



REPUBLIC OF SERBIA  
Negotiating Group for the Chapter 27

**Bilateral screening: Chapter 27**  
**STATUS OF TRANSPOSITION AND IMPLEMENTATION**  
**IN SERBIA**

Directive 2011/92/EU of the European Parliament  
and of the Council of 13 December 2011 on the  
assessment of the effects of certain public and  
private projects on the environment as amended by  
Directive 2014/52/EU

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## Legal Framework

- **Law on Environmental Impact Assessment** (Official Gazette of the Republic of Serbia No.135/2004, 36/2009)
- Law on Environmental Protection ("Official Gazette of RS", No. 135/2004, 36/2009 and 72/2009)
- In 2008, the **Decree** for List I and List II has been adopted. List 1 is a list of projects for which an impact assessment is mandatory, and List II is a list of projects for which an impact assessment may be required („Official Gazette of the Republic of Serbia“, No. 114/08).
- In 2007, the Republic of Serbia has ratified the ESPOO CONVENTION- **Law on Ratification of the Convention on Environmental Impact Assessment in a Transboundary Context** („Official Gazette of the Republic of Serbia“, No. 102 /07)
- In 2009, the Republic of Serbia has ratified the AARHUS CONVENTION - **Law on Ratification of the Aarhus Convention** („Official Gazette of the Republic of Serbia“, No. 38/09)
- **Law on Free Access to Information of Public Importance**, („Official Gazette of the Republic of Serbia“, No. 120/04, 54/07, 104/09 and 36/10)
- Law on Planning and Construction ("OG of RS", No. 72/09)

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## National legal framework

Other relevant legislative acts are, e.g.:

In 2005, the following areas have been regulated through the following bylaws („Official Gazette of the Republic of Serbia“, No. 69/05):

- Rulebook on public insight, presentation and public discussion about the study
- Rulebook on the work of the expert commission in study assessment
- Rulebook on the application content for determining screen and the application content for determining scope of EIA study
- Rulebook on the EIA study content and the appearance content
- Rulebook on keeping a public register regarding the act decisions about EIA



## TRANSPOSITION

**Directive 2011/92/EU is partially transposed mainly refers to Law on EIA** („Official Gazette of the Republic of Serbia“, No 135/2004, 36/2009)

Following provisions remains to be transposed:

- **Article 7.** (Republic of Serbia has not ratified yet the first and the second amendment to the Espoo Convention, Decision II/14 and Decision III/7 and the Multilateral agreement among the countries of South-Eastern Europe for the implementation of the Convention on Environmental Impact Assessment in a transboundary context);
- **Annex I and II of the Directive** (national legislation has not been adjusted to the latest amendments of the lists of projects, having occurred with the adoption of CCS Directive 2009/31/EC in 2009 -Directive 2009/31/EC amended the Annexes I and II of the EIA Directive, by adding projects related to the transport, capture and storage of carbon dioxide (CO<sub>2</sub>));
- **Article 9.** ( development consent is not available for the public and it is the Ministry of Construction, Transport and Infrastructure's competence).



## TRANSPOSITION

**Art. 1.2.v., Art. 2.3. , Art. 6.7. , Art.8.a and Art. 9. paragraph 1 of the Directive 2014/52/EU are not transposed** in the national legislation

- **Art. 2.3. of the Directive** stipulates, inter alia, that the Commission shall provide guidance regarding the setting up of any coordinated or joint procedures for projects that are simultaneously subject to assessments under this Directive and Directives 92/43/EEC, 2000/60/EC, 2009/147/EC or 2010/75/EU. This Article is not transposed and **will be transposed by amending the Law on EIA, until the end of 2017.**
- **Article 6.7. of the Directive 2014/52/EU** stipulates that, the time frames for consulting the public concerned on the EIA report to in Article 5(1) shall not be shorter than 30 days. This Article is not transposed because the EIA Law defines time frames, no longer than 20 days, so the time frames should be extended to comply with provisions from Directive 2014/52/EU. **Up to the end of 2017 is expected to be transposed within amending Law on EIA.**



## TRANSPOSITION

- **Art. 1.2.v. of the Directive 2014/52/EU** stipulates that environmental impact assessment means a process consisting of, among others, the integration of the competent authority's reasoned conclusion of the EIA procedure into any of the decisions referred to in **Article 8a.**
- **Art.8.a** of the Directive 2014/52/EU stipulates that the decision to grant development consent shall incorporate at least the following information:
  - (a) the reasoned conclusion referred to in Article 1(2)(g)(iv);
  - b) any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment as well as, where appropriate, monitoring measures.

In accordance with the requirements, this two Art. (**Art.1.2. v. and Art. 8. a. of the Directive 2014/52/EU**) are partially transposed. EIA procedure is separate procedure, but the outcomes of this procedure (environmental protection measures) are an integral part of the technical documentation based on which is development consent issued. **Development consent is not publicly available and it is necessary to amend the Law on Planning and Construction. The responsible institution for preparing a Draft law is the Ministry of Construction, Transport and Infrastructure.**



## TRANSPPOSITION

### International Agreements:

- Draft Law on ratification of amendments to ESPOO Convention, Decision II/14 and Decision III/7 is envisaged to be adopted **in the first half of 2015.**
- Law on ratification of the Multilateral agreement among countries of South Eastern Europe for implementation of the Convention on EIA in a transboundary context, which is signed in Bucharest (2008.) is envisaged to be adopted to **the end 2015.**
- **2018- Full transposition** with Dir. 2011/92/EC as amended by Dir. 2014/52/EC



## Institutional Framework Competent Authorities

- **Ministry of Agriculture and Environmental Protection** (for projects for which the permit for project implementation is under the responsibility of the Republic authority);
- **the Provincial authority** (for projects for which the permit for project implementation is under the responsibility of the authority of the autonomous province)
- **the Local self-government authority** (for projects for which the permit for project implementation is under the responsibility of the local self-government authority)
- **For granting development consent the Competent authority is the Ministry of Construction, Transport and Infrastructure.**

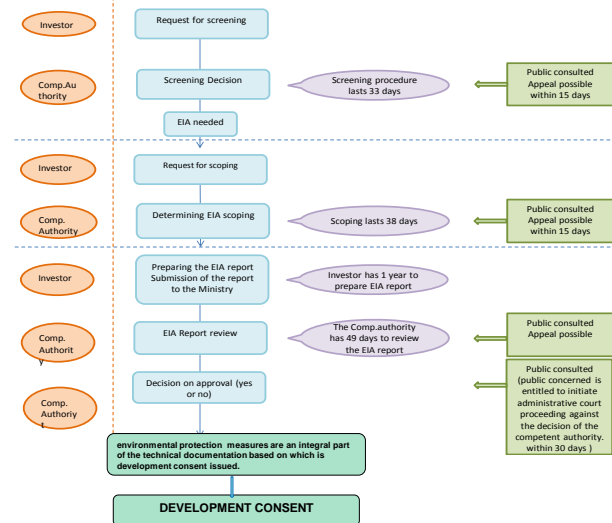


## Existing capacities

	EIA
Republic level - Ministry	8
Autonomous Province of Vojvodina	2
City of Belgrade	5
Local self government unit	1-2
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## SCOPE OF IMPLEMENTATION OF EIA





## Status of Implementation

### Description of the Situation

Number of Studies considered in the review phase by different competent authorities

	2006	2007	2008	2009	2010	2011	2012	2013
Republic level	45	41	27	38	28	44	58	55
Vojvodina	-	60	25	28	14	20	16	17
Belgrade	29	29	21	24	7	11	9	1
Local self government : I (11) II (10) III (17)	More Up to	than 25 25 10	EIA EIA EIA	per year per year per year	(average	number	for period	2007- 2013)

Number of EIA procedures in transboundary context

2010	2011	2012	2013	2014
2	1	2	2	4

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## Improving of implementation is achieved:

In 2010, has been published Manual on minimal requirements of the environmental protection (this manual defines minimal environmental protection requirements for the facilities that are excluded from the process of environmental impact assessment by the authorities).

Activities under ECRAN project (Training of trainers, technical issues – methods and tools, quality review etc.)

There are sector specific guidelines on EIA for environmental experts and consultancies, planning authorities and developers:

- Guidelines for EIA procedure, 2005.
- Guidelines on the EIA for wind farms”, Belgrade, 2010.
- “Bats and Environmental Impact Assessment - Methodological guidelines for EIA and SEA ” Belgrade, 2011.

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## Future steps

- Capacity building for municipalities and authorities on Autonomous province and National level (seminars, trainings...);
- Activities under ECRAN project will continue
- Capacity building for authorities and organizations concerned;
- Capacity building for Public authority (NGOs and civil society organizations)
- Control and enforcement for implementation of the EIA Law on the local, Autonomous province and National level;
- Improve arrangements in providing and exchanging information and access to data.



## Conclusions

- Directive 2011/92 /EC is partially transposed;
- Full transposition of Dir.2011/92/EC as amended by Dir.2014/52/EC will be achieved in 2018.
- Full implementation is envisaged by end of 2019.



Thank you for your attention

**QUESTIONS ?**