

A Green Agenda with

NO agenda

Shadow Report on Chapter 27

ENVIRONMENT AND CLIMATE CHANGE

APRIL 2022 – APRIL 2023



Chapter 27 in Serbia:
**A Green Agenda with
NO AGENDA**

Shadow Report on Chapter 27:
Environment and Climate Change

April 2022 – April 2023

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Introduction

This report is the tenth in a series of shadow progress reports on Chapter 27 – Environment and climate change by Coalition 27 – entitled “A Green Agenda with no agenda”. This also happens to be the Coalition’s key assessment of the progress made towards reforms in this area. The report covers the period April 2022 to April 2023.

The Green Agenda for the Western Balkans is a regional development strategy. Its goal is to help the countries of the Western Balkans harmonize their environmental regulations with European standards. The Green Agenda is an extension of the European Green Deal – the framework development strategy of the European Union that should lead Europe towards a modern, resource-efficient and competitive economy. In addition to the Green Agenda, the European Union has developed an Economic Investment Plan for the Western Balkans, providing access to €9 billion for key projects and initiatives in the fields of transportation, energy, green and digital transition, with the aim of creating sustainable growth and green jobs.

The Green Agenda for the Western Balkans is a strategic framework for a just transitions towards climate neutrality. The Western Balkan countries, and Serbia among them, confirmed their commitment to such a European future by signing the Sofia Declaration in November 2020. In order to put the Green Agenda into practice, in 2021, an Action Plan for the Implementation of the Green Agenda was drafted.¹ The Plan contains numerous activities that Western Balkans countries should have completed, or at least started. However, most of the work set out in the Action Plan still lies ahead, and completed activities are the exception rather than the rule.

1 <https://www.rcc.int/docs/596/action-plan-for-the-implementation-of-the-sofia-declaration-on-the-green-agenda-for-the-western-balkans-2021-2030>

The Green Agenda is regional in nature, but reforms at the national level are crucial for its success. These reforms are also key to the progress of the region on the European path, which Coalition Report 27 monitors in the case of Serbia. The foundations this transition include activities such as reform of the waste management system and development of an Integrated National Plan for Energy and Climate. While sectoral actions such as these are not being carried out specifically to deliver the Green Agenda, they nevertheless contribute to meeting its goals

The Environmental Protection Strategy of the Republic of Serbia, which is currently being developed, follows the five pillars of the Green Agenda and should provide a kind of umbrella strategy for reforms across this sector at the national level. Among the five pillars of the Green Agenda, at least four relate to Chapter 27 – climate, energy and mobility (decarbonization), circular economy, pollution reduction and biodiversity conservation. The fifth area (agricultural and food production) is also indirectly related to Chapter 27.

If we further narrow our view and observe the implementation of policies by local self-governments, we gain a more complete picture of how the Green Deal and the Green Agenda are being implemented: From Europe, through regional processes in the Western Balkans and national reforms in Serbia, all the way to local communities. For this reason, this year's report also includes a Green Card section, which depicts the situation at the local level. The Green Cards were created by Coalition 27 based on data obtained during 2022 by civil society organizations, supported through the Green Incubator project.²

The implementation of the Green Agenda at the regional, national and local levels has been sporadic and without a clear plan. Several issues are important. First, there is a noticeable lack of ambition in reform efforts. Even when strategic documents do propose reforms, there is a conspicuous lack of ambitious goals, and the deadlines for their implementation are often set at the very end of the period foreseen for the completion of the reform. When strategic documents do contain clear goals, systemic reforms are often carried out sporadically and without direction towards those goals. As a rule, the processes are non-trans-

2 <https://www.koalicija27.org/zeleni-inkubator/>

parent and difficult for the general public to follow and, especially, participate in. Finally, even when there are reform processes framed by strategic documents, they usually fail to adequately consider the socio-economic aspects and are rarely accompanied by sufficient financing. For example, despite the fact that Chapter 27 has been emphasized for years as one of the most difficult and financially demanding, the Government of the Republic of Serbia has not yet established an operational Green Fund to finance environmental protection reforms. Year after year, this has been one of the basic recommendations of the European Commission. The Green Fund remained a budget line until in 2021, when even Green Fund budget line was abolished.

The Green Agenda is a key process for planning the development of our society for this decade, and it is vital that it contains all the elements that a good plan must have: ambitious goals, feasible steps towards those goals, financial resources for implementation, as well as mandatory evaluation and means for adjustment and correction. This is the only way we can effectively carry out the upcoming reforms for the benefit of all citizens. This, the tenth report by Coalition 27, provides an overview of these issues from the point of view of civil society organizations. We hope that this review can help both decision-makers and other interested participants in public policy formulation to evaluate what has been implemented so far and better plan the next steps of reforms in the field of environmental protection.

Coalition 27 consists of eight organizations: Safer Chemicals Alternative, Belgrade Open School, Environment Improvement Centre, Bird Protection and Study Society of Serbia, Environment Engineering Group, Young Researchers of Serbia, Climate Action Network Europe (CAN Europe), and World Wide Fund for Nature Adria – Serbia (WWF Adria – Serbia).

The report encompasses seven thematic areas: horizontal legislation, air quality, waste management, water quality, nature protection, 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 developments in that sector. The report does not address issues of civil protection, nor issues of industrial pollution and risk management, which are issues covered Chapter 27. 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 report also contains attachments:

1. List of abbreviations;
2. A comparative table of recommendations from the previous report and this year's report;
3. An explanation of the methodologies used and a list of authors (organizations) for each chapter.
4. Green cards that cover certain municipalities.

We would like to express our gratitude to Damjan Rehm Bogunović, member of the Advisory Board of Coalition 27, and Goran Sekulić from *The Nature Conservancy*, also a member of the Advisory Board of Coalition 27, for their contribution in the preparation of the report, useful comments and advice, as well as to the civil society organizations that, together with member organizations of Coalition 27, participated in the collection of data in local self-governments.



Horizontal Legislation

Overview

Although public discussions on the Draft Law on Environmental Impact Assessment and the Draft Law on Strategic Environmental Impact Assessment were completed in mid-January 2022, there were no significant legislative activities during the reporting period to further regulate the field of horizontal legislation. Two of the key laws that provide instruments for good environmental governance have not yet been adopted.

The most recent amendments to the Criminal Code were made in 2019. In the intervening period there has been no new information regarding the Draft Law on Liability for Environmental Damage, which was in public consultation during 2019.

The reporting period was marked by the process of adopting the General Urban Plan (GUP) of Novi Sad, which prompted massive street protests over widespread fears that the plan would pave the way for investor urbanism and threaten the public interest.

The Report on the Work of the Environmental Protection Inspectorate indicates that it is necessary to increase the number of inspectors and improve technical conditions in order to enable the inspectorate to work more efficiently.

The capacities of competent authorities to involve citizens in decision-making processes and improve procedures and practices related to public participation must be raised. The results of research on the effectiveness of public participation in environmental decision-making show that the majority of associations of citizens report that information about opportunities for participation is not sufficiently available, requires considerable effort to collect, and is often incomplete and unclear.

Strategic and Legislative Framework

Environmental Protection Strategy with Action Plan

Drafting of the Environmental Protection Strategy and its Action Plan began during the reporting period. The strategy is being developed in accordance with the objectives of the Sofia Declaration³ and the five pillars of the Green Agenda for the Western Balkans: climate action, including decarbonisation, energy and mobility, circular economy, biodiversity, fighting pollution of air, water and soil and sustainable food systems and rural areas. A multidisciplinary working group was formed, led by a team of experts engaged through the EU for Green Agenda in Serbia project.⁴ Representatives of citizens' associations, selected through a public call, are included in the Working Group.

In parallel with the process of drafting the Strategy, civil society representatives organized consultations with the wider community of citizens' associations, with the aim of increasing the inclusiveness and transparency of the process.

It was announced that the Draft Strategy would be completed by the end of 2023. Following its completion, in accordance with the Law on the Planning System, a public hearing is planned.

Strategy for the implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters – Aarhus Convention for the period 2023 – 2032

The Ministry of Environmental Protection, in cooperation with the network of Aarhus Centers, and with the support of the OSCE Mission in Serbia, organized

3 <https://www.pregovarackagrupa27.gov.rs/wp-content/uploads/2021/06/Deklaracija-iz-Sofije-o-Zelenoj-agendi-za-Zapadni-Balkan-SRP.pdf>

4 <https://www.undp.org/sr/serbia/projects/eu-za-zelenu-agendu-u-srbiji>

consultations on the draft Strategy for the Implementation of the Aarhus Convention and the Action Plan in October 2022.

A Working Group for drafting the Strategy should be formed in 2023.

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

A public hearing on the Draft Law on Environmental Impact Assessment was conducted from the 24th of December 2021 to the 14th of January 2022.⁵ This period coincided with national and religious holidays, resulting in a reduced level of public participation in this important process. The final report on the public debate was published in August 2022⁶, while the Law itself is yet to be adopted.

During the public discussion, just over 150 comments, objections and suggestions were submitted by 26 different actors – 34 of which were fully or partially accepted. Coalition 27 submitted comments. In addition to noting that the period chosen for the public discussion was inappropriate, the competence of the Ministry of Environmental Protection in the context of the unnecessary centralization of impact assessment procedures was queried, and the importance of introducing a legal obligation to prepare an impact assessment for changing the use of forests and forest land (based on the condition and vulnerability of forests) was highlighted. Coalition 27 also raised the need to introduce a requirement that legal persons preparing an impact assessment study and members of a multidisciplinary team cannot be employed or engaged by the project holder or a legal or physical person who can be considered to be connected to the project holder based on other grounds. These proposals were rejected, with the explanation that the addition of “loss of forest land” to Article 3 of the Law concerning the factors included in the environmental impact assessment should be considered, and that the proposal regarding the prevention of a potential conflict of interest is not acceptable at this stage, but

5 Ministry of Environmental Protection: Report on the public debate on the Draft Law on Environmental Impact Assessment, available at: <https://www.ekologija.gov.rs/lat/informacije-od-javnog-znacaja/javne-rasprave/izvestaj-o-javnoj-raspravi-o-nacrtu-zakona-o-proceni-uticaja-na-zivotnu-sredinu>

6 Ministry of Environmental Protection: Public discussions, available at: <https://www.ekologija.gov.rs/lat/informacije-od-javnog-znacaja/javne-rasprave>

that efforts will be made to establish clearer and more precise mechanisms for the preparation of the environmental impact assessment study, and that it will then be possible to implement the proposal that a member of the multidisciplinary team cannot be a person employed by the project holder.⁷

In order for the Directive on environmental impact assessment (Directive 2014/52/EU) to be fully transposed into domestic legislation, in addition to the adoption of the new Law, it is necessary to adopt a Regulation on determining the list of projects for which an impact assessment is mandatory and a list of projects for which an environmental impact assessment may be required.

In the Negotiating Position for Chapter 27, the Republic of Serbia recognized that the quality of the impact assessment and the public consultation process are the main challenges in the implementation of the Directive.⁸

Strategic impact assessment and Directive 2001/42/EC

A public debate on the Draft Law on Strategic Environmental Impact Assessment⁹ took place from the 24th of December 2021 to the 14th of January 2022, in parallel with the public debate on the Draft Law on Environmental Impact Assessment, the timing of which, as already mentioned, adversely affected public participation. A Report on this process was also published in August 2022.¹⁰

During the public discussion, just over 80 comments, objections and suggestions were submitted by 11 different actors – 16 of which were fully accepted, with no partially accepted comments, objections and suggestions. Coalition 27 submitted comments, which were primarily concerned with the questionable relationship

7 Ibid.

8 Government of the RS (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 Ministry of Environmental Protection: Report on the public debate on the Draft Law on Strategic Environmental Impact Assessment, available at: <https://www.ekologija.gov.rs/lat/informacije-od-javnog-znacaja/javne-rasprave/izvestaj-o-javnoj-raspravi-o-nacrtu-zakona-o-strateskoj-proceni-uticaja-na-zivotnu-sredinu>

10 Ministry of Environmental Protection: Report on the public debate on the Draft Law on Strategic Environmental Impact Assessment, available at: <https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/javne-rasprave/izvestaj-o-javnoj-raspravi-o-nacrtu-zakona-o-strateskoj-proceni-uticaja-na-zivotnu-sredinu>

between the draft Law on Strategic Environmental Impact Assessment and the Law on Environmental Protection. The Coalition's position is that the provisions of the Law on Environmental Protection have been degraded with regard to protective measures into mitigate harmful effects on nature, the precautionary principle and compensatory measures. These comments were not accepted. The only accepted proposal submitted by Coalition 27 involves amending Article 14, which refers to the content of the strategic assessment report, in such a way that the document should determine, describe, and evaluate not only possible indirect and direct impacts on environmental factors that may occur through the implementation of plans and programs, but also cumulative, cross-border, short-term, medium-term and long-term, permanent and temporary, positive and negative significant impacts on environmental factors in the area in question.¹¹

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 that this Directive will be fully transposed by the end of 2020 through the Law on Amendments to the Law on Environmental Impact Assessment, Law on Amendments to the Law on Integrated Prevention and Control of Environmental Pollution, Law on Amendments to the Law on Water and the Regulation on Public Participation in the Development of Certain Plans and Programs in the Field of Environmental Protection.¹²

During the reporting period, there were no legislative activities related to the further transposition of the Directive. Instead of adopting the Law on Amendments to the Law on Environmental Impact Assessment, a new law was drafted, which was put up for public discussion from the 24th of December 2021 to the 14th of January 2022, while the Regulation on Public Participation in the Development of Certain Plans and Programs in the Field of Environmental

¹¹ Ibid.

¹² Government of the RS (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

Protection was adopted in December 2021. Amendments to the Law on Integrated Prevention and Control of Environmental Pollution adopted in 2021 extended the deadline for issuing integrated permits for existing plants until the 31st of December 2024.¹³

Environmental crimes and Directive 2008/99/EC

No progress has been made in harmonizing legal regulations related to criminal law in the field of environmental protection. 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.

Availability of environmental information and Directive 2003/04/EC

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

The Law on Amendments to the Law on Free Access to Information of Public Importance was adopted at the end of 2021.¹⁴ The final version of the Law on Free Access to Information of Public Importance did not abolish the ban on submitting complaints to the Commissioner for Access to Information of Public Importance and Personal Data Protection 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 Office of the Republic Public Prosecutor. On the contrary, the Law expanded the circle of bodies against which a complaint cannot be filed with the Commissioner, adding the National Bank of Serbia to the list of privileged bodies whose decisions can only be challenged by an administrative dispute, which, in practice, can take years to resolve.

13 https://www.paragraf.rs/propisi/zakon_o_integrisanom_sprecavanju_i_kontroli_zagadjivanja_zivotne_sredine.html

14 Official Gazette of the Republic of Serbia, no. 120/2004, 54/2007, 104/2009, 36/2010 and 105/2021.

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, which is necessary for the transposition of the Environmental Liability Directive 2004/35/EC. The directive is in the initial phase of transposition into domestic legislation. To completely transpose the Directive, it is necessary to adopt the Law on Liability for Environmental Damage.¹⁵ Drafting of the Law began in 2015, while the first public consultations regarding the Draft Law on Liability for Environmental Damage were held in 2019.

Directive 2007/2/EC – INSPIRE Directive

In the Negotiating Position for Chapter 27 the Republic of Serbia requested a transition 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 for the full implementation of this Directive¹⁶ should be determined by the Specific Implementation Plan for the INSPIRE Directive.

With the aim of further harmonizing the legislative framework with the EU acquis, by-laws will be adopted to more closely regulate the issue of monitoring and reporting (2020), interoperability, network services and access to geodata sets and services, including public access and exchange of data between public authorities (2020).¹⁷

15 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

16 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

17 Ibid

The Implementation of Regulations

The General Urban Plan (GUP) of Novi Sad until 2030 attracted significant public attention. Thousands of objections were submitted to the draft of this plan, and mass street protests were held because citizens and experts believe that its adoption paves the way for investor urbanism and threatens the public interest.¹⁸ One of the contentious points of the new GUP is the issue of the protection of Šodroš, Dunavac, Ribarsko ostrvo and Kamenička Ada. A group of civil society organizations launched an initiative in 2021 to recognize these areas as protected public natural goods.¹⁹

Civic resistance began in June 2022, when trees were cut down on Šodroš beach, at a time when, according to activists, such activity was prohibited due to the nesting of birds. After pressure from activists, the director of the public company Koridori Srbije explained that there had been a “procedural error”.²⁰ Nonetheless, despite environmental associations pointing out the danger of destroying the ecosystems and habitats of many protected plant and animal species, as well as the absence of an environmental impact assessment study, the GUP was adopted in July 2022²¹, despite the dissatisfaction of many citizens.

At the end of 2022, the Renewables and Environmental Regulatory Institute (RERI) reported a violation of the law during the construction of a new bridge in the extension of Europe Boulevard, indicating that at least two construc-

18 Portal Mašina: Novi Sad is waiting for changes: Is GUP the last straw?, available at: <https://www.masina.rs/novi-sad-ceka-promene-da-li-je-gup-kap-who-ran-the-glass/>

19 Initiative for the protection of the natural public property of Kamenička Ada, Dunavac, Šodroš and Ribarski Peninsula in Novi Sad, available at: https://44e087d4-bd4e-487c-8a8e-3582ac16ce55.filesusr.com/ugd/512f11_dc9a1a7d84504b86ad3705b2f1217c9a.pdf

20 Dnevni list Danas: One year after the “Šodroš survivor camp”: No one has yet been held accountable for illegal forest cutting, available at: <https://www.danas.rs/vesti/politika/godinu-dana-sodros-survivor-kampa-jos-nobody-was-responsible-for-illegal-cutting-of-forests/>

21 BBC News in Serbian: GUP, Novi Sad and urbanism: Urban plan adopted despite clashes at protests, activists say “this is not the end”, available at: <https://www.bbc.com/serbian/lat/srbija-62251285>

tion permits were issued before the impact assessment study was prepared. RERI submitted a request to the Ministry of Environmental Protection for an extraordinary inspection and suspension of construction if it was determined that the environmental impact study was not prepared.²²

Despite the initial assertions of the competent authorities that the study was not necessary, in March 2023 Koridori Srbije submitted a request to the Ministry of Environmental Protection for approval for an environmental impact assessment study for the project to build a bypass around Novi Sad with a bridge over the Danube River on the route of the state road IIA, KO Novi Sad II and other cadastral parcels in KO Sremska Kamenica, while the public hearing and presentation were announced for the 6th of July 2023.²³

Public participation

As part of the Volvox – joint strength project, implemented by the Young Researchers of Serbia in partnership with the Belgrade Open School and the Renewables and Environmental Regulatory Institute (RERI) in 2022, research was conducted on the effectiveness of CSO and citizen participation in creating and monitoring public environmental policy. The research included the perspectives of informal groups, civil society organizations, representatives of the public sector and the expert community.

These target groups share the view that the primary obstacles for more effective public participation in decision-making processes are the inconsistency of regulations and public policies, insufficient coordination of state authorities and the lack of qualified personnel.

The expert community and representatives of civil society both stated that the lack of trust between institutions and citizens, as well as lack of under-

22 Portal Autonomija: RERI: Violation of the law during the construction of the bridge over the Danube near Novi Sad, available at: <https://autonomija.info/reri-krsenje-zakona-kod-izgradnje-mostaa-preko-dunava-kod-novog-sada/>

23 Ministry of Environmental Protection: Korridori Srbije d.o.o. – Request for consent to the environmental impact assessment study of the project: construction of a bypass around Novi Sad with a bridge over the Danube River on the route of the state road IIA, KO Novi Sad II and other cp in KO Sremska Kamenica, available at: <https://www.ekologija.gov.rs/obavestenja/procena-uticaja-na-zivotnu-sredinu/zahtevi/zahtevi-za-davanje-saglasnosti-na-studije-o-proceni-uticaja/koridori-srbije-doo-zahtev-za-davanje-saglasnosti-na-studiju-o-proceni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-obilaznice-oko-novog>

standing of regulations and procedures on the part of the interested public and representatives of institutions, as the primary barriers.

Representatives of the public sector singled out imprecisely and inconsistently formulated procedures in legal documents, as well as inconsistent terminology in various regulations and public policy documents as the primary barriers to effective public participation.

Representatives of informal groups and citizens' associations rated the importance of citizens' participation in institutional decision-making very positively (rated with a mean value of 4.65 on a scale of 1 to 5), however, their experience shows that there are numerous obstacles that representatives of other sectors included in the research did not highlight.

Representatives of informal groups and citizens' associations stated that information about participation in decision-making is most often obtained from the websites of competent authorities and their social media, followed by direct communication with citizens and associations. However, the majority of associations (65%) believe that information is insufficiently available, requires considerable effort to collect, and is often incomplete and unclear. They also point out that calls for public participation are not communicated in a timely manner, which makes it difficult to get acquainted with the topic on the agenda, in addition to differences in the public notification practices of different authorities.

Associations are most often dissatisfied with the procedures for involving the public in decision-making, as they are reduced to a formality and decision-makers do not fundamentally take into account the opinion of the public. The lack of capacity and interest of the public administration, in addition to cases of corruption and favoring investors regardless of expertise and local needs, were also highlighted as sources of dissatisfaction. In regard to the quality of participation, short and inconsistent deadlines, poor organization of venue and time, and lack of feedback on objections and decisions were highlighted.

Although the research had a limited sample size, the challenges highlighted by respondents are in accordance with the years-long experience of civil society

organizations. This indicates that there is a need to improve public participation in environmental decision-making.

Acting in the accordance with this finding, a group of civil society organizations sent the Ministry of Environmental Protection and the Ministry of Human and Minority Rights and Social Dialogue recommendations for the effective involvement of the public in the process of drafting public policy documents in the area of the environment and climate change, as well as recommendations for the improvement of criteria for the selection of associations included in working groups for the development of public policies and laws. Following dialogue regarding these recommendations, there was a public call for the participation of CSOs in the Working Group for the development of the Strategy for Environmental Protection of the Republic of Serbia, which proved to be an effective mechanism and which we hope will become an established practice in the future.

In order to solve the problem of a large number of communication channels and uneven practices of state authorities, the eKonsultacije.gov.rs website was established. However, problems have been noticed in the operation of the platform to date, such as discrepancies in information on the eKonsultacije website, the e-Government portal and the official internet presentations of the authorities, the lack of notices about the outcomes of public hearings and the lack of availability of relevant documents. Additionally, only state authorities, and not local and provincial authorities, are obliged to publish information about consultations and public hearings on the eKonsultacije.gov.rs website.

Environmental protection inspectorate

The Report on the work of the Environmental Protection Inspectorate for 2022, in the section on the implementation of the plan and the validity of the planning of inspection supervision, states that the inspection supervision plan has been completed in full, i.e. 100%, in all areas. However, the document indicates that out of the 86 positions foreseen by the systematization for environmental inspectors, only 57 people had been hired by the end of the year, and that there is a need to increase the number of inspectors, as well as a need to

improve the technical equipment in order to make the work more efficient. It is also emphasized that the issue of environmental protection is a particularly demanding process for local self-governments (LGUs), due to the number of laws that entrust implementation to LGUs in relation to their organizational and personnel capacities. This state of affairs requires better coordination and more funds, as well as the provision of training and education for environmental protection inspectors. There is inefficient communication between competent local self-government bodies and the environmental protection inspectorate related to the implementation of the impact assessment procedure, issuing of permits and other entrusted tasks. For example, the absence of one or the other stakeholder was emphasized. An additional challenge is that in many local self-government units, environmental protection inspectors also perform tasks outside of the scope of the role, by order of their superiors.²⁴

According to available information, two republic environmental protection inspectors participated in the implementation of the annual Plan of Inspections in the field of soil protection and control of unsanitary landfills for 2022, as part of the annual Inspection Oversight Plan. One republic inspector for environmental protection and the head of the Department for Environmental Protection participated in the implementation of the annual Inspection Oversight Plan in the area of noise protection for 2022, while one republic inspector and the head of the Department for Environmental Protection participated in the implementation of the annual Inspection Oversight Plan in the area of protection against non-ionizing radiation for 2022.

The publication *Guidelines for improving the legal framework and good practice recommendations for the implementation of inspection oversight in the field of environment in the Republic of Serbia*²⁵, prepared by RERI, states that “inspection is one of the weakest links in the environmental protection system”. Based

24 Ministry of Environmental Protection: Report on the work of the Environmental Protection Inspectorate for 2022, available at <https://www.ekologija.gov.rs/sites/default/files/inline-files/Godi%C5%A1nji%20Izve%C5%A1tata%20o%20work%20Inspections%20for%20for%C5%A1titu%20C5%BEivotne%20sredine%20za%202022.pdf>

25 RERI – Renewables and Environmental Regulatory Institute: Guidelines for improving the legal framework and good practice recommendations for the implementation of inspection oversight in the field of environment in the Republic of Serbia, available at: <https://reri.org.rs/wp-content/uploads/2023/04/SMERNICE-za-unapredjenje-pravnog-okvira-i-preporuke-dobre-prakse-za-sprovođenje-inspekcijaskog-nadzora-u-oblasti-zivotne-sredine.pdf>

on the analyzed situation, RERI concluded that there is a need to reform the functioning of the inspectorate, in order to remedy problems related to establishing competencies between state bodies, their overlap and conflicts. Additionally, the importance of improving the mechanism for filing challenges to official actions was highlighted, which should enable preventive and corrective measures to prevent abuses, errors and inconsistencies in the work of officials, and to suppress corruption in inspection oversight and improve oversight of inspectors' work.

Access to information of public importance

In 2022, the Ombudsman addressed a total of 5,018 cases, of which only 30 related to the field of environmental protection, which is slightly fewer than last year, when there were 39. The largest number of complaints related to environmental protection received by the Ombudsman related to air, water and soil pollution, with special emphasis on the problem of noise and unpleasant odours. The Ombudsman's annual report for 2022 pointed to the failure of the inspection authorities in charge of monitoring and implementing measures in this sector to be accountable for their work.²⁶

Requests for access to information of public importance were most often submitted by citizens, civil society organizations, the media, authorities, lawyers, etc. Information on endangerment and environmental protection was among the most difficult information to obtain. Access to information on endangerment and environmental protection was denied in 20.94% of cases (a percentage only exceeded by the denial of access to information on the budget and procedures before administrative authorities). The annual report notes that "the unusually high percentage of cases where access to information related to endangerment and environmental protection was denied is extremely worrying, because this information is subject to the so-called privileged status, which requires shorter and urgent deadlines for processing requests for access, for resolving

²⁶ Ombudsman: Regular annual report of the Ombudsman for 2022, available at: <https://www.ombudsman.rs/attachments/article/7685/Redovan%20Gl%20za%202022.%20god.pdf>

complaints which are of exceptional importance for public health and citizens' behaviour in the content of that information".²⁷

In 2022, 258 complaints (2.80% of the total number) were sent to the Commissioner regarding violations of the right to access information in the field of ecology. The complaints were related to: information concerning the actions of competent environmental protection inspectorates and the measures which they undertook; the operation of mini-hydroelectric power plants; waste management; environmental impact assessment studies; strategic environmental impact assessments; water quality; permits issued for the management of industrial, hazardous and non-hazardous waste; wastewater monitoring; soil monitoring; measurements from stationary pollution sources; information regarding the construction of the Kolubara thermal power plant; the "Jadar" project; felling trees; failure to produce documents related to public policies in the field of environmental protection, etc. It is notable that in 53 cases the Commissioner ordered the authorities to make the requested information available to the requesters. Information was subsequently provided in 23 cases (43.39%), whereas in 30 cases (56.60%), the Commissioner's order was not implemented²⁸.

It must be emphasized that over half (50.8%) of the well-founded appeals submitted to the Commissioner were suspended because authorities acted on the requests after learning about the appeal. This continues a long-standing trend of difficulties in obtaining information without the intervention of the Commissioner, indicating a lack of respect among the authorities for the law and citizens. During 2022, 192 requests and 145 complaints were submitted to the Commissioner against the Ministry of Environmental Protection, which is a significant increase in complaints compared to the previous year, when 307 requests were submitted and 27 complaints were filed.²⁹

27 Commissioner for Information of Public Importance and Personal Data Protection: Report on the work of the Commissioner for Information of Public Importance and Personal Data Protection for 2022, available at: https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2022/Godi%C5%A1tj_izve%C5%A1taj_2022_-_16_03_2023.pdf

28 Commissioner for Information of Public Importance and Personal Data Protection: Report on the work of the Commissioner for Information of Public Importance and Personal Data Protection, available at: https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2022/Godi%C5%A1tj_izve%C5%A1taj_2022_-_16_03_2023.pdf

29 Commissioner for Information of Public Importance and Personal Data Protection: Report on the work of the Commissioner for Information of Public Importance and Personal Data Protection, available at: https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2022/Godi%C5%A1tj_izve%C5%A1taj_2022_-_16_03_2023.pdf

Among the key problems related to the appropriate implementation of the Law on Access to Information of Public Importance, the publication "Exercising the Right to Access Environmental Information", published by the Commissioner for Information of Public Importance and Personal Data Protection in cooperation with the OSCE Mission in Serbia, notes the lack of capacity of employees of public authorities to respond to requests, the failure of public authorities to fulfil their obligation to actively inform the public, the large number of administrative duties that employees perform as part of their regular duties, and the lack of awareness of the importance of the Law for establishing a society based on democratic principles and civic participation. Accordingly, the publication recommends the provision of adequate education and raising awareness among employees about the importance of informing citizens, as well as issuing misdemeanor charges against authorities that prevent access to information.³⁰

Criminal acts against the environment

According to the Report on the work of the public prosecutor's office on crime suppression and the protection of constitutionality and legality in 2022³¹, reports were filed against 1,652 persons for crimes against the environment, 175 more than the previous year.

There was an increase in the number of reports of timber theft, forest destruction, environmental damage, failure to protect the environment, destruction, damage, export abroad and import into Serbia of protected natural assets, and food and water pollution by feeding animals, while the largest increase was registered in the criminal offense of bringing dangerous substances into Serbia and illegal processing, disposal and storage of dangerous substances – by as much as 1,240%.

30 Commissioner for Information of Public Importance and Personal Data Protection: Exercising the right to access environmental information, available at: https://www.poverenik.rs/images/stories/dokumentacija-nova/Publikacije/2023/Ostvarivanje_prava_na_pristup_ekoloskim_informacijama.pdf

31 Report on the work of the public prosecutor's office on crime suppression and the protection of constitutionality and legality in 2022, available at: http://www.rjt.gov.rs/docs/lzvestaj_Republika_Srbija_Republicko_javno_tuzila%C5%Aftvo_mart2023.pdf

There was a decrease in the number of reports of the crimes of killing and abusing animals, illegal hunting, illegal fishing and environmental pollution, while the most significant change was observed in the rate of violation of the right to information about the state of the environment, of which there was a decrease of 97.92 % compared to the previous reporting period.

The structure of crimes against the environment:

- 1,187 persons were charged with the crime of timber theft (an increase of 27% compared to 2021).
- 129 persons were charged with the crime of killing and abusing animals (a decrease of 31% compared to 2021).
- 96 persons were charged with the criminal offense of illegal hunting (a decrease by 12% compared to 2021).
- 68 persons were charged with the criminal offense of devastation of forests (an increase of 89% compared to 2021).
- 67 persons were charged with the criminal offense of bringing dangerous substances into Serbia and illegal processing, disposal and storage of dangerous substances (an increase of 1,240% compared to 2021).
- 27 persons were charged with the criminal offense of illegal fishing (a decrease by 4% compared to 2021).
- 20 persons were charged with the crime of environmental pollution (a 20% reduction compared to 2021).
- 20 persons were charged with the criminal act of environmental damage (an increase of 233% compared to 2021).
- 18 persons were charged with the criminal offense of failure to implement environmental protection measures (an increase of 6% compared to 2021).

- 16 persons were charged with the criminal offense of destruction, damage, export abroad and import into Serbia of a protected natural asset (an increase of 100% compared to 2021).
- 3 persons were charged with the criminal offense of contaminating food and drinking water, i.e. by watering animals (a 50% increase compared to 2021).
- 2 persons were charged with the criminal offense of violating the right to information on the state of the environment (a decrease of 98% compared to 2021).

A significant number of reports of criminal offenses from the previous reporting period remained unresolved. These include pending reports from the previous period against 826 people for the criminal offense of timber theft, 140 for the criminal offense of killing and abusing animals, 52 for illegal hunting, and 63 for destruction of forests. Reports against 8 persons for the offense of bringing dangerous substances into Serbia and illegal processing, disposal and storage of dangerous substances, remained unresolved from the previous period, while there are 21 pending reports regarding illegal fishing. For the criminal offense of environmental pollution, a total of 26 pending reports from the previous year remained, four for environmental damage, and 12 for failure to implement environmental protection measures. Three pending reports for the criminal offense of destruction, damage, export abroad and import into Serbia of protected natural goods remained from the previous year. For the criminal offense of contaminating food and drinking water, i.e. by watering animals, there were pending reports against two persons, while for the criminal offense of violating the right to information about the state of the environment, there were pending reports against 46 persons.

There are also cases of criminal offenses that were not recorded in the current reporting period, but were carried over from 2021. These include three reports for the criminal offense of illegal construction and commissioning of facilities and plants that pollute the environment, which have remained unresolved in the reporting year, as well as one report for the criminal offense of unauthorized construction of nuclear facilities. Complaints were filed against seven persons

for the criminal offense of transmission of infectious diseases among animals and plants, six of which were dismissed.

In regard to reports of economic crimes, only 24 reports were filed in the past year based on the Law on Environmental Protection, the Law on Nature Protection, the Law on Air Protection and the Law on Chemicals, while 21 reports remained pending from the previous period. These cases concerned the failure to take protective measures against uncontrolled spills or emissions of harmful substances caused by the operation of industrial plants and improper storage of dangerous substances. The Report of the Public Prosecutor's Office emphasizes that it is not entirely clear why the number of reported cases under these laws has been extremely low for years, given the prevalence of environmental pollution in public space.³²

In the Republic of Serbia, the Law on the Liability of Legal Entities for Criminal Offenses has been in force since 2008, and regulates the conditions under which legal entities may be liable for criminal offences, the criminal sanctions that can be imposed on legal entities and the rules of the procedure under which the liability of legal entities is adjudicated, the imposition of criminal sanctions, the adoption of a decision on rehabilitation, the termination of security measures or the legal consequences of a conviction and the implementation of court decisions³³. However, as RERI states in its Guidelines for Improving Environmental Protection in Criminal and Judicial Practice³⁴, the aforementioned Law has hardly been applied for years, i.e. judicial practice in the field of punishing companies for illegal business for environmental crimes is practically non-existent – despite the fact that environmental crimes arise primarily due to the illegal actions of legal entities, i.e. companies.

32 Republic Public Prosecutor's Office: The work of public prosecutor's offices to suppress crime and protect constitutionality and legality in 2022, available at: http://www.rjt.gov.rs/docs/lzvestaj_Republika_Srbija_Republicko_javno_tuzila%C5%A1tvo_mart2023.pdf

33 Official Gazette of the Republic of Serbia no. 97/2008

34 RERI-- Guidelines for Improving Environmental Protection in Criminal and Judicial Practice: <https://reri.org.rs/wp-content/uploads/2023/04/SMERNICE-za-unapredjenje-zastite-zivotne-sredine-u-krivnoj-i-sudskoj-praksi.pdf>

Financing

According to the National Strategy for Approximation in the Field of Environment, the harmonization of horizontal legislation does not pose a significant economic and financial challenge, however, the expected costs of implementing regulations will be significantly higher.³⁵ The post-screening document³⁶ noted that most of the costs in this sector, around €15,000,000.00, will be incurred by implementing the INSPIRE Directive.

In the Negotiating Position for Chapter 27 there is little information about the estimated costs of further alignment with EU legislation and the costs of implementation. The only information about funding is related to the INSPIRE Directive, stating that a detailed assessment of the situation, implementation plan, accompanying costs and a funding mechanism will be part of the Specific Implementation Plan for the INSPIRE Directive, which will be developed with the support of the IPA Fund in 2014.

There is an obvious lack of information about costs related to the harmonization of the regulations of the Republic of Serbia in the field of horizontal legislation with the regulations of the European Union, as well as their implementation. In addition to the fact that consumption data are generally not available to the public, even when certain data exist, they are often not sufficiently precise and do not have accompanying explanations, as is the case with the Report on the implementation of the budget of the Ministry of Environmental Protection for 2021.³⁷

35 Official Gazette of the Republic of Serbia, no. 80/2011-24.

36 BOŠ: Negotiations on Serbia's accession to the EU, available at: <https://eupregovori.bos.rs/progovori-opregovori/poglavlje-27/1565/2016/02/11/poglavlje-27---zivotna-sredina-.html>

37 Ministry of Environmental Protection: Implementation of the budget of the Ministry of Environmental Protection, available at: <https://www.ekologija.gov.rs/sites/default/files/inline-files/IZVR%C5%A0ENJE%20BUD%C5%BDETA%20MZSZS%2001.01-31.12.2021.pdf>

Recommendations



Strategic and legal framework

1. Improve the quality of the processes of the 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 to the public about conducting public hearings by improving public awareness via the Internet. Improve the functionality of e-Consultation so that it is adapted to the average user (access to documents, information about the beginning, 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 the Republic of Serbia, no. 97/08).



HORIZONTAL LEGISLATION

STRUCTURE OF CRIMINAL OFFENSES AGAINST THE ENVIRONMENT:

CRIMINAL OFFENSE		CHANGE COMPARED TO 2021
Timber theft	1,187 Persons	▲ 26.54%
Killing and abusing animals	129 Persons	▼ 31.02%
Illegal hunting	96 Persons	▼ 11.93%
Devastation of forests	68 Persons	▲ 88.88%
Bringing dangerous substances into Serbia and illegal processing, disposal and storage of dangerous substances	67 Persons	▲ 1,240%
Illegal fishing	27 Persons	▼ 3.71%
Environmental pollution	20 Persons	▼ 20%
Environmental damage	20 Persons	▲ 233.33%
Failure to implement environmental protection measures	18 Persons	▲ 5.88%
Destruction, damage, export abroad and import into Serbia of a protected natural asset	16 Persons	▲ 100%
Contaminating food and drinking water, i.e. by watering animals	3 Persons	▲ 50%
Violating the right to information on the state of the environment	2 Persons	▼ 97.92%

* Source: Office of the Republic Public Prosecutor (2023)

The work of public prosecutor's offices to suppress crime and protect constitutionality and legality in 2022:
http://www.jft.gov.rs/docs/Izvestaj_Republika_Srbija_Republicko_javno_tuzila%C5%A1tvo_mart2023.pdf



Air Quality



Overview

In December 2022, Serbia's policy framework on air protection was strengthened by the adoption of the Air Protection Program with an Action Plan at a Government session in early December³⁸. The Program covers the period between 2022 and 2030. Its implementation will require nearly €2.6 billion. The Action Plan, adopted as part of the Program, provides projections for the first five years of implementation.

Air quality in Serbia has not improved. The Annual Report on the State of Air Quality for 2022 was not publicly available at the time of writing this report, although the Law on Air Protection³⁹ stipulates that the Environmental Protection Agency has until the 28th of February of the current year to publish the Report on the previous calendar year. According to the Annual Report for 2021, the air was excessively polluted in all eight agglomerations and 12 cities across Serbia. It is estimated that almost 4,000,000 people live in places where the air is excessively polluted.

The Law on Air Protection stipulates that air quality plans must be adopted in places where the air is classified as Category III. Despite this obligation, many agglomerations and cities have failed to adopt air quality plans, and many of those that have adopted plans have failed to implement them. For example, the Air Quality Plan for Smederevo targets the issue of pollution coming from the steelworks through measures that the City Administration of the City of Smederevo has no jurisdiction over, while the Air Quality Plan for the City of Belgrade does not include measures to address some of the key sources of pollution, such as individual stoves.

During 2022, the Ministry of Environmental Protection and the Ministry of Mining and Energy conducted several public calls and provided just under

38 https://www.ekologija.gov.rs/sites/default/files/2023-03/en_aq_programme_adopted_version.pdf

39 https://www.paragraf.rs/propisi/zakon_o_zastiti_vazduha.html

RSD 1.2 billion for the energy rehabilitation of buildings and the reduction of air pollution from individual stoves. However, implementing measures in households requires the financial participation of the citizens themselves, which is an impossible financial burden for over two-thirds of citizens.

Strategic and Legislative Framework

The Air Protection Program in the Republic of Serbia for 2022-2030 was adopted at a Government session held on the 8th of December 2022. This document is a national strategy that lays the foundations for the adoption of air quality plans, short-term air quality plans and programs for reducing pollutant emissions. The very name of the document is a source of confusion, as the Law on the Planning System⁴⁰ defines a Program as a public policy document, narrower in scope than a strategy, which, as a rule, elaborates a special goal of a strategy or some other planning document. The Action Plan, which is part of the Program, provides projections for the first five years of implementation, i.e. until 2026. Since the Program was adopted at the end of 2022, an entire year was lost for implementation, so the measures defined for 2022 could not be implemented.

The most serious shortcoming of the Air Protection Program is that the initial assumption predicts that the Republic of Serbia will fully fulfill all existing obligations regarding the reduction of air pollution. The Program ignores the fact that Serbia has failed to implement the National Emission Reduction Plan (NERP) every year since the obligation was first adopted and concludes that the implementation of this plan will certainly have significant effects on the implementation of the Program. Although the NERP has been adopted, it is still not being implemented since there are multiple exceedances of permitted SO₂ emissions from the thermal power plants covered by this document. A report by JP Elektroprivreda Srbije (EPS) on the state of the environment showed that

40 <https://www.paragraf.rs/propisi/zakon-o-planskom-sistemu-republike-srbije.html>

the limit values of SO₂ set by the NERP were exceeded by the Nikola Tesla A and B thermal power plants, as well as the Kostolac A thermal power plant.⁴¹

The NERP, which Serbia committed to by ratifying the Treaty establishing the Energy Community, stipulates that EPS is obliged to reduce sulfur dioxide emissions from its facilities from January 2018, in accordance with the limit values prescribed by this document. However, during 2018 and 2019, the Nikola Tesla and Kostolac thermal power plants emitted drastically higher amounts of SO₂ than permitted. In January 2021, the Renewables and Environmental Regulatory Institute (RERI) filed a lawsuit against EPS. The High Court in Belgrade issued a verdict in favor of RERI and ordered EPS to reduce sulfur dioxide emissions in thermal power plants due to the danger posed to human health and the environment. This judgment sets a precedent that will significantly improve judicial practice regarding the protection of collective interests, the health of citizens, and environmental protection.⁴²

41 Report on the State of the Environment in “Electric Utility Power Company of Serbia” for the year 2021, available at: <https://www.eps.rs/cir/SiteAssets/Pages/Sredina-izvestaji/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%81%D1%82%D0%B0%D1%9A%D1%83%20%D0%97%D0%96%D0%A1%20%D1%83%20%D0%88%D0%9F%20%D0%95%D0%9F%D0%A1%20%D0%B7%D0%B0%202021.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf>

42 Renewables and Environmental Regulatory Institute – RERI: Historic ruling: Serbia’s state energy supplier must slash toxic plant emissions nationwide, available at: <https://reri.org.rs/en/historic-ruling-serbias-state-energy-supplier-must-slash-toxic-plant-emissions-nationwide/>

The Implementation of Regulations

The state of air quality

The Environmental Protection Agency (SEPA), under the Ministry of Environmental Protection, is responsible for air quality monitoring on behalf of the state, including the implementation of prescribed and agreed programs for air quality control. By the Law on Air Protection, the Agency is obliged to publish an Annual Report on the state of Air Quality in the Republic of Serbia, which is prepared based on data collected by the national network of automatic stations and stations under the jurisdiction of local governments. The deadline for the report's publication is the 28th of February of the current year for the previous year. However, the report for 2022 was not publicly available at the time of writing this report (after the 28th of February 2022).

According to the Annual Report on the State of Air Quality in the Republic of Serbia for 2021, the air was excessively polluted in all agglomerations: Belgrade, Novi Sad, Niš, Bor, Pančevo, Smederevo, Kosjerić and Užice. In these areas, as in previous years, elevated limit values of PM (PM_{2.5} and/or PM₁₀) were recorded – microparticles such as soot, smoke and dust, which are mainly produced by burning solid fuels and can have harmful effects on human health, especially pulmonary and cardiovascular problems⁴³. Elevated values of other pollutants were also registered.

The annual mean values of **sulfur dioxide (SO₂)** were below the limit values at all stations; however, daily limit values (which must not be exceeded on more than three days per year) were elevated at three stations in Bor: City Park (19 days), Institute (four days) and Brezonik (three days).

43 Annual report on air quality in the Republic of Serbia in 2021, available at: http://www.sepa.gov.rs/download/Vazduh_2021.pdf

Continuously elevated concentrations of SO₂ and nitrogen dioxide (NO₂) for three consecutive hours are defined as a public health hazard. Cases of such elevated concentrations were recorded in Bor at the Gradski Park five times during 2021 according to the SEPA annual report, that is, seven times according to official data on detected concentrations that the Agency publishes on a weekly basis. Exceedances of target and limit values of the concentration of heavy metals (arsenic, nickel, cadmium, lead) were also recorded in Bor due to the copper smelter owned by the company Zijin Bor Copper doo – a Branch of TIR Bor.⁴⁴

In 2021, the annual limit value of **nitrogen dioxide NO₂** (40 µg/m³) was exceeded at the stations at Despota Stefana (57 µg/m³) and Mostar (43 µg/m³) in Belgrade. Daily limit values were exceeded in Belgrade at the stations at Despota Stefana (33 days) and Mostar (five days), as well as in Smederevo (five days), Bor (four days) and Valjevo (one day). The highest daily concentration of NO₂ during 2021 was measured at the Despota Stefana station in Belgrade (146 µg/m³).

The annual limit value of **carbon monoxide (CO)** concentrations was not exceeded at any measuring station, but the maximum daily eight-hour concentration of carbon monoxide was exceeded for two days at the station in Vranje (12.24 mg/m³).

During 2021, exceedances of the target value of ground-level **ozone (O₃)** for more than 25 days were recorded in Pančevo (44 days at the Vatrogasni dom station and 34 days at the Cara Dušana station), Kikinda (Centar station, 37 days), Belgrade (Stari grad – 30 days, New Belgrade – 28 days), Novi Sad (29 days) and Kopaonik (26 days). The target value for benzo(a)pyrene (1 ng/m³) was exceeded at the Zemun station in Belgrade (3 ng/m³) and at the stations in Lazarevac, Sombor and Novi Sad (2 ng/m³ at each).

The Report describes air quality trends for the period between 2017 and 2021, based on which it can be concluded that 25% of agglomerations had clean air in 2017 and 2018, 13% had clean air in 2020, and no agglomeration had clean air in 2019 and 2021. It is estimated that almost 4,000,000 inhabitants live in

44 Analysis of the report on the state of air quality in Serbia for 2021, available at: https://www.bos.rs/ekz/uploaded/BOS_RERI_Kvalitet%20vazduha%202021_Publikacija.pdf

places with Category III air quality (excessively polluted air where the limit values for one or more pollutants are exceeded).⁴⁵

According to data from the National Environmental Association's 2022 Air Quality Statement, collected from all available and operational systems for automatic air quality monitoring (state and citizen systems), the air was excessively polluted in the Serbia and Vojvodina zones in 2022, i.e. the air was predominantly Category III. Thirty-three cities exceeded the permitted daily concentrations of PM₁₀ particles (for more than the permitted 35 days). The limit values for the average annual concentrations of PM₁₀ (40 µg/m³) were exceeded in Užice (60.9), Valjevo (50.8), Popovac (49.2), Novi Pazar (48.4), Smederevo – Radinac (46.5), Belgrade – Zemun Tošin Bunar (44.4), Veliki Crljeni (40.9) and Pančevo – Vojlovica (40.8). In Bor, the permitted number of average hourly concentrations of SO₂ was exceeded, and excessive pollution exceeding the average daily concentrations of ground-level ozone was recorded in Kopaonik, Kamenički Vis, and Kragujevac⁴⁶.

According to the National Register of Pollution Sources (maintained by the Environmental Protection Agency), during 2020 the largest share of PM particles was produced by heating plants with a capacity of less than 50 MW and individual furnaces, while the dominant sources of sulfur oxides were electricity and thermal power generation (as much as 91%). The electricity production and heating sectors also emitted the most nitrogen oxide (42%), followed by road traffic (38%). The Analysis of the Health Status of the Residents of Belgrade in 2021 by the City Public Health Institute states that the primary source of pollutants in Belgrade was the burning of fossil fuels originating from road traffic and individual furnaces, which is reflected in high levels of suspended PM₁₀ and PM_{2.5} particles and nitrogen dioxide. The analysis further states that the entire population of Belgrade is exposed to the harmful effects of airborne pollutants, with variations depending on the season, sources of pollution, the

45 Ibid.

46 Vazduh 2022, available at: <https://nea.rs/wp-content/uploads/2023/01/Vazduh-2022.pdf>

amount of green spaces, etc. In periods of poor air quality, sensitive groups, i.e. children, elderly residents and residents in poor health, are especially at risk.⁴⁷

Air quality monitoring

Each report issued by SEPA raises questions about the reliability and scope of air quality monitoring in Serbia. In the Agency's report for 2021, data from as many as 201 measuring points were included in the official measurements and assessment of air quality. The authors of the report state that the most significant influx of data on air quality by local governments was registered this year, which means that all local governments that finance air quality monitoring have fulfilled their legal obligation. However, the bigger picture must still be kept in mind. Namely, the area covered by cities where official air quality monitoring has been established only constitutes approximately 25% of the total territory of the Republic of Serbia.

A report prepared by the Belgrade Open School and RERI states that: "[...] In numerous areas throughout Serbia, there is still no comprehensive monitoring of air quality, so it would be unsound to conclude that the air in those areas is clean. As many as 42 stations (out of 72 included in this year's report by the Agency) do not measure the concentration of suspended PM_{2.5} particles. The concentration of suspended PM_{2.5} particles is not measured in 10 cities where the air is rated as clean based on the results of measurements from measuring stations. These include Šabac, Kostolac, Vranje, Kikinda"⁴⁸. The question of indicative measurements of suspended particles, which are not considered during the official assessment of air quality, is also pointed out because the measurements were not carried out on a sufficient scale. For example, in Gornji Milanovac the indicative measurement of the concentration of PM₁₀ particles was carried out for 56 days, i.e., 56 samples were taken. In that limited period, there were as many as 23 days with excessive pollution and an average concentration of 52 µg/m³ was recorded. These data provide a clear picture of the air

47 Analysis of the health status of Belgrade residents in 2021, available at: <https://www.zdravlje.org.rs/publikacije/Analiza%20odabranih%20pokazatelja%20zdr%20stanja%20stanovnistva/Analiza%20zdravstvenog%20stanja%20stanovnica%20Beograda%202021.pdf>

48 Belgrade Open School and Renewables and Environmental Regulatory Institute, "The Air is Clean until Proven Otherwise", 2022, p. 5. Available at: BOS_RERI_Kvalitetair 2021_Publikacija.pdf

quality category in which Gornji Milanovac would be classified if continuous monitoring was conducted.⁴⁹

Air protection at the local level

Air protection policy also focuses on the local level. The Law on Air Protection stipulates that air quality plans must be adopted in agglomerations where the air is Category III, on the basis of the air quality rating determined by the Environmental Protection Agency. Among other things, air quality plans prescribe measures that the authorities must implement in order to reduce pollution. Given that all agglomerations have category III air quality, all must have valid air quality plans. Short-term action plans must be adopted if there is a danger of reaching pollutant concentrations hazardous to human health.

In its latest report, for the first time, the Environmental Protection Agency analysed compliance with the Air Protection Act's requirements for adopting air quality plans. According to the report, during 2021, the Ministry of Environmental Protection issued two approvals for air quality plans (Kragujevac and Belgrade) and five approvals for short-term air quality plans (Kragujevac, Bor, Trstenik, Leskovac and Sremska Mitrovica).

Additionally, the Environmental Protection Agency presented a methodology for evaluating the degree to which plans have been implemented, whereby the indicator for the degree of implementation is the ratio of the number of agglomerations and cities that have drawn up plans and obtained approval from the Ministry of Environmental Protection compared to the total number of agglomerations and cities with category III air. Using this methodology, the Environmental Protection Agency concluded that between 2017 and 2020, the implementation of air quality plans increased moderately. However, this methodology can lead to the mistaken conclusion that there has been progress in reducing air pollution, whereas progress in the practical application of the Air Protection Act is lacking. In this regard, the methodology used to assess the implementation of air quality plans for the Report for the year 2022 should be improved by changing the indicators and including additional parameters

49 Ibid

for measuring the degree of implementation of plans. Namely, the indicator for measuring implementation should be the number of adopted plans, given that plans cannot be implemented solely based on the approval of the Ministry of Environmental Protection, but local self-governments must formally adopt them.

Many of the air quality plans that have been adopted by agglomerations in Serbia are not being implemented in practice. For example, the Air Quality Plan for Smederevo targets the issue of pollution from the steel works through measures that the City Administration of the City of Smederevo does not have jurisdiction over – the measures proscribed by the plan can only be implemented by the Ministry of Environmental Protection and the HBIS Group Iron & Steel doo. There are no established mechanisms that the city can use to influence these stakeholders. Moreover, these measures were not accompanied by any more serious coordinated action and vertical connection of public authorities at the central and local levels.

The creators of the Air Quality Plan for the City of Belgrade, which is valid until 2031, did not address some of the key sources of pollution, such as individual furnaces. The plan has other shortcomings, such as the lack of clear objectives related to reducing pollution, cost-benefit analysis of measures, analysis of the impact of air pollution on public health, precise indicators and deadlines for the implementation of measures, assessment of the degree of air quality improvement and time necessary to achieve the goals.⁵⁰ The report on the measures implemented for the period between June and December 2021 shows that most of the work was done on upgrading the City Transport Company's fleet, as well as informing the public about air pollution.⁵¹

In 2022, civil society organizations filed a complaint about the failure of the City of Valjevo to solve air quality problems and its failure to adopt environmental protection plans prescribed by law. The Ombudsman initiated a procedure to assess the regularity and legality of the work of the local self-government and determined that the City of Valjevo did not fulfill the legal obligation to adopt an

50 Ibid

51 Report on the activities implemented to reduce air pollution defined by the Action Plan for implementing measures to reduce air pollution, within the Air Quality Plan in the Belgrade agglomeration for the period June – December 2021, available at: [97f9ac5a1388e46e6b54e12d7289466f_6166016708.pdf](https://www.beograd.rs/medijum/97f9ac5a1388e46e6b54e12d7289466f_6166016708.pdf) (beograd.rs)

Air Quality Plan and Short-Term Action Plan. In this regard, a report was sent to the City of Valjevo with recommendations to urgently take all the measures provided for in the Regulation on Public Participation in the Development of Certain Plans and Programs in the Field of Environmental Protection and to adopt an Air Quality Plan of the City of Valjevo for the period from 2022 to 2027, as well as an Action Plan for improving air quality in the City of Valjevo.⁵²

52 Office of the Ombudsman, Regular Annual Report for 2022, page 92. available at: <https://www.ombudsman.rs/attachments/article/7685/Redovan%20Gl%20za%202022.%20god.pdf>

Throughout 2022, the Ministry of Environmental Protection and the Ministry of Mining and Energy continued projects aimed at energy rehabilitation of buildings and the reduction of air pollution originating from individual furnaces. The Ministry of Environmental Protection conducted a public tender for the allocation of funds for co-financing projects to reduce air pollution from individual sources. Thirty-three applications were received, and the total funds amounting to RSD 149,118,555.5 were distributed for projects in 19 local governments.⁵³ The Ministry of Environmental Protection continued subsidies for the purchase of electric vehicles. The sum of RSD 150 million has been spent, and the Ministry has decided to allocate additional funds.⁵⁴ The Ministry of Mining and Energy implemented a public call for the allocation of funds for financing the energy rehabilitation program of residential buildings, family houses and apartments, implemented by local self-governments and city municipalities. A total of 151 local self-governments were supported. The Ministry of Mining and Energy allocated RSD 1,038,388,389.71 for this project, with an additional RSD 966,932,123.00 provided by local self-governments.⁵⁵ A significant problem with these kinds of subsidies is that households must provide 50% of the financing for energy efficiency measures. A survey of citizens found that only a third of citizens are willing to finance 50% of the costs of energy efficiency measures, while the remaining two-thirds of households stated that a 50% subsidy is insufficient to allow them to invest in thermal insulation or replace existing

53 Available at: <https://www.ekologija.gov.rs/sites/default/files/inline-files/%D0%9F%D1%80%D0%B5%D0%BB%D0%B8%D0%BC%D0%B8%D0%BD%D0%B0%D1%80%D0%BD%D0%B0%20%D1%80%D0%B0%D0%BD%D0%B3%20%D0%BB%D0%B8%D1%81%D1%82%D0%B0-%D0%B8%D0%BD%D0%B4%D0%B8%D0%B2%D0%B8%D0%B4%D1%83%D0%B0%D0%BB%D0%BD%D0%B0%20%D0%BB%D0%BE%D0%B6%D0%B8%D1%88%D1%82%D0%B0%202022.pdf>

54 Ministry of Environmental Protection: This year has seen the most significant interest in buying eco vehicles, available at: <https://www.ekologija.gov.rs/saopstenja/vesti/ove-godine-najvece-interesovanje-za-subvencionisanu-kupovinu-eko-vozila>

55 Information about the tender is available here: <https://www.mre.gov.rs/tekst/1057/-treci-javni-poziv-za-dodelu-sredstava-za-finansiranje-programa-energetske-sanacije-stambenih-zgrada-porodicnih-kuca-i-stanova-koji-sprovode-jedinice-lokalne-samouprave-kao-i-gradske-opstine-2022-jp-122.php>

heating devices. The initial capital costs of purchasing and installing modern heating systems are recognized as the biggest problem for households.⁵⁶

The implementation of the adopted Air Protection Program will require €2.595 billion, most of which is allocated for the implementation of specific objective 1: Reduction of SO₂ emissions by 92% and suspended PM_{2.5} particles by 58.3% from the energy sector (including traffic and individual furnaces) by 2030 compared to 2015. As much as 90% of the funds foreseen for the implementation of the entire Program should be invested in this objective.⁵⁷

56 Klima 101: Energy transition in heating: What are the biggest obstacles?

57 Air protection program for the period from 2022 to 2030 with an Action Plan, p. 79. Available at: https://www.ekologija.gov.rs/sites/default/files/2022-12/program_zashtite_vazdukha_i_ap.pdf

Recommendations



Strategic and legislative framework

- 1.** Start the process of establishing binding standards for low-power combustion appliances used in households (furnaces – stoves and solid fuel stoves) following the Eco-design Directive (2009/125/EC). Given the widespread use of inefficient stoves and solid fuel furnaces in households, consider the accelerated transposition of this Directive.
- 2.** Enable citizens to participate in the adoption of documents concerning air quality at the national and local levels.



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.** Include information on measuring stations that did not work during a particular month in the monthly data on detected exceedances of the hourly and daily limit values (LV).
- 5.** Stakeholders responsible for monitoring air quality should ensure the appropriate maintenance of measurement systems and data availability, and finance the uninterrupted high-quality operation of air quality monitoring networks, especially for urban agglomerations such as Belgrade.

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



Financing

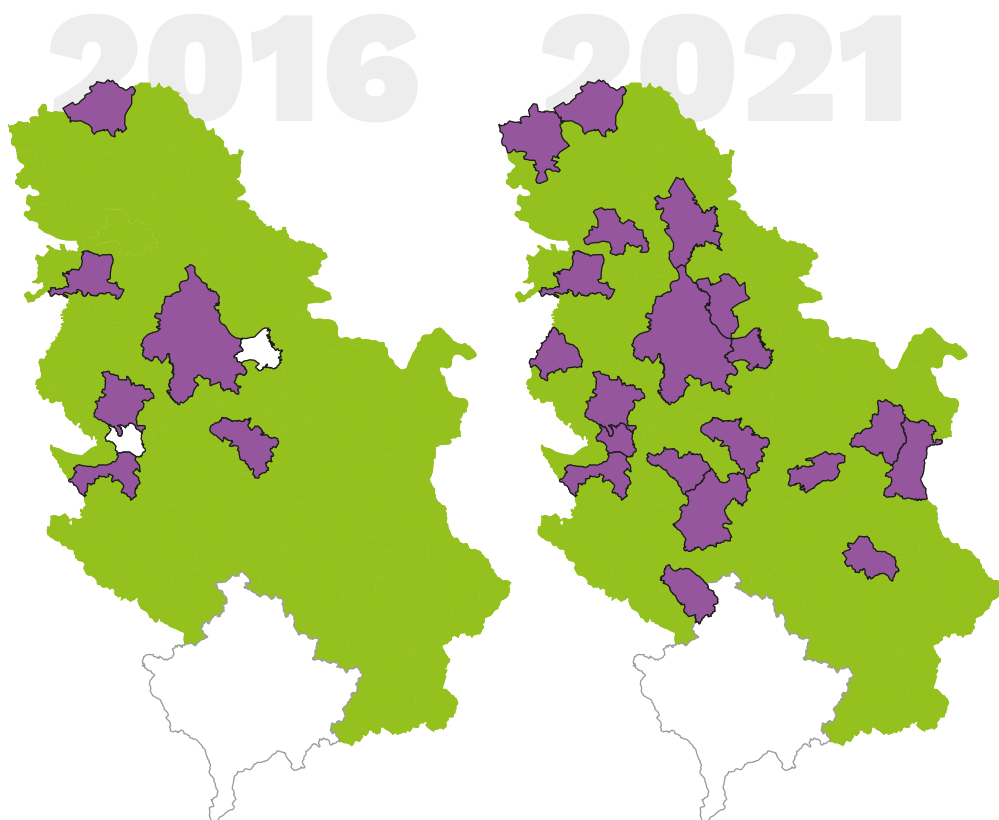
7. Secure financing for the unobstructed work of inspectorates for environmental protection.
8. Introduce the criterion of energy poverty in the tender for awarding subsidies to households for the rehabilitation of buildings and the reduction of pollution originating from individual furnaces. This should be done in such a way that energy-poor households receive a higher proportion of the available subsidies or that the costs of rehabilitating buildings whose residents are energy-poor are entirely covered by the State and local self-governments.



AIR QUALITY

AIR QUALITY CATEGORIES

-  Clean air
-  Moderately polluted
-  Excessively polluted
-  Uncategorized



* Sources: <http://www.sepa.gov.rs/download/VAZDUH2016.pdf>
i http://www.sepa.gov.rs/download/Vazduh_2021.pdf



Waste Management

Overview

Although certain improvements have been observed in planning the development of the waste management system and the infrastructure needed to reduce the negative impact of waste on public health, there has still not been any significant progress towards establishing an efficient waste management system. Establishing an integrated waste management system requires a significantly higher level of technical, administrative, and management skills, particularly in regard to municipal waste. Unfortunately, the long-awaited Amendments to the Law on Waste Management (implementation of which started in May 2023) fail to resolve many issues and have instead contributed to further confusion, primarily in the area of hazardous waste storage. This is because the Amendments extend the permitted storage period for hazardous waste from 12 to 36 months and allow mobile plants to generate energy from waste.

Municipal waste collection, treatment and disposal at sanitary landfills has significantly improved. The first significant improvement in the waste management system will be the service launch of the waste incinerator in Belgrade, which is currently undergoing a trial run.

Strategic and Legislative Framework

At the beginning of 2022, the Government adopted the Waste Management Program in the Republic of Serbia for 2022–2031, which was preceded by the Waste Management Strategy 2010–2019. The Program establishes strategic goals for the improvement of the waste management system and the basic principles that should guide all stakeholders in waste management. The implementation of the program, in addition to reducing harm to the environment and impact on climate change, should allow for the use of waste in the circular economy. The goals and measures for the development of the circular economy will be set out in a separate program.⁵⁸

In early 2023 (January 16th – February 6th, 2023), the Ministry of Environmental Protection put the Draft Sludge Management Program in the Republic of Serbia for 2023–2032 up for public discussion. The program is therefore expected to be adopted soon. New projects have been initiated for the expansion of sewage networks in cities and municipalities, as well as projects for the reconstruction and construction of new wastewater treatment plants. An increase in the amount of sludge is therefore expected in the coming period. The measures proposed by the Draft Sludge Management Program should prevent the negative impact of sludge from these plants on the environment and provide a means to dispose of existing sludge in an appropriate manner that minimizes harm to the environment.

With the adoption of the Law on Amendments to the Law on Waste Management⁵⁹, the implementation of which begins in May 2023, natural and legal persons have been given a period of one year to bring their businesses into line with

58 Government of the Republic of Serbia, Waste Management Program in the Republic of Serbia for 2022–2031, <https://srda.rs/wp-content/uploads/2022/02/Program-upravljanja-otpadom-u-Republici-Srbiji-za-period-2022-2031.-godine.pdf>

59 Parliament of the Republic of Serbia, Law on Amendments to the Law on Waste Management, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2009/36/14/reg>

the Law. A period of six months is foreseen for the adoption of accompanying regulations specified in the amendments.

The most significant changes to the Law include:

- Removal of waste producers' obligation to obtain a permit for the temporary storage of their own waste at the location where the waste was generated in the course of carrying out regular activities;
- The method for managing construction waste;
- The method for managing waste sludge from municipal wastewater treatment plants;
- The separation of the waste storage permit from the integral permit for waste treatment;
- Competencies for issuing permits;
- New rules for the payment of administrative fees, which separates fees related to non-hazardous and hazardous waste;
- Increasing the permitted storage period at the facilities of the waste producer, owner, or other waste handler, from 12 to 36 months;
- Allowing waste to be used primarily as fuel or other means of energy production (R1) in a mobile waste treatment plant.

Given the number of changes that the Law on Waste Management has undergone to date, and the number of problems for which there are no appropriate solutions, the best way to regulate the waste management system is to adopt a new Law on Waste Management, which should be drafted following a broad dialogue involving all interested parties, with concrete solutions to the shortcomings observed in the implementation of the current Law that stem from the vagueness of the existing regulations.

The Implementation of Regulations

According to data from the Statistical Office of the Republic of Serbia, in 2021 the sectors of agriculture, forestry and fishing, mining, processing industries, electricity, gas and steam production, water supply and wastewater management, and the construction and service sectors generated a combined 69.6 million tonnes of waste, which is an increase of 23.0% compared to the previous year.⁶⁰

Trends in waste generation in 2021 varied by sector compared to the previous year. Increases in waste generation were recorded in the agriculture, forestry and fishing sectors (up 41.6%), mining sector (up 30.2%), and manufacturing industries (up 2.7%), while waste decreased from electricity, gas and steam production and supply (down 8.1%), water supply and wastewater management (down 5.1%), construction (down 19%) and service sectors (11.4%).

In September 2022, the Environmental Protection Agency published the Report on Waste Management in the Republic of Serbia for 2011 to 2021, which provides a more detailed overview of the situation in this area.⁶¹

According to data from the Environmental Protection Agency, the total amount of generated waste in 2021 was 11,750,995 tonnes, which is a slight decrease compared to 2020.

The share of hazardous waste in the period from 2011 to 2021 ranged from 0.5% to 1.3% of the total waste generated. In 2021, the share of hazardous waste was 0.51% of the total amount of waste.

60 Statistical Office of the Republic of Serbia, generated and treated waste, <https://www.stat.gov.rs/vesti/statisticalrelease/?p=8746&a=25&s=2502?s=2502>

61 Environmental Protection Agency, Report on Waste Management in the Republic of Serbia for 2011 to 2021, [Upravljanje_otpadom_2011-2021.pdf](https://sepa.gov.rs/Upravljanje_otpadom_2011-2021.pdf) (sepa.gov.rs)

In accordance with the Rulebook on the methodology for collecting data on the composition and quantities of municipal waste on the territory of a local self-government unit ("Official Gazette of the Republic of Serbia", no. 61/2010, 14/2020), local governments are obliged to analyze the quantities and composition of municipal waste on its territory four times per year. 100 PUCs submitted reports for 2021. For the local self-governments that did not fulfil their reporting obligations, an estimation of the amount of municipal waste is made. We therefore do not have a true picture of the amount of municipal waste that was generated in 2021.

Solid municipal waste has the highest percentage of biodegradable waste. In 2021, 850,000 tonnes of municipal waste were disposed of at twelve sanitary landfills, covering 42% of the population of the Republic of Serbia. This is a significant increase in the accessibility of sanitary waste disposal facilities compared to 2016, when waste from only 14% of the population was disposed of at sanitary landfills.

Based on data submitted up until the 22nd of August 2022, by 347 operators with permits for waste reuse, in 2021 2.29 million tonnes of waste were subjected to R1-R11 reuse operations. Of the total amount of processed waste, the following types were most common: metals, slag from thermal processes, waste paper, and paper and cardboard packaging. Electrical and electronic equipment, lead batteries, and sludge from the bottom of tanks used in the oil refining process represent a significant proportion of hazardous waste.

Municipal waste management continues to be a serious problem. Most PUCs entrusted with municipal waste management do not have the capacity to perform this activity adequately, and waste is still mostly disposed of in unsanitary and illegal landfills. Additionally, regions for waste management are being established very slowly. The degree of primary selection is low, as is the separation of recyclable components from municipal waste. Existing rehabilitated landfills are therefore being filled with unselected quantities of waste. This leads to a shortening of their lifespan and an increase in the price of escrow services.

Packaging waste

In September 2022, the Environmental Protection Agency published the Report on Packaging and Packaging Waste Management for 2021. Companies that produce or manage packaging and packaging waste are obliged to act in accordance with the provisions of this Law and applicable by-laws, as well as to submit annual reports to the competent authorities.⁶²

In 2021, seven operators managed packaging and packaging waste for 1,924 legal entities that put packaged products on the market of the Republic of Serbia, and of that number, 23 legal entities held contracts with two operators. No company has a license to manage packaging waste independently.

Seven operators are licensed to manage packaging waste: SEKOPAK, EKOSTAR PAK, DELTA-PAK, CENEKS, TEHNO EKO PAK, EKOPAK SISTEM and UNI EKO PAK.

According to the data submitted to the Environmental Protection Agency by July 12th 2022, the total amount of packaging placed on the market of the Republic of Serbia was 389,955.9 t.⁶³

The amount of packaging released on the market of the Republic of Serbia by legal entities or entrepreneurs who transferred their obligations to operators amounts to 388,532.4 t. Packaging placed on the market of the Republic of Serbia by 247 taxpayers that did not transfer their obligation to a packaging waste management operator, and reported these amounts to the Environmental Protection Agency by July 12th 2022, should be added to this report. This amount is 1,423.5 t.

According to the data provided by operators, in 2021, 247,633.8 t out of 247,634.4 t out of reusable packaging was submitted for reuse.

62 Environmental Protection Agency, Report on Packaging and Packaging Waste Management for 2021, REPORT ON PACKAGING AND PACKAGING WASTE MANAGEMENT IN 2021 (sepa.gov.rs)

63 Environmental Protection Agency, Report on Packaging and Packaging Waste Management for 2021, REPORT ON PACKAGING AND PACKAGING WASTE MANAGEMENT IN 2021 (sepa.gov.rs)

The method most frequently used for the treatment of waste packaging, as reported by operators, is the recycling/processing of organic materials that are not used as solvents. This type of treatment has been reported for plastic, paper, and wood waste packaging. Recycling/processing of metals and metal compounds was used to treat metal (iron and aluminium) waste packaging. Recycling/processing of other inorganic materials was used to treat glass and wood waste packaging, while waste plastic was treated by using it as fuel or other means of energy production.

The goals for the general use of packaging waste in 2021 were: 62% waste reuse and 57% waste recycling.

Based on the above data, it can be concluded that the National General Goals for the Republic of Serbia for the year 2021 have been met with:

- 63.7% of packaging waste reused and
- 61.1% of packaging waste recycled.⁶⁴

The debate on the introduction of a deposit system is still ongoing and the delay in making a decision has led to problems in municipal waste management planning processes. It is therefore necessary to conclude this process as soon as possible and make a final decision.

Special Waste Streams

In September 2022, the Environmental Protection Agency published a Report on products that become special waste streams after use in the Republic of Serbia.⁶⁵

Based on feedback from business, a new and improved information system was put into operation at the beginning of 2014, which enables users to submit data more easily and simply.

64 Environmental Protection Agency, Report on products become special waste streams after use in the Republic of Serbia, SPECIAL WASTE STREAMS IN THE REPUBLIC OF SERBIA IN 2021 (sepa.gov.rs)

65 Environmental Protection Agency, Report on products that become special waste streams after use in the Republic of Serbia, SPECIAL FLOWS IN THE REPUBLIC OF SERBIA IN 2021 (sepa.gov.rs)

The Report on products that become special waste streams after use in the Republic of Serbia covers the following groups of products that become special waste streams after use: tires, batteries or accumulators, oils, electrical and electronic products, and vehicles.⁶

By the legally prescribed deadline (March 31st) for the reporting year 2021, 6,328 companies were registered. At the beginning of May 2022, 4,352 notices were sent to companies that failed to submit annual reports pursuant to their obligation to submit data on imported/manufactured products that become special waste streams after use.

Construction Waste

The new Amendments to the Law on Waste Management place special emphasis on construction waste. Construction waste includes waste resulting from construction and demolition, adaptation, renovation and reconstruction of residential, industrial, and other facilities, maintenance and replacement of infrastructure facilities, as well as excavation for residential, industrial, and road infrastructure, namely: non-hazardous construction and demolition waste that does not contain dangerous substances (recyclable, inert, etc.); hazardous waste from construction and demolition that requires special handling, which has one or more hazardous characteristics that classify it as hazardous waste (waste containing asbestos, waste with a high content of heavy metals). Special regulations apply to these types of waste.

The Amendments also added the obligation for investors to prepare a construction waste management plan and specified the manner in which investors must handle construction waste. Investors must draw up a contract on handing waste over, or a contract on the treatment of construction waste between an investor and a collector, i.e., waste treatment plant operator. Investors may also process construction waste themselves in special cases.

Financing

At the national level, with the support of the European Union, part of the equipment for the primary separation of municipal waste was acquired and transferred to local governments. With the support of packaging waste system operators, the infrastructure for collecting glass packaging was improved. Large investments in the construction of regional waste management centers were announced, which is a positive development. However, if an effective system of primary separation is not established beforehand, above all the separation and treatment of the organic fraction of municipal waste, the system will not be able to achieve the expected results and efficiency will be low.

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 strategic documents at the national level.
- 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 to 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.** Create capacity for the treatment or permanent storage of hazardous waste, in cases where waste cannot be treated.
- 14.** Introduce more intense inspection supervision over the implementation of the Law on Packaging and Packaging Waste.
- 15.** Create a unified 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 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.⁶⁶
- 19.** Establish a control system for the cross-border import, export and transit of waste.



Financing

- 20.** Introduce economic instruments to reduce the amount of waste that ends up at landfills without treatment.
- 21.** Make a final decision regarding the introduction of a deposit system.
- 22.** Introduce umbrella insurance for hazardous waste operators so that insurance covers the costs of hazardous waste remediation and resulting damages if an operator's license is revoked.
- 23.** 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.
- 24.** Ensure transparency and easy availability of data on the costs of building infrastructure in the area of waste management (regional centers, landfills, equipment, etc.) and sources of financing.
- 25.** Ensure realistic financing of the costs of collection, transportation, treatment and disposal of waste, according to the "polluter pays" principle.
- 26.** Ensure that waste management costs are included in the price of products and services, in order to avoid shifting costs from consumers to citizens.
- 27.** Create capacity and political will to use available EU funds and grants instead of credit arrangements for infrastructure construction.
- 28.** Introduce subsidies for opening small businesses that perform on-site packaging waste recycling.



Water Quality

Overview

In 2022, there was no significant progress (or change) in the legislative framework for water management. The adoption of the Water Management Plan on the territory of the Republic of Serbia for the period 2021–2027 can be singled out as progress in the strategic framework. Though late, the adoption of the Plan is a significant step forward in the EU accession process in the field of water management. A Draft Flood Risk Management Plan has also been prepared, which is also part of EU practice in the water management sector.

Investment in wastewater treatment infrastructure continued in 2022. Most of the funds for the construction of these facilities have been provided through loans. The lack of transparency in planning and implementation procedures (selection of contractors) is concerning. Direct contracting without a tender is still the predominant practice, and the public is not informed about 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 they would be a much better solution for a significant number of local governments in Serbia.

Hydromorphological pressures, in the form of intensive river sediment exploitation, as well as damming and construction along watercourses, are still present to a significant extent. At the same time, the capacities of the water inspectorate and other competent institutions remain insufficient.

Strategic and Legislative Framework

In 2022, there were no significant changes in the strategic and legislative framework for water management. The Report on the Implementation of the National Program for the Adoption of the EU Acquis (NPAA) for the third quarter of 2022 lists only one Rulebook concerning water management, namely the Rulebook on the method and conditions for measuring the quantity and testing the quality of wastewater and its impact on the recipient and the contents of the report on the measurements performed. The Rulebook was not adopted by March 2023, despite being planned to be adopted by the end of 2022.

The new Law on Water, which comprehensively regulates this sector, has still not been adopted, despite plans to do so. According to the latest amendments of the National Program for the Adoption of the EU Acquis (NPAA) from July 2022⁶⁷, the completion of the new Law on Water has been postponed to the last quarter of 2023. The revised Program foresees the adoption of the Law on Drinking Water by the end of 2023. Additionally, it foresees the drafting of the Regulation on the limit values of polluting substances in surface and underground waters and sediment and the deadlines for their achievement and the Regulation on the limit values of priority and priority hazardous substances that pollute surface waters and the deadlines for their achievement. Both regulations, which are of great importance for the full transposition and application of European legislation in the field of water management and protection, are planned to be adopted by the end of 2024. Additionally, the drafting of the Rulebook on technical requirements for chemical analyzes and analyzes required for water monitoring is also planned by the end of 2024. At the time of writing this report, there was no information available about whether the drafting of these by-laws had begun.

67 NPAA_2022-2025_002.pdf (mei.gov.rs)

In April 2023, minor changes were made to the Rulebook on determining the activities requiring a water permit⁶⁸ and the Rulebook on the conditions in terms of technical-technological equipment and organizational and staff capacity when performing tasks in the field of water management, as well as on the method of keeping records on issued and revoked licenses.⁶⁹

By-laws that are regularly adopted on an annual basis have also been passed, including the Regulation on establishing the Water Management Program in 2022⁷⁰ and the Regulation on establishing the Annual Water Status Monitoring Program for 2022.⁷¹

After a Working Group was formed in 2021 to draft a Rulebook to more precisely prescribe the method and measures for determining minimum sustainable flows, there was a delay in the preparation of the draft of this document, which is very important for the protection of water bodies. Through public procurement, the Institute "Jaroslav Černi" was selected to develop the methodology for determining sustainable flows. However, at the time of writing of this report, the draft had not been presented to the Working Group. The obligation to draft this Rulebook was prescribed by the Law on Water in 2010, but it has still not been adopted.

It is evident that the deadlines for harmonization with European legislation in the field of water management and protection, which are provided for in the Negotiating Position for Chapter 27, will not be met. Namely, full compliance with the EU Water Framework Directive was expected by the end of 2020. To date, the new Law on Water, which is necessary to enable further transposition of the Directive through secondary legal acts, has not been adopted.

In April 2023, the Water Management Plan on the territory of the Republic of Serbia for the period 2021-2027 was adopted.⁷² Following the public hearing in December 2021, it took more than a year for this key water management

68 Official Gazette of the Republic of Serbia, no. 27/2023.

69 Official Gazette of the Republic of Serbia, no. 27/2023.

70 Official Gazette of the Republic of Serbia, no. 33/2022, 139/2022.

71 Official Gazette of the Republic of Serbia, no. 40/2022.

72 Official Gazette of the Republic of Serbia, no. 33/2022.

planning document to be adopted. The Plan was formally adopted after two years of the implementation period (2021-2027) had already passed. By adopting this Plan, although late, Serbia joined the EU's water management cycle planning. Namely, the Water Framework Directive prescribes the synchronized adoption of plans for river basins (*River Basin Management Plan – RBM*) in the EU with a planning period of six years. The period from 2021 to 2027 is the third planning cycle. Among other things, the Water Management Plan identifies and analyzes significant pressures on water, defines protected areas, prescribes a monitoring program for surface and underground water, as well as a program of measures.

In February 2023, the Draft Flood Risk Management Plan was presented to the public.⁷³ The adoption of the Plan is defined by the Law on Water⁷⁴, Articles 49, 50 and 51, and is adopted for a period of six years. The working group for the development of this Plan was formed at the end of 2021 and consisted of representatives of the Republic Water Directorate of the Ministry of Agriculture, Forestry and Water Management and the public water management companies *Srbijavoda* and *Voda Vojvodina*. The preparation of the Strategic Environmental Impact Assessment of the Plan is underway, which will be followed by a public hearing. In the Draft Plan, the Catalog of Measures and the Catalog of Construction have been prepared, which provide a detailed list of measures and infrastructure construction planned on the territory of the Republic of Serbia, with the aim of preventing and reducing the risk of floods.

73 https://rdvode.gov.rs/doc/Predlog_PURP_RS_do_%202027.docx

74 Official Gazette of the Republic of Serbia, no. 30/2010, 93/2012, 101/2016, 95/2018 and 95/2018 – State law

The Implementation of Regulations

Investment in water protection infrastructure, primarily in the construction of sewage networks and the construction of wastewater treatment plans (WWTP), continued in 2022. This is primarily evident in budget allocations and loans contracted in the previous year. In November 2022, the Law on the Confirmation of the Loan Agreement between KfW (Frankfurt am Main) and the Republic of Serbia for the Program Water Supply and Wastewater Treatment in Medium-sized Municipalities in Serbia VI (Phase II) was passed.⁷⁵ This loan, in the amount of EUR 70 million, continues multi-year cooperation between the Government of the Republic of Serbia and KfW Bank on financing infrastructure construction projects for wastewater treatment. The funds are intended for the construction of WWTP and sewerage networks in several local governments in Serbia. According to the Program of the Government of the Republic of Serbia, 26 wastewater treatment plants are planned to be put into operation by 2025. The dynamics of plant construction are difficult to monitor because there are no systematic data available. Partial data on WWTP construction on the territory of Serbia can be found in the annual reports on the implementation of the Action Plan for the implementation of the Water Management Strategy. However, the only available Report for 2021 was published in July 2022⁷⁶, which does not reflect the current situation on the ground. According to that report, WWTPs in Raška and Vranje have been completed. The construction of the WWTP I sewerage network is underway in Kraljevo, Temerin and Leskovac. Construction should start in Smederevo, Pančevo, Kikinda, Požarevac, Trstenik, Pirot, Jagodina, Vršac, Brus, Blac and Niš. The preparation of technical documentation for the construction of the

75 Official Gazette of the Republic of Serbia – International contracts, no. 4/2022.

76 [https://rdvode.gov.rs/doc/GI-za-2021.-za-sprovođenje-AP-Strategije-upravljanja-vodama-na-teritoriji-RS\(2021-2023\).pdf](https://rdvode.gov.rs/doc/GI-za-2021.-za-sprovođenje-AP-Strategije-upravljanja-vodama-na-teritoriji-RS(2021-2023).pdf)

WWTP has been completed for the municipalities of Boljevac, Paraćin, Apatin, Lapovo, Bela Palanka, Priboj, Babušnica and Bačka Palanka. Preparation of technical documentation for WWTP in Borča and Batajnica (City of Belgrade), Čačak and Novi Sad is in progress.

The Multi-year Investment and Financial Plan for the period 2019–2029 (MIFP)⁷⁷ includes 30 infrastructure facilities for water treatment, with a total estimated value of €1.57 billion. The MIFP is an integral part of the Chapter 27 Negotiating Position, but will almost certainly need to be updated.

According to published statistical data, in 2022, 2.9% more wastewater was treated than in 2021.⁷⁸ The progress in WWTP construction is beginning to produce substantive results for the environment, but still at a very slow pace. Taking into account that Serbia is still significantly behind much of Europe in the level of wastewater treatment, it is necessary to intensify activities on improving the water treatment system.

The Environmental Protection Agency and the Republic Hydrometeorological Institute continued regular monitoring of surface waters in 2022, however the results of monitoring have not been published at the time of writing of this report. In Serbia, 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 provide 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 not meeting environmental goals. According to the Report for 2021, water quantity and level measurements were made at 80 surface water profiles and at 50 groundwater measurement stations.⁷⁹ The scope of surface water monitoring increased from 71 profiles in 2020 to 80 in

77 Attached Annex Negotiating positions: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/27_aneksi_srb.zip

78 RZS source: <https://publikacije.stat.gov.rs/G2023/HtmlL/G20231135.html>

79 Results of surface and underground water research for 2021, Environmental Protection Agency: http://www.sepa.gov.rs/download/KvalitetVoda_2021.pdf

2021, while the number of included measuring stations dropped from 54 in 2020 to 50 in 2021.

Serbia still does not have an adequately developed distribution network for the public water supply. The percentage of the population connected to the public water supply systems is 75%.⁸⁰ Another indicator of the insufficiently developed water supply system is the very high percentage of losses in the network, as well as the low level of payment for consumed water. Statistical data shows that about 35% of drinking water is lost during distribution (in the network), and about 42% of the produced water is not invoiced, i.e. does not provide income. Water abstraction, water consumption and losses in the network have all increased in recent years.⁸¹

Ensuring the quality of drinking water in Serbia is the responsibility of public health institutes. According to the latest available Report on the safety of drinking water, prepared by the Dr. Milan Jovanović Batut Public Health Institute in 2021, 2,246 public waterworks and water facilities were audited in Serbia. The analysis showed that 16.5% of all samples tested for physical and chemical purity were defective. 5.3% of samples were found to have microbiological impurities.⁸² Both situations have not significantly changed compared to previous years.

Current monitoring of surface waters is not appropriate in terms of its scope or fulfilment of the requirements of the Water Framework Directive. With the new typology of water bodies, which is proposed in the Water Management Plan, the requirements for water quality monitoring will increase, in accordance with the increased number of water bodies identified under the new typology. According to the data presented in the Water Management Plan, the number of water bodies on the territory of Serbia is 3,216, which is five times more than the current typology. In this regard, the capacities of the Environmental Protection Agency will need to be significantly enhanced in order to improve

80 <https://sdg.indikator.rs/area/clean-water-and-sanitation/?subarea=SDGUN060101&indicator=060101IND>

81 Report on the performance of communal activities on the territory of the Republic of Serbia in 2021 <https://www.mgsi.gov.rs/sites/default/files/Izvestaj%20o%20obavljanju%20komunalnih%20delatnosti%20na%20teritoriji%20Republike%20Srbije%20u%202021.%20godini.docx>

82 Source: Dr. Milan Jovanović Batut Public Health Institute: Annual Drinking Water Report (batut.org.rs)

water quality monitoring to a level that meets the standards and obligations under European water policies.

Pressure on watercourses in the form of the construction of small hydroelectric plants continues to be a problem. There is no systematic approach in the planning of these hydropower facilities, which are still planned on an *ad hoc* basis. In many cases, this leads to the selection of locations that are problematic in terms of protecting watercourses and their natural values. The development of the new small hydro cadastre, which was financed by the EU and was supposed to analyze potential locations and conflicts in an integral way, has not been completed. It is unknown whether this cadastre will be completed.

Water inspection capacities are low and remain at an unsatisfactory level, which results in generally poor control of water use and protection. The annual report on the work of the water inspectorate, which was previously published regularly, was not available to the public at the time of writing of this report. The number of water inspectors controlling water on the territory of the Republic of Serbia in 2021 was 13, far less than the 49 estimated to be required. It is clear that the water inspectorate is operating significantly below its required capacity, and that, with its current resources, cannot adequately fulfil its role. Because the Report on the Work of the Inspectorate for 2022 was not available at the time of writing of this report, it is unclear if there has been any change in the number of employees this year.

The Government of Serbia has not yet made a decision on forming 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 the body, but that proposal has still not been formally adopted. The National Conference has 14 members, consisting of representatives of local self-governments from each water area, as well as representatives of water users and citizens' associations. This body should play an important role in solving the accumulated problems in the field of water management and ensure greater transparency in the adoption of public policies related to water management. Postponing the establishment of this body is harming the efficiency of harmonization with EU legislation in the field of water management.

Financing

According to the Regulation on Establishing the Water Management Program in 2022⁸³, RSD 4.55 billion has been allocated for water management, regulation and use of water, protection of water from pollution, regulation of watercourses and protection from the harmful effects of water, and planning and international cooperation in the field of water. This amount was slightly reduced compared to 2021⁸⁴, when RSD 4.6 billion was allocated for these purposes. RSD 1.6 billion has been earmarked for water management and use, RSD 2.8 billion for watercourse management, and only RSD 17.4 million for water protection.

Additional funds aimed at water management and protection were also allocated in 2022 by the Government of the Republic of Serbia⁸⁵, as follows:

- RSD 200 million for the WWTP construction project in Kikinda;
- RSD 2 million for the preparation of the Wastewater Collection and Purification Project of the Central Sewage System of the City of Belgrade;
- RSD 200 million for the construction of a WWTP in Zubin Potok;
- RSD 5.75 billion for the construction of municipal (sewage) infrastructure and infrastructure for the disposal of municipal solid waste in the Republic of Serbia (Clean Serbia project).

The total budget allocation for water management is difficult to monitor because water management is implemented through several budget lines (capital investment, co-financing of international projects, etc.) as well as through

83 <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2022/33/3>

84 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2021/11/4>

85 The Law on the Budget of the Republic of Serbia for 2022, Official Gazette of the Republic of Serbia, no. 110/2021 and 125/2022.

the budgets of local self-governments. In this regard, the budget allocations described above do not represent the total expenditure on the improvement of water quality and water management in the Republic of Serbia.

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 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.

- 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 for participation 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 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

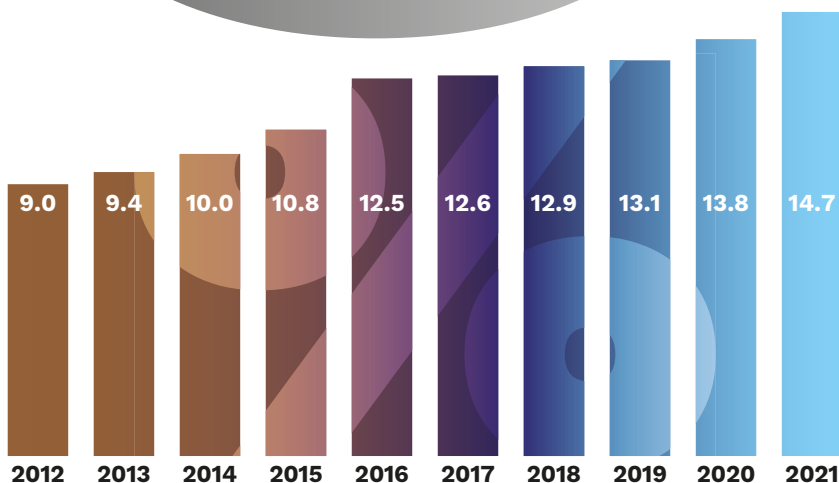
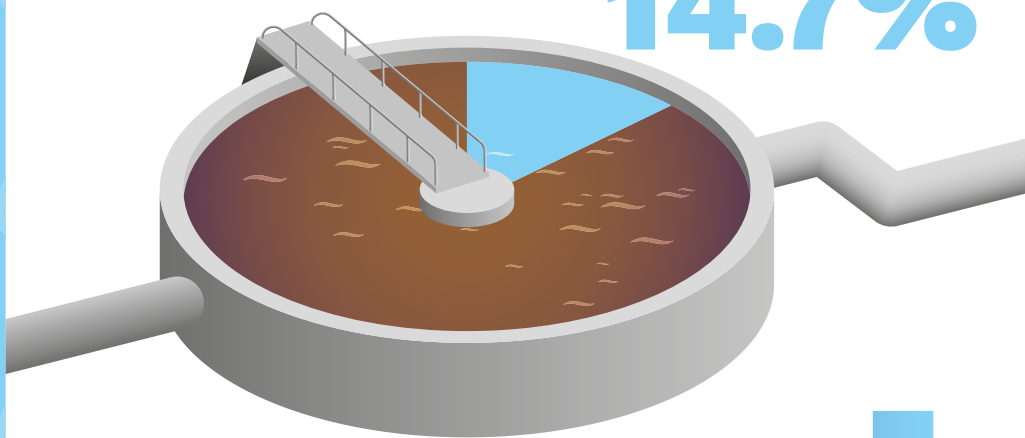
- 14.** Gradually increase water prices and fees for wastewater drainage and treatment services, in order to provide for the construction of the necessary facilities for water drainage and treatment and their normal operation.
- 15.** Permanently increase budget funds for financing water management activities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



WATER QUALITY

There has been a constant but very slow growth in the share of the population with access to communal water treatment. It currently stands at 15%, while the EUROPEAN AVERAGE IS OVER 80%.

14.7%



* Source: <https://data.stat.gov.rs/Home/Result/2501030302?languageCode=sr-Latn>





Nature Protection

Overview

Despite increasing pressure on natural resources, as indicated by numerous civil protests, analyzes and reports by citizens' associations, there has been almost no systematic attempt or commitment on the part of institutions to protect nature and preserve biodiversity during the reporting period.

Progress during the reporting period was extremely slow, in part due to the suspension of legislative activities for several months while presidential, parliamentary and local elections were held.

Even though the National Program for the Adoption of the Acquis 2022-2025⁸⁶ foresees the adoption of a new Law on Nature Protection, the Regulation on Appropriate Assessment and several other important amendments to laws that are part of the nature protection system, by the end of 2023, the development of new and/or improvement of existing public policies and regulations is delayed.

A Draft Action Plan for Meeting the Criteria and Closing Chapter 27 was prepared, including a section related to full transposition and a section on the implementation of the EU Habitats Directive and the Birds Directive. Civil society organizations were not informed about the drafting process, nor about further steps with regard to the Action Plan. The content of this Plan is not available to the public.

When it comes to the implementation of regulations, as in previous years, there is a lack of effective action by competent institutions, both in terms of the slow procedures for area protection or the failure to appropriately react in the absence of a functional system of oversight and control.

86 https://www.pregovarackagrupa27.gov.rs/wp-content/uploads/2022/07/%D0%9D%D0%9F%D0%90%D0%90_2022-2025_%D0%A1%D0%B0%20%D0%BC%D0%BE-%D0%9F%D0%BE%D0%B3%D0%BB%D0%B0%D0%B2%D1%99%D0%B5-27_%D0%96%D0%B8%D0%B2%D0%BE%D1%82%D0%BD%D0%B0-%D1%81%D1%80%D0%B5%D0%B4%D0%B8%D0%BD%D0%B0.pdf

In this reporting period, protection procedures were initiated for 15 new areas with a total area of 34,336 ha, while revision procedures were initiated for two existing protected areas, which foresee an increase in the territory under protection in the total amount of 1,365 ha.

Strategic and Legislative Framework

A long-term strategic framework for nature protection and biodiversity conservation is still missing. The Environmental Protection Strategy of the Republic of Serbia, which is being drafted, includes this area, but other options for long-term strategic planning should be provided, in accordance with, inter alia, the requirements of the Convention on Biological Diversity.

The Law on Nature Protection⁸⁷ should guarantee protection and preservation of nature and biological, geological and regional diversity as part of the environment. The most recent amendments to this Law in 2021 did not result in a significant improvement of the legislative framework for nature protection in Serbia. An *ex post* analysis of the effects of the implementation of laws and by-laws governing this area should therefore be conducted, and a transparent process of drafting a new Law on Nature Protection should be initiated, with the involvement of all interested parties and in accordance with the Law on the Planning System of the Republic of Serbia.

A large part of the Amendments to the Law on Nature Protection in 2021 related to the ecological network and Appropriate Assessment. Despite the extensive changes and obvious intention of the drafting party to regulate and harmonize nature protection with European legislation, the details of the procedure for assessing acceptability and jurisdiction remain unclear. Defining a complex Appropriate Assessment procedure that will affect all projects and activities related to areas covered by the national ecological network and the European ecological network Natura 2000 (which, according to estimates, will cover about 38% of the territory of Serbia) certainly requires a more structured discussion involving a wider circle of interested parties.⁸⁸ An additional barrier to the

87 (Official Gazette of the Republic of Serbia, no. 36/2009, 88/2010, 91/2010 – amended, 14/2016, 95/2018 – state law and 71/2021)

88 <http://www.natura2000.gov.rs/en/rich-biodiversity-of-serbia-will-be-part-of-the-natura-2000-network/>

implementation of the Appropriate Assessment, as a basic mechanism for the protection of ecological network areas, i.e. areas of the European ecological network Natura 2000, is the fact that the Regulation on Appropriate Assessment has still not been adopted, 14 years after this procedure was written into Serbian legislation. Without a regulation to define the procedures and competences within the Appropriate Assessment, the Appropriate Assessment cannot be implemented.

In April 2023, a Working Group was formed to compile a Draft Regulation on the Ecological Network. The Decision on forming the group states that it should first draft amendments to the Rulebook on the Establishment and Protection of Strictly Protected and Protected Species of Wild Plants, Animals and Fungi and the Rulebook on the Types of Habitats, Criteria for the Selection of Types of Vulnerable, Endangered and Rare Habitats and the Priorities for the Protection of the Types of Habitats. It is expected that the status of species in the Rulebook on the Establishment and Protection of Strictly Protected and Protected Species of Wild Plants, Animals and Fungi will be harmonized with their status within the Birds Directive and the Habitats Directive.

Representatives of civil society organizations are included in the Working Group, although the selection was made in a non-transparent manner.

The lack of harmonization of domestic regulations with EU legislation can be illustrated by the protection of species in accordance with the Birds Directive. Additional efforts must be made to permanently protect a large number of bird species that are now considered hunting game, and whose populations in Serbia are threatened. Among them are the white-breasted goose (lat. *Anser fabalis*), whose global population has experienced a decline of almost 80%, and is designated as a critically endangered species (CR) on the national Red List. Permanent protection is also needed for the red-headed duck (lat. *Aythya ferina*) and the mallard (lat. *Anas querquedula*), whose numbers are declining globally and regionally. In Serbia they both have the status of an endangered species (EN).

In January 2023, a Working Group was established to compile a Draft Environmental Protection Strategy with an Action Plan, which includes rep-

representatives of civil society who actively participate in the work on the fourth pillar – Protection and investment in biodiversity and ecosystems. In March 2023, consultations initiated by civil society were held, which were attended by representatives of the Ministry of Environmental Protection and UNDP. Following these consultations, civil society representatives sent their first comments regarding the goals and indicators of the section of the Strategy that covers nature protection and biodiversity.

At the beginning of 2023, the Ministry of Construction, Transport and Infrastructure held a public hearing on the Draft Law on Amendments to the Law on Planning and Construction⁸⁹. Unfortunately, the Amendments did not include the harmonization of this law with the Law on Environmental Impact Assessment or the Law on Nature Protection, particularly regarding the provisions related to the appropriate assessment procedure, which is essential for the preservation of ecological network sites as well as the future Natura 2000 sites.

In the previous period, the protection procedure was initiated for 17 protected areas. Protection procedures have been initiated for 15 new areas with a total area of 34,336 ha. Among the larger areas selected for protection, the following are planned: Area of outstanding characteristics "Vardenik" (11,012 ha), Area of outstanding characteristics „Slatine srednjeg Banata" (9,329 ha), Area of outstanding characteristics "Planina Jelica" (6,196 ha), Area of outstanding characteristics "Forland leve obale Dunava kod Beograda" (1,858 ha) and the Special Nature Reserve "Veliki Rzav" (4,858 ha). Audit procedures have been initiated for two already established protected areas. These are the Palić Nature Park, where a slight increase in area (about 10 ha) is foreseen, and the Karadorđevo Special Reserve, where an increase in the protected area by 1,355 ha is foreseen. If all the proposed protection procedures initiated during the previous reporting period are adopted, the protected area will increase by about 35,700 ha.

89 (Official Gazette of the Republic of Serbia, no. 72/09, 81/09 – corrected, 64/10 – decision US, 24/11, 121/12, 42/13 – decision US, 50/13 – decision US, 98/13 – decision US, 132/14, 145/14, 83/18, 31/19, 37/ 19 – state law, 9/20 and 52/21)

Category	Name	Area/ha	Previous area / ha
Protected habitat	Stanište poljskog kukureka	2.24	
Nature monument	Stablo cera u Presečini	0.02	
Special nature reserve	Doline kod Padine	141.93	
Area of outstanding characteristics	Forland leve obale Dunava kod Beograda	1858.05	
Nature Park*	Palić	724.71	712.36
Special nature reserve*	Karadorđevo	4309.98	2,955.32
Nature monument	Seslačka pećina	20,16	
Nature monument	Hrastova šuma u Radenkovcu	23,32	
Special nature reserve	Veliki Rzav	4857.56	
Nature park	Bukinski hrastik	304.98	
Area of outstanding characteristics	Ada Ciganlija	471.48	
Nature monument	Šalinački lug	19,08	
Nature monument	Kanjon Vučjanske reke	49.33	
Protected habitat	Divčibare	50,31	
Area of outstanding characteristics	Planina Jelica	6196.24	
Area of outstanding characteristics	Vardenik	11012.04	
Area of outstanding characteristics	Slatine srednjeg Banata	9329.31	

Table 1. Areas for which a protection procedure was initiated in the period from April 2022 to April 2023.

* revision procedure of existing protected areas

At the end of May 2023, the Government of the Republic of Serbia adopted the Draft Law on the Management of Public Enterprises Owned by the Republic of Serbia. The draft law envisages the transformation of public companies into joint stock companies or limited liability companies. The procedure for passing the Law, some of its provisions, as well as a lack of understanding of why it was passed, caused great concern among civil society organizations dealing with nature protection, given that many managers of protected areas, including those that manage national parks, operate in the form of public companies.

Due to public pressure, the Draft Law was withdrawn from the parliamentary procedure on the 7th of June, 2023. At the time of writing of this report, the Law was again under public discussion.⁹⁰

90 The commentary refers to the period after the reporting period, and was added due to the importance of the event for the period covered by the Report.

The Implementation of Regulations

From April 2022 to April 2023, five regulations were passed on designating protected areas. Three regulations related to revising the protection of existing protected areas were adopted (Area of outstanding characteristics "Pčinja", Special Nature Reserves "Osredak" and Brzansko moravište). Additionally, two new protected areas that were declared in 2022: Area of outstanding characteristics "Željin", covering an area of 6,379 ha, and Area of outstanding characteristics "Stolovi", covering 9,932 ha. The total increase in protected areas in the previous reporting period was 16,311 ha, i.e., about 0.002% of the territory of Serbia.

There are three new cases from Serbia in the register of complaints to the Council of Europe – Bern Convention⁹¹: Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure constructions (2022/01), Possible negative impact of mining activities in Bosilegrad and the Homolje region (2022/06) and Possible negative impact of mining activities on Baba Mountain (2022/08).

91 <https://rm.coe.int/inf02e-2023-case-files-register-2023/1680aa089e>

THE CASE OF ŠODROŠ

Bridge construction project – ring road around Novi Sad with access roads

The circumvention of legal procedures related to this project began with the Decision on foregoing the development of a strategic environmental impact assessment for the General Regulation Plan of the bridge in the extension of Bulevar Evropa in Novi Sad, despite the fact that the scope of the plan includes several significant ecological areas and that the potential impact on environment is huge.⁹²

The next stage in the development of planning documents, as well as the start of construction, took place with minimal public participation, along with violations of legal procedures and the endangerment of human rights.

The construction project was not presented to the public despite the great interest of citizens, and the preparatory construction work (forest clearing, demining, and construction of an auxiliary bridge) began without the necessary environmental impact assessment study and in violation of the nature protection conditions issued by the Institute for Nature Conservation of Vojvodina Province. In 2022, the association “World and Danube” submitted a complaint to the Secretariat of the Bern Convention regarding this case. The complaint was entered into the register of the Secretariat, and the Government of the Republic of Serbia stated in response to the complaint that all legal procedures in relation to nature protection and environmental protection were followed during the planning and implementation of this project. The Secretariat of the Convention is still considering the case and has not yet presented its assessment.⁹³

In October 2022, the Republic Construction Inspectorate stated that the work was being done legally.⁹⁴

92 <https://reri.org.rs/wp-content/uploads/2023/05/Izvestaj-Korupcija-i-krsenje-ljudskih-prava-u-urbanizmu-i-prostornom-planiranju-2.pdf>

93 <https://www.coe.int/en/web/bern-convention/-/alleged-habitat-destruction-in-the-area-of-novi-sad-due-to-proposed-infrastructure-constructions>

94 <https://n1info.rs/vesti/ministarstvo-poslalo-inspekciju-na-sodros-zakljucak-sve-je-po-propisima/>

In March 2023, the felling of trees began, which was challenged by activists and civil society. This violated the terms of the Institute for Nature Conservation of Vojvodina Province, which stipulated that construction in the old flooded forest could only be carried out at the end of November.⁹⁵

During the entire process, citizens who protested and highlighted illegal logging and illegal construction were harassed and arrested. The police, for the most part, protected the illegal construction site without a warrant, while the republic (environmental protection, forestry, water), provincial (environmental protection) and city inspectorates (environmental protection), as well as the Internal Control of the Ministry of the Interior, never visited the site to record the obvious violations of the due process of law. Although the media reported on this process and there were daily protests, there was no reaction from the authorities, and none of the companies or individuals who violated the law have been held accountable.

During the summer hunting season for migratory birds in 2022, a smaller number of cases of quail poaching were recorded. The level of field inspection was comparable to previous years, but the situation on the field was much more favorable.

The Bird Protection and Study Society of Serbia submitted a total of 49 misdemeanor reports on the engagement of wild birds between the 1st of April 2022 and 30th of April 2023 in activities covered by the Law on Nature Protection and the Law on Game and Hunting, as well as the Criminal Code, to various institutions (police, prosecutor's office, inspectorates).

The deadline for the preparation of the first Report on the implementation of the Nature Protection Program of the Republic of Serbia for the period from

95 <https://www.danas.rs/vesti/drustvo/za-ovaj-kriminal-neko-ce-jednom-da-odgovara-aktivisti-sa-sodrosapovodom-sece-drveca/>

2021 to 2023 was 120 days after the end of the first calendar year, i.e. April 2022. However, the first report has not been prepared and there is no information available on the implementation of the Program.

In the reporting period, there were no significant activities on the establishment of the European ecological network Natura 2000 in Serbia. A new project dedicated to the establishment of the Natura 2000 ecological network is expected, which will be financed from IPA funds. Certain funds for the protection of and investment in biodiversity and ecosystems have been provided through the EU Green Agenda in Serbia project, implemented by UNDP.

Regional cooperation on nature protection and the implementation of the Green Agenda is realized through the work of the *Biodiversity Task Force* within the Working Group on Environment of the Regional Cooperation Council (RCC). This body influences global and regional decision-making processes related to biodiversity and nature protection.

The ineffective prevention and removal of illegally constructed structures remains a significant problem in many protected areas. The increased interest of domestic tourists in visiting natural areas in Serbia has also driven a large increase in the construction of residential and tourist facilities. Very intensive construction, mostly outside the legal framework, was observed in the Tara National Park, the Uvac Special Nature Reserve, and the Ovčarsko-Kablarška klisura Area of outstanding Characteristics, where dozens of illegal buildings were recorded.

Article 114 of the Law on Nature Protection specifies that the Ministry of Environmental Protection, in accordance with the provisions of the Law on the Planning System, should submit to the Government a report on the state of nature in the Republic of Serbia, on the basis of which strategic planning should be carried out, regulations developed, a system of financing nature protection formed, etc. A report on the state of nature has never been prepared, despite the legal obligation to do so having existed for more than ten years.

In accordance with the Law on Nature Protection, as of the 1st of January 2022, the amended Article 9 of the Law, which prescribes the jurisdiction and proce-

cedure for the adoption of a document on conditions for nature protection, began to be implemented. According to the Report on the work of the Ministry of Environmental Protection, by the end of October 2022, 370 decisions on nature protection conditions had been adopted, and the procedure for the adoption of a further 189 was ongoing. For civil society organizations, especially those citizens' associations working in protected areas on implementing various and numerous protection measures, often in cooperation with the protected area managers, such a centralized procedure poses a problem, because obtaining a decision on nature protection conditions takes a long time, and the fees are too high for associations funded from projects.

In the course of 2022, extraordinary inspections were carried with regard to natural persons injured by strictly protected species of wild animals. By making a record that these natural persons took all necessary measures to prevent damage from strictly protected species of wild animals, a step was taken towards realizing the rights and interests of natural persons to compensation for damage in accordance with the law. A total of 39 inspections were carried out.

In the course of 2022, the Environmental Protection Inspectorate in the field of nature protection carried out inspections with the aim of preventing or significantly reducing the potential harmful consequences to natural goods protected by law. Protected and strictly protected live wild animal species that were kept in captivity contrary to the law were seized, and animals that were found injured or were the subject of illegal trafficking were placed in shelters. Additionally, the Republic Nature Protection Inspectorate participated in and coordinated care for an injured protected wild species – a lynx – and its return to the wild after recovery.⁹⁶

96 <https://ekologija.gov.rs/sites/default/files/inline-files/Godi%C5%A1nji%20Izve%C5%A1taj%20o%20radu%20Inspekcije%20za%20za%C5%Atitu%20%C5%BEivotne%20sredine%20za%202022.pdf>

Financing

At the end of March 2023, the Ministry of Environmental Protection allocated funds⁹⁷ for co-financing of the Protected Areas Management Program. Funds were allocated for 89 protected areas in the amount of RSD 355 million, compared to RSD 267,487,432.14 in 2022.⁹⁸ The available budget funds for the management of protected areas are still insufficient for sustainable management. Most protected areas, especially national parks, nature parks and special nature reserves, are still primarily financed from the use of their natural resources, i.e. wood. An additional problem in the provision of funds for the management of protected areas is the inefficient collection of fees for the use of protected areas, which is caused by the length of administrative procedures, which are conducted by the Ministry of Environmental Protection as a secondary authority based on appeals from fee payers.

97 <https://www.ekologija.gov.rs/saopstenja/vesti/potpisani-ugovori-za-sufinansiranje-89-zasticenih-podrucja>

98 <https://informatior.poverenik.rs/informatior?org=39wpqDs5YGhfAHBjj&ch=tqtoH9xBMF5NAvTR>

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.** Amend the Rulebook on the Establishment and Protection of Strictly Protected and Protected Species of Wild Plants, Animals and Fungi and the Rulebook on the Types of Habitats, Criteria for the Selection of Types of Vulnerable, Endangered and Rare Habitats and the Priorities for the Protection of the Types of Habitats in order to fully transpose the provisions of the Habitats Directive and the Birds Directive related to hunting.
- 4.** Create and adopt a protocol to precisely determine the sequence and manner of action by the competent authorities when detecting cases of poisoning, as well as other cases of illegal actions against wild species.
- 5.** 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.

- 6.** 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, analysis of the effects of public policies and regulations, and the content of individual public policy documents, and the Guidelines for the inclusion of civil society organizations in the process of drafting regulations of the Government of the Republic of Serbia.
- 7.** 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

- 8.** Improve the capacities of the Ministry of Environmental Protection in the field of nature protection by increasing the number of employees in the sector as a matter of priority.
- 9.** Improve the capacities of nature protection institutes (provincial and Republic-level) by increasing the number of professional staff and procurement of technical equipment.
- 10.** 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.
- 11.** Improve the planning and implementation of inspection supervision over protected areas, i.e. ecological network sites.
- 12.** 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 to Nature Protection to all interested parties.

- 13.** Improve cooperation with interested parties in the implementation of international agreements in the field of nature protection through regular information exchange and consultations.
- 14.** Form a National Council for the ecological network "Natura 2000" in order to ensure intersectoral cooperation and continuous institutional support.
- 15.** 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.
- 16.** Improve the capacities of the Unit for the Suppression of Environmental Crime and Environmental Protection, as well as its coordination with other sectors.



Financing

- 17.** 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.
- 18.** 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.



Noise

Overview

Limited progress has been noted in the field of noise protection. Although the Law on Environmental Noise Protection, which was adopted in October 2021, provided for a deadline of one year for the adoption of by-laws, only three out of a total of seven have been adopted to date, namely the Rulebook on the conditions that must be met by professional organizations for environmental noise measurement, the necessary documentation, permit procedure, content of permits, as well as the content, scope and validity period of noise measurement reports; Rulebook on noise measurement methods, content and scope of environmental noise measurement reports; and Rulebook on the conditions that must be met by a municipal police officer in order to measure noise from hospitality establishments.

For the year 2023, the City of Belgrade has allocated funds for the development of the Strategic Noise Map and the Noise Protection Action Plan for Belgrade.

The City of Novi Sad has chosen a supplier for the service of creating strategic noise maps with the development of a *smart* system for noise monitoring.

Other agglomerations only carry out regular noise monitoring activities in the environment.

Strategic and Legislative Framework

The new Law on Environmental Noise Protection⁹⁹ was adopted in October 2021. Full compliance with EU legislation is expected following the adoption of the regulations, which will be drafted in accordance with Directive 2015/996 (CNOSSOS-EU). The law prescribes a deadline of October 2022 for the adoption of by-laws. A total of seven regulations are planned under the new law. However, in the period from March 2022 to the end of April 2023, only the Rulebook on the conditions that must be met by professional organizations for environmental noise measurement, the necessary documentation, permit procedure, content of permits, as well as the content, scope and validity period of noise measurement reports¹⁰⁰ and the Rulebook on noise measurement methods, content and scope of environmental noise measurement reports¹⁰¹. In the preceding period, the Rulebook on the conditions that must be met by a municipal police officer in order to measure noise from hospitality establishments was adopted¹⁰².

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

100 https://www.ekologija.gov.rs/sites/default/files/2023-01/pravilnik_o_uslovima_koje_mora_da_ispunjava_strucna_organizacija_za_merenje_buke_u_zivotnoj_sredini_-_sluzbeni_glasnik_rs_br_139-22.pdf

101 https://www.ekologija.gov.rs/sites/default/files/2023-01/pravilnik_o_metodama_merenja_buke_sadrzini_i_obimu_izvestaja_o_merenju_buke_u_zivotnoj_sredini_-_sluzbeni_glasnik_rs_br_139-22.pdf

102 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

The Implementation of Regulations

From March 2022 to the end of April 2023, based on the available data, no significant progress was recorded in this area.

The City of Belgrade has conducted a noise measurement.¹⁰³ However, the reports have not been made public. Additionally, updates to the acoustic zones of Belgrade continued in order to harmonize them with amendments to the current spatial and urban plans¹⁰⁴. The Strategic Noise Map and the Noise Protection Action Plan for Belgrade are planned to be drafted in 2023.¹⁰⁵

The City of Novi Sad has measured the environmental noise level on the territory of the city at eight measuring stations.¹⁰⁶ A supplier was chosen for the service of creating strategic noise maps with the development of a *smart* system for noise monitoring¹⁰⁷.

Other agglomerations (Niš, Kragujevac and Subotica) have only conducted noise measurements.

Local self-governments (LGUs) are obliged to submit noise monitoring reports to the Environmental Protection Agency. However, in practice, a large number of LGUs do not submit reports, which makes it impossible to calculate the overall noise exposure of residents of Serbia. The Law does not provide sanctions for responsible persons in LGUs for failure to submit reports to the Agency.

103 https://www.beograd.rs/images/file/42b5e9be292d1ad99b21a02e838ae00f_8844729498.pdf

104 <https://www.slistbeograd.rs/pdf/2022/10-2022.pdf#view=Fit&page=1>

105 <https://www.slistbeograd.rs/pdf/2023/03-2023.pdf#view=Fit&page=1>

106 <https://environovisad.rs/buka>

107 <https://skupstina.novisad.rs/wp-content/uploads/2023/03/izvestaj-o-korisnjenju-sredstava-budzetskog-fonda-za-zastitu-zivotne-sredine-grad-a-ns-za-2022.pdf?lang=lat>

According to the available data for the year 2021, the Environmental Protection Agency received data from five agglomerations (56 measuring points) in the Republic of Serbia, while only 42 local self-governments (393 measuring points) submitted valid data¹⁰⁸. Based on the data submitted to the Environmental Protection Agency, for five agglomerations the highest percentage of the total noise indicator (*Lden* – noise indicator for day, evening and night) is in the range of 60 to 64 dB, and the highest level of the night noise indicator (*Lnight*) is in the range from 56 to 60 dB – which is above the limit values of the noise indicator.¹⁰⁹

If the data from all measuring points are observed, the highest level of the total noise indicator (*Lden* – noise indicator for day, evening and night) is in the range of 60 to 64dB, and the highest level of the night noise indicator (*Lnight*) is in the range of 51 to 55 dB.

108 http://www.sepa.gov.rs/download/IZVESTAJ_2021.pdf

109 <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2010/75/4/reg>

Financing

In the City of Belgrade's Program for the use of budgetary funds for environmental protection for the year 2022¹¹⁰, as well as in the Amendments to the Program for the use of budgetary funds for environmental protection for the year 2022^{111,112}, a total amount of RSD 33,704,960 was allocated for the following projects: Implementation of the Environmental Noise Level Measurement Program on the territory of Belgrade (RSD 1,825,000.00), Acoustic Zoning of Belgrade and Updating the Acoustic Zones of Belgrade (RSD 21,880,000.00), Research on Methods of Indicative Measurement of Environmental Noise Levels in Belgrade (RSD 9,999,960.00).

According to the Report on the use the budget fund for environmental protection of the city of Novi Sad for the year 2022¹¹³, a total amount of RSD 36,746,000.00 was spent on the following projects: Monitoring of environmental noise levels on the territory of the City of Novi Sad (RSD 428,000.00) and Developing strategic noise maps with a *smart* system for noise monitoring (RSD 16,488,000.00) and Developing a *smart* system for noise monitoring – Phase II (RSD 19,830,000.00).

In the Report on the use of the budget fund for environmental protection of the City of Subotica for the year 2022, a total amount of RSD 59,000.00 was spent on noise monitoring.¹¹⁴

110 <https://www.slistbeograd.rs/pdf/2022/10-2022.pdf#view=Fit&page=1>

111 <https://www.slistbeograd.rs/pdf/2022/28-2022.pdf#view=Fit&page=1>

112 <https://www.slistbeograd.rs/pdf/2022/89-2022.pdf#view=Fit&page=1>

113 <https://skupstina.novisad.rs/wp-content/uploads/2023/03/izvestaj-o-koriscenju-sredstava-budzetskog-fonda-za-zastitu-zivotne-sredine-grada-ns-za-2022.pdf?lang=lat>

114 http://www.subotica.rs/documents/zivotna_sredina/Fond/Izvestaj-program-ZZS-2022.pdf

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 2015/996 (CNOSSOS-EU).



The Implementation of Regulations

3. Implement acoustic zoning in all local self-government units.
4. Introduce 24-hour continuous noise monitoring and make data available through a unified presentation of automatic noise monitoring.
5. Create strategic noise maps for the other four agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), as well as for "Nikola Tesla" Airport, and create 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. Implement noise monitoring 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 systems 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

Data on five agglomerations was submitted to the Environmental Protection Agency for 2021: **BELGRADE, NOVI SAD, NIŠ, KRAGUJEVAC AND SUBOTICA**

Highest percentage of the total noise indicator
(Lden - noise indicator for day, evening and night)



60–64 dB

This is **IN LINE WITH THE PERMITTED VALUES**
for business or residential areas or a city center.

Highest night noise indicator
percentage (Lnight)



56–60 dB

This is **ABOVE LIMIT VALUES** for this noise indicator.

* izvor: http://www.sepa.gov.rs/download/izvestaj_2021.pdf



Climate Change

Overview

Despite the adoption of the Law on Climate Change at the beginning of 2021, it cannot be fully implemented, because a large number of by-laws still need to be adopted (of which only three of which have been adopted to date). In its negotiating position on Chapter 27, Serbia requested that the implementation of Directive 2003/87/EC on the EU Emissions Trading System (EU ETS) be postponed, but it is unknown for how long. The instrument for taxing imported carbon into the EU market, *the Carbon Border Adjustment Mechanism*, will begin being implemented –in a transitional period– from October 2023. However, Serbia is not yet ready to do so, because key by-laws necessary for the functioning of the system of monitoring, reporting, and verification of GHG emissions have yet not been adopted. The GHG inventory has still not been made public. The Low Carbon Development Strategy and the updated Nationally Determined Contributions were adopted late and with unambitious targets for decarbonization. The Climate Change Adaptation Programme has not been adopted. Serbia failed to report to the UN Framework Convention on Climate Change through the Second Biennial Update and the Third National Report. Work on the development of the Integrated National Energy and Climate Plan (INECP) began in 2021; however, the INECP has not been adopted.

Strategic and Legislative Framework

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

The Law on Climate Change was adopted in March 2021¹¹⁵. It should have been adopted three years earlier.¹¹⁶ Even though it has been adopted, the Law still cannot be implemented, because numerous necessary by-laws have not yet been adopted to regulate its provisions (by April 2023 only three by-laws have been adopted).

The Law should regulate the system for limiting the emission of greenhouse gasses (GHG), as well as introducing a system of monitoring, reporting, and verification of GHG. Additionally, goal of the Law is to regulate the system for adaptation to climate change, as well as to monitor and report on the implementation of the Low Carbon Development Strategy. The Law only partially transposes EU legislation (Directive 2003/87 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Directive 2009/29 so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community and Regulation 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometer reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and Regulation 601/2012 on monitoring and reporting on greenhouse gas emissions in accordance with Directive 2003 /87 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC) related to the EU Emission Trading System (EU ETS), and only covers the provisions related to the monitoring, reporting and verification

115 National Assembly of the Republic of Serbia (2021), Law on Climate Change, "Official Gazette of RS", no. 26/2021.

116 Government of the Republic of Serbia (2018), Government Work Plan for 2018

(MRV) of GHG emissions. MRV provides a systematic framework for monitoring and estimating GHG emissions. Serbia must also establish a scope for verification and accreditation in order to ensure that emissions are monitored in accordance with the Monitoring Mechanism Regulation.

Serbia must also ensure the independence of verifiers, as they are essential to provide assurances to competent authorities and other interested parties that the emissions report is an accurate, true and fair representation of emissions. For this purpose, the Rulebook on the Verification and Accreditation of GHG Report Verifiers ("Official Gazette of RS", No. 107/2021) was adopted. The rulebook specifies:

- requirements to be met by verifiers, the verification procedure and criteria, contents of the verification report; data relevant for evaluating competence to conduct verification, the evaluation of the verification procedure, as well as an assessment of whether the requirements for verifiers were fulfilled;
- requirements for the composition of the evaluation team, the competence of the evaluator of the verifier, as well as the team leader, team members and persons who make decisions on granting, extending or renewing accreditation;
- requirements that must be met by technical experts whom the Accreditation Body of Serbia may include in the assessment team; and the layout and content of the report on the implementation of the work program.

The Law on Climate Change does not transpose provisions related to the reduction of GHG emissions, and does not contain mechanisms for the full implementation of the ETS or the introduction of other instruments to tax GHG emissions. The Negotiating Position for Chapter 27 states that electricity producers in Serbia will not receive free permits for CO₂ emission units during the period between 2021 and 2030, and that Serbia will not have access to the Modernization Fund. According to the aforementioned document, this will be

a burden for industry, which will require a transitional period and/or deviation from the transposition of the target legislation that regulates the EU ETS.¹¹⁷

It is particularly significant that the Law does not make provisions for adjusting to the *Carbon Border Adjustment Mechanism* (CBAM¹¹⁸). The CBAM is a mechanism developed by the EU that seeks to integrate its climate policy into foreign trade, thereby contributing to the decarbonization of partner countries. The CBAM applies to the iron and steel industry, and the production of cement, aluminium, hydrogen and fertilizers, as well as electricity production. In the coming years, the CBAM will be expanded to include all industries covered by the EU ETS mechanism, based on the following criteria:

- the relevance of the sector in relation to GHG emissions, i.e. whether a certain sector represents one of the largest total sources of greenhouse gasses;
- exposure of the sector to the risk of carbon leakage;
- the need to balance imported products, in terms of GHG emissions, with EU domestic products.

Based on the first criterion, the following industries are included in the scope of the CBAM: iron and steel, cement, aluminium, hydrogen and fertilizers. The iron and aluminium products industries are also included based on another criterion – this sector is assessed to be a risk of displacement of carbon emissions.¹¹⁹ Electricity is included in the scope of CBAM because electricity production accounts for a large share of GHG emissions, and there is a particular risk of GHG emissions in the production of electricity from coal-fired thermal power plants and other fossil fuels.

117 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.

118 CBAM taxes imported goods, the production of which releases a large amount of carbon dioxide.

119 Displacement of carbon emissions or “outflow” of carbon dioxide refers to the displacement of production processes to outside the territory of the EU, i.e., to countries with less strict laws related to greenhouse gas emissions.

Although the CBAM was introduced after the Law on Climate Change came into force, it was known that CBAM would be adopted before the Law was passed. The omission of the CBAM from the Law means that the Serbian economy will be unprepared for its introduction, without any transitional provisions and measures. This is particularly important given that Serbia exports over 65% of its products to the EU market, the production of which relies heavily on lignite.¹²⁰ The transition phase of the CBAM will begin on October 1, 2023. From then on, exporters from Serbia will need to submit verified data on GHG emissions from the production of goods from defined sectors to the EU market. The transition period will last until the end of 2025, and will only require reports on GHG emissions. From the beginning of 2026, each unit of GHG emissions released during production of goods will be charged. Namely, when importing goods, importers from the EU will be required to buy carbon certificates, the price of which will correspond to the price of CO₂ emissions that they would have paid if the goods had been produced within the EU. This will lead to an increase in the price of goods imported into the EU, which will have negative consequences for producers in Serbia. EU importers will purchase certificates based on the submitted report on carbon dioxide emissions per product unit. Reports are compiled on the basis of information provided to importers by manufacturers. If the manufacturer does not submit an emissions report or the data is considered insufficiently reliable, the EU importer will estimate the emissions based on the "default value".¹²¹ The most likely consequence will be that the estimated amount of emissions generated during the production of goods will be higher than the actual amount. For exporters from Serbia can be competitive on the EU market, the system for monitoring, verification and reporting on GHG emissions in Serbia must therefore function effectively. However, the system for MRV of GHG emissions is not yet fully ready or tested in Serbia. The Regulation on Types of Activities and Greenhouse Gasses specifies the

120 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.

121 The default value will be determined based on the average value of emission intensity for each exporting country and goods that fall under CBAM (except electricity), increased by a proportionally determined margin.

facilities for which operators must submit an application for obtaining a permit for GHG emissions, within six months of the entry into force of the relevant regulations. The Ministry of Environmental Protection is then obliged to provide an answer within four months. Operators cannot submit requests yet, as they must submit monitoring plans, the content of which should be regulated in more detail by the Rulebook on Monitoring Plans, which has not yet been adopted. According to the new National Program for the Adoption of the EU Acquis (NPAA),¹²² the adoption of the Rulebook on greenhouse gas emission monitoring and reporting is planned for the last quarter of 2023. GHG emission permits cannot therefore be expected to be issued before November 2024. It is unclear whether these two aforementioned regulations are the same. If these are different regulations, then a more detailed specification of the contents of the request for a GHG emission permit is not even planned in the coming years.

Only two by-laws were adopted in the previous reporting period, and only one in the current reporting period, despite the fact that the legal deadline for doing so, one year after the Law on Climate Change entered into force, has long passed. The one by-law passed during the current reporting period is the Rulebook on fuel economy and CO₂ emissions data from new passenger vehicles.¹²³

As part of the new NPAA, in addition to the aforementioned Rulebook, the adoption of the following by-laws is planned:

1. Regulation on the types of data, bodies and organizations and other physical and legal entities that shall submit data for the preparation of the National Greenhouse Gas Inventory, planned to be adopted by the last quarter of 2023;

122 Ministry for European Integration, National Program for the Adoption of the European Union Acquis (NPAA) 2022–2025, available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/NPAA_2022-2025_002.pdf

123 Ministry of Environmental Protection (2022), Rulebook on fuel economy and CO₂ emissions data from new passenger vehicles, "Official Gazette of RS", no. 107/2022.

2. Rulebook on the contents of the Greenhouse Gas Inventory and the Greenhouse Gas Inventory Report planned to be adopted by the last quarter of 2023.

The Law also fails to cover Serbia's obligations arising from the Paris Agreement and membership of the Energy Community. The Law does not mention the Nationally Determined Contributions (NDC), or the obligation to update and improve, implement and report them. The Law prescribes, but does not elaborate in detail, obligations arising from the UN Framework Convention on Climate Change, such as the preparation of the Biennial Report and the Report of the Republic of Serbia on the situation in this area.

A review of the Work Program of the Government of the Republic of Serbia¹²⁴ leads to the conclusion that climate change is not a priority for the Government of the Republic of Serbia. In the Government's Work Program, climate change and decarbonization towards a carbon-neutral economy are mentioned only in general terms. However, the separate section dealing with climate change does not mention decarbonisation or any limitation of GHG emissions. Additionally, the Action Plan for the Implementation of the Government Program 2023-2026¹²⁵ does not foresee any direct measures in this area, except for an increase of the amount of energy obtained from renewable sources. Climate change adaptation is not even mentioned in the Action Plan. Of the planned documents in the Government's Work Program, which include the Strategy for Low Carbon Development, the Climate Change Adaptation Programme and four by-laws, only the Strategy has been included in the Action Plan.

124 National Assembly of the Republic of Serbia (2022), Program of the Government of the Republic of Serbia, Prime Minister Designate Ana Brnabić, available at: https://rsjp.gov.rs/wp-content/uploads/ana-brnabic-ekspoze-1022_cyr.pdf

125 Government of the Republic of Serbia (2023), Action Plan for the Implementation of the Government Program 2023-2026, available at: <https://rsjp.gov.rs/wp-content/uploads/APSPV-2023-2026-1.pdf>

Administrative Capacities of the Ministry of Environmental Protection

One of the European Commission's recommendations, repeated year after year, is that Serbia should significantly strengthen its administrative and technical capacities at all levels. The Government Conclusion 05 number: 337-9275/2014-1 on the establishment of an institutional organization for the implementation of monitoring, reporting and verification within the GHG emissions trading system, establishes an organizational unit dealing with climate change. According to the systematization of jobs in the Ministry of Environmental Protection from September 2017, the number of employees in the Department for Climate Change should be increased from five to eight, of whom seven employees would work on fulfilling obligations under the UNFCCC and harmonization with EU legislation in the area of climate change. Based on the Ministry's feedback to a Request for Access to Information of Public Importance, the number of employees was not increased, i.e. there were still only five people in the Department in 2022.

Low Carbon development strategy

The Low Carbon Development Strategy with Action Plan was not adopted by the end of April 2023.¹²⁶

The Low Carbon Development Strategy with Action Plan is supposed to orient the development of the Republic of Serbia towards a low-carbon and resource-efficient economy.

The Draft Low Carbon Development Strategy with Action Plan was submitted for public discussion at the end of 2019 and the beginning of 2020.¹²⁷ According

126 At the session held on June 1st, 2023, the Government of the Republic of Serbia adopted the Low Carbon Development Strategy of the Republic of Serbia for the period from 2023 to 2030 with projections until 2050. According to the Law on Climate Change, the deadline for adopting the Strategy was two years after the Law entered into force, which expired on March 23, 2023 (The announcement was made after the reporting period, but is discussed here due to the importance of the event for the period covered by the report)

127 Ministry of Environmental Protection (2020): Report on the public debate on the Draft Low Carbon Development Strategy with Action Plan of the Republic of Serbia, 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

to the Government's Work Plan for 2021, the adoption of the Strategy was planned for March 2021, but it was not adopted in 2021 or 2022.¹²⁸ The Work Plan of the Government of the Republic of Serbia for 2023 has not been published on the Government's website (the latest available Work Plan is for 2021). The Action Plan for the Implementation of the Government Program 2023-2026 envisages the adoption of the Low Carbon Development Strategy in 2023, in order to achieve the priority goal of "a stable supply of the market with energy and energy products."¹²⁹ The legal deadline for adopting the Strategy –two years after the Law on Climate was adopted– expired in March 2023.

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

The Republic of Serbia's international obligations are specified 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.

Among the most important obligations of signatories to the United Nations Framework Convention on Climate Change is reporting under the Convention, which includes biennial update reports (BUR), national reports (National Communications – NC), and Nationally Determined Contributions (NDC).

One of the basic instruments for the implementation of the Paris Agreement –which Serbia has ratified– is the Nationally Determined Contributions (NDC), 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 NDC to the UNFCCC, and in 2020 should have updated its contributions, like all other signatories. The Ministry of Environmental Protection, in cooperation with the UN Development Programme, worked on revising the Nationally Determined Contributions as

128 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

129 "Official Gazette of the Republic of Serbia", no. 26/2021-3.

part of the project “Establishing a Transparency Framework for the Republic of Serbia”. After the Draft NDC was presented¹³⁰ to members of the Working Group and the public in 2020 (via the website www.klimatskepromene.rs), the document was completed, but was not adopted in 2021. In August 2022, Serbia belatedly submitted a second, updated Nationally Determined Contribution (NDC) to the UNFCCC¹³¹, committing to reduce greenhouse gas (GHG) emissions by 33.3% compared to 1990 GHG emission levels. Serbia uses the year 1990 for comparison purposes between the first and second NDC (which is the framework set by the Paris Agreement), while its base year is 2010 based on the calculation of the greenhouse gas inventory and the quality assurance and data quality control process. Compared to the base year of 2010, Serbia’s goal is to reduce GHG emissions by 13.2%. According to the NDC, the target does not include “carbon sinks”.

Serbia based its NDC on its Second Biennial Update Report (BUR) and Third National Communication under the UNFCCC. Although the project for the Second BUR (comprising GHG inventories and national inventory reports from 2010 to 2018) was completed in December 2021, the document was never published.

It must be emphasized that the updated NDC of Serbia was adopted and published on the UNFCCC website in August 2022, and that the Government of the Republic of Serbia did not conduct any form of public consultation on the updated NDC, after the Draft NDC was completed in 2020. The same document was later published on the website www.klimateskepromene.rs, in September 2022.

In 2020, the Ministry of Environmental Protection finalized the drafts of the Second Biennial Update Report (second BUR) and the Third National Communication (third NC). According to publicly available information, these documents had not been adopted or submitted to the UNFCCC by April 2023.

130 Serbia and climate change website (2020): The NDC revision process is ongoing; available at: https://www.klimatskepromene.rs/vesti/__trashed-2/; <https://www.klimatskepromene.rs/izdvajamo/proces-revizije-ndc-je-u-toku/>

131 Government of the Republic of Serbia (2022), Nationally determined contribution of the Republic of Serbia for the period 2021-2030. Available at: https://www.klimatskepromene.rs/wp-content/uploads/2022/09/NDC_Serbia_serbian.pdf

Treaty establishing the Energy Community

Climate policy, together with the appropriate goals and measures, is rightly becoming an increasingly prominent aspect of the Treaty establishing the Energy Community for Serbia, as well as other contracting parties, because the energy transition in Serbia must be in line with Serbia's contribution to European and global goals on climate neutrality.

In 2022, the Ministerial Council of the Energy Community, in its decision number 2022/02/MC-EnC¹³², adopted climate and energy targets for Serbia and other contracting parties until 2030, completing a process that began in 2018. The goals for Serbia are as follows:

- Reduction in greenhouse gas emissions of 40.3% compared to 1990 (including the LULUCF sector¹³³);
- 40.7% share of energy from renewable sources in gross final energy consumption;
- 14.94 Mtoe¹³⁴ and 9.54 Mtoe maximum levels of primary and final energy consumption.

The climate ambitions set out in this document show that Serbia is committed to reducing dependence on fossil fuels to only a limited extent. About 50% of all national emissions in Serbia come from coal-fired thermal power plants.¹³⁵ This is also evident in the difference between primary and final energy consumption, because a significant amount of energy is used by coal-fired power plants.

This goal alone means that Serbia will enter the year 2030 relying mainly on coal-fired power plants for electricity needs, with the possibility that coal will continue to play a key role in the coming decades.

132 Energy Community (2022), Decision of the Ministerial Council of the Energy Community No 2022/02/MC-EnC.

133 LULUCF sector – *Land Use, Land-Use Change and Forestry* sector

134 Millions of tonnes of oil equivalents.

135 WB6 Energy Transition Tracker, Energy Community, 2021.

A 40.7% share of gross final energy consumption from renewable energy sources is an increase of 13% compared to the current level, with the largest part coming from hydroelectric power plants.

The planned commissioning of the Kostolac B3 coal-fired thermal power plant in the autumn of 2023 may prolong Serbia's dependence on fossil fuels and hinder the country's commitment to decarbonization and obligations under the Paris Agreement.

Integrated National Energy and Climate Plan

In its most recent report, the Recommended that Serbia adopt an ambitious plan in line with the goal of carbon neutrality by 2050 set out in the European Green Deal and the Green Agenda for the Western Balkans¹³⁶, the implementation of which Serbia has committed to by signing the Sofia Declaration.

The EU intends to integrate its climate and energy policy through Integrated National Energy Climate Plans (INECP), which aim to achieve carbon neutrality, with goals for 2030 and projections to 2050. An INECP sets each country's energy transition path, through actions the following five areas:

1. Decarbonization by reducing greenhouse gas emissions and increasing the share of renewable energy sources;
2. Energy efficiency;
3. Energy security;
4. Internal energy market; and
5. Research, innovation and competitiveness.¹³⁷

136 The Green Agenda provided for in the European Green Plan is a set of measures to make Europe a climate-neutral continent by 2050, and by signing the Sofia Declaration for the Western Balkans, Serbia committed itself to take concrete actions to align with the EU acquis and the EU climate law, including alignment with the EU – ETS mechanism, such as: introducing a tax on carbon dioxide emissions, developing market models to encourage renewable energy sources, as well as the gradual abolition of subsidies for coal.

137 European Commission (2020), An EU-wide assessment of National Energy and Climate Plans Driving forward the green transition and promoting economic recovery through integrated energy and climate planning.

The need to adopt INECPs also stems in part from regulations adopted by the Energy Community. In 2021, the Ministerial Council of the Energy Community included the Regulation on the Governance of the Energy Union and Climate Action in the legal acquis of the Energy Community, which the contracting parties should have transposed by the end of 2022. The Regulation on Governance emphasises the need for the development and implementation of Integrated National Energy and Climate Plans for the period from 2021 to 2030, with projections until 2050. This provision was introduced into the legislative system of the Republic of Serbia through the Law on Amendments to the Law on Energy¹³⁸ from 2021.

Work on the INECP in the Republic of Serbia began in March 2021, while civil society organizations were admitted to the Working Group six months later. Despite the European Commission's recommendation that the INECP should be prepared in a transparent and participatory manner, while all options were still open, the public was only allowed insight into the contents of the document in August 2022. Of the 33 initial scenarios, only four scenarios were presented to the public on the website of the Ministry of Mining and Energy. Some of the presented scenarios envisage the use of nuclear energy, which is questionable to say the least (as well as illegal), given that the Law on the Prohibition of the Construction of Nuclear Power Plants remains in force in Serbia.¹³⁹ To even consider nuclear options in an official document requires the Law to be changed, following a broad social dialogue and the emergence of a consensus in society supporting the use of nuclear power. Although the invitation for citizens to submit comments on the working scenarios set out in the INECP is welcome, only the draft scenarios have been made public, and not the entire INECP document. In taking this approach, the Government has denied the public the opportunity to properly evaluate the consistency and credibility of these scenarios in the context of the wider set of policies and measures that will be proposed in the INECP.

138 National Assembly of the Republic of Serbia, Law on Amendments to the Law on Energy, "Official Gazette of the Republic of Serbia", no. 40/2021.

139 National Assembly of the Republic of Serbia, Law on the Prohibition of the Construction of Nuclear Power Plants in the Federal Republic of Yugoslavia, "Official Gazette of the FR Y", no. 12/95 and "Official Gazette of Republic of Serbia", no. 85/2005.

Additionally, the public debate on the INECP should include the Report on Strategic Environmental Impact Assessment, as well as the results of regional consultations, which was not the case. Therefore, although the potential scenarios of the INECP were made available to the public, the public consultations in Serbia on the INECP were not held in accordance with the Law on the Planning System.¹⁴⁰

Serbia is expected to continue developing the INECP in accordance with the updated time frame set out in the Energy Community Treaty, i.e. to submit the Draft INECP to the Energy Community and make it available for public discussion by June 30th, 2023, and to adopt the final document by June 30th, 2024.¹⁴¹

Climate Change Adaptation Program

In February 2022, the Ministry of Environmental Protection of the Republic of Serbia publically announce the beginning of the preparation of the Climate Change Adaptation Programme with Action Plan.¹⁴²

In April 2022, the Ministry of Human and Minority Rights and Social Dialogue, in cooperation with the Ministry of Environmental Protection, announced a Public Call for civil society organizations for membership in the Working Group for the preparation of the Climate Change Adaptation Programme with Action Plan¹⁴³. Five associations applied to the open call, two of which were chosen as members of the Working Group.¹⁴⁴

140 Law on the Planning System of the Republic of Serbia ("Official Gazette of the Republic of Serbia", no. 30/2018).

141 On June 13th, 2023, the Ministry of Mining and Energy announced the start of a public consultation on the INECP. The goals of INECP are aligned with the Strategy for Low Carbon Development, which was adopted on June 1st, 2023. However, the goals set out in the INECP for the share of RES in the gross final energy consumption, as well as for energy efficiency, do not align with the goals set out in the latest decision of the Ministerial Council of the Energy Community. The target for the share of RES is 33.6% in the INECP, which is lower than the 40.7% set out in the EC decision. Additionally, the maximum level of 9.7 Mtoe for final energy consumption is not in accordance with the maximum of 9.54 Mtoe from the same decision (The announcement was made after the reporting period, but is discussed here due to the importance of the event for the period covered by the report).

142 <https://www.ekologija.gov.rs/saopstenja/vesti/obavestjenje-o-pocetku-izrade-programa-prilagodjavanja-na-izmenjene-klimatske-uslove>

143 <https://www.ekologija.gov.rs/sites/default/files/inline-files/JAVNI%20POZIV.docx>

144 <https://www.ekologija.gov.rs/sites/default/files/inline-files/Predlog%20predstavnika%20OCD.pdf>

The Ministry of Environmental Protection issued a Decision on the formation of a Working Group for the preparation of the Program Proposal.¹⁴⁵ The Working Group has 38 members, four of whom are representatives of civil society organizations. The decision stipulates that the Working Group shall complete the defined tasks by April 1st, 2023. However, by the end of April 2023, only one meeting had been held, in June 2022.¹⁴⁶

145 <https://www.activity4sustainability.org/wp-content/uploads/2022/06/Res%CC%8Cenje-za-obrazovanje-radne-grupe-2.pdf>

146 On June 1, 2023, the Ministry of Environmental Protection published a public call for public participation in the consultation process related to the development of the Climate Change Adaptation Programme with an Action Plan (available at: <https://www.ekologija.gov.rs/lat/informacije-od-javnog-znacaja/javne-rasprave/-javni-poziv-za-ucescje-javnosti-u-procesu-konsultacija-u-vezi-sa-izradom-programa-prilagodjavanja-na-izmenjene-klimatske-uslove-sa-akcionim-planom>) (The announcement was made after the reporting period, but is discussed here due to the importance of the event for the period covered by the report)

The Implementation of Regulations

Very limited progress has been made in implementing measures to mitigate climate change or adapt to its consequences. More progress has not been possible because a significant number of by-laws that should enable the implementation of the Law on Climate Change still have not been adopted. The Law prescribed a deadline of one year for the adoption of by-laws and a deadline of two years for the adoption of the Low Carbon Development Strategy and the Climate Change Adaptation Program. Both deadlines were missed. The Low Carbon Development Strategy was adopted in June 2023. Only three by-laws have been adopted to date, and the Adaptation Program has not yet been adopted.¹⁴⁷ Therefore, the Law on Climate Change has still not been fully implemented.

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.²⁸ The National Council is tasked with monitoring and evaluating the effects of the implementation of climate policies, advising the Government of the Republic of Serbia on issues relevant to climate change, as well as ensuring the integration of climate change policy into other sectoral policies, and making recommendations on amendments to regulations and public policies in accordance with European regulations and United Nations standards. 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 the Minister without portfolio, in addition to the provincial government, the

¹⁴⁷ The announcement was made after the reporting period, but is discussed here due to the importance of the event for the period covered by the report.

academic sector, the Serbian Chamber of Commerce, the Standing Conference of Cities and Municipalities and one representative of civil society. The National Council should ensure horizontal and vertical coordination of across sectors and levels of management in order to integrate climate change in all sectors and ensure effective implementation of climate policies. However, since its establishment, the Council has held only two sessions, despite the numerous challenges that Serbia faces in the field of climate policies.

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

Financing

Data on financing of activities related to climate change mitigation and adaptation are not sufficiently precise, i.e., there are no accompanying explanations, in order to estimate the amount of funds the Republic of Serbia is investing in specific activities in the fight against climate change.

The following only shows publicly available data that unequivocally indicates projects or programs related to climate change carried out in the previous period by the Ministry of Environmental Protection, the Ministry of Mining and Energy and the Republic Hydrometeorological Service of Serbia.

The Law on the Budget of the Republic of Serbia for 2022¹⁴⁸ allocated RSD 81,552,000.00 to the Ministry of Environmental Protection for “Reducing the carbon footprint of local communities by applying the principles of circular economy in the Republic of Serbia”, and RSD 100,000,000.00 for the program “Afforestation in order to protect and preserve the natural diversity”. The Law was amended¹⁴⁹, reducing the funds for afforestation to RSD 98,400,000.00 (less than a 2% change), and increased funds for the program “Reducing the carbon footprint of local communities by applying the principles of circular economy in the Republic of Serbia” to RSD 87,682,000.00.

Additionally, RSD 60,762,000.00 that was originally allocated to the Republic Hydrometeorological Service for the program “Climate Monitoring and Analysis and Forecasting of Climate Variability and Climate Change” was reduced to RSD 59,054,000.00; and funds allocated for “Improving the Climate Information System – Climate of the Carpathian Region” were increased from the originally planned RSD 9,570,000.00 to RSD 10,761,000.00 in the budget rebalance. Funding for “Climate observations, modelling and services in Europe” was increased from the originally planned RSD 1,400,000.00 to RSD 1,696,000.00.

148 <http://www.parlament.gov.rs/upload/archive/files/cir/doc/zakoni/2021/1955-21%20za%20sajt.pdf>

149 http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/13_saziv/Rebalans%20usvojeni.pdf

The Report on the Implementation of the Budget of the Ministry of Environmental Protection states that RSD 114,000,000.00 was planned for the project “Reducing the carbon footprint of local communities by applying the principles of the circular economy in the Republic of Serbia”¹⁵⁰, while 0% was spent.

Of the funds allocated for the program “Afforestation for the purpose of protection and preservation of natural diversity” RSD 95.043.699,73 (96.59%) were spent. Funds were allocated to 43 units of local self-government¹⁵¹, based on the Public Tender for Financing the Implementation of Afforestation Projects in Order to Protect and Preserve the Natural Diversity.¹⁵²

During 2022, the Ministry of Mining and Energy announced a public call to allocate funds for financing the Energy Rehabilitation Program for Residential Buildings, Family Houses and Apartments implemented by local self-governments as well as city municipalities – JP 1/22.¹⁵³ Through this call, the Ministry supported 151 local self-governments with RSD 1,038,388,389.71, while Local Self-Government units contributed RSD 966,932,123.00.¹⁵⁴

150 Information on the work of the Ministry of Environmental Protection, May 2023.

151 <https://www.ekologija.gov.rs/sites/default/files/inline-files/%D0%9E%D0%B4%D0%BB%D1%83%D0%BA%D0%B0%20%D0%BE%20%D1%83%D1%82%D0%B2%D1%80%D1%92%D0%B8%D0%B2%D0%B0%D1%9A%D1%83%20%D0%BA%D0%BE%D0%BD%D0%B0%D1%87%D0%BD%D0%B5%20%D1%80%D0%B0%BD%D0%B3%20%D0%BB%D0%B8%D1%81%D1%82%D0%B5%20-%20%D0%BF%D0%BE%D1%88%D1%83%D0%BC%D1%99%D0%B0%D0%B2%D0%B0%D1%9A%D0%B5.pdf>

152 <https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/konkursi/javni-konkurs-za-dodelu-sredstava-za-sufinansiranje-realizacije-projekata-posumljanja-u-cilju-zastite-i-ocuvanja-predeonog-diverziteta-u-2022-godini>

153 <https://www.mre.gov.rs/aktuelnosti/javni-pozivi/javni-poziv-za-dodelu-sredstava-za-finansiranje-programa-energetske-sanacije-stambenih-zgrada-porodicnih-kuca-i-stanova-koji-sprovode-jedinice-lokalne-samouprave-kao-i-gradske-opstine-2022-jp-1-22>

154 https://www.mre.gov.rs/sites/default/files/2023/05/javni_poziv_3.pdf

Recommendations



Strategic and legislative framework

- 1.** Adopt all necessary by-laws in order for the Law on Climate Change to be applied.
- 2.** 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.
- 3.** Fully support the work of the Energy Community Secretariat and, through the INECP, define goals for reducing greenhouse gas emissions and increasing energy production from renewable energy sources and improving energy efficiency that 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 (INECP) of Serbia within the allotted period and enable adequate public participation.
- 4.** 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.

5. 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.
6. 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

7. 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 public reporting on the Council's activities.
8. Adopt and submit the Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report to the UNFCCC.
9. Make information on the GHG inventory publically 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.
10. Increase the capacities of civil servants (in terms of both number and skills) in ministries and local self-government units dealing with climate change in various sectors and focus on raising their capacities.



Financing

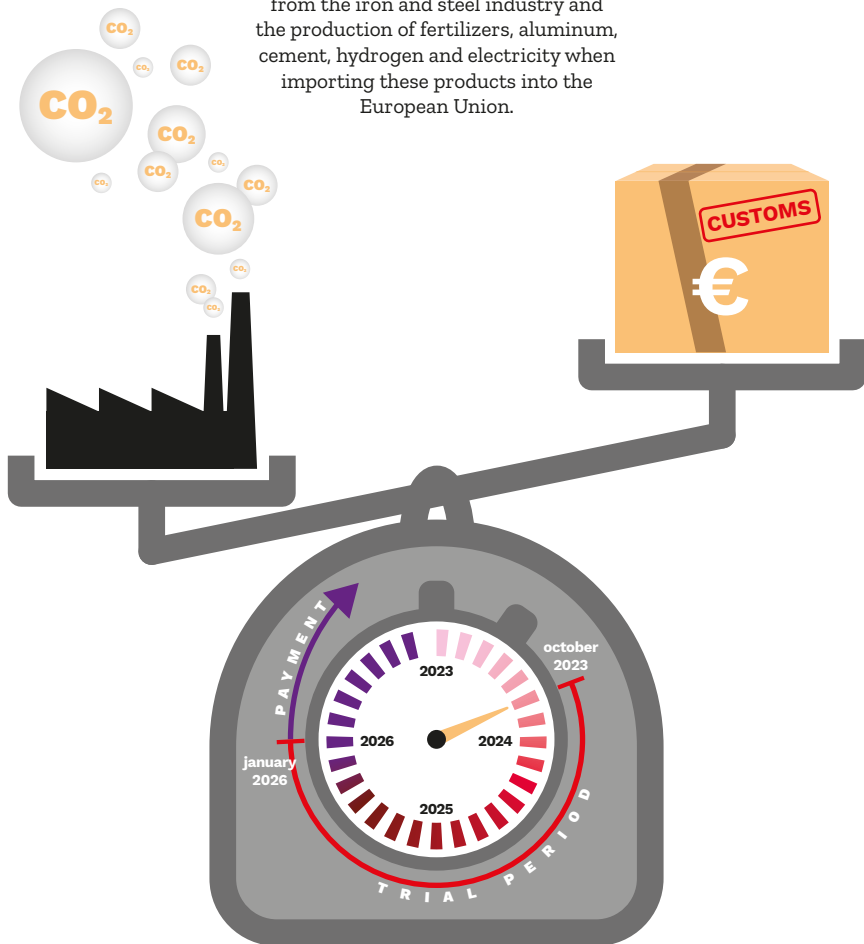
11. Develop a financial mechanism that will support strategic priorities (which must be in line with the process of Serbia's accession to the European Union), *inter alia* by redirecting funds intended for the fossil fuel industry to measures to mitigate and adapt to climate change.



CLIMATE CHANGE

Carbon Border Adjustment Mechanism (CBAM)

CBAM entails charging producers for greenhouse gas emissions originating from the iron and steel industry and the production of fertilizers, aluminum, cement, hydrogen and electricity when importing these products into the European Union.



- The preparatory phase begins on **OCTOBER 1ST 2023**.
- Payment for GHG emissions when importing products into the EU begins on **JANUARY 1ST 2026**.



Forestry

Overview

There were no significant changes in the strategic and legislative framework for forestry during the reporting period. No laws or by-laws were adopted, with the exception of acts that are adopted on an annual basis.

The Forestry Development Program, which is the basic strategic document provided for in the Law on Forests, has still not been adopted. International projects that should provide basic data for the further development of the Program have been completed. Development of the Program is therefore expected to be more rapid in the coming period.

Serbia's readiness to implement two EU acts relevant to forestry – the FLEGT regulation¹⁵⁵, which regulates the import of wood products into the European Union and the EUTR Regulation¹⁵⁶, which regulates trade in wood and wood products – is still assessed as low, and the legal and administrative framework for their implementation is absent. One positive development in this regard is the fact that a draft special law that should regulate the wood trade has been drafted.

The general state of forests in the Republic of Serbia can still be assessed as unfavorable. This is reflected, first of all, in the high percentage of coppice forests. Other problems that affect forest quality as well as management efficiency include the prevalence of illegal logging, the lack of data on privately owned forests, as well as weak control of their use.

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

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

Strategic and Legislative Framework

In 2022, there were no activities related to developing strategic or legal documents in the forestry sector.

The Forestry Development Program is defined by the Law on Forests¹⁵⁷ as a basic strategic document in the forestry sector. Support for the development of this program is foreseen in international projects, primarily through the twinning project "Improvement of forest management in Serbia as a contribution to climate change adaptation and mitigation", financed by the EU, and through the project "Contribution of sustainable forest management to low emissions and adaptive development", which is financed through the *Global Environmental Facility* mechanism (GEF).

The implementation of the twinning project was completed at the beginning of 2023, and produced several analyses and documents that are important for the further development of forestry policy in Serbia. Most importantly, it produced a road map for the Forestry Development Program, which should be the foundation for the further development of that program.

Additionally, the Draft Law on the Trade in Wood and Wood Products was compiled as part of the Project, and should regulate institutional control over the traceability of the origin of wood and wood products, and fully harmonize the national legal framework with the requirements of the FLEGT and EUTR regulations. The draft of this law is not available to the public, and it is not known when its adoption is planned.

The GEF project has been implemented since 2017 and, after some delays, is planned to be completed in mid-2023. The final results of this project were not

157 NARS, 2010. National Assembly of the Republic Serbia: Law on Forests. "Official Gazette of the Republic of Serbia", no. 30/2010, 93/2012, 89/2015 and 95/2018 – State law.

available at the time of writing of this report. According to unofficial information, the Second national forest inventory, which is one of the key components of this project, has been completed, and should provide important information about the current state of the forest fund in Serbia, which would serve for the further development of strategic documents. Additionally, the project produced recommendations for the collection and analysis of data on biodiversity, which should also be integrated into public policies in the forestry sector.

With the exception of adopting regular periodic acts, there has been no progress in the strategic and legal framework.

The Implementation of Regulations

According to data published in the publication *Šumarstvo*¹⁵⁸, there are 2.25 million ha of forests in Serbia, of which about 52% are privately owned. Compared to 2014, the forested area has increased by about 500 ha. The total volume of wood is estimated at 362 million m³, of which about 176 million m³ (about 49 percent) is contained in state forests. These data have not changed significantly in the past few years.

The average volume per hectare in Serbia is about 161 m³/ha, which is approximately equal to the average volume in Europe (163 m³/ha). The average annual increase volume per hectare in Serbian forests is estimated at 4 m³/ha; the increase is higher in state forests (4.7 m³/ha) than in private forests (3.6 m³/ha). The average annual increase in Europe is 3.9 m³/ha, and 4.5 m³/ha in the EU¹⁵⁹.

According to data from the Republic Statistical Office¹⁶⁰, in 2022 3.74 million m³ were of wood was cut in Serbia, most of which was hardwood (3.31 million m³), and only 424,477 m³ of conifers. A significantly larger volume of wood was cut in state forests (2.83 million m³) than in private forests (913,882 m³). The reasons for the drastically lower volume of wood cut in private forests, even though they occupy a slightly larger area, may be the poorer quality of the forests and/or weaker professional and technical capacities for the use of forests; however, the discrepancy could also be the result of a failure to adequately record in the official statistics all the wood cut in private forests.

158 T/N *Šumarstvo* – Forestry

159 Forest Europe, 2015. *State of Europe Forests 2015*. <https://www.foresteurope.org/docs/fullsoef2015.pdf>

160 RZS, 2023. Republic Statistical Office: *Logging in 2022*. Belgrade. <https://publikacije.stat.gov.rs/G2023/Pdf/G20231130.pdf>

According to data from the Forestry Administration, the degree of utilization of forests, i.e. the percentage of annual growth that is cut, is about 50%. This is below the European average, which is 66% of growth¹⁶¹.

The poor state of the forests is also evidenced by the high proportion of coppice forests, which account for about 65% of forests in Serbia. Coppice forests, which are the result of spontaneous regeneration from stumps after felling, are considered of lower value in both ecological and economic terms (wood quality).

One of the biggest problems in Serbian forestry remains the lack of adequate planning and control of the use of privately-owned forests. Private forest estates are mostly small areas, usually with unclear ownership status, which creates real problems in managing them efficiently. Facilitating networking between private forest owners and professionalizing their work in forestry has been proposed as a possible solution for improving the management and use of private forests for a long time. Unfortunately, this process is moving too slowly to produce significant results. According to the Law on Forests, forest management programs should be adopted for forests with a large number of owners, i.e. private forests. In 2022, not a single forest management program was adopted.

Damage to state forests in 2022 amounted to 151,708 m³ of wood, covering an area of 4,682 ha¹⁶². There was about 45,000 m³ less tree damage in 2022 than 2021. The largest share of the damage was from natural disasters (91,849 m³).

In 2022, 21,180 m³ of wood was illegally cut, of which the largest share was recorded in the regions of Southern and Eastern Serbia. It should be noted that this figure only relates to illegal logging in state forests. It can be assumed that illegal logging is much more prevalent in private forests than recorded.

According to the Statistical Office of the Republic of Serbia, 45 forest fires were recorded in Serbia in 2022, which burned 423 ha of forest. The data available on

161 Forest Europe, 2015. State of Europe Forests 2015, available at: https://foresteurope.org/wp-content/uploads/2022/02/soef_21_12_2015.pdf

162 RZS, 2023a. Republic Statistical Office: Damage to forests, 2022. Belgrade, available at: <https://publikacije.stat.gov.rs/G2023/Pdf/G20231147.pdf>

the European Forest Fire Information System¹⁶³ differs significantly. According to that source, there were 104 fires in Serbia in 2022, which affected an area of 11,508 ha. The reason for such a significant difference in the data is not clear.

A total of 1,365 ha was afforested last year, in addition to 1,509 ha of plantations. Compared to 2021, the forested area has increased by 13%.¹⁶⁴

163 <https://effis.jrc.ec.europa.eu/apps/effis.statistics/estimates>

164 RZS, 2023b. Republic Statistical Office: Planting and growing forests, 2022. Belgrade, available at <https://publikacije.stat.gov.rs/G2023/Pdf/G20231120.pdf>

Financing

In 2020, the Budget Fund for Forests was appropriated through the original Regulation on establishing the annual program for the use of funds for the sustainable development and improvement of forestry in 2022¹⁶⁵, and amounted to RSD 900 million.

The largest share of the budget for 2022 is still earmarked for the construction and reconstruction of forest roads – about RSD 520 million. RSD 75 million was allocated for afforestation, and only RSD 20 million for forest protection. Compared to the previous year, the budget for supporting the development of forestry was increased by RSD 100 million. The budget for the construction and reconstruction of forest roads increased the most, while the remaining items remained at the same level, or were reduced.

¹⁶⁵ GRS, 2022. Government of the Republic of Serbia: Regulation on determining the annual program for the use of funds for the sustainable development and improvement of forestry in 2022, "Official Gazette of the Republic of Serbia", no. 30/2022.

Recommendations



Strategic and legislative framework

- 1.** Develop a national strategic document (development program) that provides a long-term vision for development of the forestry sector Serbia, with an action plan with defined sources of funding, competent institutions and implementation dynamics. The strategic document must take into account the relevant documents currently being developed at the EU level (Biodiversity Strategy to 2030 and other documents from the Green Deal 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 the 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 the forestry sector 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 interdepartmental working group to coordinate the efficient development of plans for afforestation in areas where it is necessary (e.g. AP Vojvodina).



Financing

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



FORESTRY

LAND AREA BURNED BY FOREST FIRES

According to the European Forest Fire Information System (EFFIS), there were **104 FOREST FIRES** in Serbia in 2022, covering an area of

11,508 ha



According to the Statistical Office of the Republic of Serbia, a total of **45 FOREST FIRES** were recorded in Serbia in 2022, scorching an area of

423 ha

It can be assumed that the difference in records can be explained by different methodologies, i.e. that the European Forest Fire Information System has included fires outside of forests, but the **NATIONAL RECORD OF FOREST FIRES MUST BE IMPROVED.**

A person is shown from the chest up, holding a small globe of the Earth with both hands. The person's face is partially visible in the background, looking towards the camera. The globe is the central focus, with the text overlaid on it. The overall image has a soft, slightly blurred quality.

Sources and Appendices

Sources

- Environmental Protection Agency (2022): Annual Report on Air Quality in the Republic of Serbia in 2021
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- Government of the Republic of Serbia (2021): Government Work Plan for 2021.
- 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
- Ombudsman (2023): Annual Report of the Office of the Ombudsman for 2022.

Appendix 1

List of abbreviations and acronyms

BUR	Biennial Update Report
CBAM	<i>Carbon Border Adjustment Mechanism</i>
CNOSSOS	Common Noise Assessment Methods
CO₂	carbon-dioxide
CSO	civil society organization
EC	European Council
EPS	„Elektroprivreda Srbije“ – public utility electricity producer
EU	European Union
EU ETS	EU Emission Trading System
EUTR	EU Timber Regulation) – Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market
EC	Energy Community
FLEGT	Forest Law Enforcement, Governance and Trade
GHG	Greenhouse Gas
GRS	Government of the Republic of Serbia

GUP	General Urban Plan
INSPIRE	Infrastructure for Spatial Information in the European Community
IPA	Instrument for Pre-Accession Assistance
JKP	(srb. <i>javno komunalno preduzeće</i>) – public utility company
JP	(srb. <i>javno preduzeće</i>) – public company
JESK	srb. <i>jedinice za suzbijanje ekološkog kriminala i zaštitu životne sredine</i>) – units for ecological crimes and environmental protection
LGU	Local Self-Government Unit
KfW	(de. <i>Kreditanstalt für Wiederaufbau</i>) – German Development Bank
LULUCF	Land Use, Land-Use Change and Forestry
MHE	mini hydroelectric power plants
MIFP	Multiannual Investment and Financing Plan
MFRS	Ministry of Finance of the Republic of Serbia
MRV framework	Monitoring, Reporting and Verification
MEP	Ministry of Environmental Protection
NC	National Communications
NDCs	Nationally Determined Contribution
NEA	National Ecological Association
NECP	National Energy and Climate Plans

NERP	National Emission Reduction Plan
NIP	National implementation plan
NO₂	nitrogen-dioxide
NPAA	National Programme for the Adoption of the Acquis
NARS	National Assembly of the Republic of Serbia
O₃	Ozone
OSCE	Organization for Security and Co-operation in Europe
RES	renewable energy sources
PM₁₀	particulate matter up to 10 micrometers
PM_{2.5}	particulate matter up to 2.5 micrometers
EIA	Environmental Impact Assessment
RBM	River Basin Management Plan
RERI	Renewables and Environmental Regulatory Institute
RS	The Republic of Serbia
RSD	Serbian Dinar
RTS	Radio-television of Serbia
SEPA	Serbian Environmental Protection Agency
SO₂	sulfur-dioxide
SEIA	Strategic Environmental Impact Assessment
UN	United Nations

UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention on Climate Change

Appendix 2

Comparative Table of Recommendations for 2022 and 2023

Legenda:  Not adopted  Partially adopted  Adopted



Horizontal Legislation

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
<p>Improve the quality of the processes of the 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.</p>		<p>The Law on Environmental Impact Assessment and the Law on Strategic Impact Assessment have not yet been adopted.</p>	<p>Improve the quality of the processes of the 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.</p>
<p>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</p>			<p>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</p>

**Recommendation for 2022
from the previous report**

Status Comment

**Recommendation
for 2023**

<p>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.</p>		<p>The draft Law on Strategic Impact Assessment, which came up for public discussion in January 2022, does not contain provisions prescribing the responsibility of the Ministry or the minister responsible for environmental protection to determine the List of plans and programs for which strategic environmental impact assessment is mandatory and the List of plans and programs for which a strategic environmental impact assessment may be required. This is despite the previous version of the Law (which is still valid, as a new one has not yet been adopted at the time of writing this report), explicitly stating in Article 5: “The Minister competent for environmental protection shall determine the List of plans and programs for which strategic environmental impact assessment is mandatory and the List of plans and programs for which a strategic environmental impact assessment can be required.”</p>	<p>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.</p>
<p>Provide transparent and timely information to the public about conducting public hearings by improving public awareness via the Internet. Improve the functionality of e-Consultation so that it is adapted to the average user (access to documents, information about the beginning, duration and venue of public hearings, etc.).</p>		<p>The portal eKonsultacije.gov.rs, through which all competent state administration authorities are obliged to publish relevant information about consultations in a timely manner, is still not adapted for the general public, and certain prior knowledge is still required to navigate the portal and find information.</p>	<p>Provide transparent and timely information to the public about conducting public hearings by improving public awareness via the Internet. Improve the functionality of e-Consultation so that it is adapted to the average user (access to documents, information about the beginning, duration and venue of public hearings, etc.).</p>

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
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.			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.
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 cumulative impact assessment in environmental impact assessment studies.		The adoption of the Law on Environmental Impact Assessment is expected.	Ensure the inclusion of 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.
Tighten the penal provisions for environmental pollution, and consistently apply the Law on Liability of Legal Entities for Criminal Offenses (Official Gazette of the Republic of Serbia, no. 97/08).			Tighten the penal provisions for environmental pollution, and consistently apply the Law on Liability of Legal Entities for Criminal Offenses (Official Gazette of the Republic of Serbia, no. 97/08).




**Recommendation for 2022
from the previous report****Status****Comment****Recommendation
for 2023**

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.





This recommendation is revoked – the pandemic is over.

n/a

Air Quality

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
<p>Start the process of establishing binding standards for low-power combustion appliances used in households (furnaces; stoves and solid fuel stoves) following the Eco-design Directive (2009/125/EC). Given the widespread use of inefficient stoves and solid fuel furnaces in households, consider the accelerated transposition of this Directive.</p>		<p>A Draft Air Quality Plan for 2022-2027 was only put up for public discussion at the end of October 2022, and the public review of the Plan was not carried out in accordance with the regulations. The City Administration of the City of Valjevo subsequently extended the duration of the public review of the Draft Plan from the planned 20 to 30 days.¹⁶⁶, after the omissions were pointed out, but still failed to correct all procedural errors.</p>	<p>Start the process of establishing binding standards for low-power combustion appliances used in households (furnaces; stoves and solid fuel stoves) following the Eco-design Directive (2009/125/EC). Given the widespread use of inefficient stoves and solid fuel furnaces in households, consider the accelerated transposition of this Directive.</p>
<p>Enable citizens to participate in the adoption of documents concerning air quality at the national and local levels.</p>		<p>A Draft Air Quality Plan for 2022-2027 was only put up for public discussion at the end of October 2022, and the public review of the Plan was not carried out in accordance with the regulations. The City Administration of the City of Valjevo subsequently extended the duration of the public review of the Draft Plan from the planned 20 to 30 days.¹⁶⁶, after the omissions were pointed out, but still failed to correct all procedural errors.</p>	<p>Enable citizens to participate in the adoption of documents concerning air quality at the national and local levels.</p>
<p>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.</p>		<p>The Air Protection Program was adopted a year late. The Environmental Protection Agency published the Annual Report on the State of Air Quality eight months late.</p>	<p>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.</p>

166 The air is clean until proven otherwise - Analysis of the Report on the State of Air Quality in Serbia for 2021, BOŠ and RERI, 2022.

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Include information on measuring stations that did not work during a particular month in the monthly data on detected exceedances of the hourly and daily limit values (LV).			Include information on measuring stations that did not work during a particular month in the monthly data on detected exceedances of the hourly and daily limit values (LV).
Stakeholders responsible for monitoring air quality should ensure the appropriate maintenance of monitoring systems and data availability, and finance the uninterrupted high-quality operation of air quality monitoring networks, especially for urban agglomerations such as Belgrade.		An improvement in national monitoring and data availability has been noted, but local monitoring still functions poorly.	Stakeholders responsible for monitoring air quality should ensure the appropriate maintenance of monitoring systems and data availability, and finance the uninterrupted high-quality operation of air quality monitoring networks, 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.		Some local governments in which air quality is category III (Belgrade, Bor, Valjevo, etc.) have provided easier access to air quality data on their official websites. Other cities and municipalities should follow this example.	Local governments/cities should improve the quality and visibility of air quality data and 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






- Introduce the criterion of energy poverty in implementing the tender for awarding subsidies to households for the rehabilitation of buildings and the reduction of pollution from individual furnaces. This should be done so that energy-poor households receive a higher subsidy percentage or that the costs of rehabilitating buildings whose residents are energy-poor are entirely covered by the State and local self-governments.



Waste Management

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Build partnerships with civil society and the business sector when adopting regulations, and establish clear communication with the public.			Build partnerships with civil society and the business sector when adopting regulations, and establish clear communication with the public.
Improve the legal framework in order to enable the effective application of the principle of extended liability and the “polluter pays” principle.			Improve the legal framework in order to enable the effective application of the principle of extended liability and the “polluter pays” principle.
Harmonize regional and local waste management plans with strategic documents at the national level.			Harmonize regional and local waste management plans with strategic documents at the national level.
Adopt the Waste Sludge Management Strategy in Serbia.			Adopt the Waste Sludge Management Strategy in Serbia.
Adopt the Draft Waste Prevention Plan,			Adopt the Draft Waste Prevention Plan.
Involve industry in the application of the circular economy.			Involve industry in the application of the circular economy.
Adopt a regulation to regulate the delivery of hazardous waste by natural persons to authorized operators.			Adopt a regulation to regulate the delivery of hazardous waste by natural persons to authorized operators.
Adopt a new Law on Waste Management.			Adopt a new Law on Waste Management.
Prevent the creation of new illegal landfills by expanding the coverage of municipal waste collection to 100% and increasing inspection supervision.			Prevent the creation of new illegal landfills by expanding the coverage of municipal waste collection to 100% and increasing inspection supervision.

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Introduce an obligation to monitor water, air and soil at all municipal waste landfills to prevent the occurrence of fires and environmental pollution.			Introduce an obligation to monitor water, air and soil at all municipal waste landfills to prevent the occurrence of fires and environmental pollution.
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.			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.
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.
Create capacity for the treatment or permanent storage of hazardous waste, in cases where that waste cannot be treated.			Create capacity for the treatment or permanent storage of hazardous waste, in cases where that waste cannot be treated.
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.
Create a unified methodology for collecting and sending data to the Republic Statistical Office and the Environmental Protection Agency and ensure the reliability of the data obtained.			Create a unified methodology for collecting and sending data to the Republic Statistical Office and the Environmental Protection Agency and ensure the reliability of the data obtained.
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.			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.
Ensure the implementation of the Law on Waste Management in practice.			Ensure the implementation of the Law on Waste Management in practice.

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
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 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.			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 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.
Introduce economic instruments to reduce the amount of waste that ends up at 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 fraction of packaging waste.			Make a final decision regarding the introduction of a deposit system.
Introduce umbrella insurance for hazardous waste operators so that insurance would cover the costs of hazardous waste remediation and resulting damages if an operator's license is revoked.			Introduce umbrella insurance for hazardous waste operators so that insurance would cover the costs of hazardous waste remediation and resulting damages if an operator's license is revoked.
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.			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.

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Ensure transparency and easy availability of data on the costs of building infrastructure in the area of waste management (regional centers, landfills, equipment, etc.) and sources of financing.	⊗		Ensure transparency and easy availability of data on the costs of building infrastructure in the area of waste management (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 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.	⊗		Ensure that waste management costs are included in the price of products and services, in order to avoid shifting costs from consumers to citizens.
Create capacity and political will to use available EU funds and grants instead of credit arrangements for infrastructure construction.	⊗		Create capacity and political will to use available EU funds and grants instead of credit arrangements for infrastructure construction.





New recommendations








- Establish a control system for the cross-border import, export and transit of waste.
- Introduce subsidies for opening small businesses that perform on-site packaging waste recycling.



Water Quality

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
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.		The foundation for integration EU nature directives was laid in the Water Management Plan	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.		The guidelines were developed within the framework of the Water Management Plan.	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).		The Water Management Plan was adopted and the Draft Flood Risk Management Plan was prepared.	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 2022 from the previous report	Status	Comment	Recommendation for 2023
<p>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.</p>			<p>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.</p>
<p>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.</p>			<p>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.</p>
<p>Further improve public participation in policy development in the water management sector. Public consultations should provide more opportunities for participation than the legal minimum. Stakeholder involvement should begin in the early stages of policy development.</p>			<p>Further improve public participation in policy development in the water management sector. Public consultations should provide more opportunities for participation than the legal minimum. Stakeholder involvement should begin in the early stages of policy development.</p>
<p>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.</p>		<p>Ecosystem services are mentioned in the Water Management Plan, but no concrete solutions and recommendations are provided.</p>	<p>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.</p>

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
<p>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.</p>			<p>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.</p>
<p>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.</p>			<p>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.</p>
<p>Raise the capacities of the water inspectorate and increase the number of water inspectors.</p>			<p>Raise the capacities of the water inspectorate and increase the number of water inspectors.</p>
<p>Establish water quality monitoring in accordance with the requirements of the Water Framework Directive.</p>			<p>Establish water quality monitoring in accordance with the requirements of the Water Framework Directive.</p>
<p>Determine the borders of water land in the cadastre.</p>			<p>Determine the borders of water land in the cadastre</p>
<p>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.</p>			<p>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.</p>
<p>Permanently increase budget funds for financing water management activities and water protection.</p>			<p>Permanently increase budget funds for financing water management activities and water protection.</p>





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 2022 from the previous report	Status	Comment	Recommendation for 2023
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.			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 appropriate assessment procedure for the ecological network through the Law on Nature Protection and the Regulation on Appropriate Assessment.			Regulate the appropriate assessment procedure for the ecological network through the Law on Nature Protection and the Regulation on Appropriate Assessment.
Create and adopt the Environmental Protection Strategy of the Republic of Serbia, which will cover the field of nature protection in accordance with the Global Strategic Plan for Biodiversity, the EU Biodiversity Strategy and the Green Agenda for the Western Balkans.		The process of developing the Strategy is ongoing. Representatives of civil society and Coalition 27 are included in the Working Group, and they are collaborating on drafting the section of the Strategy related to biodiversity and nature protection.	n/a
Amend the Rulebook on the Establishment and Protection of Strictly Protected and Protected Species of Wild Plants, Animals and Fungi and the Rulebook on the Types of Habitats, Criteria for the Selection of Types of Vulnerable, Endangered and Rare Habitats and the Priorities for the Protection of the Types of Habitats in order to fully transpose the provisions of the Habitats Directive and the Birds Directive related to hunting.			Amend the Rulebook on the Establishment and Protection of Strictly Protected and Protected Species of Wild Plants, Animals and Fungi and the Rulebook on the Types of Habitats, Criteria for the Selection of Types of Vulnerable, Endangered and Rare Habitats and the Priorities for the Protection of the Types of Habitats in order to fully transpose the provisions of the Habitats Directive and the Birds Directive related to hunting.

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Create and adopt a protocol to precisely determine the sequence and manner of action by the competent authorities when detecting cases of poisoning, as well as other cases of illegal actions against wild species.			Create and adopt a protocol to precisely determine the sequence and manner of action by the competent authorities when detecting cases of poisoning, as well as other cases of illegal actions against wild species.
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.			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.
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, analysis of the effects of public policies and regulations, and the content of individual public policy documents, and the Guidelines for the inclusion of civil society organizations in the process of drafting regulations of the Government of the Republic of Serbia.			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, analysis of the effects of public policies and regulations, and the content of individual public policy documents, and the Guidelines for the inclusion of civil society organizations in the process of drafting regulations of the Government of the Republic of Serbia.
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.			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.







Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Improve the capacities of the Ministry of Environmental Protection in the field of nature protection by increasing the number of employees in the sector as a matter of priority.	⊗		Improve the capacities of the Ministry of Environmental Protection in the field of nature protection by increase the number of employees in the sector as a matter of priority.
Improve the capacities of nature protection institutes (provincial and Republic-level) by increasing the number of professional staff and procurement of technical equipment.	⊗		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 for the implementation of regulations related to protecting species and habitats, in cooperation with professional civil society organizations.	⊗		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 the planning and implementation of inspection supervision over protected areas, i.e. ecological network sites.	⊗		Improve the planning and implementation of inspection supervision over protected areas, i.e. ecological network sites.
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 to all interested parties.	⊗		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 to all interested parties.
Improve cooperation with interested parties in the implementation of international agreements in the field of nature protection through regular information exchange and consultations.	⊗		Improve cooperation with interested parties in the implementation of international agreements in the field of nature protection through regular information exchange and consultations.





Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Form a National Council for the ecological network "Natura 2000" in order to ensure intersectoral cooperation and continuous institutional support.			Form a National Council for the ecological network "Natura 2000" in order to ensure intersectoral cooperation and continuous institutional support.
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.			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.
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.			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.
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.			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

- Improve the capacities of the Unit for the Suppression of Environmental Crime and Environmental Protection, as well as its coordination with other sectors.

Noise

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Adopt all by-laws necessary to harmonize the legislative framework with Directive 2002/49/EC.		Only three of seven by-laws have been adopted to date.	Adopt all necessary by-laws so that the legislative framework is harmonized with Directive 2002/49/EC.
Adopt all by-laws necessary to harmonize the legislative framework with 2015/996 (CNOSSOS-EU).			Adopt all necessary by-laws, so that the legislative framework is harmonized with Directive 2015/996 (CNOSSOS-EU).
Implement acoustic zoning in all local self-government units.		The City of Belgrade has conducted acoustic zoning. There is no data for other local self-governments.	Carry out acoustic zoning of 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 display 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 has chosen a supplier for the service of creating strategic noise maps with the development of a <i>smart</i> noise monitoring system. The City of Belgrade has earmarked funds for the development of a Strategic Noise Map and a Noise Protection Action Plan for Belgrade for 2023.	Create strategic noise maps for the other four agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), as well as for “Nikola Tesla” Airport, and create action plans for all agglomerations.
Local self-governments should adopt decisions to allow communal police officers to carry out noise measurements from hospitality establishments.		The Rulebook on the conditions that must be met by a municipal police officer in order to measure noise from hospitality establishments was adopted. However, for the full implementation of this Rulebook, local self-governments must adopt decisions.	Local self-governments should adopt decisions to allow communal police officers to carry out noise measurements from hospitality establishments.
Implement noise monitoring training (especially at a local level).		There is no official information on personnel training in the area of noise.	Implement noise monitoring training (especially at a local level).

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Introduce local self-government control over the implementation of noise monitoring and submission of noise monitoring results to the Environmental Protection Agency			Introduce local self-government 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 gatherings and activities if the use of sound systems 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 gatherings and activities if the use of sound systems and other devices may exceed the prescribed limit values.
Provide funds for the implementation of plans (and obligations) in the area of noise protection.			Provide funds for the implementation of plans (and obligations) in the area of noise protection.



Climate change

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Adopt all necessary by-laws in order for the Law on Climate Change to be applied.		Only one by-law was adopted by May 2023: Rulebook on fuel economy and CO ₂ emissions data from new passenger vehicles.	Adopt all necessary by-laws 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.		In August 2022, Serbia submitted its Second Nationally Determined Contribution (NDC) to the UNFCCC, committing to reduce greenhouse gas (GHG) emissions by 33.3% compared to 1990 GHG emission levels. Serbia uses the year 1990 for comparison purposes between the first and second NDC (which is the framework set by the Paris Agreement), while its base year is 2010 based on the calculation of the greenhouse gas inventory and the quality assurance and data quality control process. Compared to the base year of 2010, Serbia's goal is to reduce GHG emissions by 13.2%. According to the NDC, the target does not include "carbon sinks".	n/a

**Recommendation for 2022
from the previous report**

Status

Comment

**Recommendation
for 2023**

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.



Article 15 of the Law on Climate Change specifies the obligation of local self-government to integrate the objectives of the Climate Change Adaptation Program into the 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 by sub-legal act, as well as all the bodies and organizations required to report to the Ministry, local self-governments are not able to implement these provisions of the Law.

Further, in Article 63, the Law states that local self-governments are obliged 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 by by-law, as well as all the bodies and organizations required to report to the Ministry, local self-governments are not able to implement these provisions of the Law.

Based on the Law on the Planning System of the Republic of Serbia, all local self-governments enter into the process of development planning through development plans and medium-term plans. This is an opportunity to integrate climate change into sectoral policies at the local level.

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 2022 from the previous report

Status Comment

Recommendation for 2023

Fully support the work of the Energy Community Secretariat and, through the INECP, 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 (INECP) of Serbia within the allotted period and enable adequate public participation.



Work on the NECP began in February 2021, but the participation of civil society organizations was only facilitated in August 2021. The public first got insight at the public consultation in August 2022. Out of 33 initial scenarios, only four scenarios were presented to citizens on the website of the Ministry of Mining and Energy.

On the other hand, the latest draft of INECP is not aligned with the goals from the latest Decision of the Ministerial Council of the Energy Community number 2022/02/MC-EnC.






Fully support the work of the Energy Community Secretariat and, through the INECP, 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 (INECP) of Serbia within the allotted period and enable adequate public participation.




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.



The establishment of the National Council for Climate Change created the prerequisite 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 shall be drafted taking into account climate change adaptation. However, because the legal framework for this provision 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 2022 from the previous report	Status	Comment	Recommendation for 2023
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.			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 CO ₂ tax mechanism, and thereby 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, the Serbian economy must prepare for the introduction of the Carbon Border Adjustment Mechanism (CBAM), which will introduce carbon footprint taxation on products and services entering the single EU market.	Adopt Amendments to the Law on Climate Change to establish a CO ₂ tax mechanism, and thereby 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.
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 public reporting on the Council's activities.		During the reporting period, the National Council for Climate Change only held one session, in September 2022. Other information about the activities of the Council is not available to the public. It is necessary to intensify the activities of the Council and to provide the public with insight into its activities.	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 public reporting on the Council's activities.
Adopt and submit the Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report to the UNFCCC.		The project to produce the Second Biennial Update Report and the Third National Communication was completed in December 2021, but the documents were never made public.	Adopt and submit the Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report to the UNFCCC.
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.			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.

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
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.		The nationally determined contribution was adopted during the holiday season (more precisely, at the session of the Government of the Republic of Serbia on August 4, 2022), without public participation or the provision of information to the public.	n/a
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.		During the reporting period, there was no change in the capacities of the Ministry of Environmental Protection.	Increase the capacities civil servants (in terms of the number and skills) in ministries and local self-government units dealing with climate change in various sectors and focus on raising their capacities.
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), <i>inter alia</i> 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), <i>inter alia</i> by redirecting funds intended for the fossil fuel industry to measures to mitigate and adapt to climate change.



Forestry

Recommendation for 2022 from the previous report	Status	Comment	Recommendation for 2023
Develop a national strategic document (development program) that provides a long-term vision for development of the forestry sector in Serbia, with an action plan with defined sources of funding, competent institutions and implementation dynamics. The strategic document must take into account the relevant documents currently being developed at the EU level (Biodiversity Strategy to 2030 and other documents from the Green Deal package).		Certain progress has been made in drafting documents to be used for the preparation of the Program (e.g. the Second national forest inventory).	Develop a national strategic document (development program) that provides a long-term vision for development of the forestry sector in Serbia, with an action plan with defined sources of funding, competent institutions and implementation dynamics. The strategic document must take into account the relevant documents currently being developed at the EU level (Biodiversity Strategy to 2030 and other documents from the Green Deal package).
Develop an institutional framework with clearly defined responsibilities for the implementation of the EUTR and FLEGT regulations.		The Draft Law on regulating trade in wood and wood products has been prepared.	Develop an institutional framework with clearly defined responsibilities for the implementation of the EUTR and FLEGT regulations.
Strengthen the capacities of the 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.).		The Forestry Administration actively participated in the realization of the EU project Natura 2000.	Strengthen the capacities of the 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 competent institutions in the forestry sector for EU integration in the field of climate change and energy.		Capacities were strengthened through the implementation of two international projects related to climate change in the forestry sector.	Strengthen the capacities of competent institutions in the forestry sector for 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 2022 from the previous report	Status	Comment	Recommendation for 2023
Value and promote ecosystem services provided by forests, other than wood, and use them in forest management planning.		The role of forests in mitigation and adaptation to climate change has been promoted through international projects. Nonetheless, project results should be integrated and documents should be developed into public policies.	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.			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 level of cooperation was achieved through several international projects.	Improve cooperation with other sectors (nature protection, energy, climate change, water management) in order to integrate forest ecosystems.
Establish an interdepartmental working group to coordinate the efficient development of plans for afforestation in areas where it is necessary (e.g. AP Vojvodina).			Establish an interdepartmental working group to coordinate the efficient development of plans for afforestation in areas where it is necessary (e.g. AP Vojvodina).
Allocate more funding from the Budget Fund for Forests for financing the protection and improvement of forest ecosystems that provide ecosystem services that are beneficial to all.			Allocate more funding from the Budget Fund for Forests for financing the protection and improvement of forest ecosystems that provide ecosystem 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 • Bird Protection and Study Society of Serbia
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


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 by-laws and national implementation plans (organized by Ministry of Environmental Protection). 	<ul style="list-style-type: none"> • The Nature Conservancy¹⁶⁷ • 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 by-laws and national implementation plans (organized by Ministry of Environmental Protection). 	<ul style="list-style-type: none"> • Young Researchers of Serbia • Bird Protection and Study Society of Serbia • The Nature Conservancy
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
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"> • The Nature Conservancy

167 Organisation *The Nature Conservancy* is not a member of network Coalition 27

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