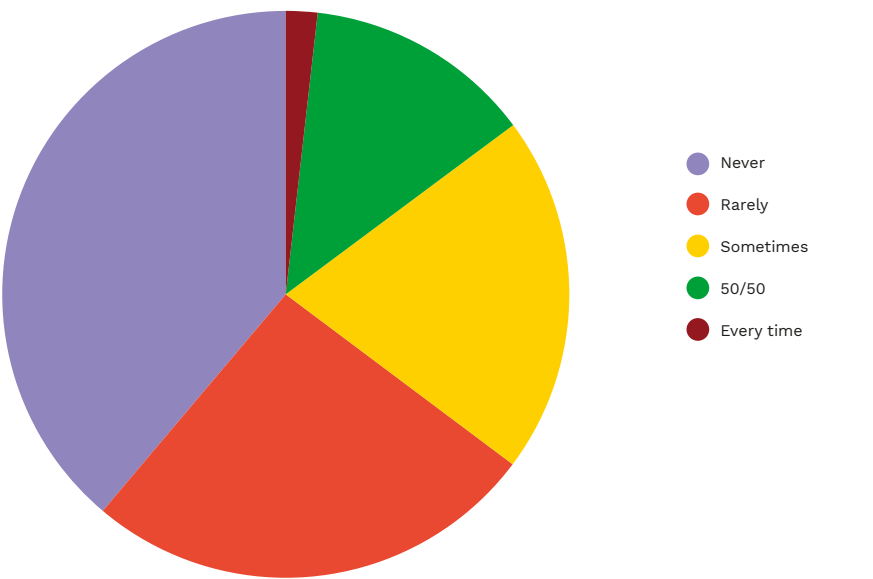
137 ALHem 2021 Final conference for the project "Realizing consumer rights to information about the presence of dangerous chemicals in products in Serbia and the countries of the Western Balkans", <https://alhem.rs/zavrсна-konferencija-projekta-ostvarivanje-prava-potrosaca-na-informaciju-o-prisustvu-opasnih-hemikalija-u-proizvodima-u-srbiji-i-zemljama-zapadnog-balkana/>

QUESTION: What would you do if you found out that a product you are planning to buy contains dangerous chemicals?



ANSWER*	%
I would never buy a product that contains dangerous chemicals	65.4
It depends on the product	16.4
I would buy the product if there is no safer alternative	12.1
I would buy the product, but use it less often	2.3
I have never had a product that contains dangerous chemicals	0.5

QUESTION: Based on the records from the app, how often did you receive a response from the company to a request for information about hazardous chemicals in the product?



ANSWER*	%
Never	38.8
Rarely	25.9
Sometimes	20.4
50/50	13.0
Every time	1.8

* Preliminary results of the survey published by ALHem. The publication of the final results is expected in 2022.

Given the increasing interest of consumers in sustainable shopping and the increasingly frequent promotion of sustainable solutions in everyday life, it can be expected that increasing numbers of consumers will use their right to information about dangerous chemicals contained by products in the future. It is therefore important for the Ministry of Environmental Protection to supervise the implementation of Article 27 of the Law on Chemicals. However, this type of supervision has not been included in the inspectorate's annual work plan.^{138,139} Controlling the protection of consumer rights to information about substances of concern is extremely important in order to protect the health of citizens, and given that regulations on bans/restrictions of chemicals in products are not regularly updated, this is the only way that consumers can be informed about the presence of dangerous substances in products. The condition for this is that companies fulfill their legal obligations and submit information when they receive requests.

Establishing a database on substances of concern in products, similar to the SCIP database (*Substances of Concern in articles as such or in complex objects (Products)*) by the European Chemicals Agency, should be considered in order to provide recyclers and consumers with better information about the content of hazardous substances in products.

Projects of the Ministry

In mid-December 2021, the Specific Implementation Plans for the REACH Regulation and the Biocidal Products Regulation (BPR) were presented. The Plans were developed with the support of the European Union within the Project "EU for a better environment – Development of a framework for harmonization with EU legislation in the field of air, chemicals and horizontal issues (EAS3 project)". During the two years of project implementation, EU experts, together with representatives of the Ministry of Environmental Protection, worked on assessing legislative and institutional deficiencies and deficiencies in the implementation of regulations, as well as measures and activities to eliminate

138 MEP, 2019. Ministry of Environmental Protection (2019): Environmental Protection Inspection Plan for 2020

139 MEP, 2020b. Ministry of Environmental Protection (2020): Environmental Protection Inspection Plan for 2021

these deficiencies. An assessment of the costs for their implementation was also carried out. Representatives of industrial associations also participated in the Working Group. However, civil society organizations were not invited to join the Working Group. For the implementation of these regulations, the public must be provided with better information, businesses must be provided with education and professional development, and the level of expert knowledge must be raised. Civil society organizations can certainly contribute here.

The Republic of Serbia harmonized national legislation with the POPs Regulation, but the National Implementation Plan (NIP) for the implementation of the Stockholm Convention, which was updated in 2015, has not yet been adopted. Given that the NIP Action Plan covers the period until 2020, it can be considered outdated, and the specific action plans that are an integral part of the improved NIP within this document must be updated. It is unclear why the improved NIP was not adopted, given that it defines clear goals, measures and activities for reducing exposure to POPs chemicals. By ratifying the Convention, the Republic of Serbia assumed the prescribed obligations and has harmonized domestic regulations with EU regulations, so that it can establish adequate control over these substances. The adoption of the improved NIP document would open up opportunities for using funds such as the GEF fund (*Global Environment Facility*), which provides significant funding for implementing the Convention for developing countries and countries in transition.

The Stockholm Convention also regulates emissions of so-called unintentional POPs compounds (polychlorinated dibenzodioxins and furans and other compounds) which, among other things, are released during open waste incineration. In Serbia, there has been a significant increase in the number of fires at landfills, some of which have covered large areas. It is therefore necessary to apply preventive measures to control the outbreak of these fires. Additionally, it is necessary to establish adequate monitoring of the content of dioxins in soil, as well as in food that comes from raising animals near landfills where fires occur.

It is important to emphasize that consumer products can contain POPs chemicals and end up in municipal landfills. Due to the persistence of these

substances, as well as their toxicity and bioaccumulation, they pass into various environmental media. The transfer of perfluorinated compounds from waste to water should also be taken into account, especially in unsanitary and illegal landfills where there is no leachate treatment, but also from sanitary landfills where the treatment of these waters is not carried out in a way that removes these substances.

It is also important to mention the phenomenon of outdoor burning of cables in order to remove insulation from copper wires. It should be borne in mind that emissions of unintentional POPs during such burning are huge and that it is necessary to revise the regulations for punishing these actions and implement appropriate public information campaigns to prevent the outdoor burning of cables.

Within the project "Initial Assessment of Capacities for the Implementation of the Minamata Convention on Mercury in the Republic of Serbia", which was carried out by the Ministry of Environmental Protection, with the technical support of the UN Development Program and the financial support of the Global Fund for Environmental Protection, the National Inventory of Mercury Emissions for Republic of Serbia was compiled, as well as the Report on the Capacity Assessment for the Implementation of the Minamata Convention, which the Republic of Serbia signed in 2014. The report on the state of mercury in Serbia represents an important step towards the ratification of the Minamata Convention and the adoption of measures to successfully solve the problem of mercury. However, although the final report within the project was completed in 2018, it is not publicly available. So far, no decision has been made on the ratification of the Minamata Convention, although the expert team and the expert service of the Ministry of Environmental Protection have recommended that it should be ratified. Here too, it is unclear why the Republic of Serbia did not ratify this convention, given that it ratified the Protocol on Heavy Metals with the UNECE Convention on Long-Range Transboundary Air Pollution (CLRTAP), that certain provisions of the EU regulation on mercury have already been adopted, and that there is a clear plan in the Negotiating Position for Chapter 27 for full harmonization of mercury regulations. The ratification of the Minamata Convention would open up the opportunity to

access funds to solve the mercury problem, which is especially relevant given that the Republic of Serbia had two chlor-alkali electrolysis plants, which are significant sources of mercury. Funds for the implementation of these conventions are also provided for the reduction of mercury emissions (as well as POPs compounds) from coal-fired thermal power plants.

The project "Strengthening synergy in the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions in the Republic of Serbia", implemented by the Ministry of Environmental Protection in cooperation with UNDP, financed by funds from the special trust fund of UNEP, has been completed. Several drafts of public policy documents were prepared, which have not yet been adopted, nor are the drafts of those documents publicly available. As part of the project, a new BRSM web portal (<https://brsm.ekologija.gov.rs>) was established, which was primarily intended for internal communication and the exchange of official data for reporting in accordance with the requirements of the BRSM Conventions between competent state authorities. To our knowledge, the portal is not yet operational.

It should be emphasized that information regarding the implementation of all conventions under the jurisdiction of the Ministry of Environmental Protection must be made publicly available.

Financing

There have been no significant changes to the financing of chemicals and biocidal products management since the in previous Report.

The chemical and biocidal product management system is financed from the budget of the Republic of Serbia. The Ministry of Environmental Protection opened a dedicated sub-account for paying state administrative fees for chemicals and biocidal products. However, due to the structure and functioning of the budget system, there is no data available about revenue generated from fees for providing administrative services, or whether and how much of the costs for these services were paid from other sources of tax income, i.e. from taxes not related to chemicals and/or biocidal products. This is not in accordance with the basic principles established by REACH and the Biocidal Products Regulation (BPR), as well as the accompanying implemented EU regulations that regulate fees, according to which costs related to regulatory procedures regarding chemicals and biocidal products must be borne by businesses that profit by putting them into circulation. In this sense, the new Law on Biocidal Products, adopted in 2021, did not adopt the system of fees according to the EU model, because it is not in accordance with the domestic system regulating the collection of fees. This should to be changed as soon as possible. Given that the funds generated from fees would be used, among other things, for assessing hazard levels, exposure and risk of biocidal products (which is not part of the usual administrative procedure), all citizens of Serbia would benefit, as this would protect human health and the environment.

Although public procurement is covered in Chapter 5, it should be emphasized here that green public procurement is an important economic instrument that can contribute to economic development while reducing environmental impact throughout a product's life cycle. For certain groups of products, the EU criteria for green public procurement requires that information on the presence of substances of concern (e.g. in IT equipment, furniture) is provided,

while for other products, such as cleaning agents, paints and varnishes, the absence of substances of concern are a condition to meet the green procurement criteria. The application of green public procurement in the public sector could contribute to better communication about dangerous substances in products, and thus to reducing risks to human health and the environment. During 2021, the Ministry of Environmental Protection started drafting the document "Program for the Circular Economy with Action Plan 2022-2024", which is the first public policy document on the circular economy in Serbia. The document clearly recognizes green public procurement, and defines a goal, measures and activities. The first planned measure is defining priority groups of goods, services and works for including green criteria in public procurement procedures in Serbia, which was proposed in 2019 by ALHem as part of an initiative submitted to the Ministry of Environmental Protection together with 20 CSOs in Serbia, which we consider a positive outcome of civil society advocacy. ALHem, as an interested party, actively participated in the process of public consultations, held at the end of October 2021, as well as in the public discussion held in January 2022, and submitted suggestions for amending and/or supplementing the Program. The effective establishment of a green public procurement system in the Republic of Serbia would be of great importance for creating a sustainable economy, encouraging the circular economy and innovation, and increasing the quality of life of all citizens in Serbia.

Recommendations



Strategic and Legislative Framework

1. Harmonize national regulations with relevant amendments to EU regulations in this sector.
2. Ratify the Minamata Convention on Mercury.
3. Update and adopt the NIP for the implementation of the Stockholm Convention on POPs.
4. Adopt a strategic document and action plan to strengthen synergies in the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions.
5. Adopt the Law on the Implementation of the REACH Regulation.
6. Adopt the Law on the Implementation of the BPR Regulation.



The Implementation of Regulations

7. Strengthen administrative and professional capacities for chemicals and biocidal products management, especially for entering chemicals and biocidal products in the Register, as well as managing biocidal products, due to the introduction of a new procedure for the recognition of EU legislation resulting from the new Law on Biocidal Products.
8. Resolve active requests for entering chemicals into the Chemicals Register from previous years by simplifying the procedure in terms of requests to supplement documentation.

9. Given the scope and content of the documentation required by the procedure for registering biocidal products in the eIRH, as well as the confidentiality of certain data, improve existing protection and strictly define different levels of data access.
10. Establish a joint body for integrated chemicals management in order to establish satisfactory cooperation and coordination between all relevant sectors and ensure safe management of chemicals throughout their life cycle, i.e. the adoption and implementation of the Integrated Chemicals Management Program. The joint body should include representatives of the competent state bodies in the field of chemicals management and representatives of industry, science and research, and civil society organizations.
11. Strengthen inspections of chemicals and biocidal products.
12. Strengthen inspection supervision over the application of the Law on Consumer Goods.
13. Improve information available on the Chemicals Helpdesk, including: guidelines and criteria for entering a biocidal product in the Provisional List, guides that are in practice applied, and frequently asked questions.
14. Make data from the Chemicals Register about the number of reported chemicals by hazard class available on the website of the Ministry of Environmental Protection again.
15. Establish supervision over the implementation of Article 27 of the Law on Chemicals and protect consumer rights.
16. Regularly update the NEPRO database.
17. Make information on the implementation of all conventions related to chemicals management publicly available on the website of the Ministry of Environmental Protection.

- 18.** Prioritize products, services and works that fit the criteria for green public procurement in public procurement procedures in Serbia and regulate the percentage of the total number of public procurements carried out for each priority group that should be in line with green procurement criteria.
- 19.** Establish a mechanism for the implementation of Article 82 of the Law on Chemicals, which orders the Ministry of Environmental Protection to develop and implement projects for monitoring the marketing and use of chemicals, monitoring their metabolites and the path of chemicals in the environment and living organisms.
- 20.** Include criteria for green public procurement in public procurement procedures in Serbia.



Financing

- 21.** Change the domestic system governing the collection of fees and charges by implementing the EU model of financing the chemicals and biocidal product management system, in order to ensure that fees related to regulatory procedures for chemicals and biocidal products are borne by the businesses generating income by putting these chemicals and products on the market.



CHEMICALS MANAGEMENT

The "Dr Milan Jovanović Batut" Public Health Institute publishes an annual report on the Health Safety of Consumer Goods in the Republic of Serbia. **THE REPORT ALSO CONTAINS THE NUMBER OF ITEMS FOUND TO BE CHEMICALLY DEFECTIVE** in terms of bisphenol A, phthalate and metals content.

Items that have been withdrawn from the market are **PUBLICLY LISTED ON THE NEPRO SYSTEM** (the unsafe product information system), which is part of the market oversight system with the goal of providing consumers with better protection from unsafe products.

**IN 2021, ONLY THREE PRODUCTS
WERE ENTERED INTO THE NEPRO DATABASE.**

Number of publicly available notifications on **unsafe products** in the NEPRO database, in the chemical risk category

3
2
35
2
1
2
0



Number of samples rated as **chemically defective** in terms of bisphenol A, phthalate and metals content within the Public Health Institute network*

No data

73
89
26
36
46
69

* Dishes and food utensils, food packaging (items and materials in contact with food), children's toys, items making direct contact with the skin or mucous membranes while used)

ARE CONSUMERS APPROPRIATELY INFORMED ON CHEMICALLY UNSAFE PRODUCTS ON THE MARKET IN THE REPUBLIC OF SERBIA?

A comparison of the results from the Institute's Report and the number of NEPRO entries **INDICATES THAT THE NEPRO DATABASE IS NOT KEPT UP-TO-DATE**, thus withholding information on products that contain dangerous substances from consumers.



KOALICIJA 27



Noise

Overview

There has been partial progress in the field of noise protection. The new Law on Environmental Noise Protection was adopted in October 2021. EU directive 2002/49/EC relating to the assessment and management of environmental noise has been largely transposed into Law. Full harmonization with EU legislation is expected after the adoption of regulations, which will be drafted in accordance with Directive 2015/996 (CNOSSOS-EU), within one year of the adoption of the Law. A total of seven regulations are planned by the new Law. By the end of March 2022, the competent ministry had only adopted the Rulebook on the conditions for establishing the competency of municipal police officers to measure noise coming from hospitality establishments.

The city of Belgrade has adopted the Decision on determining acoustic zones on the territory of the city of Belgrade and the Decision on the method for controlling noise levels from hospitality establishments on the territory of the city of Belgrade. The Study on the conditions that must be met by hospitality establishments for noise protection has been finalized. A GIS of environmental factors with maps of Belgrade's acoustic zones has been published.

The City of Novi Sad conducted a public procurement procedure for the service of creating strategic noise maps with the development of a smart system for noise monitoring. The City Council of the City of Novi Sad adopted the Program for monitoring environmental noise levels on the territory of Novi Sad for 2022, 2023 and 2024.

Other agglomerations only carry out regular environmental noise monitoring activities.

Strategic and Legislative Framework

The new Law on Environmental Noise Protection¹⁴⁰ was adopted in October 2021. EU 2002/49/EC relating to the assessment and management of environmental noise has been largely transposed into the Law. Full compliance with EU legislation is expected after the adoption of regulations, which will be drafted in accordance with Directive 2015/996 (CNOSSOS-EU), within one year of the adoption of the Law. A total of seven regulations are planned by the new Law. By the end of March 2022, only the Rulebook on the conditions for establishing the competency of municipal police officers to measure noise coming from hospitality establishments was adopted¹⁴¹, despite the negotiating position for Chapter 27 envisaging the full implementation of Directive 2002/49/EC by the end of 2020.¹⁴² Until new by-laws are adopted, those adopted in accordance with the previous Law on Environmental Noise Protection will remain in force.¹⁴³

The competence of the Ministry of Environmental Protection has been expanded to include approval of noise protection action plans. The competence of the Environmental Protection Agency has also been reduced, so that the Agency is now only responsible for maintaining and updating the noise monitoring database, collecting and updating data from strategic noise maps and action plans, and ensuring their availability to the public. The Agency is also responsible for submitting data from strategic maps and action plans to the European Commission.

140 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2021/96/5/reg/>

141 https://www.ekologija.gov.rs/sites/default/files/2022-04/pravilnik_o_uslovima_koje_treba_da_ispunjava_komunalni_milicionar_da_bi_mogao_da_vrsi_poslove_merenja_buke_poreklom_iz_ugostiteljskih_objekata_-_sluzbeni_glasnik_rs_broj_132-21.pdf

142 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovarske_pozicije/pg_pozicija_27.pdf

143 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2009/36/10/reg/>

An important change in the new Law is that responsibility for creating strategic noise maps for agglomerations, as well as for main roads, main railways and main airports, has been transferred from the Environmental Protection Agency to local self-government units, i.e. to the legal entities that manage those infrastructures, which means that local self-government units will now be obliged to finance the production of these maps.

The Law prescribes a deadline for preparing strategic noise maps until June 30, 2024, and for action plans one year after the adoption of the maps. However, it should be noted that prior to the creation of strategic noise maps, local self-government units must perform acoustic zoning. After the adoption of by-laws, the Law provides for a deadline of one year for acoustic zoning. This means that acoustic zoning should be completed by the end of 2023, and that agglomerations will have little more than six months to prepare and adopt strategic noise maps.

The “Individual sources of noise” section of the Law on Environmental Noise Protection defines the specific obligations of hospitality establishments where music is played or an entertainment program is performed. They now have the obligation to ensure prescribed conditions and sound protection measures. Noise levels will be controlled by communal police officers, using noise measuring devices. Local self-governments are obliged to determine the method of noise control in a separate regulation.

A deadline of at least 20 days has been defined for organizers of public gatherings to submit Requests for defining noise protection measures to local self-government units.

The Law clearly defines the obligation of entities protecting the environment from noise (the Republic of Serbia, autonomous provinces and municipalities, cities – including the City of Belgrade) to provide access to information and data from strategic environmental noise maps and action plans.

The Implementation of Regulations

From January 2021 to the end of March 2022, based on the available data, partial progress in the implementation of regulations was observed. The City of Belgrade, at the last session of the City Assembly held in 2021, adopted the Decision on determining acoustic zones on the territory of the city of Belgrade¹⁴⁴, which entered into force in January 2022. Additionally, in January 2022, the City adopted the Decision on the method of controlling noise levels from hospitality establishments on the territory of the City of Belgrade¹⁴⁵, which created the conditions for the communal police to control noise from hospitality establishments. The Study on the conditions that must be met by hospitality facilities for noise protection was finalized.¹⁴⁶ In 2021, the City of Belgrade performed noise measurements at 35 measuring stations during the spring¹⁴⁷ and autumn¹⁴⁸ measurement cycles. A GIS¹⁴⁹ of environmental factors with maps of Belgrade's acoustic zones has been published.¹⁵⁰

The City of Novi Sad has measured the level of environmental noise on the territory of the City at eight measuring stations.¹⁵¹ The City conducted a public procurement procedure for the service of creating strategic noise maps with the development of a smart system for noise monitoring.¹⁵² At the time of writing of this report, information on the status of the development of strategic

144 <http://www.slistbeograd.rs/pdf/2022/02-2022.pdf#view=Fit&page=1>

145 <https://www.slistbeograd.rs/pdf/2022/04-2022.pdf>

146 https://www.beograd.rs/images/file/de07e4fa78d319bbd029e4877b7b2cdd_2287313610.doc

147 https://www.beograd.rs/images/file/a2ee682814cf3678d110d976106b9a7b_3176678212.rar

148 https://www.beograd.rs/images/file/ba9e3b89ce369a53af4498014b6fd702_4132397538.rar

149 GIS – Geographical information system

150 <https://www.beograd.rs/cir/gradska-vlast/1792006-gis-cinilaca-zivotne-sredine-sa-kartama-akusticnih-zona-beograda/>

151 <https://envirovisad.rs/buka>

152 <https://www.nabavke.com/javne-nabavke-tenderi-srbija/izrada-strateskih-karata-buke-sa-razvojem-smart-sistema-za-monitoring-buke/gradska-uprava-za-zastitu-zivotne-sredine-grad-a-novog-sada/novi-sad/2244458>

noise maps is not publicly available. The City Council of the City of Novi Sad has adopted the Program for monitoring environmental noise levels on the territory of Novi Sad for 2022, 2023 and 2024.¹⁵³

Other agglomerations only conducted noise measurement activities

Based on the old and new Laws on environmental noise protection, local self-government units are obliged to submit noise monitoring reports to the Environmental Protection Agency. However, in practice, a large number of local self-governments fail to do this. It is therefore impossible to calculate the overall noise levels to which Serbian residents are exposed. The law does not provide for sanctions for responsible persons at local self-governments that fail to submit these reports to the Agency.

According to the available data, for the year 2020, the Environmental Protection Agency received data from four agglomerations, while only 16 local self-government units submitted valid data.¹⁵⁴

153 <https://environovisad.rs/laravel-filemanager/files/shares/%D0%94%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B8/Program%20pracenja%20nivoa%20buke%2022,23,24.pdf>

154 Ministry of Environmental Protection, Environmental Protection Agency (2021): Report on the State of the Environment in the Republic of Serbia for 2020, available at: http://www.sepa.gov.rs/download/izvestaj_2020.pdf

Financing

In the Program for the use of budget funds for environmental protection of the City of Belgrade for the year 2021¹⁵⁵, funds amounting to RSD 23,933,000 have been allocated for the following projects: Implementation of the Environmental Noise Level Measurement Program on the territory of Belgrade (RSD 470,000), Acoustic zoning of Belgrade (RSD 16,200,000), Research on methods of indicative measurement of environmental noise levels in Belgrade (RSD 4,875,000) and Preparing a study on the conditions that must be met by hospitality establishments for noise protection on the territory of the City of Belgrade (RSD 2,388,000).

In the Program for the use of budget funds for environmental protection of the City of Novi Sad for the year 2021¹⁵⁶, funds amounting to RSD 28,000,000 have been allocated for the following projects: Monitoring environmental noise levels on the territory of the City of Novi Sad (RSD 500,000) and the creation of strategic noise maps with the development of a smart system for noise monitoring (RSD 27,500,000).

Other agglomerations have only chosen the means for noise monitoring (Niš¹⁵⁷, Subotica¹⁵⁸ and Kragujevac¹⁵⁹).

155 <http://www.sllistbeograd.rs/pdf/2021/02-2021.pdf#view=Fit&page=1>

156 http://demo.paragraf.rs/demo/combined/Old/t/t2021_02/NS_003_2021_002.htm

157 http://www.gu.ni.rs/wp-content/uploads/2021_59-18.pdf

158 http://www.subotica.rs/documents/pages/13855_3.pdf

159 <https://www.kragujevac.rs/pruzmi/obrazlozenje-odluke-o-rebalansu-za-2021-godinu/?wpdmdl=25619&refres=625fc5bd9847b1650443709>

Recommendations



Strategic and Legislative Framework

1. Adopt all by-laws necessary to harmonize the legislative framework with Directive 2002/49/EC.
2. Adopt all by-laws necessary to harmonize the legislative framework with Directive 2015/996 (CNOSSOS-EU).



The Implementation of Regulations

3. Implement acoustic zoning in all local self-government's units.
4. Introduce 24-hour continuous noise monitoring and make data available through a unified presentation of automatic noise monitoring.
5. Begin developing strategic noise maps for the four remaining agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), as well as for the "Nikola Tesla" Airport, and develop action plans for all agglomerations.
6. Local self-governments should adopt decisions to allow communal police officers to carry out noise measurements from hospitality establishments.
7. Work on noise training (especially at a local level).
8. Introduce local self-government control over the implementation of noise monitoring and submission of noise monitoring results to the Environmental Protection Agency.
9. Assess the harmful effects of noise on human health and the environment.

- 10.** Verify that organizers of public gatherings, entertainment and sports events and other outdoor and indoor activities have submitted data on noise protection measures in their applications for holding public gatherings and activities, if the use of sound and other devices may exceed the prescribed limit values.



Financing

- 11.** Provide funds for the implementation of plans (and obligations) in the area of noise protection.



NOISE

In 2020, **ONLY 20* OF 174 LOCAL SELF-GOVERNMENTS** submitted valid data on noise monitoring to the Environmental Protection Agency.

* 4 agglomerations and 16 local self-governments



* Source: http://www.sepa.gov.rs/download/Izvestaj_2020.pdf



KOALICIJA 27



Climate Change

Overview

The Law on Climate Change was adopted at the beginning of 2021, but still cannot be fully implemented. For its full implementation a large number of by-laws must be adopted (only two of which have been adopted so far).

In its Negotiating Position for Chapter 27, Serbia requested the postponement of the implementation of Directive 2003/87/EC on the EU Emissions Trading System (EU ETS), however, it is currently not known for how long (Serbia will submit a position on transitional arrangements after the preparation of the Specific Implementation Plan of the Directive and the adoption of the National Climate Change Strategy and Action Plan).

Two years after the completion of the public discussion, the National Climate Change Strategy (i.e. the Low Carbon Development Strategy, as it was referred to during the public discussion) has still not been adopted. Serbia did not update its Nationally Determined Contributions, nor did it report to the UN Framework Convention on Climate Change through the Second Biennial Updated and Third National Reports. Work on the development of integrated national energy and climate plan began in 2021, but the National Energy and Climate Plan (NECP) was not adopted.

Strategic and Legislative Framework

The Law on Climate Change and the EU regulations transposed through this Law

The NPAA¹⁶⁰, Negotiating Position for Chapter 27, and the Government's Work Plan, envisage the transposition of all key EU regulations in the field of climate change through the Law on Climate Change, as well as five decrees and four regulations.

The Law on Climate Change¹⁶¹ was adopted in March 2021, although its adoption was originally planned for 2018.¹⁶² It transposes parts of EU legislation (Directives 2003/87 and 2009/29 and Regulations 600/2012 and 601/2012) regulating the EU Emission Trading System – EU ETS.

Although the Negotiating Position for Chapter 27, as well as the Law itself, state that by-laws should be adopted within a year from the adoption of the Law, this has not yet been done. Of the large number of by-laws necessary for the implementation of the Law, only two were adopted. The first is the Regulation on the types of activities and greenhouse gases¹⁶³, which lists the types of activities and gases for which a permit for GHG emissions is necessary. Additionally, the Rulebook on the Verification and Accreditation of GHG Emissions Report Verifiers¹⁶⁴ further elaborates the provisions of the Law related to the verification of emissions and accreditation of verifiers. The Law transposed only those provisions of EU legislation that refer to the system of

160 Ministry of European Integration (2014): National program for the adoption of the EU Acquis

161 "Official Gazette of RS", no. 26/2021-3

162 Government of the Republic of Serbia (2018): Government's work plan for 2018

163 "Official Gazette of RS", no. 13/2022-4

164 "Official Gazette of RS", no. 107/2021-31

monitoring, reporting and verification (MRV Framework) of greenhouse gases, while the Law does not contain mechanisms for the implementation of the EU ETS, or mechanisms for reducing GHG emissions. The Negotiating Position for Chapter 27 states that the Republic of Serbia will request a transition period and/or deviation from the implementation of requirements from the target legislation (EU ETS). The reasons given are as follows: electricity producers will not receive free CO₂ emission units during the 2021–2030 trading period; there is no opportunity to make use of the Modernization Fund; and implementation would be a burden on industry, especially in the energy sector.¹⁶⁵

For full compliance with the Regulation on monitoring mechanism no. 525/2013¹⁶⁶, five by-laws must be adopted (three decrees and two regulations). None of these documents were included in the Government's Work Plan for 2021. At the time of writing this report, the Government's Work Plan for 2022 had not been published.

In the Negotiating Position for Chapter 27 from 2019, the Republic of Serbia stated that the following documents have been compiled:

1. the Draft Regulation on the national system for creating GHG inventories and the system for reporting on policies, measures and projections, as well as
2. the Draft Rulebook on reporting on GHG emissions.¹⁶⁷

However, none of the secondary legal acts have been adopted in the meantime.

For full compliance with the Decision on joint efforts to reduce greenhouse gas emissions (EZ/406/2009), a Strategy for the Fight against Climate Change with an Action Plan must be adopted. Drafting of the Strategy began in 2016, but

165 Government of the Republic of Serbia (2019): Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change

166 <https://eur-lex.europa.eu/legal-content/HR/ALL/?uri=celex:32013R0525>

167 Ibid.

it has not yet been adopted. The Government's Work Plan for 2021 envisaged the adoption of the Strategy for December 2021.¹⁶⁸

The Law failed to include all of the obligations of the Republic of Serbia arising from the Paris Agreement and membership in the Energy Community, including those that existed before 2021. For example, the Law does not mention Nationally Determined Contributions (NDCs), nor the obligation to regularly improve, monitor and report on the implementation of Contributions. Additionally, the Law prescribes, but does not further elaborate, the preparation of the Biennial Report and the Republic of Serbia's Report to the UN Framework Convention on Climate Change in accordance with the obligations arising from the Convention, which raises the question of whether Serbia will report in accordance with the obligations assumed by ratifying the Paris Agreement.¹⁶⁹

Low-Carbon Development Strategy

The Draft Low Carbon Development Strategy with an Action Plan was prepared, and was put up for public discussion from December 27, 2019 to January 24, 2020.¹⁷⁰ According to the Government's Work Plan for 2021, the adoption of the Strategy was planned for March 2021, but it has not yet been adopted.¹⁷¹ The Law on Climate Change sets a deadline for the adoption of the Strategy of two years after the Law enters into force.¹⁷²

The goal of the Draft Low Carbon Development Strategy with an Action Plan (which was presented to the public during the public insight procedure) is to define the Republic of Serbia's development goals towards a low carbon and resource efficient economy. In addition, the Strategy is the basic instrument

168 Government of the Republic of Serbia (2021): Government work plan for 2021, available at: https://www.srbija.gov.rs/extfile/sr/370541/plan_rada_vlade_za_2021_cyr.pdf

169 RERI (2022): Analysis of the Law on Climate Change, available at: <https://www.reri.org.rs/wp-content/uploads/2022/03/RERI-Analiza-Zakona-o-klimatskim-promenama.pdf>

170 Ministry of Environmental Protection (2020): Report on the public debate on the Republic of Serbia's Draft Low Carbon Development Strategy with an Action Plan, available at https://www.ekologija.gov.rs/sites/default/files/javne_rasprave/2020/Izvestaj_javn%D0%B0%20rasprava_Nacrt%20Strategije_final_%D1%9B%D0%B8%D1%80.pdf

171 Government of the Republic of Serbia (2021): Government Work Plan for 2021, available at: https://www.srbija.gov.rs/extfile/sr/370541/plan_rada_vlade_za_2021_cyr.pdf

172 "Official Gazette of RS", no. 26/2021-3

for fulfilling obligations assumed under the Paris Agreement and other international obligations.

The Republic of Serbia's Climate Ambitions and obligations under the United Nations Framework Convention on Climate Change (UNFCCC)

The international obligations of the Republic of Serbia are determined by the Law on the Ratification of the UN Framework Convention on Climate Change and its accompanying acts: the Kyoto Protocol, the Doha Amendment to the Kyoto Protocol and the Paris Agreement.

One of the most important obligations of the signatories of the United Nations Framework Convention on Climate Change is reporting under the Convention (UNFCCC). The project "Preparation of the Second Biennial Updated and Third National Report", which the Ministry of Environmental Protection implemented in cooperation with the UN Development Program, prepared the Second Biennial Update Report (BUR) and the Third National Report (National Communications - NC) according to the UNFCCC. The drafts of both reports were finalized in 2020. The Government's Work Plan for 2021 envisaged the adoption of the Second Updated Biennial Report (in March) and the Third National Report (in December). Neither of the two documents was adopted.

One of the basic instruments for the implementation of the Paris Agreement are the Nationally Determined Contributions (NDCs), through which the signatory states of the Agreement declare, among other things, how much they will contribute to the reduction of greenhouse gas emissions. In 2015, Serbia submitted its first NDCs to the UNFCCC and should have updated its contributions in 2020, like all other signatories. The Ministry of Environmental Protection, in cooperation with the UN Development Program, within the project "Establishing a Transparency Framework in the Republic of Serbia", worked on revising the Nationally Determined Contributions. After the Draft NDCs were presented¹⁷³ to members of the working group and the public in

173 Serbia and climate change website (2020): The NDC revision process is ongoing; available at: <https://www.klimatskepromene.rs/izdvajamo/proces-revizije-ndc-je-u-toku/>

2020 (via the website www.klimatskepromene.rs), the document was completed, but it was not adopted in 2021.

The Government's work plan for 2021 envisaged the adoption of a Conclusion on adopting Nationally Determined Contributions for the reduction of greenhouse gas emissions in March 2021¹⁷⁴. The Draft NDCs¹⁷⁵ show the possibility for a significant increase in Serbia's climate ambition. While the first NDCs set the goal of reducing GHG emissions by 9.8% by 2030 compared to 1990, the Draft of the second NDCs shows that it is possible to increase the ambition to 33.3% (scenario with measures) or even 45.2 % (scenario with additional measures).

The United Nations Framework Convention on Climate Change – COP 26¹⁷⁶ was held in Glasgow in 2021. The signatories of the Convention were expected to present improved climate ambitions, which would keep the world on the path to achieve the goals of the Paris Agreement and prevents warming in excess of 1.5°C. Many countries submitted their new NDCs before the start of the Glasgow Summit, some waited until the Summit began, and some countries failed to present them altogether – such as Serbia, which took part in COP26 without updated NDCs.

National Energy and Climate Plan – NECP

One of the European Commission's key recommendations in the previous report for both Chapter 15 and Chapter 27 was that Serbia should adopt an ambitious National Energy and Climate Plan, which would align its climate goals with the goal of zero emissions set out in the European Green Deal for 2050 and with the Green agenda for the Western Balkans, and allow Serbia to take concrete steps towards those goals.

174 Government of the Republic of Serbia (2021): Work plan of the Government of the Republic of Serbia for 2021, p. 189, available at: <https://www.srbija.gov.rs/dokument/370535/plan-rada-vlade-republike-srbije.php>

175 Aleksandar Jovović and Dušan Todorović (2020) Draft of the Second Biennial Update Report under the UN Framework Convention on Climate Change; available at: <https://www.klimatskepromene.rs/wp-content/uploads/2020/06/Aleksandar-Jovovic-Masinski-fakultet-2BUR.pdf>

176 Belgrade Open School: COP26 and the messages it brings – the moment of truth in Glasgow (2021), available at: <https://www.bos.rs/rs/vesti/21/10272/cop26-i-poruke-koje-donosi---trenutak-istine-u-glazgovu.html>

NECP is an instrument through which the European Union integrates public policies in the areas of climate and energy¹⁷⁷, in order to reach its goals by 2030, i.e. to reach carbon neutrality by 2050.¹⁷⁸ National energy and climate plans were introduced into the EU Acquis as part of the Clean Energy for All Europeans policy package. These ten-year plans will serve as the basic instrument of the energy transition. A NECP should reflect a state's policy choices for energy transition through the following dimensions: 1) decarbonization through the reduction of greenhouse gas emissions and the increase of the share of renewable energy sources; 2) energy efficiency; 3) energy security; 4) internal energy market; 5) research and innovation.

In January 2018, the harmonization of the Energy Community Acquis¹⁷⁹ (with Serbia as an EC Contracting Party) with these changes began by adopting the Recommendation of the Ministerial Council of the Energy Community on preparing for the development of integrated national energy and climate plans.¹⁸⁰ Energy Community Contracting Parties then undertook to adopt their NECPs for the period 2021-2030. However, since none of the Contracting Parties adopted the final version of their NECP by the beginning of 2021, in November 2021 a Decision of the Ministerial Council of the Energy Community was adopted,¹⁸¹ which, among other things, moved the deadline for the adoption of the final national energy and climate plans to June 30, 2024, and the period covered by the NECP was moved to 2025-2030.

In order to comply with the obligations from the Energy Community Treaty, at the beginning of 2021, through amendments to the Law on Energy, the NECP

177 European Commission: National Energy and Climate Plans, available at: https://ec.europa.eu/info/energy-climate-change-environment/implementation-eu-countries/energy-and-climate-governance-and-reporting/national-energy-and-climate-plans_en

178 The EU introduced the obligation to develop ten-year integrated national energy and climate plans for member states, through the adoption of Regulation (EU) 2018/1999 of the European Parliament and the Council on the management of the Energy Union and action in the area of climate. (The Regulation on the Governance of the Energy Union and Climate Action (EU) 2018/1999 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1999&from=EN>)

179 Energy Community and National Energy and Climate Plans, available at: <https://www.energy-community.org/regionalinitiatives/NECP.html>

180 Recommendations of the Ministerial Council of the Energy Community number 2018/11MC-EnC, on preparing for the development of integrated national energy and climate plans by Contracting Parties of the Energy Community, available at: Recommendation 2018/01/MC-EnC; https://www.energy-community.org/dam/jcr:de3adce9-e047-4fb3-a632-f63c64a5c9c6/REC_2018_01_MC_CLI.pdf

181 Decision of the Ministerial Council of the Energy Community No. DL2021/14IMC-EnC, available at: https://www.energy-community.org/dam/jcr:c755f9db-f6e7-448c-9cf5-0a5f02113ae2/19thMCDDecision14_CEP11_30112021.pdf

was introduced into the domestic legislative framework.¹⁸² The Government's work plan for December 2021 planned to reach a conclusion to adopt the Integrated Climate Energy Plan (INEKP). The Ministry of Mining and Energy has started work on preparing the NECP as part of the IPA project "Further development of energy planning capacity". Working groups for the preparation of the document were formed in March 2021, after which the Ministry provided only brief information to the public about the start of work on this document via its website.¹⁸³ In July, the Ministry announced an invitation for civil society organizations to take part in drafting the NECP, and the selected organizations¹⁸⁴ (including BOŠ, a member of Coalition 27) joined the process in August 2021 (six months after drafting began). Despite the recommendations of the European Commission that the NECP be prepared in a transparent and effective manner, and despite the provisions of the Aarhus Convention, which prescribes that the public should have the opportunity to be involved in environmental decision-making processes in the early stages when all options are still open, by the end of 2021, the Ministry of Mining and Energy had not informed the general public about the content of the documents created in the process of drafting the NECP. In November 2021, civil society organizations held consultations¹⁸⁵ in which representatives of the Ministry presented parts of the document to the public concerning proposed plans for decarbonization and green transition. However, until the end of March 2022, the public still has not been given direct insight into the content of the documents from the Draft NECP, or the opportunity to participate in decision-making.

182 Law on Energy ("Official Gazette of RS", no. 145/2014, 95/2018 – other laws and 40/2021), Article 8a, available at: https://www.paragraf.rs/propisi/zakon_o_energetici.html

183 Ministry of Mining and Energy of the Republic of Serbia (2021): Mihajlovic: We are starting to draft an integrated national plan for energy and climate, available at: <https://www.mre.gov.rs/lat/aktuelnosti/saopstenja/mihajlovicewa--kreemo-u-izradu-nacrta-integrisanog-nacionalnog-plana-za-energetiku-i-klimu>

184 Ministry of Mining and Energy (2021): Results of the Public Call for civil society organizations for membership in the working groups of the Ministry of Mining and Energy, available at: <https://www.mre.gov.rs/lat/aktuelnosti/javni-pozivi/rezultati-javnog-poziva-organizacijama-civilnog-drustva-za-clanstvo-u-radnim-grupama-ministarstva-rudarstva-i-energetike>

185 Belgrade Open School (2021): Towards energy security and climate neutrality through the development of an integrated national energy and climate plan – greater ambitions and greater involvement of the public are necessary, available at: <https://www.bos.rs/ekz/vesti/134/10227/do-energetske-sigurnosti-i-klimatske-neutralnosti-kroz-izradu-integrisanog-nacionalnog-energetskog-i-klimatskog-plana---neophodne-su-vece-ambicije-i-vece-ukljucivanje-javnosti.html>

Serbia is facing uncertainty over the coming period with regard to the so-called tax on imported carbon (Carbon Border Adjustment Mechanism – CBAM). The CBAM is an instrument developed by the EU in order to integrate the principles and objectives of its climate policy into trade exchange with external partners. This means that from 2023 a mechanism will be gradually introduced for the taxation of goods imported into the EU that release large amounts of carbon dioxide during their production, such as: iron, cement and electricity. The list of goods to be taxed also includes clinker, steel, aluminium and fertilizer. The list will certainly be expanded in the future. The instrument for taxing imported carbon should function in parallel with the European system for taxing greenhouse gas emissions (EU ETS). Importers of goods to the EU market will be obliged to buy carbon certificates, the price of which will correspond to the price they would pay for carbon emissions if the goods were produced within the EU. Importers who can prove that they have paid for carbon emissions in the country of origin of the manufactured goods will be exempted from this obligation (if the country of origin of the goods has its own carbon emission taxation system). The aim of this instrument will be to encourage trading partners outside the EU to decarbonize their production processes and reduce GHG emissions. Although the final mechanism for this instrument is still unknown (it is expected to be completed during the summer of 2022), it is known that it is expected to be implemented from the beginning of 2023. Given that more than 65%¹⁸⁶ of Serbia's exports are to the EU market, and that Serbia relies heavily on lignite for electricity production, it is certain that this mechanism will significantly affect the competitiveness of the Serbian economy. The Law on Climate Change does not in any way foresee measures that would prepare the economy for this instrument, despite the fact that at the time of the drafting of the Law it was already known that the EU was preparing the CBAM.

186 Eurostat (2021): Enlargement countries – international trade in goods statistics, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Enlargement_countries_-_international_trade_in_goods_statistics#:~:text=The%20goods%20exported%20from%20Serbia,2020%20and%2040.0%20%25%20in%202010

The Implementation of Regulations

Very limited progress has been made in implementing climate change mitigation or adaptation measures. More significant progress in the implementation of measures has been forestalled, as a significant number of by-laws that should enable the implementation of the Law on Climate Change are still missing.

It is clear from the lack of integration of climate change policies change into other sectors that climate change policy is still not being integrated in Serbia. For example, the Draft Spatial Plan of the Republic of Serbia, which was publicly debated during April and May 2021, contains as many as six new thermal power plants, while the issue of adaptation to climate change is taken into account very superficially. This is also confirmed by the European Commission Report from 2021, which states that Serbia needs to work harder to integrate climate action into other sectors.

Pursuant to the Law on Climate Change, in August 2021, the Government of the Republic of Serbia adopted a Decision on appointing representatives and members of the National Council for Climate Change.¹⁸⁷ The National Council has 29 members. Council members are representatives of the Ministries of Environmental Protection, State Administration and Local Self-Government, Agriculture, Forestry and Water Management, Finance, Mining and Energy, Economy, Construction, Transport and Infrastructure, Internal Affairs, Education, Science and Technological Development, Human and Minority Rights and Social Dialogue, Health, Foreign Affairs, European Integration and ministries without portfolio, the provincial government, the academic sector, the Serbian Chamber of Commerce, the Standing Conference of Cities and

187 "Official Gazette of the Republic of Serbia", no. 83/2021, Decision on the appointment of the president and members of the National Council for Climate Change, p. 35, available at: <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/viewdoc?uuiid=878d5755-1b8f-42d2-bc07-90d21beebc6d>

Municipalities and one representative of civil society. As of August 2021, the Council had held one session¹⁸⁸, at which the Rules of Procedure of the National Council for Climate Change were adopted.

The inventory of greenhouse gases of the Republic of Serbia is still not publicly available.

188 Ministry of Environmental Protection of the Republic of Serbia (2021): Minutes of the 1st session of the National Council for Climate Change from September 29, 2021, available at: <https://www.ekologija.gov.rs/sites/default/files/2021-09/zapisnik-sa-prve-sednice-nacionalnog-saveta-za-klimatske-promene.pdf>

Financing

The Law on the Budget of the Republic of Serbia for 2021¹⁸⁹, planed funds within the budget of the Ministry of Environmental Protection in the amount of RSD 18,000,000 for the program "Local development resistant to climate change", as well as funds for the program "Afforestation for the purpose of protecting and preserving natural diversity" in the amount of RSD 100,000,000.

The Law, as part of the project "IPA 2013 - Environment and Climate Change" also allocates funds in the amount of RSD 125,801,000 (RSD 49,977,000 from the budget of the Republic of Serbia and RSD 75,824,000 from EU funds) to the Ministry of Environmental Protection, and RSD 88,939,000 (RSD 8,894,000 from the budget of the Republic of Serbia, and RSD 80,045,000 from EU funds) to the Ministry of Mining and Energy. According to the Law on Amendments to the Law on the Budget of the Republic of Serbia for the year 2021¹⁹⁰, as part of this project, the Ministry of Environmental Protection has been allocated funds reduced by almost 77%, i.e. RSD 29,627,000 (RSD 14,110,000 from the budget of the Republic of Serbia, and RSD 15,517,000 from EU funds), and the Ministry of Mining and Energy's funds were also reduced, amounting to RSD 87,465,000 (RSD 9,049,000 from the budget of the Republic of Serbia, and RSD 78,416,000 from EU funds).

Additionally, the funds initially allocated in the amount of RSD 59,139,000 for "Climate monitoring and analysis and forecasting of climate variability and climate change", by the Law on Amendments to the Law on the Budget of the Republic of Serbia¹⁹¹, were reduced by about 6.5%, amounting to 55,314.000

189 The Law on the Budget of the Republic of Serbia for 2021 ("Official Gazette of the RS", No. 149/2020), available at: http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2020/1861-20_budzet2020.pdf

190 Law on Amendments to the Law on the Budget of the Republic of Serbia for 2021 ("Official Gazette of the RS", No. 100/2021), available at: <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2021/1843-21.pdf>

191 Law on Amendments to the Law on the Budget of the Republic of Serbia for 2021 ("Official Gazette of the RS", No. 100/2021), available at: <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2021/1843-21.pdf>

RSD. The funds allocated for "Climate observations, modelling and services in Europe" were increased from the originally planned RSD 980,000 to RSD 1,276,000 by the budget rebalance. The budget rebalance also allocated funds in the amount of RSD 594,000 for "Improving the Climate Information System – Climate of the Carpathian Region".

The Law on the Budget of the Republic of Serbia for 2021 also allocated funds in the amount of RSD 500,240,000 to the Ministry of Energy and Mining for the activity "Incentives for the improvement of energy efficiency – transfers to other levels of government", which has increased in the second budget revision¹⁹² to RSD 695,410,000, or about 39%.

The amount of funds allocated by the Law on Amendments to the Law on the Budget, and the amount of approved expenditure stated in the Report on the Budget Execution of the Ministry of Environmental Protection¹⁹³ do not match.

According to the Report on the execution of the budget of the Ministry of Environmental Protection, 100% of the approved expenditure was spent for the project "Local development resistant to climate change", i.e. RSD 17,847,235.80. The Ministry realized 97.96% of the approved expenditure from the "IPA 2013 – Environmental Protection and Climate Change" program, i.e. RSD 62,925,992.14.

The funds allocated for the program "Afforestation for the purpose of protecting and preserving natural diversity" were spent in the amount of RSD 99,827,600.90, or 99.83%. Funds have been allocated to 38 local self-governments¹⁹⁴ based on a public call for financing the implementation of afforestation projects for protecting and preserving natural diversity.¹⁹⁵

192 Law on Amendments to the Law on the Budget of the Republic of Serbia for 2021 ("Official Gazette of the RS", No. 100/2021), available at: <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2021/1843-21.pdf>

193 Ministry of Environmental Protection: Implementation of the budget for the period 1. 1-31. 12. 2021, available at: <https://www.ekologija.gov.rs/sites/default/files/inline-files/IZVR%C5%A0ENJE%20BUD%C5%BDETA%20MZS%2001.01-31.12.2021.pdf>

194 Ministry of Environmental Protection: Decision on determining the final ranking list for the project of financing from the funds of the Ministry of Environmental Protection of the Republic of Serbia according to the public call for the allocation of funds for co-financing the implementation of afforestation projects for to protecting and preserving natural diversity in 2021, available at: <https://www.ekologija.gov.rs/sites/default/files/inline-files/Konacna%20Lista-Posumljavanje.pdf>

195 Ministry of Environmental Protection: Public call for co-financing of the implementation of afforestation projects aimed at protecting and preserving natural diversity in 2021, available at: <https://www.ekologija.gov.rs/sites/default/files/inline-files/%D0%88%D0%B0%D0%B2%D0%BD%D0%B8%20%D0%BA%D0%BE%D0%BD%D0%BA%D1%83%D1%80%D1%81-%D0%BF%D0%BE%D1%88%D1%83%D0%BC%D1%99%D0%B0%D0%B2%D0%B0%D1%9A%D0%B5.pdf>

In the course of 2021, the Ministry of Mining and Energy issued two public calls for local self-governments: a public call for the allocation of funds for financing the Energy Rehabilitation Program for residential buildings, family houses and apartments implemented by local self-governments – JP 2/21¹⁹⁶, and a public call for the allocation of funds for financing the Energy Rehabilitation Program for family houses implemented by local self-governments as well as city municipalities – JP 3/21¹⁹⁷.

Through the first call, the Ministry supported 67 local self-governments, in the total amount of RSD 235,049,936, while local self-government units also provided funds in the amount of RSD 224,299,536.32 from their own budgets¹⁹⁸. However, based on the Report on the Status of Implementation of the Energy Rehabilitation Program¹⁹⁹, only 25 local self-government units announced public calls for citizens.

In the second call, the Ministry distributed funds to 37 local self-government units in the total amount of RSD 97,700,600, and local self-government units provided RSD 97,601,000 from their own budgets²⁰⁰. The report on the status of the implementation of this call is not available.

The report on the budget execution of the Ministry of Mining and Energy is not publicly available at the time of writing this report.

196 Ministry of Mining and Energy of the Republic of Serbia: Public call for the allocation of funds for financing the Energy Rehabilitation Program for residential buildings, family houses and apartments implemented by local self-governments, JP 2/21, available at: https://www.mre.gov.rs/sites/default/files/2021/04/tekst_javnog_poziva.pdf

197 Ministry of Mining and Energy of the Republic of Serbia: Public call for the allocation of funds for financing the Energy Rehabilitation Program for family houses (solar panels) implemented by local self-governments as well as city municipalities, JP 3/21, available at: https://www.mre.gov.rs/sites/default/files/2021/09/tekst_javnog_poziva_jp3-21objava03092021.pdf

198 Ministry of Mining and Energy of the Republic of Serbia: Decision on the allocation of funds for financing the Energy Rehabilitation Program for residential buildings, family houses and apartments implemented by local self-governments, JP 2/21, available at: https://www.mre.gov.rs/sites/default/files/2021/06/odluka_o_dodeli_sredstava_jp_2-21.pdf

199 Ministry of Mining and Energy of the Republic of Serbia: Status of implementation of the energy rehabilitation program, JP 2/21, available at: <https://www.mre.gov.rs/sites/default/files/2021/08/opstine-24.08.2021.pdf>

200 Ministry of Mining and Energy of the Republic of Serbia: Decision on the allocation of funds for financing the Energy Rehabilitation Program of family houses implemented by local self-governments, as well as city municipalities, JP 3/21, available at: https://www.mre.gov.rs/sites/default/files/2021/10/resenje_o_dodeli_sredstava_jp3-21.pdf

Recommendations



Strategic and Legislative Framework

- 1.** Adopt all necessary bylaws in order for the Law on Climate Change to be applied.
- 2.** Review and increase ambitions to reduce GHG emissions and adopt revised NDCs by the next United Nations Framework Convention on Climate Change (UNFCCC) Summit, in line with the Paris Agreement. The ambition of the new/revised NDCs should be in line with the new EU targets for 2030, as well as the Green Deal's goal of decarbonisation by 2050.
- 3.** Integrate climate change issues into the process of drafting development plans by local self-governments and establish a mechanism for monitoring the development and work of local self-governments on the issues of climate change mitigation and adaptation by adopting appropriate by-laws based on the Law on Climate Change.
- 4.** Fully support the work of the Energy Community Secretariat and, through the NECP, define goals for reducing greenhouse gas emissions and improving energy production from renewable energy sources and energy efficiency, which are in line with the goals of the Energy Community and the Green Agenda for the Western Balkans; in accordance with the Aarhus Convention and the Law on the Planning System of the Republic of Serbia, carry out activities on the development of the Integrated National Energy and Climate Plan (NECP) of Serbia within the given period and enable adequate public participation.

5. In accordance with the Law on Climate Change, Article 15, define and adapt the legal and institutional framework related to adaptation to climate change and integrate it into other sectors, primarily: water management, agriculture, urban planning and construction, infrastructure, forestry, nature protection and energy.
6. Implement the Regulation on types of activities and greenhouse gases: 13/2022-4, and the Rulebook on the Verification and Accreditation of GHG Emissions Report Verifiers: 107/2021-31.
7. Adopt Amendments to the Law on Climate Change to establish a CO₂ tax mechanism, and thus fully comply with the ETS Directive and prepare for the implementation of the carbon border adjustment mechanism, which is expected to enter into force in 2023.



The Implementation of Regulations

8. Improve the work of the National Council for Climate Change through: holding regular sessions, making recommendations to the Government of Serbia on issues relevant to climate change and through public reporting on the Council's activities.
9. Adopt and submit the Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report to the UNFCCC.
10. Make information on the GHG inventory publicly available, verifiable and easily accessible, in accordance with the laws of the Republic of Serbia and international obligations, such as the Aarhus Convention and the Paris Agreement.
11. Adopt the Nationally Determined Contributions of the Republic of Serbia with updated ambitions regarding the reduction of GHG emissions before the next Conference of the Signatories of the UNFCCC in November 2022.

- 12.** Increase the number and knowledge level of civil servants in ministries and local self-governments dealing with climate change in various sectors and focus on capacity building.



Financing

- 13.** Develop a financial mechanism that will support strategic priorities (which must be in line with the process of Serbia's accession to the European Union), among other things, by redirecting funds intended for the fossil fuel industry to climate change mitigation and adaptation measures.



CLIMATE CHANGE

HOW TO APPLY THE LAW?

The Law on Climate Change includes **23 MATTERS** to be resolved via sub-legal acts. Until March 2022, **ONLY TWO** sub-legal acts have been adopted.



* Source: <https://www.reri.org.rs/wp-content/uploads/2022/03/RERI-Analiza-Zakona-o-klimatskim-promenama.pdf>, str. 27



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Forestry

Overview

There were no significant developments in the field of forestry during the reporting period. No legal or strategic documents were adopted in this area.

The Forestry Development Program, as a basic strategic document prescribed by the Law on Forests, has still not been adopted, nor is there any available information about when it will be prepared and adopted.

The previously identified problems in Serbian forestry are still present. The condition of the forests is unfavourable, with a significant share of coppice forests. Weak forest coverage is a pronounced problem in Vojvodina, while in other parts of Serbia, the situation has improved primarily through spontaneous vegetation succession due to depopulation in rural areas. Afforestation, although much more often referenced in the media and the political space, is still progressing very slowly.

The proliferation of illegal forest cutting, lack of data about privately owned forests and weak control of their use stand out among numerous other problems in forest management and protection.

The decision-making process in the forestry sector is still characterized by weak and ineffective participation of the public and interested parties. Cooperation between the forestry sector and other sectors is still insufficient. The slow pace and inefficiency of afforestation is precisely the result of this situation. There has been some progress regarding the participation of civil society (networking and strengthening of organizations working in this area), as well as some progress in organizing and associating private forest owners.

Strategic and Legislative Framework

In the period covered by this report, there was no progress in the strategic and legislative framework for forestry in Serbia. The Forestry Development Program, as a basic strategic document, has not yet been adopted. Last year saw the start of the project "Improvement of forest management in Serbia as a contribution to climate change adaptation and mitigation", financed through the IPA program of the European Union. The overall goal of the project is to improve forest management, in accordance with EU standards and requirements, and to introduce a comprehensive sectoral policy to ensure the resilience of forests to climate change. One of the results of the project should be a road map for the development of a national forestry program. This is the second international project that aims to create a strategic document for forestry. Through the project "Contribution of sustainable forest management to low emissions and adaptive development", which is financed through the GEF mechanism, the development of a forestry program is also planned. The project report shows that the activities related to the preparation of the strategic document were implemented at around 15%. No document has been drafted so far, and consultations are still being held at an informal level. The probable reason for the delay in the development of the program is the delay in the implementation of the second National Forest Inventory, which should provide data for developing the program.

Considering the current situation, it is very likely that the development of the program will be prolonged into next year.

In the period covered by the report, the European Union adopted a new Forestry Strategy until 2030²⁰¹, which is an integral part of the Green Deal.

201 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0572>

The strategy emphasizes the importance of the socio-economic functions of forests and the support they provide to rural development and the development of the bioeconomy within the limits of sustainability. In addition, one of the main objectives of the Strategy is the protection, restoration and increase of forest area in the fight against climate change, as well as stopping the loss of biodiversity. An integral approach was applied in the Strategy, which ensured a connection between forestry and other sectors (energy, environmental protection, tourism, etc.) that are relevant for achieving the green transition. In addition to strategic goals, the Strategy foresees very specific measures, such as the creation of a legally binding instrument for ecosystem restoration, guidelines for defining rainforests and old forests, the creation of a new legal framework for monitoring and reporting on forests, etc. As part of efforts to restore and expand the forest area, the EU has set a goal of planting three billion trees by 2030.²⁰²

The Forestry Development Program in Serbia, which is being compiled, will need to be harmonized with the recently adopted EU Forestry Strategy.

Other than the adoption of regular, periodic acts, there was also no significant change in the legal framework for forestry.

202 https://ec.europa.eu/environment/3-billion-trees_en

The Implementation of Regulations

In the period covered by the report, a total of 3.35 million m³ of wood was cut in Serbia.²⁰³ Compared to 2020, there was an increase in felling of about 5%. This continues the trend in recent years of slight but constant increase in the harvested volume. In 2015, the total volume of wood felled was 2.95 million m³.²⁰⁴ In 2021, about 1,200 ha of forests and another 1,000 ha of plantations and protective belts were artificially reforested, which is less than in 2020, when 1,500 ha of forests and about 1,500 ha of plantations and protective belts were planted. It is important to note that the largest part of afforested areas in 2021 are located in Vojvodina (about 470 ha), which has the most unfavourable situation in terms of forest coverage. The net increase in forest areas nationally for the period from 2016 to 2020 is estimated at around 600 ha per year²⁰⁵, which is still not enough to achieve significant afforestation. Achieving a larger and faster increase in forest areas remains a big challenge, primarily from an administrative aspect. Although data from the second National Forest Inventory has not yet been systematized and published, it is expected to show a slightly higher average forest cover in Serbia, very close to the average forest cover in Europe. This is probably the result of spontaneous growth on unvegetated areas in rural parts of Serbia, but also partly as a consequence of a change in the definition of which areas are considered as forest areas.

Regardless of these results, afforestation in Vojvodina remains unfavourable and far below the projected optimal forest cover (14%).

203 Logging, 2021: Statistical Office of the RS, available at: <https://publikacije.stat.gov.rs/G2022/Pdf/G20221133.pdf>

204 <https://publikacije.stat.gov.rs/G2016/Pdf/G20161122.pdf>

205 <https://www.fao.org/3/cb0064en/cb0064en.pdf>

In the period covered by the report, a network of civil society organisations organized a round table on the topic of forest cover in Vojvodina, which brought together representatives of state institutions, scientific institutions, public companies and civil society organizations²⁰⁶. At the panel, it was pointed out that it is unrealistic to expect that the projected forest cover in Vojvodina will be achieved, and that it should be revised. The current situation is such that there is no available land for afforestation, and that for more specific developments strong political support and coordination of several different sectors, primarily forestry and agriculture, would be needed. In addition to relevant conclusions and a very useful exchange of information between different actors, this panel is a very good example of cooperation between the civil and public sectors on current topics in forestry. To date, there has been very little flow of information between public institutions and the civil society about forestry. It is therefore extremely important that such initiatives are supported and continued in the future.

The state of forests in the Republic of Serbia is unfavourable in terms of their structure, naturalness and origin. About 86% of all forests are even-aged stands, and only 0.1% are primary forest. Coppice stands make up about half of all forests, and about 37% total forested area is classified as old-growth stands. Although there is an obvious need to improve the status of forests, i.e. to convert coppice stands into old-growth stands, this is taking place slowly. In 2021, the conversion and substitution of coppice forests was carried out on less than 900 ha in the entire territory of Serbia.²⁰⁷

Improving the condition of forests is also of great importance in mitigating climate change. The current contribution of forests to decarbonization is about 7% of total CO₂ emissions in Serbia, i.e. forests absorb about 7% of emitted CO₂. This percentage could be significantly higher if the condition of forests was improved, i.e. the share of old-growth forests was increased.

206 [https://www.rtv.rs/sr_lat/vojvodina/brojni-problemi-u-posumljavanju-vojvodine-mogli-bi-bit-reseni-promenom-odredjenih-zakona-\(audio\)_1316153.html](https://www.rtv.rs/sr_lat/vojvodina/brojni-problemi-u-posumljavanju-vojvodine-mogli-bi-bit-reseni-promenom-odredjenih-zakona-(audio)_1316153.html)

207 <https://publikacije.stat.gov.rs/G2022/Pdf/G20221128.pdf>

The situation in privately owned forests is somewhat less favourable than in state-owned forests. Private forests make up around half of the forests in Serbia, and the percentage of coppice in privately-owned forests is about 65%. In the majority of cases, these are small estates with often unsettled ownership rights, which significantly complicates the management of these forests. One of the ways to overcome these problems is to support cooperation between forest owners and consolidate the property they jointly manage. This process has been supported for many years, but is very slow and requires lengthy negotiations and alignment of the interests and needs of private owners. However, in the last few years, there has been a somewhat more intense development of these associations and regional networking among them. Thus, for example, the Regional Association of Private Forest Owners RAŠ “Omorika” was formed, which gathers forest owners from the municipalities of Užice, Priboj and Bajina Bašta. The Law on Forests stipulates that forest management programs covering the territories of several local self-government units can be adopted for forests owned by a large number of owners, i.e. private forests. So far, such plans have covered a small number of municipalities in Serbia (around a third). In 2021, no forest management programs were adopted.

Wood is still one of the most important sources of energy for households in Serbia. In 2021, according to official statistics, about 1.7 million m³ of firewood was cut. It is assumed that the actual consumption of firewood is significantly higher, and is estimated at around 6.4 million m³ per year. This discrepancy exists because most of the felled wood in private forests is not recorded, i.e. it is done outside the framework regulated by law. There are other problems in using wood as an energy source. In the unregulated market, numerous fraudulent sales occur to the detriment of users, so, for example, most firewood is sold on the market with a significantly higher percentage of moisture than recommended and optimal, i.e. this resource is used in an inefficient way.²⁰⁸

Illegal logging still remains a significant problem in Serbian forestry. In 2021, 19,205 m³ of illegally cut wood was recorded.²⁰⁹ The largest part of the total

208 <https://www.fao.org/3/i4394e/i4394e.pdf>

209 <https://publikacije.stat.gov.rs/G2022/Pdf/G20221138.pdf>

volume of illegally cut wood, around 75%, was recorded in the area of Southern and Eastern Serbia. Deciduous woods that are used for firewood are the most common type of illegally cut wood.

In the period covered by the report, the implementation of the twinning project “Improvement of forest management in Serbia as a contribution to climate change adaptation and mitigation” began. The project is financed by the European Union through the IPA program to the amount of one million euros. The goal of the project is to strengthen the capacity of the forestry sector and implement the obligations arising from EU standards and regulations in the field of forestry. The project primarily focuses on the regulation of the wood market, the information system for forestry subsidies, the ecological network Natura 2000 and the bioeconomy.

Financing

RSD 800 million was allocated to the Budget Fund for Forests in 2021 by the Regulation on determining the annual program for the use of the Budget Fund for Forests in the Republic of Serbia in 2021.²¹⁰ Unlike in 2020, in 2021 this amount was not subsequently reduced, only minor changes were made in the distribution of funds within the Budget Fund through later revision of the Regulation.

The largest part of the budget was still directed towards the construction and reconstruction of forest roads, at around RSD 330 million (roughly 40%). RSD 80 million has been set aside for afforestation, and about RSD 34 million for forest protection.

210 "Official Gazette of RS", no. 24/2021 and 109/2021.

Recommendations



Strategic and Legislative Framework

- 1.** Develop a national strategic document (development program) that will provide a long-term vision for the development of forests in Serbia with an action plan with defined sources of funding, competent institutions and procedures for implementation. This strategic document must also take into account the relevant documents currently being developed at an EU level (Biodiversity Strategy to 2030 and other documents from the Green Agreement package).
- 2.** Develop an institutional framework with clearly defined responsibilities for the implementation of the EUTR and FLEGT regulations.



The Implementation of Regulations

- 3.** Strengthen the capacities of competent institutions for the implementation of EU legislation and international agreements in the field of nature protection (Habitats Directive and Birds Directive, CITES Convention, etc.).
- 4.** Strengthen the capacities of competent institutions in forestry for EU integration in the field of climate change and energy.
- 5.** Enable effective public participation in the development of key documents regulating forest use (including basic forest management).
- 6.** Value and promote ecosystem services provided by forests, other than wood, and use them in forest management planning.

7. Improve the quality of data about privately owned forests and strengthen control over their use.
8. Improve cooperation with other sectors (nature protection, energy, climate change, water management) in order to integrate forest ecosystems.
9. Establish an inter-ministerial working group that will coordinate the efficient development of afforestation plans.



Financing

10. Direct more funding from the Budget Fund for Forests towards financing the protection and improvement of forest ecosystems that provide services that are beneficial to all.



FORESTRY

According to official statistics, in 2021, 1.7 million m³ of firewood was cut*. The real consumption of firewood is estimated to be much higher, around 6.4 million m³ per year.**



*** 1,700,000 m³**

<https://publikacije.stat.gov.rs/G2022/Pdf/G20221133.pdf>



**** 6,400,000 m³**

<https://www.fao.org/3/i4394e/i4394e.pdf>

**WHERE IS THIS
4,700,000 m³
OF FIREWOOD COMING FROM?**



KOALICIJA 27

A person is holding a globe of the Earth in their hands. The person's face is visible in the background, looking down at the globe. The globe is centered in the frame, and the person's hands are visible at the bottom, supporting it. The text "Sources and Appendices" is overlaid on the globe in a bold, yellow font.

Sources and Appendices

Sources

- Environmental Protection Agency (2021): Annual report on air quality in the Republic of Serbia in 2020
- Bankwatch network (2021): *Conform or Close*
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- Coalition 27 (2020): *Chapter 27 in Serbia: Walking in the Mist*
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- Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate, Water Inspection Department (2022): *Report on the work of the water inspection department for the period January 1 – December 31, 2021*
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- Commissioner for Information of Public Importance and Personal Data Protection (2022): *Report on the work of the Commissioner for Information of Public Importance and Personal Data Protection for 2021*
- RES Foundation (2021): *Everything you wanted to know about energy poverty in Serbia in 2021*
- RERI, BOŠ: *What did we breathe between the two Septembers? Review of the Annual Report on the state of air quality in the Republic of Serbia for 2020*
- RERI (2022): *Analysis of the Law on Climate Change*
- Government of the Republic of Serbia (2019): *Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change*
- Government of the Republic of Serbia (2021): *The Government's work plan for 2021*

Appendix 1

List of abbreviations and acronyms

ATP	Adaptation to technical progress
APV	Autonomous Province of Vojvodina
EPA	Environmental Protection Agency
BPR	Biocidal Product Regulation
BUR	Biennial Update Report
CBAM	Carbon Border Adjustment Mechanism
CITES	the Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLP	Classification, Labeling and Packaging
CNOSSOS -EU	Common Noise Assessment Methods in Europe
CO₂	carbon-dioxide
COP	Conference of the Parties
DNEL	Derived No-Effect Level

EAS 3	Additional development of EU environment approximation for air, chemicals and horizontal acquis the project "Development of a framework for harmonization with EU legislation in the area of air, chemicals and horizontal issues", which provides the Ministry of Environmental Protection, the Republic Geodetic Authority and the Chapter 27 negotiating group technical support for further harmonization of the legal and institutional framework with the EU acquis in the field of environment
EC	European Council
ECHA	European Chemical Agency
EIA	Environmental Impact Assessment
EIP	Economic and Investment Plan
eIRH	an Electronic platform for entering chemicals into the Integral Chemicals Register
EPS	Public Company "Elektroprivreda Srbije"
EU	European Union
EU ETS	EU Emission Trading System
EUR	Symbol for the euro currency
EUTR	EU Timber Regulation
EC	Energy community
FLEGT	Forest Law Enforcement, Governance and Trade
GEF	Global Environment Facility
GHG	Greenhouse gas
GHS	Globally Harmonized System of Classification and Labeling of Chemicals
GRS	Government of the Republic of Serbia

IKB	The illegal killing of birds
INSPIRE	Infrastructure for Spatial Information in the European Community
IBA	Important Bird & Biodiversity Areas
IPA	The Instrument for Pre-Accession Assistance
IZJZS	Institute for Public Health of Serbia "Dr. Milan Jovanović Batut"
PUC	Public utility company
JP	Public enterprise
KfW	German Development Bank
LGU	Local Self-Government Unit
MFRS	Ministry of Finance of the Republic of Serbia
MRV	Monitoring, Reporting and Verification
MEP	Ministry of Environmental Protection
NC	National Communications
NDCs	Nationally Determined Contribution to the reduction of GHG emissions
NECP	National Energy and Climate Plans
NEPRO	System for rapid exchange of information about unsafe products in the Republic of Serbia
NERP	National Emission Reduction Plan
NIP	National implementation plan
NO_x	Nitrogen oxides
NPAA	National Program for the Adoption of the Acquis

NARS	National Assembly of the Republic of Serbia
O₃	Ozone
CSO	Civil society organization
OSCE	Organization for European Security and Cooperation
PIC	Prior Informed Consent
PM₁₀	Particulate matter suspended particles up to 10 micrometers in size
PM_{2.5}	Particulate matter suspended particles up to ,25 micrometers in size
POPs	Persistent Organic Pollutants
PRTR	Pollutant Release and Transfer Register
RAŠ	Regional Association of Private Forest Owners
RBM	River Basin Management Plan
REACH	Registration, Evaluation, Authorization and Restriction of Chemicals
RERI	Renewables and Environmental Regulatory Institute
RS	Republic of Serbia
RSD	Serbian dinar
RTS	Radio Television of Serbia
RZS	Republic Institute of Statistics
SCI	Sites of Community Importance
SEIA	Strategic Environmental Impact Assessment
SEPA	Serbian Environmental Protection Agency

SO₂	Sulfur dioxide
SPA	Special Protected Areas
TENT	Thermal power plant Nikola Tesla
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
WAM	With additional measures
WWTP	Wastewater Treatment Plants



Appendix 2

Comparative Table of Recommendations for 2021 and 2022

Legenda:  Not adopted  Partially adopted  Adopted



Horizontal Legislation

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Improve the quality of the Strategic Environmental Impact Assessment (SEIA) and Environmental Impact Assessment (EIA) by adopting the necessary bylaws and planned amendments to the Law on EIA and the Law on SEIA.		<p>The recommendation was partially adopted. The new drafts of the Law on EIA and the Law on SEIA were submitted for public consultation at the end of 2021, and the public debate was held in January 2022.</p> <p>The content of both draft laws offer good solutions, however some of the proposed solutions may not be viable (such as transferring competence for conducting impact assessment procedures for almost all projects to the Ministry of Environmental Protection).</p>	Qualitatively improve the processes of Strategic Environmental Impact Assessment (SEIA) and Environmental Impact Assessment (EIA) by adopting a new Law on Environmental Impact Assessment and Law on Strategic Environmental Impact Assessment, as well as the necessary by-laws.
Harmonize List I (projects for which Environmental Impact Assessment is mandatory) and List II (projects for which an Environmental Impact Assessment may be required) with Annexes I and II of Directive 2011/92/EU.			Harmonize List I (projects for which an impact assessment is necessary) and List II (projects for which an impact assessment may be required) with Annexes I and II of Directive 2011/92/EU.

**Recommendation
for 2021 from the
previous report**

Status Comment

**Recommendation
for 2022**

Create a list of plans and programs for which a Strategic Environmental Assessment is mandatory and a list of plans and programs for which a strategic environmental assessment may be required.



The draft Law on SEIA, which came up for public discussion in January 2022, does not contain provisions prescribing the responsibility of the Ministry or the minister responsible for SEIA to create a List of plans and programs for which a strategic environmental impact assessment is mandatory and the List of plans and programs for which a strategic environmental impact assessment may be required. While the previous (and still valid) version of the Law, (the new version was still not adopted at the time of writing this Report) explicitly states in Article 5 that: "The Minister competent for the portfolio of environmental protection shall be responsible for determining the List of plans and programs for which a strategic environmental impact assessment is mandatory and the List of plans and programs for which a strategic environmental impact assessment may be required."

Create a list of plans and programs for which a Strategic Environmental Assessment is mandatory and a list of plans and programs for which a strategic environmental assessment may be required.

Provide transparent and timely information to the public about public hearings through the improved provision of information online, in accordance with the guidelines for the development of the web presentations of state administration bodies, the bodies of autonomous provinces and local self-governments.



During the reporting period, an e-consultation website was put into operation²¹¹, where all competent authorities of the state administration are now obliged to publish all relevant information about consultations in a timely manner, so that the public can follow developments and give opinions. These obligations primarily refer to public discussions and consultations in the processes of adopting regulations and public policy documents, which facilitate public participation in environmental decision-making processes. However, the website is still not adequately adapted for use by the general public, and navigating the website and finding information still requires certain prior knowledge

.Notifications about environmental assessment procedures and strategic environmental assessments remain decentralized at the level of various authorities at the republic, provincial and local level, and the online presentations of competent authorities are uneven in terms of form, content and availability. Therefore, the availability of information about these processes has not been improved.

Provide transparent and timely information online for the public about public hearings. Improve the functionality of the e-consultation website so that it is appropriately adapted to the average user (access to documents, information about the start, duration and venue of public hearings, etc.).





211 <https://ekonsultacije.gov.rs/>


**Recommendation
for 2021 from the
previous report**

Status Comment

**Recommendation
for 2022**

The drafts of the Law on SEIA and EIA have brought some improvements in terms of transparency. While the previous version of the Law on SPU prescribed the obligation of the competent authority to inform the public without further elaboration, the new version explicitly prescribes that the public shall be informed by means of a public invitation published through at least one local newspaper and in each of the official languages in the area that will be affected by the plan and program, and on the official website of the authority responsible for the preparation of the plan and program. Similarly, while the currently valid EIA Law prescribes the obligation to inform the public through at least one local newspaper, and in each of the official languages in the area that will be affected by the impact of the planned project and the possibility of using electronic media for notification, the draft of the new PU Law prescribes the obligation of the competent authority to provide the public with electronic access to all data and information related to the impact assessment as soon as they become available to the competent authority, through an internet website intended for the purpose of informing the public about submitted requests and other data of importance for decision-making in the impact assessment procedure. The draft stipulates that the Ministry of Environmental Protection is obliged, six months after the adoption of the draft and the entry into force of the law, to establish a website that will inform the public, and within two years, establish a central database and a central website through which the authorities will inform interested stakeholders and organizations, the public and the interested public about: initiated impact assessment procedures, stages of the impact assessment procedure, deadlines and methods for submitting opinions, place and time of public consultations, cross-border consultations and provide electronic access to documentation in accordance with the law.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Ensure the full implementation of the Regulation on the Methodology of Public Policy Management, Policy and Regulatory Impact Assessment, and Content of Individual Public Policy Documents (8/2019-79) in the environmental sector.			Ensure the full implementation of the Regulation on the Methodology of Public Policy Management, Policy and Regulatory Impact Assessment, and Content of Individual Public Policy Documents (8/2019-79) in the environmental sector.
Fully implement the guidelines set out in the Rulebook on the content of requests on the need for environmental impact assessments and the content of requests for determining the scope and content of the Environmental Impact Assessment Study when drafting environmental impact assessment studies			Fully implement the guidelines set out in the Rulebook on the content of requests on the need for environmental impact assessments and the content of requests for determining the scope and content of the Environmental Impact Assessment Study when drafting environmental impact assessment studies
Ensure the inclusion of a cumulative impact assessment in environmental impact assessment studies.		The Draft Law on EIA introduced an explicit assessment of cumulative impacts in all three phases of the impact assessment. However, at the time of writing this report, the Draft has not been adopted, and the real effects of these changes to the Law can be assessed only after they have been implemented.	Ensure the inclusion of a cumulative impact assessment in environmental impact assessment studies.
Establish quality control of environmental impact assessment studies, as well as a review of studies every five years.			Establish quality control of environmental impact assessment studies, as well as a review of studies every five years.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
In order to achieve greater compliance with Directive 2003/35/EC on public participation, increase the capacity of national institutions and local self-governments to conduct public participation procedures during the preparation and revision of plans and programs.		This recommendation is revoked	n/a
Increase penalties for environmental pollution.			Tighten the penal provisions for environmental pollution, and consistently apply the Law on Liability of Legal Entities for Criminal Offenses ("Official Gazette of RS", No. 97/08).
Increase and consistently implement penalties for non-compliance with regulations on the environmental impact assessment and strategic environmental assessment procedures.		This recommendation is revoked	n/a

**Recommendation
for 2021 from the
previous report**

Status Comment

**Recommendation
for 2022**






Ensure the full implementation of the Aarhus Convention during the COVID-19 pandemic with regard to citizens' rights to take part in the decision-making process, right to information on the environment, and right to legal protection. All decision-making processes (adopting plans, programs, public policies, legislation, and approval of projects with possible environmental impacts) that violate citizens' rights must be postponed until epidemiological conditions allow for the implementation of these processes in accordance with Serbian law and the Aarhus Convention.



Ensure the full implementation of the Aarhus Convention during the COVID-19 pandemic with regard to citizens' rights to take part in the decision-making process, right to information on the environment, and right to legal protection. All decision-making processes (adopting plans, programs, public policies, legislation, and approval of projects with possible environmental impacts) that violate citizens' rights must be postponed until epidemiological conditions allow for the implementation of these processes in accordance with Serbian law and the Aarhus Convention.

Air Quality

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Enable the participation of the interested public in the process of developing the Air Quality Strategy.		The Ministry of Environmental Protection developed the Draft Air Protection Program through the project “Development of a framework for harmonization with EU legislation in the area of air, chemicals and horizontal issues (EuropeAid/138598/IH/SER/RS)”. As part of the development of the Program, three conferences were organized – one presenting the project to members of parliament and two for the general public. The project team compiled and published reports on the conducted public consultations. A public hearing was also organized, and the opportunity to submit comments on the document was provided.	n/a
Start the process of establishing binding standards for low-power combustion appliances used in households (stoves and solid fuel stoves) in accordance with the Eco-design Directive (2009/125/EC). Given the widespread use of inefficient stoves and solid fuel ovens in households, consider the accelerated transposition of this Directive.			Start the process of establishing binding standards for low-power combustion appliances used in households (stoves and solid fuel stoves) in accordance with the Eco-design Directive (2009/125/EC). Given the widespread use of inefficient stoves and solid fuel ovens in households, consider the accelerated transposition of this Directive.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Ensure that competent institutions enforce regulations related to legal deadlines for the creation of public policies concerning air quality, regulations related to air quality monitoring, the exchange of air quality information, and obligations under international agreements.			Ensure that competent institutions enforce regulations related to legal deadlines for the creation of public policies concerning air quality, regulations related to air quality monitoring, the exchange of air quality information, and obligations under international agreements.
Monthly information about detected exceedances of hourly and daily limit values (LV) must include information about which monitoring stations were/were not operating during that month.			Monthly information about detected exceedances of hourly and daily limit values (LV) must include information about which monitoring stations were/were not operating during that month.
Stakeholders responsible for air quality monitoring should ensure that the monitoring system is well-maintained and that data is made available. Financing for the smooth operation of air quality monitoring networks should also be secured, especially for urban agglomerations such as Belgrade.			Stakeholders responsible for air quality monitoring should ensure that the monitoring system is well-maintained and that data is made available. Financing for the smooth operation of air quality monitoring networks should also be secured, especially for urban agglomerations such as Belgrade.
Local governments/cities should improve the quality and visibility of air quality data, as well as ensure easy public access to air quality data provided by the local monitoring networks.		There are good practice examples such as Belgrade, Valjevo, Kraljevo and Bor, cities which have provided easy access to air quality data from the local network through their websites. Other cities and municipalities should follow this example.	Local governments/cities should improve the quality and visibility of air quality data, as well as ensure easy public access to air quality data provided by the local monitoring networks.
Secure financing for the unobstructed work of inspectorates for environmental protection.			Secure financing for the unobstructed work of inspectorates for environmental protection.









New recommendation









- Participation of citizens in the adoption of documents concerning air quality at the national and local level should be enabled.












Waste Management

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Improve the waste management control system, with special emphasis on the movement and disposal of waste.	⊗		n/a
Continue developing partnerships with civil society.	⌚	During the adoption of regulations, non-governmental organizations showed great initiative by trying to improve strategic documents and make proposals for the implementation of public policies at different levels.	Build partnerships with civil society and the business sector when adopting regulations, and establish clear communication with the public.
Suspend all activities related to the amendment of the Law on Waste Management aimed at legalizing the import of waste for the purpose of co-processing and its use as an alternative fuel.	⊗		n/a
Improve the legal framework to enable the efficient implementation of extended liability principles as well as the “polluter pays” principle.	⊗		Improve the legal framework to enable the efficient implementation of extended liability principles as well as the “polluter pays” principle.
Review regional plans and the National Waste Management Strategy, with the continued implementation of infrastructure projects for the construction of landfills.	⊗		Harmonize regional and local waste management plans with national level strategic documents.
Adopt the waste sludge management strategy in Serbia.	⊗		Adopt the waste sludge management strategy in Serbia.
Improve the legislative framework for finally closing unsanitary landfills.	⊗		n/a
Develop a waste generation prevention plan.	⊗		Adopt the Draft Waste Prevention Plan.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Introduce mandatory monitoring for dioxin and furan at all landfills.			n/a
Involve industry in the application of the circular economy concept.			Involve industry in the application of the circular economy concept.
Due to the nature and duration of the COVID-19 pandemic, assign healthcare waste to a separate form in the National Register of Pollution Sources.			n/a
Adopt a Rulebook that will allow citizens to hand over hazardous waste to operators more easily.			Adopt a Rulebook that will allow citizens to hand over hazardous waste to operators more easily.
Create an economic model to motivate local self-governments to dispose of waste at sanitary landfills and accelerate the process of closing and remediating landfills/dumpsites.			Prevent the creation of new illegal landfills by expanding the coverage of municipal waste collection to 100% and increasing inspection supervision.
Provide prerequisites for the application of waste management hierarchy principles, with an emphasis on waste prevention, as well as the reuse and recycling of waste.			n/a
Introduce systemic water and air monitoring at non-sanitary landfills, and ensure a system of public reporting on landfill gas emissions from landfills managed by public utility companies (PUCs).			Introduce an obligation to monitor water, air and soil at all municipal waste landfills to prevent the occurrence of fires and environmental pollution.
Carry out inspections of industries obliged to report on waste management to ensure truthful reporting.			n/a

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Raise public awareness on the importance of setting up a system of waste management and the consequences of inadequate waste management on the environment.			Raise public awareness on the importance of setting up a system of waste management and the consequences of inadequate waste management on the environment.
Fine local self-governments that fail to meet their obligations under the Law on Waste Management (failing to adopt waste management plans, failing to adopt plans to close unsanitary landfills and dumps, failing to submit regular reports to the SEPA).			n/a
Leasing of chemicals, i.e. procuring only chemicals that the industry really needs in the context of the circular economy (creating as little waste as possible).			n/a
Provide for appropriate management of hazardous waste generated in Serbia in anticipation of the expected ban on exporting hazardous waste.			Provide for appropriate management of hazardous waste generated in Serbia in anticipation of the expected ban on exporting hazardous waste.
Adopt measures to encourage local recyclable waste treatment instead of exporting it.			n/a
Revise waste management and export permits.			Provide capacities for treatment or permanent storage of hazardous waste, in cases where that waste cannot be treated.
More intensively involve PUCs in the system of packaging and packaging waste management.			n/a
Introduce more intense inspection supervision over the implementation of the Law on Packaging and Packaging Waste.			Introduce more intense inspection supervision over the implementation of the Law on Packaging and Packaging Waste.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Introduce a special article to contracts between waste generators and hazardous waste treatment operators requiring hazardous waste treatment operators to inform waste generators in writing about the final treatment of waste, thereby observing the waste producer's extended liability.			n/a
Adopt a common methodology for sending data to the Statistical Office of the Republic of Serbia and the SEPA.			Create a bespoke unique methodology for collecting and sending data to the Republic Statistical Office and the Environmental Protection Agency and ensure the reliability of the data obtained.
Improve the system for textile waste management. Separate collection of textile waste should be organized, and steps taken to prevent the collected textile ending up in landfills or incinerators.			Systematically organize textile waste management. Organize separate collection of textile waste and ensure that collected textile waste does not end up in landfills or incinerators.
Introduce economic instruments for reducing waste sent to landfills without treatment.			Introduce economic instruments to reduce the amount of waste that ends up at landfills without treatment.
Introduce a deposit system for a portion of packaging waste.			Introduce a deposit system for a portion of packaging waste.
Introduce umbrella insurance for hazardous waste operators, so that insurance companies cover the costs of appropriately disposing of the hazardous waste as well as any damages.			Introduce umbrella insurance for hazardous waste operators so that the insurance covers the costs of hazardous waste remediation and resulting damages if an operator's license is revoked.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Introduce a set of economic instruments for communal waste (landfill fees, deposit systems).			n/a
Prescribe deadlines and the types of packaging eligible for the deposit system only after a feasibility study has been produced.			n/a
Adopt a by-law to define fees for importing drugs and placing them on the market due to the probability that the drugs may become hazardous waste after their expiration date.			Adopt a by-law to define fees for importing medicines and placing them on the market due to the possibility that these medicines will become hazardous waste after their expiration date.

New recommendations

- Adopt a new Law on Waste Management.
- Ensure the implementation of the Law on Waste Management in practice.
- Ensure that the quantities of collected municipal waste are measured and its morphological composition determined by monitoring the implementation of the Law on Waste Management, supporting the procurement of the necessary scales at unsanitary landfill sites, and providing training for employees at utility companies to apply the Rulebook on the methodology for collecting data on the composition and quantities of municipal waste in the territory local self-government units. ("Official Gazette of RS", no. 61/2010).
- Ensure transparency and easy availability of data on the costs of building infrastructure in the waste management sector (regional centers, landfills, equipment, etc.) and sources of financing.

- Ensure realistic financing of the costs of collection, transportation, treatment and disposal of waste, according to the “polluter pays” principle.
- Ensure that waste management costs are included in the price of products and services, in order to avoid shifting costs from consumers to citizens.
- Provide capacities and political will to use available EU funds and grants instead of credit arrangements for infrastructure construction.



Water Quality

Recommendation for 2021 from the previous report

Status Comment

Recommendation for 2022

Integrate nature directives (Birds Directive and Habitats Directive) into the field of water management. Better coordination is needed between the water management sector and the environmental sector regarding the implementation of EU directives.



Integrate nature directives (Birds Directive and Habitats Directive) into the field of water management. Better coordination is needed between the water management sector and the environmental sector regarding the implementation of EU directives.

Develop a concrete plan and set of measures for the improvement of water quality monitoring in accordance with the requirements of the Water Framework Directive.



Develop a concrete plan and set of measures for the improvement of water quality monitoring in accordance with the requirements of the Water Framework Directive.

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



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

Adopt strategic and planning documents in accordance with the obligations arising from the Water Framework Directive (Water Management Plan, Flood Risk Management Plan).



Adopt strategic and planning documents in accordance with the obligations arising from the Water Framework Directive (Water Management Plan, Flood Risk Management Plan).

**Recommendation for 2021
from the previous report**

Status Comment

**Recommendation
for 2022**

Develop capacities and improve the organization of public institutions responsible for water management, especially at the local level – the complexity of water management issues requires stronger personnel and technical capacities. The competent institutions must conduct an analysis of the existing capacities as soon as possible and develop a plan for their improvement. To achieve this, professional institutions and CSOs need to advocate for greater political and financial support for the water management sector.



Develop capacities and improve the organization of public institutions responsible for water management, especially at a local level – the complexity of water management issues requires stronger personnel and technical capacities. The competent institutions must conduct an analysis of the existing capacities as soon as possible and develop a plan for their improvement. To achieve this, professional institutions and CSOs need to advocate for greater political and financial support for the water management sector.

Develop structured cooperation with other relevant sectors: environmental protection, energy, agriculture and spatial planning. This requires constant communication and exchange of information between sectors to be established.









Develop structured cooperation with other relevant sectors: environmental protection, energy, agriculture and spatial planning. This requires constant communication and exchange of information between sectors to be established.

Further improve public participation in policy development in the water management sector. Public consultations should provide more opportunities than the legal minimum. Stakeholder involvement should begin in the early stages of policy development.



Further improve public participation in policy development in the water management sector. Public consultations should provide more opportunities than the legal minimum. Stakeholder involvement should begin in the early stages of policy development.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Integrate nature-based solutions into water management practices and more seriously consider ecosystem services. Specific capacities for these needs should be developed in the competent institutions.			Integrate nature-based solutions into water management practices and more seriously consider ecosystem services. Specific capacities for these needs should be developed in the competent institutions.
Improve control and mitigation of key dangers: poorly planned small hydropower plants, gravel extraction, pollution, uncontrolled use of groundwater, and illegal construction on river banks – river habitats, wetlands, and water resources in general are very endangered in Serbia. Urgent action is needed at the national level.			Improve control and mitigation of key dangers: poorly planned small hydropower plants, gravel extraction, pollution, uncontrolled use of groundwater, and illegal construction on river banks – river habitats, wetlands, and water resources in general are very endangered in Serbia. Urgent action is needed at the national level.
Develop a single database on planning and constructing WWTPs that is available to the interested public, enabling more efficient and systematic planning and monitoring of project implementation throughout Serbia.			Develop a single database on planning and constructing WWTPs that is available to the interested public, enabling more efficient and systematic planning and monitoring of project implementation throughout Serbia.
Adopt key strategic and planning documents for alignment with EU water management legislation and practice.		This recommendation is included in other recommendations, and is therefore omitted here.	n/a
Gradually increase water prices and fees for wastewater drainage and treatment services, in order to provide for the construction of the necessary facilities for water drainage and treatment and their normal operation.			Gradually increase water prices and fees for wastewater drainage and treatment services, in order to provide for the construction of the necessary facilities for water drainage and treatment and their normal operation.
Permanently increase budget funds for financing water management activities and water protection.			Permanently increase budget funds for financing water management activities and water protection.

New recommendations

- Raise the capacities of the water inspectorate and increase the number of water inspectors.
- Establish water quality monitoring in accordance with the requirements of the Water Framework Directive.
- Determine the borders of water land in the cadastre.



Nature Protection

Recommendation for 2021 from the previous report

Status Comment

Recommendation for 2022

Improve the Law on Nature Protection in line with the EU legislation, ratified international agreements, good practice in the sector and the needs of nature protection in Serbia. Ensure the process of improving the Law is transparent and enables public participation, in accordance with the positive regulations of the Republic of Serbia and good practice.



In July 2021, Amendments to the Law on Nature Protection were adopted, not all areas covered by the Law saw improvements. The process of involving the public had a number of shortcomings and did not follow the regulations of the Republic of Serbia or good practices.

Draft and adopt a new Law on Nature Protection in accordance with EU legislation, ratified international agreements, good practice in this area, and the needs of nature protection in Serbia, through a transparent and inclusive process.

Regulate the ecological network acceptability assessment procedure through appropriate regulations, in order to establish the necessary standards for the approval of plans and projects that may have an impact on the ecological network, in accordance with paragraph 3 of Article 6 of the Habitats Directive.






Amendments to the Law on Nature Protection ("Official Gazette of RS", no. 36/2009, 88/2010, 91/2010 - amended, 14/2016, 95/2018 - state law, and 71/2021) defined the appropriate assessment procedure. The conducted consultation process with interested parties showed that improvements are needed.

Regulate the acceptability assessment procedure for the ecological network through the Law on Nature Protection and the Regulation on Acceptability Assessment.





Develop and adopt public policies in the field of nature protection in accordance with the Law on Nature Protection, the Law on the Planning System and ratified international agreements, and fully harmonize the strategic framework with the EU Biodiversity Strategy.








Create and adopt the Environmental Protection Strategy of the Republic of Serbia, covering nature protection, in accordance with the Global Strategic Plan for Biodiversity, the EU Biodiversity Strategy and the Green Agenda for the Western Balkans.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Amend the Rulebook on the Declaration and Protection of Strictly Protected and Protected Species of Plants, Animals and Fungi and the Rulebook on Declaring a Closed Hunting Season for Protected Wild Game Species, to fully transpose the provisions of the Habitats Directive and the Birds Directive on hunting.			Amend the Rulebook on Designating and Protecting Strictly Protected and Protected Species of Plants, Animals and Fungi and the Rulebook on Designating Protected Wild Game Species so that the provisions of the Habitats Directive and the Birds Directive related to hunting are fully transposed.
Develop and adopt a document to precisely determine the sequence and procedure for competent authorities detecting cases of poisoning, as well as other cases of illegal actions pertaining to wild species.		In March 2022, the Unit for Suppression of Environmental Crime and Environmental Protection of the Ministry of Internal Affairs of the Government of the Republic of Serbia was established.	Create and adopt a protocol to precisely determine the sequence and manner of action by the competent authorities in cases of poisoning, as well as other cases of illegal actions against wild species.
Improve cooperation in the process of adopting planning documents and regulations between: the nature protection sector, the energy sector, the spatial planning and urban planning sector and the construction sector, especially those regulating and applying Environmental Impact Assessment and Strategic Environmental Impact Assessment procedures.			Form an inter-ministerial working group for protected areas and the ecological network to coordinate work on the development of planning documents, protection studies, management plans and area protection acts.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
<p>Establish Ministry of Environmental Protection mechanisms to improve the participation of civil society organizations in the processes of preparing, adopting and monitoring the implementation of regulations in the field of nature protection, primarily by involving stakeholders at an early stage, in accordance with the Regulation on Public Policy Management Methodology, Policy and Regulation Analysis, and the Content of Individual Public Policy Documents, as well as the Guidelines for the Inclusion of Civil Society Organizations in the Process of Drafting Regulations of the Government of the Republic of Serbia.</p>	⊗		<p>Establish mechanisms in the Ministry of Environmental Protection for improving the participation of civil society organizations in the processes of drafting and monitoring the application of regulations, plans and other relevant documents in the field of nature protection in accordance with the Regulation on the Methodology of Public Policy Management, Impact Analysis of Public Policies and Regulations, and the Content of Individual Public Policy Documents, and the Guidelines for Involvement of Civil Society Organizations in the Adoption of Regulations of the Government of the Republic of Serbia.</p>
<p>Publish the negotiating position in the field of nature protection and involve civil society organizations in the negotiation process.</p>	⊗	<p>After Cluster 4 was opened, the negotiating position was published on the website of the Ministry of European Integration of the Republic of Serbia.</p>	<p>Ensure a transparent and inclusive process of amending the Negotiating Position for Chapter 27 as well as assessments on the fulfillment of criteria in the field of nature protection by organizing regular consultations with civil society and other interested parties.</p>
<p>Improve the capacities of the Ministry of Environmental Protection, enhance cooperation and ensure the open flow of information between different sectors within the Ministry and with stakeholders, such as civil society organizations, by appointing a person in charge of cooperation with CSOs.</p>	⊗		<p>Improve the capacities of the Ministry of Environmental Protection in the field of nature protection; increase the number of employees in the sector as a matter of priority.</p>

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Improve the capacities of the Institute for Nature Conservation (at the provincial and state level) by increasing the number of employees and providing them with further training, as well as improving technical capacities.			Improve the capacities of nature protection institutes (provincial and Republic-level) by increasing the number of professional staff and procurement of technical equipment.
Continue building the capacities of the police, inspectorate, prosecution and judiciary to implement regulations related to species and habitat protection, in cooperation with professional civil society organizations.		In March 2022, the Unit for Suppression of Environmental Crime and Environmental Protection of the Ministry of Internal Affairs of the Government of the Republic of Serbia was established.	Continue building the capacities of the police, inspectorate, prosecution and judiciary for the implementation of regulations related to protecting species and habitats, in cooperation with professional civil society organizations.
Improve annual inspection plans and their implementation in protected areas, i.e. ecological network areas, in order to prevent excessive use of natural resources and illegal activities, and to ensure the preservation of the natural values of these areas.			Improve the planning and implementation of inspection supervision over protected areas, i.e. ecological network areas.
Strengthen cooperation between all actors in order to prevent corruption in the nature protection sector (especially related to the illegal use of forests, water resources and illegal hunting activities).			Provide free access to the online database of decisions on nature protection conditions issued by the Ministry of Environmental Protection of the Republic of Serbia and the Institute for Nature Protection for all interested parties.
The competent Ministry should work more intensively on solving problems and preventing violations of the provisions of the International Convention on the Conservation of European Wildlife and Natural Habitats in the Republic of Serbia.		This recommendation has been deemed too general, and is therefore revoked.	n/a

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Ensure regular and appropriate reporting under ratified international agreements in the field of nature protection (especially under the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention on the Conservation of Migratory Species of Wild Animals, the Ramsar Convention and the CITES Convention). Ensure the process of drafting the report is transparent, including the opinions of the interested public.			Improve cooperation with interested parties in the implementation of international agreements in the field of nature protection through regular information exchange and consultations.
Prescribe measures for the preservation, restoration and improvement of the state of the ecological network area, through a participatory process that includes professional organizations of state bodies and civil society, as well as the users of the area.		This recommendation has been integrated into other recommendations, and is therefore revoked.	n/a
Ensure continuous institutional support for the efficient establishment of the ecological network of the Republic of Serbia and the Natura 2000 ecological network, and include the nature protection sector and other relevant sectors, especially agriculture, forestry, spatial planning and energy in a timely manner.			Form the National Council for the ecological network Natura 2000 and ensure intersectoral cooperation and continuous institutional support.
Continue regular financing of activities for the establishment of the ecological network of the Republic of Serbia and Natura 2000, with full and regular reporting on implemented activities and spent funds.			Continue regular financing of activities for establishing the ecological network of the Republic of Serbia and Natura 2000, with full and regular reporting on the activities carried out and the funds spent.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Ensure that appropriate funds are allocated in the budget for nature protection and regular and detailed reporting on expenditure; allocate more funds for the practical protection of species and habitats.			Provide greater financial resources for the management of protected areas, as well as for the protection of species and habitats at the national and local level.






New recommendations

- Define the biosphere reserve as a type of protected area in the Law on Nature Protection, and prescribe the competencies and basic measures for managing those areas.
- Compile an effectiveness assessment of the management of protected areas, establish mechanisms for monitoring management effectiveness and ensure the availability of reports to the public.
- Establish a mechanism for the regular involvement of civil society in the planning and implementation of the Green Agenda (5th pillar – biodiversity: ecosystem protection and restoration).



Chemicals Management

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Harmonize national regulations with relevant amendments to EU regulations in this sector.	⊗		Harmonize national regulations with relevant amendments to EU regulations in this sector.
Adopt the Draft Law on Biocidal Products.	✓	A new Law on Biocidal Products was adopted ("Official Gazette of RS", no. 109/2021).	n/a
Ratify the Minamata Convention on Mercury.	⊗		Ratify the Minamata Convention on Mercury.
Update the latest adopted NIP for the Stockholm Convention on Persistent Organic Pollutants.	⊗	The action plans of the NIP for the Stockholm Convention were not adopted, and as of 2021 they are outdated.	Update and adopt the NIP for the implementation of the Stockholm Convention on POPs.
Adopt a strategic document and action plan to strengthen synergies in the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions.	⊗	To our knowledge, several drafts of public policy documents have been prepared, which have not been adopted so far, nor are the drafts of those documents publicly available.	Adopt a strategic document and action plan to strengthen synergies in the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions
Strengthen administrative and professional capacities for chemicals and biocidal products management, especially for registering chemicals and biocidal products in the Register, as well as managing biocidal products, due to the introduction of a new procedure for recognition of EU legislation resulting from the Draft Law on Biocidal Products.	⊗		Strengthen administrative and professional capacities for chemicals and biocidal products management, especially for entering chemicals and biocidal products in the Register, as well as managing biocidal products, due to the introduction of a new procedure for the recognition of EU legislation resulting from the new Law on Biocidal Products.
Simplify the procedure for resolving requests for entering chemicals into the Chemicals Register that are more than one year old.	⊗		Resolve active requests for entering chemicals into the Chemicals Register from previous years by simplifying the procedure in terms of requests to supplement documentation.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Given the scope and content of the documentation required by the procedure for registering biocidal products in the eLRH, as well as the confidentiality of certain data, improve existing protection and strictly define different levels of access to data.			Given the scope and content of the documentation required by the procedure for registering biocidal products in the eLRH, as well as the confidentiality of certain data, improve existing protection and strictly define different levels of data access.
Establish a joint body for integrated chemicals management in order to establish satisfactory cooperation and coordination between all relevant sectors and ensure safe management of chemicals throughout their life cycle, i.e. the adoption and implementation of the Integrated Chemicals Management Program. The joint body should include representatives of the competent state bodies in the field of chemicals management and representatives of industry, science and research, and civil society organizations.			Establish a joint body for integrated chemicals management in order to establish satisfactory cooperation and coordination between all relevant sectors and ensure safe management of chemicals throughout their life cycle, i.e. the adoption and implementation of the Integrated Chemicals Management Program. The joint body should include representatives of the competent state bodies in the field of chemicals management and representatives of industry, science and research, and civil society organizations.
Strengthen inspections of chemicals and biocidal products control.			Strengthen inspections of chemicals and biocidal products.
Strengthen inspection supervision over the application of the Law on Consumer Goods.			Strengthen inspection supervision over the application of the Law on Consumer Goods.
Improve the information available on the Chemicals Helpdesk, including: guidelines and criteria for entering a biocidal product in the Provisional List, guides that are applied in practice, and frequently asked questions.			Improve the information available on the Chemicals Helpdesk, including: guidelines and criteria for entering a biocidal product in the Provisional List, guides that are applied in practice, and frequently asked questions.








Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Make data from the Chemicals Register about the number of reported chemicals by hazard class available on the website of the Ministry of Environmental Protection again.	⊗		Make data from the Chemicals Register about the number of reported chemicals by hazard class available on the website of the Ministry of Environmental Protection again.
Establish supervision over the implementation of Article 27 of the Law on Chemicals and protect consumer rights.	⊗		Establish supervision over the implementation of Article 27 of the Law on Chemicals and protect consumer rights.
Update the NEPRO database regularly.	⊗		Update the NEPRO database regularly.
Make information on the implementation of concessions for which the Ministry of Environmental Protection is responsible publicly available.	⊗	The recommendation has been modified so that it only applies to conventions in the field of chemicals management.	Make information on the implementation of all conventions related to chemicals management publicly available on the website of the Ministry of Environmental Protection.
Change the domestic system governing the collection of fees and charges by implementing the EU model of financing the chemicals and biocidal product management system to ensure that fees related to regulatory procedures for chemicals and biocidal products are borne by the businesses generating income by putting these chemicals and products on the market.	⊗		Change the domestic system governing the collection of fees and charges by implementing the EU model of financing the chemicals and biocidal product management system to ensure that fees related to regulatory procedures for chemicals and biocidal products are borne by the businesses generating income by putting these chemicals and products on the market.






New recommendations

- Adopt the Law on the Implementation of the REACH Regulation.
- Adopt the Law on the Implementation of the BPR Regulation.

- Prioritize products, services and works that fit the criteria for green public procurement in public procurement procedures in Serbia and regulate the percentage of the total number of public procurements carried out for each priority group that should be in line with green procurement criteria.
- Establish a mechanism for the implementation of Article 82 of the Law on Chemicals, which orders the Ministry of Environmental Protection to develop and implement projects for monitoring the marketing and use of chemicals, monitoring their metabolites and the path of chemicals in the environment and living organisms.
- Include criteria for green public procurement in public procurement procedures in Serbia.

Noise

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Adopt the new Law on Environmental Noise Protection.		A new Law on Environmental Noise Protection was adopted.	n/a
Fully harmonize bylaws with Directive 2002/49/EC.		The new Law is largely harmonized with Directive 2002/49/EC.	Adopt all by-laws necessary to harmonize the legislative framework with Directive 2002/49/EC.
Introduce uniform methods for calculating noise levels in accordance with Directive 2015/996 (CNOSSOS).			Adopt all by-laws necessary to harmonize the legislative framework with Directive 2015/996 (CNOSSOS).
Implement acoustic zoning in all local self-government units.		The city of Belgrade has completed acoustic zoning. No data is available for other local self- governments.	Implement acoustic zoning in all local self-government units.
Introduce 24-hour continuous noise monitoring and make data available through a unified presentation of automatic noise monitoring.		According to available data, only the City of Niš has 24-hour continuous noise monitoring.	Introduce 24-hour continuous noise monitoring and make data available through a unified presentation of automatic noise monitoring.
Begin developing strategic noise maps for the other four agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), as well as for the “Nikola Tesla” Airport, and develop action plans for all agglomerations.		The City of Novi Sad conducted a public procurement procedure for the service of creating strategic noise maps with the development of a smart system for noise monitoring.	Begin developing strategic noise maps for the other four agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), as well as for the “Nikola Tesla” Airport, and develop action plans for all agglomerations.
Expand competencies – authorize the environmental inspectorate and municipal police to independently measure the level of communal noise.		The Rulebook on the conditions for establishing the competency of municipal police officers to measure noise coming from hospitality establishments was adopted. However, for the full implementation of this Rulebook, decisions must be adopted by local self-governments.	Local self-governments should adopt decisions to allow communal police officers to carry out noise measurements from hospitality establishments.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Work on noise training (especially at a local level).		There is no official information on personnel training in the area of noise.	Work on noise training (especially at a local level).
Introduce local self-gov- ernment control over the implementation of noise monitoring and submission of noise monitoring results to the Environmental Protection Agency			Introduce local self-gov- ernment control over the implementation of noise monitoring and submission of noise monitoring results to the Environmental Protection Agency
Assess the harmful effects of noise on human health and the environment.			Assess the harmful effects of noise on human health and the environment.
Verify that organizers of public gatherings, entertainment and sports events and other outdoor and indoor activities have submitted data on noise protection measures in their applications for holding public gather- ings and activities, if the use of sound and other devices may exceed the prescribed limit values.			Verify that organizers of public gatherings, entertainment and sports events and other outdoor and indoor activities have submitted data on noise protection measures in their applications for holding public gather- ings and activities, if the use of sound and other devices may exceed the prescribed limit values.
Provide funds for the implementation of plans (and obligations) in the field of noise protection.			Provide funds for the implementation of plans (and obligations) in the field of noise protection.



Climate change

Recommendation for 2021 from the previous report

Status Comment

Recommendation for 2022

Adopt all necessary bylaws in order for the Law on Climate Change to be applied.



Only two by-laws were adopted by March 2022: the Regulation on types of activities and greenhouse gases: 13/2022-4; and the Rulebook on the Verification and Accreditation of GHG Emissions Report Verifiers: 107/2021-31.

Adopt all necessary bylaws in order for the Law on Climate Change to be applied.

Review and increase ambitions to reduce GHG emissions and adopt revised NDCs by the next United Nations Framework Convention on Climate Change (UNFCCC) Summit, in line with the Paris Agreement. The ambition of the new/ revised NDCs should be in line with the new EU targets for 2030, as well as the Green Deal's goal of decarbonisation by 2050.



Review and increase ambitions to reduce GHG emissions and adopt revised NDCs by the next United Nations Framework Convention on Climate Change (UNFCCC) Summit, in line with the Paris Agreement. The ambition of the new/ revised NDCs should be in line with the new EU targets for 2030, as well as the Green Deal's goal of decarbonisation by 2050.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Integrate climate change issues into the process of drafting development plans by local self-governments and establish a mechanism for monitoring the development and work of local self-governments on the issues of climate change mitigation and adaptation.		<p>Article 15 of the Law on Climate Change prescribes the obligation of local self-government units to integrate the objectives of the Climate Change Adaptation Program into appropriate sectoral public policy documents, as well as to report on this to the competent Ministry. As the Government of the Republic of Serbia has not yet defined the form of the report through by-laws, or which bodies and organisations the Ministry is obliged to report to, local self-government units are not able to implement these provisions of the Law.</p> <p>Furthermore, in Article 63, the Law obliges local self-government units to assess the effects of policies and measures on the level of GHG emissions within their jurisdiction and report them to the Ministry. As the Government of the Republic of Serbia has not yet defined the form of the report through by-laws, or which bodies and organisations the Ministry is obliged to report to, local self-government are not able to implement these provisions of the Law.</p> <p>Based on the Law on the Planning System of the Republic of Serbia, all local self-governments enter into the process of development planning by preparing development plans and medium-term plans; this is an opportunity to integrate climate change into sectoral policies at the local level.</p>	Integrate climate change issues into the process of drafting development plans by local self-governments and establish a mechanism for monitoring the development and work of local self-governments on the issues of climate change mitigation and adaptation by adopting appropriate by-laws based on the Law on Climate Change.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Fully support the work of the Energy Community Secretariat and define goals for reducing greenhouse gas emissions, improving energy production from renewable energy sources, and energy efficiency, and establish a working group and start developing an integrated National Energy and Climate Plan of Serbia within the given deadline and facilitate adequate public participation.		Work on the NEKP began in February 2021, but the participation of civil society organizations was enabled only in August 2021, while the public still has no insight into the content of documents and decisions that have been made.	Fully support the work of the Energy Community Secretariat and, through the NECP, define goals for reducing greenhouse gas emissions and improving energy production from renewable energy sources and energy efficiency, which are in line with the goals of the Energy Community and the Green Agenda for the Western Balkans; in accordance with the Aarhus Convention and the Law on the Planning System of the Republic of Serbia, carry out activities on the development of the Integrated National Energy and Climate Plan (NECP) of Serbia within the given period and enable adequate public participation.
Define and adjust the legal and institutional framework related to adaptation to climate change and integrate it into other sectors, primarily: water management, agriculture, urban planning and construction, infrastructure, forestry, nature protection and energy.		The establishment of the National Council for Climate Change created the basis for the horizontal integration of climate change into other sectors. However, the Council has met only once since its establishment, and the effectiveness of its work is questionable. Article 15 of the Law on Climate Change clearly stipulates that planning and public policy documents in the sectors most affected by climate change must be drafted taking into account adaptation to climate change. However, because the legal framework for it is still not fully completed, this provision of the Law cannot be implemented.	In accordance with the Law on Climate Change, Article 15, define and adapt the legal and institutional framework related to adaptation to climate change and integrate it into other sectors, primarily: water management, agriculture, urban planning and construction, infrastructure, forestry, nature protection and energy .

**Recommendation for 2021
from the previous report****Status Comment****Recommendation
for 2022**

Adopt Amendments to the Law on Climate Change that will define permits for GHG emissions and emission monitoring obligations for other relevant sectors such as energy. Adopt the necessary legal instruments to define the obligation of plant operators to monitor GHG emissions and submit information on GHG emissions to the Environmental Protection Agency.



By adopting the Regulation on types of activities and greenhouse gases: 13/2022-4, and the Rulebook on the Verification and Accreditation of GHG Emissions Report Verifiers: 107/2021-31, the recommendation made in the previous report was adopted.

Implement the Regulation on types of activities and greenhouse gases: 13/2022-4, and the Rulebook on the Verification and Accreditation of GHG Emissions Report Verifiers: 107/2021-31.





Adopt Amendments to the Law on Climate Change to establish a CO2 tax mechanism, and thus fully comply with the ETS Directive and prepare for the implementation of the carbon border adjustment mechanism, which is expected to enter into force in 2023.










In light of the newly adopted Law on Climate Change and the European Green Deal, it is necessary for the Serbian economy to prepare for the introduction of the so-called carbon border adjustment mechanism, which will introduce carbon footprint taxation on products and services entering the EU single market.






Adopt Amendments to the Law on Climate Change to establish a CO2 tax mechanism, and thus fully comply with the ETS Directive and prepare for the implementation of the carbon border adjustment mechanism, which is expected to enter into force in 2023.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
<p>Establish a National Council for Climate Change, appoint members of the Council from among the representatives of ministries and other bodies and organizations, representatives of the scientific and professional community, as well as representatives of civil society, whose area of activity is important for identifying and implementing activities in the field of climate change by the end of 2021, and adopt the Rules of Procedure of the Council.</p>		<p>The National Council for Climate Change is recognized in the Law on Climate Change (Article 17) as an advisory body that should assist the work of the Government of the Republic of Serbia. The National Council was established in August 2021, but since then has held only one session, at which the Rules of Procedure were adopted. This body has an important role in integrating climate change into sectors and in coordinating different sectors on the issue of climate change. It is therefore necessary that the work of the Council is more effective. The recommendation made in the previous report has been revised accordingly.</p>	<p>Improve the work of the National Council for Climate Change through: holding regular sessions, making recommendations to the Government of Serbia on issues relevant to climate change and through public reporting on the Council's activities.</p>
<p>In the process of drafting the Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update, take into account the problems already described regarding the reliability and accuracy of GHG inventory data. Use relevant available data, instead of projections. Ensure adequate participation of civil society.</p>		<p>The participation of representatives of Coalition 27 in the preparation of these documents was made possible through membership in working groups. Although the working groups did not meet for most of 2020, due to the COVID-19 pandemic, work continued in an online format and the Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report were produced but not adopted by the Government, nor submitted to the UNFCCC.</p>	<p>Adopt and submit the Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report to the UNFCCC.</p>

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Make information on the GHG inventory public, verifiable and easily accessible, in accordance with the laws of the Republic of Serbia and international obligations, such as the Aarhus Convention and the Paris Agreement.			Make information on the GHG inventory public, verifiable and easily accessible, in accordance with the laws of the Republic of Serbia and international obligations, such as the Aarhus Convention and the Paris Agreement.
Improve efforts to involve the general public in decision-making processes on public policies related to climate change, and above all the participation of the public in the development of the National Climate and Energy Plan, as well as revising NDCs.		The Ministry for Environmental Protection involved a number of civil society organizations in the work on updating the NDCs. During 2020, the revised NDCs were presented at several public events; however, there were no wider public consultations in the preparation of the NDCs. The final draft of the NDCs was prepared through the project “Establishing a Transparency Framework under the Paris Agreement”, but has not yet been adopted or submitted to the UNFCCC. The recommendation has been revised in accordance with the new circumstances.	Adopt the Nationally Determined Contributions of the Republic of Serbia with updated ambitions regarding the reduction of GHG emissions before the next Conference of the Signatories of the UNFCCC in November 2022.
Increase the number of civil servants in ministries and local self-governments dealing with climate change in various sectors and focus on capacity building.			Increase the number and knowledge level of civil servants in ministries and local self-governments dealing with climate change in various sectors and focus on capacity building.
Strengthen capacities in terms of knowledge and skills of civil servants working on the issue of climate change employed in ministries and local self-governments.		This recommendation is integrated into the above recommendation and is therefore revoked.	n/a

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Improve education on climate change, by strategically and systemically including it in school and university programs.		This recommendation has been deemed overly general and has therefore been revoked.	n/a
Develop a financial mechanism that will support strategic priorities (which must be in line with the process of Serbia's accession to the European Union), among other things, by redirecting funds intended for the fossil fuel industry to climate change mitigation and adaptation measures.			Develop a financial mechanism that will support strategic priorities (which must be in line with the process of Serbia's accession to the European Union), among other things, by redirecting funds intended for the fossil fuel industry to climate change mitigation and adaptation measures.

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Develop a national strategic document (development program) that will provide a long-term vision for the development of forests in Serbia with an action plan with defined sources of funding, competent institutions and implementation dynamics. This document must take into account the relevant documents currently being developed at an EU level (Biodiversity Strategy to 2030 and other documents from the Green Agreement package).		There is no information about progress in the development of the forestry development program.	Develop a national strategic document (development program) that will provide a long-term vision for the development of forests in Serbia with an action plan with defined sources of funding, competent institutions and implementation dynamics. This document must take into account the relevant documents currently being developed at an EU level (Biodiversity Strategy to 2030 and other documents from the Green Agreement package).
Develop an institutional framework with clearly defined responsibilities for the implementation of the EUTR and FLEGT regulations.			Develop an institutional framework with clearly defined responsibilities for the implementation of the EUTR and FLEGT regulations.
Strengthen the capacities of competent institutions for the implementation of EU legislation and international agreements in the field of nature protection (Habitats Directive and Birds Directive, CITES Convention, etc.).		A certain amount of cooperation between the Forestry Administration and the Ministry of Environmental Protection was achieved regarding the creation of the Natura 2000 ecological network.	Strengthen the capacities of competent institutions for the implementation of EU legislation and international agreements in the field of nature protection (Habitats Directive and Birds Directive, CITES Convention, etc.).
Strengthen the capacities of the competent institutions in forestry regarding EU integration in the field of climate change and energy.			Strengthen the capacities of the competent institutions in forestry regarding EU integration in the field of climate change and energy.
Enable effective public participation in the development of key documents regulating forest use (including basic forest management).			Enable effective public participation in the development of key documents regulating forest use (including basic forest management).

Recommendation for 2021 from the previous report	Status	Comment	Recommendation for 2022
Value and promote ecosystem services provided by forests, other than wood, and use them in forest management planning.		There is a trend towards a more comprehensive overview of ecosystem services, but no official documents have been prepared to date to precisely define the integration of ecosystem services and biodiversity in the processes of planning and forest management.	Value and promote ecosystem services provided by forests, other than wood, and use them in forest management planning.
Improve the quality of data about privately owned forests and strengthen control over their use.		Preparation of the second National Forest Inventory is underway, which should improve the availability of data about all forests in Serbia.	Improve the quality of data about privately owned forests and strengthen control over their use.
Improve cooperation with other sectors (nature protection, energy, climate change, water management) in order to integrate forest ecosystems.		A certain amount of cooperation between the Forestry Administration and the Ministry of Environmental Protection was achieved regarding the creation of the Natura 2000 ecological network.	Improve cooperation with other sectors (nature protection, energy, climate change, water management) in order to integrate forest ecosystems.
Establish an inter-ministerial working group that will coordinate the efficient development of afforestation plans.			Establish an inter-ministerial working group that will coordinate the efficient development of afforestation plans.
More funding from the Budget Fund for Forests should be directed towards financing the protection and improvement of forest ecosystems that provide services that are beneficial to all.			More funding from the Budget Fund for Forests should be directed towards financing the protection and improvement of forest ecosystems that provide services that are beneficial to all.

Appendix 3

Methodology and list of Authors (Organizations) by fields

Field	Methodology	List of authors (organizations)
Horizontal legislation	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information are collected from official sources available online. • Analysis of relevant studies and projects. • Data related to the implementation of EIA and SEA procedures were collected through participation in public consultations and consultations with local authorities and CSOs. 	<ul style="list-style-type: none"> • Belgrade Open School • Young Researchers of Serbia • RERI²¹²
Air Quality	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information were collected from official sources available online. • Direct communication with experts on air quality (meetings, workshops, interviews). • Consultations with responsible institutions. • Media analysis. 	<ul style="list-style-type: none"> • Belgrade Open School
Waste Management	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information were collected from official sources available online. • Cooperation with experts in the field of waste management. • Analysis of relevant statistical data available online. 	<ul style="list-style-type: none"> • Environment Engineering Group • Young Researchers of Serbia

212 RERI is not a member of Coalition 27

Field	Methodology	List of authors (organizations)
Water Quality	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information were collected from official sources available online. • Analysis of relevant studies and projects. • Direct communication with experts on water quality (meetings, workshops). • Participation in working groups for drafting bylaws and national implementation plans (organized by Ministry of Environmental Protection). 	<ul style="list-style-type: none"> • World Wide Fund for Nature Adria – Serbia (WWF Adria – Serbia)
Nature Protection	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information were collected from official sources available online. • Analysis of relevant studies and projects. • Direct communication with experts in the field of nature protection (meetings, workshops). • Scientific field work: collecting and analysing data on habitats and species. • Participation in working groups for drafting bylaws and national implementation plans (organized by Ministry of Environmental Protection). 	<ul style="list-style-type: none"> • Bird Protection and Study Society of Serbia • Young Researchers of Serbia • World Wide Fund for Nature Adria – Serbia (WWF Adria – Serbia)
Chemicals Management	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information were collected from official sources available online. • Analysis of institutional and administrative capacity and implementation in practice 	<ul style="list-style-type: none"> • Safer Chemicals Alternative
Noise	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information were collected from official sources available online. • Analysis of relevant studies and projects. 	<ul style="list-style-type: none"> • Environment Improvement Center

Field	Methodology	List of authors (organizations)
Climate Change	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information were collected from official sources available online. • Analysis of relevant studies and projects. • Media analysis. 	<ul style="list-style-type: none"> • Belgrade Open School • Climate Action Network Europe (CAN Europe) • Environment Improvement Center
Forestry	<ul style="list-style-type: none"> • Policy analysis: Comparative analysis of national legal and strategic documents and EU legislation – documents and information are collected from official sources available online. • Analysis of relevant studies and projects. • Direct communication with experts in the field of forestry (meetings, workshops). 	<ul style="list-style-type: none"> • World Wide Fund for Nature Adria – Serbia (WWF Adria – Serbia)

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 Spokespeople for
the environment 

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