# GOVERNMENT OF THE REPUBLIC OF SERBIA

## Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on Accession of the Republic of Serbia to the European Union

## for Chapter 27 - Environment and Climate Change

**Belgrade, December 2019**

## I Introductory statement

The Republic of Serbia accepts the *acquis* of the European Union (EU) covered by Chapter 27 Environment and Climate Change as it stands on 1 June 2019 and will be in position to fully implement it by the date of accession with the exception of following EU legal acts:

1. INSPIRE Directive 2007/2/EC Chapter II, Chapter III, Chapter IV and Chapter V (Articles 5 to 17) for which the Republic of Serbia requests a transitional period of 2 years and 4 months following the date of accession to the EU. Final indication regarding number of years required for the transition period for the full implementation of the INSPIRE Directive will be provided in accordance to the Specific Implementation Plan for the INSPIRE Directive that is under development.

2. CAFE Directive 2008/50/EC (and 4th Daughter Directive 2004/107/EC)) for which the Republic of Serbia requests transitional period according to the Directive Specific Implementation Plan (DSIP is under development).

3. Sulphur Content Directive 2016/802/EC for which the Republic of Serbia requests transitional period according to the Directive Specific Implementation Plan (DSIP is under development).

4. Directive 94/63/EC (VOC Petrol stage I) and Directive 2009/126/EC (VOC Petrol stage II) for which the Republic of Serbia requests a transitional period of 2 year following the date of accession to the EU. Final indication regarding number of years will be provided in accordance to the Specific Implementation Plan (DSIP is under development).

5. Directive 2016/2284/EU on the reduction of national emissions of certain atmospheric pollutants, for which request of the Republic of Serbia for a transitional period for implementation of requirements of the Directive will depend on the results of negotiations regarding emission reduction commitments for the Republic of Serbia for sulphur dioxide (SO2), nitrogen oxides (NOx), non-methane volatile organic compounds (NMVOC), ammonia NH3 and particulate matter PM2.5.

6. Waste Framework Directive 2008/98/EC, Article 11, for which the Republic of Serbia requests a transitional period of 15 years following the date of accession to the EU.

7. Packaging and Packaging Waste Directive 94/62/EC Article 6, paragraph 1 points (b), (d) and (e) for which the Republic of Serbia requests a transitional period of 4 years following the date of accession to the EU.

8. Landfill Directive 1999/31/EC Article 5(2), points (a), (b) and (c) of the first subparagraph and Article 14, point (c) for which the Republic of Serbia requests a transitional period of 15 years and 7 years, accordingly. The Republic of Serbia requests to consider year 2008 as a reference year for purposes of implementation of the article 5(2).

9. WEEE Directive 2012/19/EU Article 7, paragraph 1, subparagraph 1 for which the Republic of Serbia requests a transitional period of 11 years following the date of accession to the EU.

10. Waste Batteries Directive 2006/66/EC Article 10 for which the Republic of Serbia requests a transitional period of 11 years following the date of accession to the EU.

11. Water Framework Directive 2000/60/EC Article 4, for which the Republic of Serbia requests a transitional period of 21 year following the date of accession to the EU.

12. Urban Waste Water Treatment Directive 91/271 EEC Articles 3, 4, 5 and 7 for which the Republic of Serbia requests a transitional period of 20 years following the date of accession to the EU.

13. Environmental Quality Standards Directive 2008/105/EC Article 3, for which the Republic of Serbia requests a transitional period of 21 years following the date of accession to the EU.

14. Groundwater Directive 2006/118/EC Article 6, for which the Republic of Serbia requests a transitional period of 5 years following the date of accession to the EU.

15. Nitrates Directive 91/676/EEC Article 5 paragraph 4, for which the Republic of Serbia requests a transitional period of 16 years following the date of accession to the EU.

16. Drinking Water Directive 98/83/EC, for which the Republic of Serbia requests a transitional period of 20 years following the date of accession to the EU.

17. Industrial Emissions Directive 2010/75/EU, for which Directive Specific Implementation Plan has been prepared, contain a list of installations that will require extended implementation period (one to eight years following the date of accession to the EU) in order to comply with requirements of the Directive.

18. EU Emissions Trading System (EU ETS) Directive 2003/87/EC, for which the Republic of Serbia will provide position regarding transitional arrangements after the Directive Specific Implementation Plan is developed following adoption of the National Climate Change Strategy and the Action Plan.

19. Fuels Quality Directive 98/70/EC for which the Republic of Serbia requests transitional period according to the Directive Specific Implementation Plan (DSIP is under development).

## II and III Current situation and plans for full alignment

Chapter 27 – Environment and Climate Change includes 10 main areas: horizontal legislation, air quality, waste management, water quality, nature protection, industrial pollution control, chemicals, noise protection, climate change and civil protection.

## 1. HORIZONTAL LEGISLATION

***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 amended by Directive 2014/52/EU and Espoo Convention***

### 1.1 Current situation

#### 1.1.1 Legislative framework

The directive is largely transposed through the Law on EIA ("Official Gazette of the Republic of Serbia", No.135/2004, 36/2009), Decree for List I – list of projects for which an impact assessment is mandatory and List II- list of projects for which an impact assessment may be required ("Official Gazette of the Republic of Serbia", No. 114/08) and 5 Rulebooks which detail the procedure.

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) and in 2016 the Republic of Serbia has ratified Amendments to the ESPOO Convention ("Official Gazette of the Republic of Serbia", No. 4/16).

In order to improve implementation of ESPOO convention, Law on Ratification of Multilateral Agreement among Countries of South Eastern Europe for Implementation of the Convention on EIA in a Transboundary Context, was adopted in September 2018 ("Official Gazette of the Republic of Serbia"- International Agreements, No. 12/2018).

### 1.1.2 Institutional framework

In accordance with national legislation, competent authorities for all three stages of the EIA procedure are: the Ministry of Environmental Protection (for projects for which the permit for project implementation is under the responsibility of the Republic authority - 6 employees); the Provincial authority (for projects for which the permit for project implementation is under the responsibility of the authority of the Autonomous Province - 2 employees relating to SEA/EIA) and the Local self-government authority (for projects for which the permit for project implementation is under the responsibility of the local self-government authority - 6 employees in City of Belgrade, 1-2 employees for each municipality relating to SEA/EIA, 160 employees in total). For granting development consent the competent authority is the Ministry of Construction, Transport and Infrastructure and Ministry of Mining and Energy for projects for exploitation of mineral resources, which are not subject to the issuance of Construction Permits.

For all steps within transboundary EIA procedure, the Ministry of Environmental Protection is the responsible authority.

### 1.1.3 Implementing measures and challenges

Implementation of the EIA requirements is currently in progress:

| Submitted applications | 2015 | 2016 | 2017 | 2018 | 2019 (1January-30 April) | Total |
|---|---|---|---|---|---|---|
| Applications for screening | 145 | 119 | 123 | 175 | 90 | 652 |
| Applications to determine scope of EIA study | 42 | 25 | 27 | 17 | 8 | 119 |
| Applications for approval of EIA study | 52 | 45 | 47 | 38 | 12 | 194 |
| Opinions and other | 127 | 127 | 94 | 58 | 36 | 442 |

The EIA procedure is mandatory for projects from the Annex I and not obligatory for the projects from the Annex II. The procedure is being implemented in three phases: screening, scoping and review of EIA Study/report. Every phase of the procedure includes announcement of submitted request, the public insight into the case and the announcement of the decision.

During 2016 - 2019 the Republic of Serbia also participated in 7 EIA procedures in transboundary context. National EIA procedure is completely in accordance with the transboundary EIA procedure set out in the Convention.

Main challenges are related to the quality of impact assessments and public consultations process. Trainings have been provided through RENA and ECRAN projects. During 2015 training for trainers was provided for 26 representatives of the Ministry and main municipalities.

With the support of UNDP project Capacity Development for Improved Implementation of Multilateral Agreements, data base regarding EIA and SEA activities at national, provincial and local level is being developed.

Significant progress has been made in terms of cooperation between the representatives of the Ministry of Environmental Protection and NGO/Civil Society Organizations by means of various seminars/round tables, etc.

- Regional Center for Environmental Protection for Central and Eastern Europe organized a Master Course for Civil Society Organizations, Vrnjačka Banja 19 - 23 March 2018 with the aim of presenting goals and plans in the field of horizontal legislation with a special accent to SEA and EIA;
- Round table "Towards better implementation of SEA", 04/26/2018, Novi Sad, was implemented with the support of the sub-grant project CO-SEED (EU-funded Civil Society Acts for Environmentally-Sound Socio-Economic Development and the CSOnnect Program implemented by the Regional Environmental Center (REC) and funded by the Swedish International Development Cooperation Agency (Sida).

Representatives of NGOs/Civil society organisations were included in the working groups for amending the Law on Environmental Impact Assessment and the Law on Strategic Impact Assessment.

### 1.2 Plans for full alignment

#### 1.2.1 Legislative plans

Full transposition will be achieved by the end of 2020 through amendments to the Law on EIA, the Decree on the List I and II (the new Decree is prepared and is in the procedure of obtaining opinions from the relevant institutions) and relevant Rulebooks.

#### 1.2.2 Institutional plans

Structures for implementation of the EIA Directive are established at the national, autonomous province and local level. They are not sufficient, in terms of number, capabilities and capacities of parties responsible for the implementation. Institutional strengthening measures are foreseen, particularly focusing on the local level, in order to improve public participation in the consultation process.

During 2019, two TAIEX seminars were organized in order to improve knowledge and experience in environmental impact assessment procedures related to nature (Natura2000/Appropriate Assessment) and evaluating small projects (Annex 2/List II- list of projects for which an impact assessment may be required).

#### 1.2.3 Planned implementation measures

Further improvement of implementation of EIA requirements are foreseen through three processes:

- Improving information exchange and consultation process between the Ministry and provincial and local levels with the support of the reporting system and database, which is planned to be established by the end of 2020;
- Improving capabilities, in particular at local level, through the "help desk" support from the Ministry and providing additional training;

- Increasing the number of staff working on environmental issues at the local level.

***Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, Espoo Convention and SEA Protocol***

**1.1 Current situation**

**1.1.1 Legislative framework**

The Directive is largely transposed through the Law on Strategic Environmental Assessment ("Official Gazette of the Republic of Serbia", No.135/2004, 88/2010).

Implementation of the convention requirements is based on the Law on Ratification of the ESPOO Convention SEA Protocol ("Official Gazette of the Republic of Serbia", International Agreements, No.1-10).

**1.1.2 Institutional Framework**

The Ministry of Environmental Protection is the competent authority responsible for SEA for plans or programmes developed at the national level (2 employees).

For plans or programmes developed by the authorities of Vojvodina, the Provincial Secretariat for Urban Planning, Construction and Environmental Protection is responsible for SEA (2 employees for SEA/EIA).

For plans or programmes developed by the local self-government authorities, the competent authority responsible for SEA is the environmental protection authority of the local self-government unit (City of Belgrade 2 employees for SEA, 1-2 employees for EIA/SEA for each municipality, 160 employees in total).

For all steps within the transboundary SEA procedure, the Ministry of Environmental Protection is the responsible authority.

**1.1.3 Implementing measures and challenges**

Implementation of transposed requirements are currently in process:

| Requests | 2015 | 2016 | 2017 | 2018 | 2019 (1January-30 April) | Total |
|---|---|---|---|---|---|---|
| Requests for approval of the Report on SEA (republic level) | 3 | 4 | 8 | 7 | 2 | 24 |
| Requests to issue opinion on the decision on preparation of the Report on SEA (republic level) | 14 | 9 | 19 | 11 | 5 | 58 |

One of the problems in implementing SEA process is the lack of coordination and exchange of information between national, provincial and local level. This problem is being addressed through the development of the data base regarding EIA and SEA activities.

With the support of UNDP project Capacity Development for Improved Implementation of Multilateral Agreements, a data base regarding EIA and SEA activities at national, provincial and local level is being developed.

Implementation of activities in previous period are described in the EIA section.

### 1.2 Plans for full alignment

#### 1.2.1 Legislative plans

Full transposition will be achieved by the end of 2020 through Amendments to the Law on SEA and development and adoption of two Rulebooks:

- The Rulebook on the Work of the Technical Commission for Strategic Environmental Impact Assessment Report (new Regulation - establishing the expert committee);
- The Rulebook on the Procedure of Public Access, Presentation and Public Debate on the Strategic Environmental Impact Assessment Report (new Regulation – public participation procedure).

#### 1.2.2 Institutional plans

Structures for implementation of the Law on Amendments to the Law on Strategic Environmental Impact Assessment, which transpose the SEA Directive, are established at the national, provincial and local level. They are not sufficient, in terms of number, capabilities and capacities of employees responsible for implementation.

#### 1.2.3 Planned implementation measures

Further improvement of implementation of SEA requirements are foreseen through three processes:

- Improving information exchange and consultation process between the Ministry and provincial and local levels with the support of the reporting system and database, which is planned to be established by the end of 2020;
- Improving capabilities, in particular at local level, through the "help desk" support from the Ministry and providing additional training;
- Increasing the number of staff working on environmental issues at the local level.

***Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC***

### 1.1 Current situation

#### 1.1.1 Legislative framework

The Directive is largely transposed through the Law on Ratification of the Aarhus Convention ("Official Gazette of the Republic of Serbia", No. 38/09), Law on Environmental Protection (LEP) ("Official Gazette of the Republic of Serbia", No. 135/04, 36/09, 72/09, 43/11, 14/16, 76/18 and 95/18), Law on Environmental Impact Assessment ("Official Gazette of the Republic of Serbia", No. 135/04, 36/09), Law on Integrated Environmental Pollution Prevention and Control ("Official Gazette of the Republic of Serbia", No. 135/2004, 25/15).

### 1.1.2 Institutional framework

In accordance with national legislation, leading responsible institution is the Ministry of Environmental Protection.

Other responsible institutions include national authorities, the provincial authority and local government authorities responsible for the preparation of plans and programmes, national authorities, the provincial authority and local government authorities in charge of environmental protection and the Administrative Court of the Republic of Serbia.

### 1.1.3 Implementing measures and challenges

Responsibilities for implementation of the Public Participation Directive are established at the national, autonomous province and local level.

The Aarhus Centers are established in Kragujevac, Novi Sad, Subotica, Nis and Beograd. The Aarhus Centers of the Republic of Serbia ensure open communication with the representatives of the local self-government units and towns, thus establishing a good mechanism for partnership in implementing the Aarhus Convention. Also, in 14 LSGs Green Councils are established as a consultative and advisory mechanism between LSG and interested public.

In 2017 and 2018, the Ministry financially supported two projects of Aarhus Centers (Aarhus Center Subotica and the Aarhus Center of Southern and Eastern Serbia).

Representatives of the MEP participated in the training seminar on the third pillar of the Aarhus Convention – "Access to Justice on Environmental Matters" for the representatives of justice on 14th September 2017, in the city of Budva, Montenegro, which was organized by the Regional Environmental Center (REC).

Representatives of the MEP participated in the training for the civil society organizations on the implementation of the third pillar of the Aarhus Convention - access to justice in environmental matters which took place in Sarajevo on 16 and 17 November 2017. The training was organized by the Regional Environmental Center and funded by the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety through the Advisory Assistance Programme for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia, and supervised by the German Environment Agency (UBA).

The Conference "*20th anniversary of the Aarhus Convention and Serbia's nine-year experience*", which was jointly organized by the OSCE Mission to Serbia in partnership with the Ministry of Environmental Protection and the Network of Aarhus Centres in the Republic of Serbia, took place at the National Assembly in Belgrade on 15 June 2018. The Conference marked the 20th anniversary of the signing of the Convention and addressed the state of implementation of this international treaty in the Republic of Serbia since its ratification in 2009. The event gathered more than 60 representatives of national institutions, experts and civil society

organizations[1] who presented their activities, which have been carried out at the state and local levels in support of the implementation of the Aarhus Convention principles. The Conference provided the participants with the opportunity to exchange knowledge and experiences, address the needs and constraints, present recommendations, as well as to contribute to forming initiatives aiming to further implementation of the Aarhus Convention in the Republic of Serbia.

On October 26, 2018, at the Faculty of Law of the University of Belgrade, the Law Clinic for Environmental Law was opened for the fourth generation of students.

MEP in cooperation with OSCE and Network of the Aarhus centres was organizing public consultations for the Draft Law on Amendments to the Law on EIA, Draft Law on Amendments to the Law on SEIA, Draft Law on Environmental Liability, Draft Decree on Public Participation in respect of certain Plans and Programmes related to Environmental Protection and Fourth Aarhus Convention National Implementation Report in the City of Belgrade, City of Novi Sad, City of Subotica, City of Nis and City of Kragujevac in the period from April to September 2019.

### 1.2 Plans for full alignment

#### 1.2.1 Legislative plans

Full transposition will be achieved by the end of 2020, through the Law on Amendments to the Law on EIA (by the end of 2020), the Law on Amendments on the Law on Integrated Environmental Pollution Prevention and Control (by the end of 2020), the Law on Amendments to the Law on Waters (4th quarter of 2020) and through Decree on Public Participation in respect of certain Plans and Programmes related to Environmental Protection (4th quarter of 2020).

#### 1.2.2 Institutional plans

Institutional strengthening measures will mainly focus on the local level, in order to improve public participation in the consultation process.

#### 1.2.3 Planned implementation measures

Main problems for the implementation of requirements are related to sustainability of Aarhus centers and strengthening of their capacity. MEP supports some projects of Aarhus centers based on a public call for co-financing projects of non-governmental organizations in the field of environmental protection.

It is also planned to adopt a bylaw which will develop detailed arrangements for public participation during development of certain plans and programmes - Decree on Public Participation in respect of certain Plans and Programmes related to Environmental Protection sent to the Government for adoption.

[1] Ministry of Environmental Protection, Environmental Protection Agency, Commissioner for Information of Public Importance and Personal Data Protection, Protector of Citizens, Standing Conference of Towns and Municipalities, Judicial Academy, courts, etc.

***Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law***

## 1.1 Current situation

### 1.1.1 Legislative framework

The Directive has been partially transposed in the Criminal Code ("Official Gazette of the Republic of Serbia", No. 85/05, 88/05-corr., 107/05-corr., 72/09, 111/09, 121/12, 104/13, 108/14 94/16 and 35/19), Law on the Liability of Legal Entities for Criminal Offences ("Official Gazette of the Republic of Serbia", No. 97/2008) and Law on Nature Protection ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10).

### 1.1.2 Institutional framework

The competent authorities are in place. The Ministry of Justice is the leading responsible institution for the alignment of the national legislation with the Directive. The Sector for Normative Affairs consisting of five legal professionals is responsible for monitoring European Union requirements and harmonizing domestic legal acts within the competence of the Ministry with the EU. One person is in charge of the Directive.

The competent courts, the Public Prosecutor's Office and the Department for Environmental Control and Precaution are in charge of implementation. Criminal complaints regarding criminal offences may be submitted by any person or Inspection Service to the competent Prosecutor's Office. The competent Public Prosecutor's Office is entitled to prosecute criminal offences, ex officio. Courts of general jurisdiction are in charge to conduct criminal proceeding related to the environmental crimes.

Legal entities can be equally prosecuted for all criminal offences including environmental criminal offences. According to the Law on the Liability of Legal Entities for Criminal Offences ("LLLE Law") legal person shall be held accountable for criminal offences which have been committed for the benefit of the legal person by a responsible person or offences deriving from lack of supervision or control by the responsible person that allowed the commission of crime for the benefit of the legal person by a natural person operating under the responsible person's supervision and control. Criminal liability and sanctions of legal persons are without prejudice to criminal liability of the responsible person.

### 1.1.3 Implementing measures and challenges

Public Prosecutor's Offices and courts are competent for implementing provisions of the Criminal Code. These competent authorities have systematic collection and analysis of statistical data related to prosecutions and court proceedings. Data illustrating information on prosecutions and court proceedings for each criminal offence against environment is provided in the tables below.

*Table 1. Criminal Offence for 2016-2017*

| Criminal offence CRIMINAL for 2016-2017 | Pending official complaints filed in the previous period | No. of reported complaints in the reporting period | Total no. of cases dismissed | Of which (column 4) solved by deferred adjudication | Total no. of accused persons | Total no. of convictions | Of which (column 7) prison sentences | Of which (column 7) fine as the main penalty | Of which (column 7) community services as the | Of which (column 7) suspended sentence | Of which (column 7) judicial admonition | Of which (column 7) imposition of a separate | Of which (column 7) remittance from punishment | Judgment of acquittal | Abandonment of criminal prosecution |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Environmental pollution – Art. 260. | 2 | 3 | 3 | | | | | | | | | | | | 2 |
| Failure to undertake environmental protection measures – Art. 261. | 8 | 1 | | | | | | | | | | | | | |
| Illegal construction and operation of facilities and installations polluting the environment – Art. 262. | | | | | | | | | | | | | | | |
| Damaging environmental protection facilities and installations – Art. 263. | | | | | | | | | | | | | | | |
| Damaging the environment – Art. 264. | 4 | 2 | 4 | | 2 | | | | | | | | | | |
| Destruction, damage, transfer into a foreign country or into the Republic of Serbia of protected natural asset – Art. 265. | 2 | 9 | 2 | 1 | | | | | | | | | | | |
| Bringing dangerous substances into the Republic of Serbia and unlawful processing, depositing and stockpiling of dangerous substances – Art. 266. | | 8 | | | 5 | 6 | 3 | 1 | | 2 | | | | | |
| Illegal construction of nuclear plants – Art. 267. | | | | | | | | | | | | | | | |
| Violation of the right to be informed on the state of the environment – Art. 268. | 3 | 4 | 3 | | | | | | | | | | | | |
| Animal cruelty and killing – Art. 269. | 47 | 79 | 41 | 10 | 5 | 6 | | 2 | | 3 | 1 | | | | 1 |
| Transmitting contagious animal and plant diseases – Art. 270. | | 1 | 1 | | | | | | | | | | | | |
| Veterinary malpractice – Art. 271. | | 1 | | | | | | | | | | | | | |
| Production of harmful medicinal products for veterinary use – Art. 272. | | | | | | | | | | | | | | | |
| Contamination of animal feed and water – Art. 273 | | 1 | 1 | | | | | | | | | | | | |
| Illegal logging and deforestation – Art. 274. | 121 | 87 | 41 | 17 | 23 | 15 | 5 | 6 | | 4 | | | | | 2 |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Timber theft – Art. 275. | 1741 | 1257 | 669 | 223 | 352 | 287 | 29 | 56 | 12 | 188 | 8 | | | 32 | 16 |
| Poaching – Art. 276. | 53 | 94 | 40 | 15 | 17 | 12 | 1 | 2 | | 8 | 1 | | | | |
| Illegal fishing – Art. 277. | 34 | 21 | 10 | 5 | 6 | 2 | | | | 2 | | | | | |
| Total: | 2015 | 1568 | 815 | 271 | 410 | 328 | 38 | 67 | 12 | 207 | 10 | | | 32 | 21 |

*Table 2. Criminal offence for 2018*

| CRIMINAL OFFENCE for previous period February-November 2018 | Pending official complaints filed in the previous period | No. of reported complaints in the reporting period | Total no. of cases dismissed | Of which (column 4) solved by deferred adjudication | Total no. of accused persons | Total no. of convictions | Of which (column 7) prison sentences | Of which (column 7) fine as the main penalty | Of which (column 7) community services as the | Of which (column 7) suspended sentence | Of which (column 7) judicial admonition | Of which (column 7) imposition of a separate | Of which (column 7) remittance from punishment | Judgment of acquittal | Abandonment of criminal prosecution |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Environmental pollution – Art. 260. | 13 | 21 | 18 | | | | | | | | | | | | 2 |
| Failure to undertake environmental protection measures – Art. 261. | 9 | 5 | 9 | | | | | | | | | | | | |
| Illegal construction and operation of facilities and installations polluting the environment – Art. 262. | | 1 | 1 | | | | | | | | | | | | |
| Damaging environmental protection facilities and installations – Art. 263. | | | | | | | | | | | | | | | |
| Damaging the environment – Art. 264. | 5 | 2 | 1 | 1 | | | | | | | | | | | |
| Destruction, damage, transfer into a foreign country or into the Republic of Serbia of protected natural asset – Art. 265. | 8 | 5 | 9 | 4 | 2 | 1 | 1 | | | | | | | | |
| Bringing dangerous substances into the Republic of Serbia and unlawful processing, depositing and stockpiling of dangerous substances – Art. 266. | 13 | 29 | | | 21 | 3 | 3 | | | | | | | | |
| Illegal construction of nuclear plants – Art. 267. | | | | | | | | | | | | | | | |
| Violation of the right to be informed on the state of the environment – Art. 268. | 4 | | | | | | | | | | | | | | |
| Animal cruelty and killing – Art. 269. | 147 | 107 | 62 | 16 | 23 | 20 | 1 | 5 | | 12 | 1 | 1 | | | 1 |
| Transmitting contagious animal and | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| plant diseases – Art. 270. | | | | | | | | | | | | | | | |
| Veterinary malpractice – Art. 271. | | | | | | | | | | | | | | | |
| Production of harmful medicinal products for veterinary use – Art. 272. | | | | | | | | | | | | | | | |
| Contamination of animal feed and water – Art. 273 | 2 | | | | | 1 | | | | 1 | | | | | |
| Illegal logging and deforestation – Art. 274. | 78 | 64 | 31 | 9 | 13 | 19 | 1 | 9 | | 9 | | | | | 2 |
| Timber theft – Art. 275. | 1944 | 2413 | 746 | 236 | 399 | 279 | 16 | 41 | 12 | 202 | 8 | | | 16 | 19 |
| Poaching – Art. 276. | 74 | 89 | 84 | 29 | 8 | 13 | | 2 | 1 | 10 | | | | | |
| Illegal fishing – Art. 277. | 21 | 23 | 10 | 7 | 4 | 6 | 16 | 2 | 3 | 158 | | | | | |
| Total: | 2318 | 2759 | 971 | 302 | 470 | 342 | 38 | 59 | 16 | 392 | 9 | 1 | | 16 | 21 |

## 1.2 Plans for full alignment

### 1.2.1 Legislative plans

Full transposition will be achieved in the course of 2020 by amendments to the Criminal Code. The amendments will transpose the rest of the criminal acts prescribed under the provision of Art. 3 of the Directive which are not covered by the CC and will be in line with the Directive.

### 1.2.2 Institutional plans

Capacity building for environmental authorities responsible for enforcement of environmental legislation will be continued in order to provide for more effective implementation of judicial and administrative procedures related to environmental crimes.

Institutional strengthening measures are foreseen in the National Judicial Reform Strategy for the period from 2013-2018. The Government of the Republic of Serbia adopted the National Judicial Reform Strategy 2013-2018 aimed at providing that the judicial system, with the effective management and use of judicial resources, management of the trial and cases within reasonable time, applying legally prescribed procedure and respecting the human and minority rights and freedoms guaranteed both by national and international regulations. The National Judicial Reform Strategy is supported by the Action Plan. One of the main goals of this strategy is to increase the quality of work of courts and public prosecutor offices and strengthen the independence and accountability of judiciary, aimed at strengthening of the rule of law, democracy, legal certainty, bringing the justice closer to citizens and regaining the public trust in the judicial system. The abovementioned changes will enable more efficient implementation of regulations and the Directive 2008/99EC in the cases involving environmental protection.

### 1.2.3 Planned implementation measures

Implementation of the Directive's requirements is linked to further transposition of the Directive's provisions and the efficiency of work of courts, public prosecutor offices and relevant inspection services. Therefore, the amendments to some of the existing offences listed in Articles 260 - 277 of The Criminal Code will be made. Trainings including the representatives of the judicial system responsible for implementation of criminal law will be continued as wel

*INSPIRE Directive 2007/2/EC*

## 1.1 Current situation

### 1.1.1 Legislative framework

INSPIRE Directive 2007/2/EC is transposed into the national legislation by adoption of the Law on the National Spatial Data Infrastructure (Official Gazette of the Republic of Serbia No. 27/2018 of 6 April 2018) and Regulation on the implementation rules for metadata of the National Spatial Data Infrastructure (Official Gazette of the Republic of Serbia No.54 of 26 July 2019).

The Law on National Spatial Data Infrastructure regulates the establishment and maintenance of the NSDI as an integrated geospatial data system, which allows producers and users, in a comprehensive way, to find and access spatial information from a variety of sources, from a local, national to global level. The Law on National Spatial Data Infrastructure determines deadlines for adoption of implementation rules for metadata, network services, data specification, data sharing, and monitoring and reporting.

Data sharing between public authorities is free of charge according to the Law on Republic Administrative Taxes ("Official Gazette of the Republic of Serbia" No. 43/2003, 51/2003 … 50/2018, 95/2018 and 38/2019).

### 1.1.2 Institutional framework

The Republic Geodetic Authority (RGA) is the institution competent for transposition and is the institution responsible for the monitoring of implementation and reporting European Commission on implementation of the INSPIRE Directive.

The coordination structure is defined by the Law on NSDI stipulating that the National Spatial Data Infrastructure (NSDI) Council and Working Groups shall have the following responsibilities:

- NSDI Council – shall manage institutional development and technical framework for establishing a common geoinformation infrastructure at the national level by formulating clear guidelines and means towards the objective;
- Working Groups – shall hold operational responsibility for implementing thematic issues of separate components, such as: technical infrastructure, standards, metadata and spatial data, cooperation among the stakeholders, legal framework, financing model, research, education, etc.

The NSDI Council consists of 18 members appointed by the Government. The NSDI Council president is the Director of the Republic Geodetic Authority and other members are representatives of the relevant public bodies. The Working Group members shall be the representatives of the NSDI stakeholders and other legal persons, being professional and qualified in the field for which the working group is being established (ministries and other governmental organs, local governments, public companies, provincial secretariats, research and educational institutions and private companies).

The Council was established by the Government of the Republic of Serbia on 25th October 2018.

The Rulebook on internal organization and classification in the Republic Geodetic Authority has established the Center for Geospatial and Information Management, which contains the following departments:

- Department for the Development of Products and Services;
- Department of Analytics;
- Department of Methodology and Business Processes;
- Department of NSDI (including Group for Cooperation and Technical Development of NSDI, Group for Standardization and Legal Framework of NSDI)

The Rulebook on internal organization and job classification prescribes 26 job positions (i.e. employees) in the Center for Geospatial and Information Management. Currently the number of permanent employees is 16 and they perform tasks within the competence of the Center.

### 1.1.3 Implementing measures and challenges

Monitoring and reporting system is developed and it is in the testing phase. Metadata for spatial data sets and services corresponding to Annex I and II and partly for Annex III is available. Metadata Catalogue and web Metadata Editor for all stakeholders is developed and profile is in line with INSPIRE requirements and publicly available on matakatalog.geosrbija.rs Infrastructure for Discovery and View services is developed and in place, while the Download service is currently in implementation. Harmonization of datasets and services for Administrative Units, Elevation, Orthophoto, Basic Topographic Model and Geographical Names is finished. Harmonization process for Building, Address Register, Parcels and other datasets started at the beginning of 2018 and is still in progress. as well as development of services for RGA datasets. Working group is working on new NSDI Strategy for the period 2019 - 2023. Cooperation between Institute for standardization and RGA has been established for standardization of spatial datasets and services. Data collection and production of some new datasets have also started.

Almost all activities are supported by the projects where NSDI component is crucial. The realization of NSDI activities are supported by several projects. Main projects are Real Estate Management Project financed by the World Bank, IMPULS and SPATIAL project. NSDI development is included in the Economic Reform Programme of the Republic of Serbia 2018-2020 and 2019-2021, Action Plan for Implementation of the Strategy of Public Administration Reform of the Republic of Serbia 2018-2020, and Action Plan for Implementation of the Government Programme.

Good progress has been achieved in upgrading the NSDI Geoportal and aligning it with INSPIRE which improved version has been officially launched in December 4, 2017. Further, implementation plans include development of services, upgrading technical capacities of RGA and other institutions - stakeholders of NSDI, harmonization of data sets, development of data sharing agreement, raising awareness campaign on NSDI, and other.

The following challenges were recognized - insufficient cooperation between the NSDI stakeholders, low level of technical knowledge, insufficient awareness of the INSPIRE Directive importance, limited technical infrastructure of the NSDI stakeholders and lack of competent experts working at relevant institutions.

### 1.2 Plans for full alignment

#### 1.2.1 Legislative plans

In the coming period, a number of by-laws will be enacted to regulate in detail the matter of law relating to), monitoring and reporting (2020), interoperability, network services and access to geodata sets and services, including public access and data exchange among public authorities (2020).

#### 1.2.2 Institutional plans

Center of Geospatial Information Management will employ 10 people in the next period to fulfil the planned number of 26 job positions. Human capacity building of the Center will influence increasement of usability of geospatial data provided under the NSDI, contribute to the development of services and capacities and sharing the results of good practice, contribute to the improvement of operation of all national and public institutions where geospatial data are of importance in performing the activities under their jurisdiction, while supporting private entrepreneurship development. Analysis of the situation in the geosector has been performed on regular bases in order to identify needs and weak points and make plans to overcome the issues. The INSPIRE Directive deserves special attention, due to the need to develop and establish the technical systems required, as well as multisectoral nature of the Directive. The Law on NSDI requires that each responsible stakeholder must define workplaces specially designed for NSDI and INSPIRE implementation, as well as sufficient financial means for NSDI tasks. The involvement of stakeholders will improve coordination and cooperation process in terms of NSDI. Environmental reporting requirements will be addressed during the process of identification of relevant data sets for INSPIRE themes. Within the framework of the IMPULS project, the template of the monitoring and reporting tool for the INSPIRE compiler of data sets and services have been developed.

#### 1.2.3 Planned implementation measures

Analyses of geosector conducted by the RGA at the beginning of 2018 showed that stakeholders do not have proper technical capacities for INSPIRE implementation. The INSPIRE Directive is considered to be one of the most demanding directives in terms of the implementation due to the need to develop and establish the technical systems.

Detailed situation assessment, implementation plan, related costs and financing mechanism will be part of Directive Specific Implementation Plan for the INSPIRE Directive that will be developed with IPA2014 support.

### 1.3 Acceptance of the acquis (and any negotiating requests)

According to the current assessment of the situation and the Law on the National Spatial Data Infrastructure the Republic of Serbia requests transitional period until April 2027 for implementation of Chapter II, Chapter III, Chapter IV and Chapter V (Articles 5 to 17) of the 2007/2/EC directive. Final indication regarding number of years required for the transition period for the full implementation of the INSPIRE Directive will be provided in accordance to the Specific Implementation Plan for the INSPIRE Directive that is under development.

***Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC***

**1.1 Current situation**

**1.1.1 Legislative framework**

The Directive has been almost fully transposed through the Law on Amendments to the Law on Environmental Protection ("Official Gazette of the Republic of Serbia" No. 14/16), Law on Environmental Protection ("Official Gazette of the Republic of Serbia" No. 135/04, 36/09, 72/09 and 43/11), 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 General Administrative Procedure ("Official Journal of the FRY" No. 33/97 and 31/01, 18/16), Law on Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ("Official Gazette of the Republic of Serbia" No. 38/09), Regulation on the content and method of environmental protection information system management, methodology, structure, common bases, categories and levels of data collection and on the content of information the public is constantly and mandatory informed about ("Official Gazette of the Republic of Serbia" No. 112/09).

There are remaining inconsistencies regarding the provisions of the Law on free access to information of public importance with the Directive requirements regarding exceptions of issuing the environmental information.

**1.1.2 Institutional framework**

The structures for implementation of this Directive have been established. The competent authorities responsible for implementation of this Directive are:

- Ministry responsible for Environmental Protection (2 information officers);
- Environmental Protection Agency (about 15 employees directly related to the implementation with shared responsibilities);
- National, regional and local authorities responsible for environmental protection (1 information officer in each authority. At the local level information officer deal with all information, not just environmental information, which limit their capacities to inform public on these issues);
- Commissioner for Information of Public Importance (59 employees);
- Agency for Radiation Protection and Nuclear Safety;
- Aarhus Centres.

**1.1.3 Implementing measures and challenges**

Working procedures regarding both the passive and active flow of information are in place.

Serbian Environmental Protection Agency (SEPA) has a key role in providing public access to environmental information. SEPA timely publishes all information, data and reports on its website – www.sepa.gov.rs. Also, SEPA established open data portal (http://data.sepa.gov.rs).

SEPA is the institution responsible for establishing the National Register of Pollution Sources. The Pollutant Release and Transfer Register (PRTR), as one of the subsystems of the National Register of Pollution Sources, is harmonized with the PRTR Protocol and E-PRTR Regulation.

SEPA established Ecoregister, the National Metaregister for Environmental Information which represents an electronic database and a portal to the existing databases and documents with environmental information which are possessed by different institutions and organizations in the Republic of Serbia (http://www.ekoregistar.sepa.gov.rs/en).

In accordance with the Strategy for Implementation of the Aarhus Convention, the Project to Create the first National Meta-Register for Environmental Information (Eco-register) was implemented in April 2012. The Project on Improvement and update of Eco-register was implemented by the end of 2013.

In the period 2010 - 2015, five Aarhus centres (Novi Sad, Kragujevac, Subotica, Niš and Belgrade) were opened in the Republic of Serbia.

### 1.2 Plans for full alignment

#### 1.2.1 Legislative plans

Alignment of the provisions of the Law on free access to information of public importance with the Directive requirements regarding exceptions of issuing the environmental information is planned to be achieved until the end of 2020.

#### 1.2.2 Institutional plans

Following institutional strengthening measures are planned:

- Strengthening the capacities of the Environmental Protection Agency;
- Capacity building of the environmental authorities regarding active flow of environmental information;
- Capacity building of information officers in other public authorities regarding active flow of environmental information;
- Capacity building of the environmental authorities regarding passive flow of environmental information;
- Capacity building of information officers in other public authorities regarding passive flow of environmental information.

The planned activities will be implemented by the MEP with the OSCE and TAIEX support.

#### 1.2.3 Planned implementation measures

Implementation measures are mainly related to the training of public authorities at national, provincial and local level on the development of electronic databases easily accessible to the public through public telecommunication network, training for representatives of justice regarding access to justice on environmental information, annual update of the Eco-register, annual update of the PRTR Register and improving the reporting for purposes of the PRTR Register. Linkages to the INSPIRE Directive will be also further explored.

***Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage as amended by Directives 2006/21/EC, 2009/31/EC and 2013/30/EU***

## 1.1 Current situation

### 1.1.1 Legislative framework

The Environmental Liability Directive is currently in the initial phase of transposition. It was partly transposed by the Law on Environmental Protection and its amendments ("Official Gazette of the Republic of Serbia", No. 135/04, 36/09, 72/09, 43/11, 14/16, 76/18 and 92/18 ), Law on Nature Protection ("Official Gazette of the Republic of Serbia", No. 91/10 and 14/16), Law on Waters ("Official Gazette of the Republic of Serbia", No. 33/10, 93/12 and 101/16), Law on Integrated Environmental Pollution Prevention and Control ("Official Gazette of the Republic of Serbia", No. 135/04 and 25/15), Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10 and 14/16) and several relevant regulations. Existing legislation is transposing the following articles of The Environmental Liability Directive: Art 2.3 „protected species and natural habitats", Art. 2.4 „conservation status", „favourable state of species", „favourable state of natural habitat type", Art. 6.1 Remedial action, Art. 8.1 Prevention and remediation costs.

The Draft Law on Environmental Liability is developed with support of PLAC project. MEP also formed a working group for the preparation of the Draft Law on Environmental Liability. Currently, the Draft law is under the consultation with stakeholders and members of working group. It is planned to start the adoption procedure of the Law on Environmental Liability in October 2020 (e.g. public debate, requesting opinions of the relevant ministries).

### 1.1.2 Institutional framework

The competent authority, according to the Draft Law on Environmental Liability (LEL) is the MEP. LEL prescribes that the MEP is responsible for transposition, and shall carry out the supervision over the implementation of provisions of this Law. The competent authorities for the implementation of the Law on Environmental Liability will be Ministry of Environmental Protection, Ministry of Interior, Ministry of Finance, and the Environmental Protection Agency.

### 1.1.3 Implementing measures and challenges

Implementation of the Directive requirements is in the initial stage.

## 1.2 Plans for full alignment

### 1.2.1 Legislative plans

It is planned to transpose the requirements of the Environmental Liability Directive through the Law on Environmental Liability and relevant bylaws. Full transposition of the Directive is scheduled for the end of 2020.

### 1.2.2 Institutional plans

Existing institutions will have to be strengthened in order to implement the Law on Environmental Liability. Training must be provided for the state officers on how to lead the administrative procedure which will be prescribed by the Law on Environmental Liability (LEL), as well as for the environmental inspection officers.

### 1.2.3 Planned implementation measures

Implementation measures are mainly planned through presentation and explanation (workshops) of requirements of the LEL to the insurance companies, NGOs, operators, developing of financial security instruments, the methodology for the assessment of environmental damage, establishing better understanding regarding remedial measures and etc.

LEL establish some implementation measures. LEL is introducing the new model of the damage compensation into the law system of the Republic of Serbia. The administrative procedure of environmental damage removal is declared by the Law, it takes place before the competent organ of the administration and with judicial protection, if necessary, for the final assessment of the legality of administrative act. Implementation of the special, administrative procedure, declared by the Law, presupposes the welltrained state officer, who is leading the procedure. Systematic training of state officers, for leading such a procedure is essential for the correct, complete and legal implementation of the Law.

With the support of the PLAC project the experts prepared the Regulatory Impact Assessment (RIA) for the LEL in the period from May to October 2019.

***Environmental Inspection***

The Department for Environmental Control and Precaution consists of 6 separate divisions:

1. Division for Administrative and Legal Affairs, Risk Assessment and Education.
2. Division for Delegated Tasks.
3. Division for Industry.
4. Division for Accidents and Chemicals.
5. Division for Waste.
6. Division for Biodiversity Protection.

The Department includes 2 different inspections: environmental inspection and the fisheries inspection (the Fisheries Section within the Division for Biodiversity).

The Classification of Job Positions plans 108 job positions in the Department for Environmental Control and Precaution, of which 92 are planned for environmental inspectors and 9 for fisheries inspectors. Currently, out of the total number of planned job positions, 58 are filled by environmental inspectors and 8 by fisheries inspectors.

Owing to a fact that pursuant to a large number of laws in the field of environmental protection, the responsibilities related to inspection are delegated to environmental inspectors of AP Vojvodina and to local government inspectors (excluding SEVESO installations). The Department for Environmental Control and Precaution has placed a special emphasis on coordination of activities with local government environmental inspectors. The delegated tasks are performed by a total of 213 local government environmental inspectors and 15 provincial environmental inspectors. As there is a need for more intensive coordination of environmental inspections at all levels, the Division for Delegated Tasks has been formed to cover the following competencies: coordination of inspection control tasks within the scope of the republic inspection that are entrusted to the autonomous province and local self-government; harmonization of inspection plans and performance of delegated tasks by inspection; developing procedures, guidelines and other methodological materials relevant for the work of inspection in order to standardize inspection activities in terms of each controlled legal entity.

The Division for Administrative and Legal Affairs, Risk Assessment and Education carries out tasks related to: participation in preparation of regulations and other legal acts in the field of environmental protection; providing legal assistance to inspectors in carrying out their everyday tasks as well as in the proceedings instituted before the judicial authorities; analysis and risk management relating to the preparation and planning of inspection control tasks in accordance with the Law on Inspection Control; developing methodology, own database and tools for the purposes of risk assessment and establishing systems which enable the transparency of inspection activities.

In 2017, a new organizational unit (the Group for Education and Communication) was formed within the Department for Environmental Control and Precaution. This department carries out activities relating to the lifelong learning by organizing various training courses, seminars and educational programmes on different topics in the field of environmental protection. In addition to environmental inspectors from the three existing administrative levels (the national, provincial and municipal level), relevant inspection bodies from other ministries, judges, prosecutors, authorities in charge of issuing licenses, professional organizations, representatives of business sector, scientific institutions and non-governmental organizations, as well as other interested parties (which are all interconnected and represent important actors in terms of the implementation of regulations in the environmental protection field), take part in the mentioned seminars. All annual reports on these seminars are published on the official website of the Ministry, more precisely the Environmental inspection webpage.

Department for Environmental Control and precaution prepared Annual Plans (environmental inspection and the fisheries inspection) for 2019.

The Environmental inspection carries out planning, preparation and inspection control and surveillance activities in accordance with the Law on Inspection Supervision, which regulates the content, types and forms of the procedures referring to the inspection supervision, the powers and liabilities of the participants in the inspection supervision (inspectors and controlled entities), as well as other issues which are deemed important in terms of inspection surveillance.

In accordance with the aforementioned law, the environmental inspection has developed checklists to be used by environmental inspectors (from all three administrative levels, i.e. the national, provincial and municipal level) while carrying out inspection surveillance activities. The mentioned checklists are published on the official website of the Ministry, the Environmental inspection webpage, and available to all interested parties.

During the planning process, as well as during the inspection surveillance, the risk assessment relating to the controlled entities is being performed (different sets of tools and checklists have been developed for the purpose of risk assessment in particular areas/categories). Annual inspection plans, as well as the annual reports on the work of the two inspection services (Environmental inspection and Fisheries inspection) which all belong to the aforementioned Department, are published on the Ministry's website.

Department for Environmental Control and precaution is member of IMPEL Network since 2016. IMPEL Board held meeting in Belgrade from 4$^{th}$ - 6$^{th}$ July, 2018. As a new member, the Department for Environmental Control is not yet involved in projects, however, the plan is to firstly participate in field of nature and waste. IMPEL Network is connected with EU Forum of Judges for Environment (EUFJE) and European Network for Prosecutors of the Environment

(ENPE). Unfortunately, Department for Environmental Control and precaution does not participate in these two networks.

| **Summary data for the reporting period 1 January 2018 - 31 March 2019**<br>Department for Environmental Control and Precaution | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Name of Department | No. of files | No. of inspections | No. of decisions | Reports | Files for minor offenses | Files for commercial offences | Files for criminal offenses | No. of decisions on imposed bans |
| Department for administrative-legal affairs, risk assessment and education | 35 | 18 | 1 | 57 | 0 | 0 | 0 | 0 |
| Industry Department | 789 | 1075 | 324 | 447 | 21 | 32 | 0 | 21 |
| Delegated Tasks Department | 960 | 456 | 67 | 835 | 1 | 1 | 1 | 9 |
| Accidents and Chemicals Department | 382 | 722 | 128 | 90 | 5 | 2 | 0 | 10 |
| Radiation Protection Department | 227 | 317 | 190 | 228 | 3 | 2 | 1 | 93 |
| Waste and Soil Department | 882 | 831 | 95 | 347 | 23 | 6 | 2 | 41 |
| Department of Biodiversity Protection | 1471 | 1805 | 97 | 245 | 71 | 9 | 1 | 39 |
| **TOTAL** | **4746** | **5224** | **902** | **2249** | **124** | **52** | **5** | **213** |

## 2. AIR QUALITY

***Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (CAFE directive), Directive 2004/107/ (4$^{th}$Daughter Directive) and Commission Directive (EU) 2015/1480***

### 2.1 Current situation

#### 2.1.1 Legislative framework

Directive 2008/50/EC and Directive 2004/107/EC have been largely transposed into Serbian legislation through the Law on Air Protection ("Official Gazette of the Republic of Serbia", No. 36/09 and 10/13), Regulation on monitoring conditions and air quality requirements ("Official Gazette of the Republic of Serbia", No. 11/10, 75/10 and 63/13), Rulebook on content of air quality plans ("Official Gazette of the Republic of Serbia", No. 21/10) and Rulebook on short-term action plans ("Official Gazette of the Republic of Serbia", No. 65/10). Provisions that have been not transposed thus far, mainly refer to provisions applicable only in terms of the EU membership, while some provisions require rephrasing and strengthening.

The main remaining issues are related to the transposition of Annexes of the Directive, which have been amended through Commission Directive 2015/1480/EU of 28 August 2015. Activities have already started in order to transpose Directive (EU) 2015/1480.

### 2.1.2 Institutional framework

Competent authorities are in place, institutional setup is well defined and structured with shared responsibilities among all three levels of authority (national, provincial and local).

Responsible authorities are:

- MEP - within Department for Air and Ozone Layer Protection, 1 (one) employee with shared responsibilities is responsible for transposition and coordination of implementation of Directives 2008/50/EC and 2004/107/EC, as well as for permitting/authorization of laboratories and monitoring of implementation;
- SEPA - is a competent authority for implementation of provision of Directives 2008/50/EC and 2004/107/EC, relating to the monitoring of ambient air quality, reporting (on national level, reporting to the EEA and reporting to the Ministry and public) and establishment maintenance and operational functioning of AAQMN including QA/QC procedures of reference methods for AQ monitoring and co-ordination of quality assurance programmes;
- Provincial Secretariat for Urban Planning and Environmental Protection - is a competent authority for implementation of Directives 2008/50/EC and 2004/107/EC, as well as for monitoring of ambient air quality, reporting to the Ministry and public, establishment maintenance and operational functioning of AAQMN including QA/QC procedures of reference methods for AQ monitoring, co-ordination of quality assurance programmes, preparation of AQ plans and short term action plans and implementation of measures necessary to attain the target values;
- Local self-government units – are competent for implementation of Directives 2008/50/EC and 2004/107/EC, as well as for monitoring of ambient air quality, reporting to the Ministry and the public, establishment maintenance and operational functioning of AQMN including QA/QC procedures of reference methods for AQ monitoring, co-ordination of quality assurance programmes preparation of AQ plans and short-term action plans and implementation of measures necessary to attain the target values;
- Environmental inspection at all levels (national, provincial and local) is the competent authority for inspection;
- Accreditation Body of the Republic of Serbia (ATS) is the national accreditation authority which is responsible for making decisions on accreditation and issuing of certificates after the completion of the procedure that establishes the following: meeting the requirements of the relevant Serbian or international and European standards, where applicable, as well as meeting any other additional requirements, including the requirements set for specific fields or matters. ATS is also responsible for making the decision to suspend or revoke the accreditation, if it is determined, in any moment during the validity period of the relevant accreditation, that the conformity assessment body has seriously violated its obligations.

Reinforcement of administrative capacity is necessary. Existing situation shows significant lack of staff on all three levels of authority (national, provincial and local). Capacity of SEPA is still insufficient for complying with the requirements of the Directive. Provincial Secretariat for Urban Planning and Environmental Protection and Local self-government units have insufficient

capacities in terms of the AQ related issues (lack of staff, insufficient budget for accreditation and maintenance of AQM system, for AQ plans development and etc.).

### 2.1.3 Implementing measures and challenges

The implementation of both directives is ongoing, with 3 zones and 8 agglomerations identified. Air quality monitoring system is in place. State funded National AQ Monitoring Network, which is in accordance with the Law on Air Protection, consists of: SEPA's automatic AQ monitoring network with 36 stations, which performs air quality monitoring by reference methods (pollutants covered by measurements are: $SO_2$, NO/NOx/$NO_2$, CO, $O_3$ , PM10 and heavy metals in PM10), calibration laboratory of automatic gas-analyzers within the national network and analytical laboratory, as well as network of measurement stations of the Public Health Institutes and Institute for Mining and Metallurgy of Bor, which perform air quality monitoring using manual methods. The local network of measurement stations and/or sites consist of additional measurement stations and/or sites for air quality monitoring at the level of autonomous province and local self-government units and it is funded from the budget of the autonomous province or the local self-government units.

SEPA has been preparing annual reports since 2011 and all reports are available on SEPA web site http://www.sepa.gov.rs/index.php?menu=5000&id=13&akcija=showExternal. Results from the period 2010-2015 shows that there are annually and daily exceedances of PM10 in agglomerations, as well as in Valjevo, Kragujevac and Sremska Mitrovica. In 2015 the air quality of three agglomerations could not be assessed because there was a lack of valid measurement results. The sulphur dioxide causes poor air quality only in Bor agglomeration with more than allowed daily exceedances. Daily exceedances of $NO_2$ occurred less frequently. The real-time measurement results can be found on the following web address:http://www.amskv.sepa.gov.rs/. The European Environment Agency (EEA) assisted the Republic of Serbia in order to establish and implement national AQ e-Reporting system. The project "Support to development and implementation of Air Quality e-Reporting in West Balkan countries" provided technical solutions and staff was trained for reporting on regular basis to the EEA in line with AQ IPR provisions (for three data flows -D, E1a and E2a).

According to the Annual Air Quality Report for 2016, in following agglomerations air quality was in the 3rd category: agglomerations Belgrade and Užice, the city Valjevo on the territory of zone Serbia, the city Kragujevac on the territory of zone Serbia, the city Sremska Mitrovica on the territory of zone Vojvodina and the city of Subotica on the territory of zone Vojvodina. In agglomerations Kosjerić and Smederevo air quality was not determined due to insufficient scope of reference data.

According to the Annual Air Quality Report for 2017, in following agglomerations air quality was in the 3rd category: agglomerations Belgrade, Niš, Pančevo and Užice, the city Valjevo on the territory of zone Serbia, the city Kraljevo on the territory of zone Serbia, the city Kragujevac on the territory of zone Serbia and the city of Subotica on the territory of zone Vojvodina. As in the previous year, in agglomerations Kosjerić and Smederevo air quality was not determined due to insufficient scope of reference data.

The Air Quality Plan for agglomeration Bor ("Official Gazette of the Municipality of Bor", No. 7/2013) had been adopted and entered into force on 3 May 2013. The Air Quality Plan for agglomeration Belgrade ("Official Journal of the City of Belgrade", No. 05/16) was adopted on 8 February, 2016.

On 29 January 2016 the Ministry approved the Short-term action plan for agglomeration Užice, which stipulates the measures that will, inter alia, lead to reduction and control of emission of particulate matter ($PM_{10}$).

On 17 November 2017, the Ministry gave an approval to the Air Quality Plan for agglomeration Pančevo. Also, the Ministry gave an approval to the Air Quality Plan for agglomeration Smederevo on 10 May 2018 and to the Air Quality Plan for agglomeration Novi Sad on 8 October 2018.

The Air Quality plan for agglomeration Užice is in procedure of getting approval from the Ministry in line with article 31 (4) of the Law on the Air Protection ("Official Gazette of the Republic of Serbia", No. 36/09 and 10/13).

Financing on all three mentioned levels is a continuous problem, with evident consequences and repercussions on the operational monitoring and reliable assessment of air quality in the zones and agglomerations, adoption of AQ plan and the Air Protection Programme with the Action Plan.

Smooth operation and improvement of the National Automatic AQ Monitoring Network, in accordance with requirements of the Directives, depends on securing the funds for the National Automatic AQ Monitoring Network from the state budget. Since 2017, additional funds from the state budget have been provided on regular basis to the Serbian Environmental Protection Agency for the purpose of maintaining the air quality monitoring system. It is expected that all available equipment capacities (except stations that are out of function due to natural disasters-floods) will be operational by the end of 2020.

### 2.2 Plans for full alignment

#### 2.2.1 Legislative plans

During 2018 - 2021 requirements of the Directive 2008/50/EC and Directive 2004/107/EC, that set obligations of the EU member states towards the European Commission and requirements of the Directive 2015/1480/EU will be transposed through amendments of the Law on Air Protection and Regulation on monitoring conditions and air quality requirements.

#### 2.2.2 Institutional plans

The main problems in the implementation of air protection requirements are related to the insufficient number of employees who perform these activities (in particular, at the local level). Increase of administrative capacity and strengthening of capabilities through trainings is necessary.

In the Department for Air and Ozone Layer Protection (MEP), it is planned that three employees will work on the transposition and coordination of the implementation of the EU acquis in the field of air quality.

In SEPA, nine persons (3 technicians, 1 engineer and 5 experts with university degree) work on air quality monitoring, data analysis and reporting (including analytical laboratory and calibration laboratory). For carrying out the tasks arising from these two directives, SEPA needs to hire six more employees, as follows: for sample preparation and analysis of HM, PAH and VOCs (2 persons), for servicing and maintenance of equipment in the network of stations (2 persons), for reporting to international organizations (1 person) and for modelling (1 person).

### 2.2.3 Planned implementation measures

Preparations of AQ plans for zones and agglomerations depends of securing the funding in the local budget.

In addition to already ongoing activities, further implementation steps are related to development and adoption of the Air Protection Programme with the Action Plan and the Directive Specific Implementation Plan for Air Framework Directive, re-designation of zones and agglomerations and adjustment of the monitoring system.

The Air Protection Programme with the Action Plan and the Directive Specific Implementation Plan will be developed in the period from 2019 to 2020 and will serve as a key document which will provide basis for further development and adoption of lower-level documents and continuation of directive implementation.

These and other activities required for implementation of the Air Framework Directive (activities such as re-assessment of Air Quality Monitoring System and re-designation of the zones and agglomerations - having in mind that some of established agglomerations have less than 250 000 inhabitants, e.g. Kosjerić has 12 090 inhabitants) will be supported by IPA 2014 EAS3 project " (in the period from 2019-2020).

It is foreseen, that most of directive requirements will be implemented by the date of accession. Nevertheless, with the support of IPA 2014 EAS3 project, Directive Specific Implementation Plan will be prepared, which will analyze all requirements and implementation in the Republic of Serbia in detail. Based on the assessment provided by this document, deadline for achieving full compliance will be determined.

## 2.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia requests transitional period according to the Directive Specific Implementation Plan (DSIP is under development).

***Directive 2016/802/EC of the European Parliament and of the Council of 11 May 2016 relating to reduction in the sulphur content of certain liquid fuels (OJ L 132/58, 21.5.2016)***

## 2.1 Current situation

### 2.1.1 Legislative framework

Directive 1999/32/EC, which is replaced with the Directive (EU) 2016/802, is largely transposed in the legislation of the Republic of Serbia with the following legal acts: Law on Technical Requirements for Products and Conformity Assessment ("Official Gazette of the Republic of Serbia", No. 36/09), Rulebook on Technical and Other Requirements for Liquid Fuels of Petroleum Origin ("Official Gazette of the Republic of Serbia", No. 111/15, 106/16, 60/17, 117/17, 50/18 and 101/18), Energy Law ( "Official Gazette of the Republic of Serbia", No. 145/14), Law on Consumer Protection ("Official Gazette of the Republic of Serbia", No. 62/14, 6/16), Law on Ratification of the Protocol of 1997 on Amending the International Convention on the Prevention and Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto refers, which is added to Annex 6 (Regulation of prevention of air pollution from ships) Convention ("Official Gazette of the Republic of Serbia", No. 36/09), Law on Maritime Navigation ("Official Gazette of the Republic of Serbia", No. 87/11, 104/13, 18/15), Law on Standardization ("Official Gazette of the Republic of Serbia", No. 36/09, 46/15), Accreditation Act ("Official Gazette of the Republic of Serbia", No. 73/10), Decree on oil derivatives and

biofuels quality monitoring ("Official Gazette of the Republic of Serbia", No. 97/15, 5/17, 8/17, 119/17 and 102/18) and the Rulebook on the content and manner of conducting the annual program of quality monitoring of oil derivates and biofuels for 2018 ("Official Gazette of the Republic of Serbia", No. 23/19).

Provisions of the Directive 2016/802/EC, which sets the conditions for the use of heavy fuel oil with a sulphur content of more than 1% by weight, have not been transposed into the national legislation yet, as well as provisions stipulating obligations of the member states towards the Commission.

Having in mind that the Republic of Serbia is a landlocked country, provisions which concern quality of marine fuels on domestic market and monitoring of quality of marine fuels on domestic market is not applicable to the Republic of Serbia.

### 2.1.2 Institutional framework

Authorities responsible for transposition: the Ministry in charge of mining and energy in cooperation with the ministries in charge of water transport, environment and trade.

Authorities responsible for implementation:

- Ministry of Mining and Energy (Oil and Gas Department) - authority responsible for preparation, monitoring and enforcement of laws and regulations related to oil and gas. In Oil and Gas Department, 3 employees with shared responsibilities deal with transposition and implementation of Directive 2016/802/EC;
- Ministry of Construction, Transport and Infrastructure (Sector for Water Transport and Safety of Navigation) – authority responsible for preparation, monitoring and enforcement of laws and regulations, and initiating amendments in terms of legislation in the field of water transport, and the security operation, as well as initiating the development, monitoring and implementation of multilateral and bilateral agreements in the field of water transport;
- Ministry of Trade, Tourism and Telecommunications, Market Inspection Sector (MTT-MIS) - authority responsible for fuel quality control and control of the compliance with the prescribed requirements (Market Surveillance). In Market Inspection Sector, 16 inspectors, in addition to other activities related to the certain liquid fuels, deal with fuel quality monitoring on the market of the Republic of Serbia;
- Ministry of Environmental Protection– authority responsible for issuing IPPC permits.

### 2.1.3 Implementing measures and challenges

Implementation of Directive 2016/802/EC is in progress. Competent authorities have been identified. The implementation of the obligations and commitments under the Directive is linked to the further transposition of the provisions of the Directive into the Serbian legislation and the creation other conditions which are necessary for implementation of the Directive.

In order to implement Directive 2016/802/EC a few important steps have been taken thus far:

- More than 500 million euros have been invested into refinery capacity modernization, which enabled the conformity of gasoline and diesel fuel quality requirements with the standards - SRPS EN 228 and SRPS EN 590, as well as 0.1% sulphur content in gas oils, which are used for heating purposes;

- With the adoption of the Energy Law in December 2014, legal basis for fuel quality monitoring regulation was prescribed and at the end of 2015 fuel quality monitoring has started;
- Fuel Quality Monitoring System (FQMS) in the Republic of Serbia consists of two parts, the first part according to standard SRPS EN 14274 and the second "national part"- the requirements of which exceed the requirements of the standard SRPS EN 14274;
- FQMS of unleaded petrol and diesel fuels placed on the market at petrol stations (retail and commercial dispensing sites) is carried out in accordance with the standard SRPS EN 14274 and the Directive 2016/802/EC;
- "National part" of FQMS includes determination of sulphur content in gas oil for heating purposes and fuel oils in order to meet the requirements of Article 6 of the Directive 2016/802/EC.

In 2018, 31 samples of gas oil used for heating purposes and heavy fuel oil were tested.

In order to reduce the sulphur content in fuel oils, a new investment cycle in refinery capacity has been initiated. This project involves improving production and increasing energy efficiency of refining and processing plants, delayed coking technology implementation in terms of the necessary adaptation of existing plants. The investment is worth around 300 million euro, and it is planned to be finished by the mid of 2020.

## 2.2 Plans for full alignment

### 2.2.1 Legislative plans

Full transposition of Directive 2016/802/EC is planned for the end of 2021 through revision of legislation which concern quality of fuel and marine fuels.

### 2.2.2 Institutional plans

Strengthening of existing administrative capacity within the Ministry in charge of mining and energy is needed in order to perform activities related to monitoring of the implementation of requirements.

Also, strengthening of the existing administrative capacity within the Ministry in charge of trade, Sector for Market Inspection, is needed in order to perform fuel quality monitoring, as well as other activities related to oil sector.

### 2.2.3 Planned implementation measures

Currently, implementation measures are in progress, and assessment of the situation does not suggest that transitional periods may be required. Nevertheless, with the support of IPA 2014 project, the Directive Specific Implementation Plan for Directive 2016/802/EC will be prepared, which will analyze all requirements and implementation in the Republic of Serbia in detail. Based on the assessment provided by this document, deadline for achieving full compliance will be determined.

## 2.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia requests transitional period according to the Directive Specific Implementation Plan (DSIP is under development).

***European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, p. 24–33)***

***Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapor recovery during refueling of motor vehicles at service stations (OJ L 285, 31.10.2009, p. 36–39)***

## 2.1 Current situation

### 2.1.1 Legislative framework

Both Directives have been largely transposed and regulated by the Law on Air Protection adopted on 15 May 2009, amended on 30 January 2013 ("Official Gazette of the Republic of Serbia", No. 36/09 and 10/13) and by the Rulebook on technical measures and requirements in relation to allowed emission factors for volatile organic compounds resulting from the storage and transport of petrol, adopted on 11 January 2012, amended on 4 April 2012 and 10 May 2012 ("Official Gazette of the Republic of Serbia", No. 01/12, 25/12 and 48/12).

Provisions stipulating obligations of the member states towards the Commission have not been transposed into the national legislation yet, as well as the provisions required in order to achieve compliance with the Commission Directive 2014/99/EU, amending, for the purposes of its adaptation to technical progress, Directive 2009/126/EC.

### 2.1.2 Institutional framework

Authorities responsible for transposition: theMinistry in charge of environmental protection (MEP) in cooperation with the Ministry in charge of mining and energy.

Authorities responsible for implementation:

- MEP - within the Department for Air and Ozone Layer Protection, one employee with shared responsibilities is responsible for implementation of Directives 94/63/EC and 2009/126/EC;
- Ministry of Construction, Transport and Infrastructure/Department for Transport of Dangerous Goods - issues designation document to the body in charge of conformity assessment of the type of tank and/or package and /or of the type of vehicle for dangerous goods transport;
- Ministry of Mining and Energy/Energy Agency - keeps a register of issued and revoked energy licenses for storage of oil derivatives and trade in motor fuels and other fuels at petrol stations. Report of the environmental inspector is required in the process of obtaining energy license;
- SEPA – is the competent authority for maintaining the environmental information system (collecting of data) and for reporting. At this moment, there is no permanent employee within SEPA dealing with the specific topic regarding Directives 94/63/EC and 2009/126/EC;
- Environmental inspection at all levels (national, provincial and local) is competent authority for inspection supervision over the implementation. Different competencies of environmental inspection are divided based on the Law on Planning and Construction adopted on 3 September 2009 ("Official Gazette of the Republic of Serbia", No. 72/2009, 81/2009 - corr., 64/2010 - decision CC, 24/2011, 121/2012, 42/2013 - decision CC, 50/2013 - decision CC, 98/2013 - decision CC, 132/2014, 145/2014, 83/2018 and 31/2019), which stipulates the

competency for the construction permit issuing.[2] Coordination and oversight of inspection activities entrusted to the autonomous province and local governments, are performed by the republic inspections. The number of employees: MEP - national inspectors (61, with shared responsibilities), Provincial Secretariat for Urban Planning and Environmental Protection - provincial inspectors (15, with shared responsibilities) and local self-governments - local inspectors (206, with shared responsibilities).

### 2.1.3 Implementing measures and challenges

Implementation of both Directives has started. Competent authorities have been identified. System ensuring carrying out of the measurement and analysis methods and their frequency, as well as technical controls and test methods, in accordance with the requirements from both Directives, including consistency with relevant standards prescribed by Directive 2014/99/EU, has not yet been established.

List of operators of the terminals and service stations needs to be completed. The data collection activity commenced in 2015.

There are three active companies in the Republic of Serbia that operate in petrol market and have appropriate licenses for storage and loading of petrol. The majority of storage tanks, terminals and petrol stations are owned by Naftna Industrija Srbije AD (NIS Oil Industry). The total number of petrol stations in the Republic of Serbia used in the analysis in Q1 2017 is 1,432. It is estimated that the total number of small private operators of petrol stations is 611. Only 10 % of small service stations operating on the market are fully compliant with the requirements of the VOC Petrol Directives in the Republic of Serbia. Road tankers are mostly adapted to the requirements of the directive (Stage I). There are 16 vessels in the Republic of Serbia that meet the requirements of the Directive (Stage I). Data on the number of rail tankers are not available.

Article 26 of the Law Amending the Law on the Transport of Dangerous Goods ("Official Gazette RS", No. 83/2018) stipulates that for those vehicles for which the ADR certificate of approval has already been issued and is valid on the day of the entry into force of the Law on the Transport of Dangerous Goods ("Official Gazette RS", No. 104/16), conformity of such vehicles will be certified by new ADR certificate of approval to be issued by 31 December 2020 based on annual inspection of relevant technical characteristics in accordance with the subsection 9.1.2.3 ADR; the certification shall be performed by the competent authority based on the regular technical inspection of the vehicle preceding the issue of the certificate.

Existing situation of compliance and non-compliance with the requirements in this area, based on the collected and analysed available data is presented in the table below:

| Company name | Total number | Compliant | Non-Compliant |
|---|---|---|---|
| Stationary tanks | | | |
| NIS AD | 50 | 39 roofs<br>32 shell colors | 11 roofs<br>18 shell colors |
| MITAN OIL DOO | 1 | 1 roof<br>0 shell color | 0 roof<br>1 shell color |

[2]Environmental inspection at the national and provincial level is responsible for supervision of facilities for the distribution of oil and oil derivatives over 500 t and environmental inspection at the local level is responsible for supervision of facilities for the distribution of oil and oil derivatives below 500 t.

| | | | |
|---|---|---|---|
| NAPHTACHEM DOO | 2 | 2 roofs<br>0 shell color | 0 roof<br>2 shell colors |
| Terminals | | | |
| NIS AD | 8 | 3 VRU<br>7 loading arms | 5 VRU<br>11 loading arms |
| MITAN OIL DOO | 2 | 1 | 1 |
| NAPHTACHEM DOO | 2 | 0 | 2 |
| Service stations | | | |
| NIS AD | 338 | 57 | 233*<br>*43 service stations from 338 are planned to be closed and 5 of 338 are the property of a business partner |
| LUKOIL | 114 | 85 | 29 |
| Knez Petrol | 78 | 0 | 78 |
| OMV Serbia | 61 | 61 | 0 |
| PS Mihaijlovic | 55 | 0 | 55 |
| Eko Serbia | 53 | 0 | 53 |
| Mol Serbia | 40 | 34 | 6 |
| Euro petrol | 33 | 0 | 33 |
| Radun avia | 22 | 0 | 22 |
| Naftachem petrol | 13 | 6 | 7 |
| Petrol doo | 11 | 11 | 0 |
| Miletic Petrol | 10 | 0 | 10 |
| Other service stations - small operators of petrol stations | 611 | 61 | 550 |
| Total number of service stations | 1432 | 299 | 1133 |
| Mobile containers | | | |
| Road tankers | 727 | 700 | 27 |
| Vessels | 16 | 16 | 0 |
| Rail tankers | N/A | | |

Further implementation of the Directives implies strengthening of existing administrative and institutional capacities at all levels, as well as establishing control of the vapor recovery systems.

## 2.2 Plans for full alignment

### 2.2.1 Legislative plans

Remaining provisions will be transposed through the Amendments of the Law on Air Protection and Amendments of the Rulebook by the end of 2020.

### 2.2.2 Institutional plans

Necessary reforms are related to strengthening of the existing administrative capacities within the SEPA, as well as strengthening of the capacities relating to environmental inspectors at all levels. One person needs to be permanently employed in the SEPA to collect submitted data from operators and carry out assessment of data using the appropriate software.

Lack of capacities on the local level and adequate knowledge of environmental inspectors is also identified. To ensure implementation, it is necessary to organize trainings for the environmental inspection. During March 2016, a training for republic, province and local environmental inspection had begun and has been further expanded in 2018 to support implementation and control of fulfilment of obligations arising from VOC Petrol Directives.

### 2.2.3 Planned implementation measures

Directives 94/63/EC and 2009/126/EC are considered as problematic due to the large investments which are needed to be invested by operators in order to comply with the requirements of the both Directives.

Table below shows estimated funds for alignment of the existing stationary tanks, terminals and petrol stations with requirements of the Directive 94/63/EC and Directive 2009/126/EU:

| Company name | Non-Compliance | Funds needed for compliance million EUR | Source of financing |
|---|---|---|---|
| Stationary tanks | | | |
| NIS | 11 roofs<br>18 shell colors | 0.90 | Own working capital – loan |
| MITAN OIL DOO | 1 shell color | 0.27 | Own working capital – loan |
| NAPHTACHEM DOO | 2 shell colors | 0.02 | Own working capital – loan |
| Terminals | | | |
| NIS AD | 5 | 6.57 | Own working capital – loan |
| MITAN OIL DOO | 1 | 0.66 | Own working capital – loan |
| NAPHTACHEM DOO | 2 | 1.12 | Own working capital – loan |
| Service stations | | | |
| NIS AD | 233 | 15.20 | Own working capital – loan |
| Knez Petrol | 78 | 0.78 | Own working capital – loan |
| PS Mihaijlovic | 55 | 0.55 | Own working capital – loan |
| Eko Serbia | 53 | 0.53 | Own working capital – loan |
| Euro petrol | 33 | 0.33 | Own working capital – loan |
| LUKOIL | 29 | 0.29 | Own working capital – loan |
| RADUNAVIA | 22 | 0.22 | Own working capital – loan |
| Miletic Petrol | 10 | 0.10 | Own working capital – loan |
| Naftachem petrol | 7 | 0.07 | Own working capital – loan |

| | | | |
|---|---|---|---|
| Mol Serbia | 6 | 0.06 | Own working capital – loan |
| Other Service stations- Small private operators | 550 | 5.50 | Own working capital – loan |
| Total estimated funds | | 33.17 | |

Collection of more precise technical information and assessment of the compliance with the requirements of both Directives, as well as the update of the database on terminals and service stations will be used in the process of preparation of the Directive Specific Implementation Plan (DSIP) for VOCs Petrol Directives with the assistance of IPA 2014 EAS3 project, starting in 2019. After completing the DSIP, a more detailed costs estimation of necessary investment for full implementation of VOC Petrol Directives will be revised accordingly.

### 2.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia requests a transitional period until 31 December 2026 in order to achieve full implementation of Article 3 paragraph 2, Article 4 paragraphs 2 and 3 and Article 6 paragraphs 2 and 3 of the Directive 94/63/EC of the European Parliament and of the Council of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations, and in order to achieve full implementation of Article 3 paragraphs 2 and 3, Article 4 paragraphs 1 (replaced by Article 1 (1) from Commission Directive 2014/99/EU of 21 October 2014 amending, for the purposes of its adaptation to technical progress, Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations) and 2, and Article 5 paragraphs 1 (replaced by Article 1 (2) from Commission Directive 2014/99/EU), 2 and 3 of the Directive 2009/126/EC. Final indication regarding number of years will be provided in accordance to the Directive Specific Implementation Plan (DSIP is under development).

***Directive 2016/2284/EU of December 2016, repealing Directive 2001/81/EC (NEC)***

### 2.1 Current situation

#### 2.1.1 Legislative framework

A majority of the NEC Directive 2001/81/EC provisions have been transposed through the Law on Air Protection ("Official Gazette of the Republic of Serbia", No. 36/09 and 10/13), Regulation on Emission Limit Values of Pollutants in the Air from Stationary Pollution Sources, other than Combustion Plants ("Official Gazette of the Republic of Serbia, No. 111/2015), Regulation on the methodology for preparing air pollutant emission inventories and emission projections ("Official Gazette of the Republic of Serbia", No. 03/2016).

Requirements of the Directive 2016/2284/EU have not been transposed yet.

#### 2.1.2 Institutional framework

The Ministry of Environmental Protection, Department for Air and Ozone Layer Protection is responsible for transposition and coordination of implementation of requirements.

Serbian EPA is responsible for maintaining the national emission inventories and projections, reporting emission inventories and projections, making information available to the public and the relevant organizations.

Other responsible institutions include: Ministry of Mining and Energy, Ministry of Construction, Transport and Infrastructure, Ministry of Agriculture, Forestry and Water Management, Provincial Secretariat for Urban Planning and Environmental Protection and other institutions regulating emissions in various sectors.

### 2.1.3 Implementing measures and challenges

The Republic of Serbia is preparing the required data to be used for GAINS model in order to assess the situation and propose potential emission ceilings.

Review of data is completed, in order to form the data base of historical emissions (pollutants inventory for 2005, 2010 and 2015) with special focus on 2005 as a base year. The Republic of Serbia is ready to present the inventory and consider coordination of data sets with the European Commission and IIASA.

Further process includes development of forecast data (using of IPA financed Climate Strategy modelling results) in order to estimate emission projections, develop an adequate NEC scenario until 2030 and calculate/estimate emissions using GAINS.

## 2.2 Plans for full alignment

### 2.2.1 Legislative plans

Full transposition of the Directive requirements is scheduled for the 4$^{th}$ quarter of 2020.

Ratification of Gothenburg protocol will be considered in parallel with the EU negotiations progress.

### 2.2.2 Institutional plans

In order to ensure proper transposition and coordination of implementation, institutional strengthening is needed. This includes additional fulltime jobs in the Ministry of Environmental Protection (two job positions) and Serbian Environmental Protection Agency (three job positions - inventory expert, modelling expert and QA/QC expert).

### 2.2.3 Planned implementation measures

The Republic of Serbia is in the process of defining emission ceilings using the GAINS model. Currently data is being arranged according to GAINS format. Part of needed information (basis for scenario(s) of future emissions) developed as one of on the results of IPA financed Climate Strategy development project. It is planned that the proposal for emission reduction commitments for the Republic of Serbia will be developed in the first half of 2020.

With the support of IPA financed project, development of Directive Specific Implementation Plan for the new NEC directive has started and it is expected to be finalised by the end of 2020. The same project is also supporting development of the Air Protection Programme with the Action Plan, including assessment and proposal for further development of the monitoring system. These activities will assist in preparation of implementation of the Directive requirements including establishing of the system for provision of annual national emission inventories and improvement of the monitoring of negative impacts of air pollution upon ecosystems.

It is planned that the National air pollution control programme will be developed after the national emission reduction commitments are negotiated with the EU.

### 2.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia may request transitional period for implementation of requirements of the Directive depending on the results of negotiations regarding emission reduction commitments for the Republic of Serbia for sulphur dioxide (SO2), nitrogen oxides (NOx), non-methane volatile organic compounds (NMVOC), NH3 and PM2.5. Directive Specific Implementation Plan is under development.

## 3. WASTE MANAGEMENT

***Waste Framework Directive 2008/98/EC***

### 3.1 Current situation

#### 3.1.1 Legislative framework

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, has been transposed into national legislation through the provisions of the Law on Waste Management ("Official Gazette of the Republic of Serbia, No. 36/9, 88/10 and 14/16) and more than 50 bylaws adopted during 2009 and 2018.

Overall, the Serbian legislative framework on the waste management is not yet fully aligned with the requirements of the Directive 2008/98/EC. Provisions remaining to be transposed concern recycling and recovery targets to be achieved by 2020 (Art. 11(2)), registration requirements (Art. 26) and cooperation with other MS in drawing up waste management plans (Art. 32). The requirements that have not yet been fully transposed relate to some of the definitions setting out the scope of application of the Directive, such as the application of the waste hierarchy, targets for re-use and recycling, producer responsibility for waste management, separate collection and treatment of bio-waste and requirements for the energy efficiency. Furthermore, decision on the transposition of the discretionary provision related to Extended Producer Responsibility (EPR) is missing. Full transposition is planned for 2021 through adoption of the relevant secondary legislation, which will be adopted pursuant to the Law on Waste Management.

The provisions of Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC are not transposed yet.

The main policy document governing the sustainable waste management is the National Waste Management Strategy for the period 2010-2019 ("Official Gazette of the Republic of Serbia, No. 29/10). Ministry is currently preparing new (updated 2010 version) Waste Management Strategy 2020-2025, including the National Waste Management Plan and Waste Prevention Programme.

#### 3.1.2 Institutional framework

The Ministry responsible for the environmental protection (MEP) is the responsible institution for transposition, planning and preparation of the National Waste Management Strategy as well as National Waste Management Plan, coordination of implementation of waste management activities at the national level and monitoring of the status of implementation. The Ministry is responsible for giving consent to the regional waste management plans, except for the plans developed for the territory of the Autonomous Province; issuing permits, approvals, certificates and other acts prescribed by the Law; maintaining records on permits, approvals, certificates and other acts issued by other competent authorities; determining authorized organizations in

compliance with the Law; supervising and controlling application of measures pertaining to waste management; implementing other measures and activities, in compliance with the international agreements and treaties.

Other institutions involved are the Serbian Environmental Protection Agency (hereinafter SEPA), competent Authority of the autonomous province, local self-government units, professional organizations for waste testing and Ministry of Interior, Ministry of Finance, Ministry of Economy, Ministry of Public Administration and Local Self-governments, Ministry of Health, Ministry of Agriculture, Forestry and Water Management, Ministry for Construction, Infrastructure and Traffic.

Autonomous Province (AP), City of Belgrade and local self - government units (LGs) are responsible for development of local waste management plans, permitting and enforcement relating to all types of waste requirements within their territories.

The new Rulebook on internal organization and job classification in the Ministry of Environmental Protection envisages that 26 people will be employed in the Waste Management Department/ Sector for Waste Management and Waste Water, who will be responsible for the transposition and implementation of this regulation. Currently, total number of employees is 14.

### 3.1.3 Implementing measures and challenges

Data on the recycled municipal waste, reported to the Eurostat, include only "recyclables collected by PUCs", thus the Eurostat data do not include separately collected and recycled MSW fractions. The total amounts of generated MSW, as well as the recycling rate for MSW, will increase if these fractions were taken into consideration.

The calculation method will be developed further, once the calculation rules are fully defined following the adoption of bylaws according to Article 38 (a) of the revised Waste Framework Directive.

*Table. Calculation of recycling rate of municipal waste, taking into account separately collected packaging waste from households and WEEE (tons)% of waste generation*

| | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** |
|---|---|---|---|---|---|---|---|
| Mixed MSW + separately collected packaging waste and treated WEEE | 2,653,318 | 2,737,860 | 2,656,242 | 2,462,392 | 2,180,609 | 1,905,334 | 1,930,297 |
| Municipal PPW collected separately | 3,318 | 19,983 | 24,260 | 30,595 | 29,344 | 35,673 | 35,673(a) |
| Separate WEEE-streams [(b)] | | 7,877 | 11,982 | 21,797 | 21,265 | 29,661 | 40,297 |
| Recycling | 3,318 | 23,921 | 30,251 | 66,337 | 54,497 | 64,667 | 60,689 |
| Recyclables collected by PUC | | | | 24,843 | 14,521 | 14,164 | 4,868 |
| Municipal PPW recycled [(c)] | 3,318 | 19,983 | 24,260 | 30,595 | 29,344 | 35,673 | 35,673[(a)] |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Estimated recycling of WEEE, based on 50% of separate WEEE streams [d] | | 3,939 | 5,991 | 10,899 | 10,633 | 14,831 | 20,149 |
| Calculated recycling rate, including separate PPW and WEEE streams | 0% | 1% | 1% | 3% | 2% | 3% | 3% |

[a]*estimated value, same as 2015 value,* [b]*, WEEE is estimated to be from household sources,* [c] *according to the SEPA figures, practically all the separately collected packaging waste is recycled,* [d]*.50% recycling is the lowest recycling target required by the WEEE-Directive.*

*Source: own calculations, based on SEPA figures*

The implementation of the Waste Framework Directive is considered together with the implementation of other waste management requirements, in particular having in mind the targets set by the Landfill Directive and the Packaging and Packaging Waste Directive. The implementation of these Directives affects the way how municipal waste is collected and treated, and, in the end, the amounts of waste to be diverted for other types of treatment and/or to be disposed of at landfills.

At the strategic and investment level, the Republic of Serbia relies on regional waste management option. The development of an integrated waste management system and appropriate infrastructure is at an early stage.

Current situation in Republic of Serbia is as follows:

- The collection coverage for MSW currently covers only about 82% of the Serbian population according to previous report by SEPA, 2011-2016;
- Separate collection of recyclables other than packaging waste from households is not yet implemented adequately. In 2013 public utility companies, responsible for the collection, reported separate collection of recyclables for the first time. However, since then the officially reported amounts of separately collected waste decreased, due to the increase in informal collection of recyclables (what contributed to the overall recycling rate as well);
- Recycling targets for Municipal Waste and Construction and Demolition Waste have not yet been achieved. Currently, the recycling rate for Municipal Waste, based on reported waste data from 2016, is about 3%3. At the moment, no recycling scheme for Construction & Demolition Waste is in place. Mainly, the waste fractions with high economic value, such as metals, are recycled, while the bulk of Construction and Demolition Waste is landfilled or dumped at unsecured local dump-sites. Figures on recycled amounts are not available;
- An adequate network of hazardous waste treatment installations has not yet been fully available. The overall generation of hazardous waste in the Republic of Serbia is about 74,000 tonnes per year. Treatment capacities for chemical-physical treatment of hazardous waste do not fully meet the requirements and locations for central storage of hazardous waste are not available. Incineration capacities for organic industrial and medical waste are lacking.

[3] Recalculated recycling rate including MSW fractions and WEE streams from MSW, SEPA *2018*

Finally, no regular collection system for hazardous waste from households has been established thus far;

- Centres for separate collection of waste exist in Belgrade, Čačak, Sremska Mitrovica and in some other local self-government units in the Republic of Serbia, where municipal waste is collected in separate containers intended for collection of different types of waste (metal, glass, paper, PET, cans and so on). Currently, there are facilities for waste separation of recyclable waste in Novi Sad, Uzice, Jagodina and Leskovac. There are several registered facilities for recycling of PET, metal, plastic etc. Infrastructure system for recycling is not balanced in order to maximize overall efficiency; separate waste collection network is not sufficiently developed in comparison to recycling capacities.

Even though municipal waste contains high degree of organic components, there are no facilities for biological treatment of municipal waste. There are no facilities for incineration of municipal waste in the Republic of Serbia.

At the moment in the Republic of Serbia there are constructed and in function 8 regional sanitary landfills (Kikinda, Lapovo, Jagodina, Uzice, Pirot, Leskovac, Sremska Mitrovica, Pančevo) and 2 sanitary landfills in Vranje and Gornji Milanovac which are not regional type. Four regional landfills of 8 are organized as public – private partnership (Kikinda, Lapovo, Jagodina and Leskovac).

According to official Report of Serbian Environmental Agency (SEPA) on Waste Management in the Republic of Serbia in period 2011 – 2016, municipal waste which is collected in organized manner is disposed at 120 non-compliant municipal landfills, operated by Public Utility Companies, and all of them will be closed and recultivated in the future period.

There is no pre-treatment before disposal. Land where landfills are located is most commonly owned by the Republic of Serbia. Illegal dumping sites, which are out of control of municipal public utility companies, receive about 40% of generated municipal waste in the Republic of Serbia.

In accordance with the Law on Waste Management, relevant bodies (Ministry, AP Vojvodina Secretariat and local self-governments) issue permits, keep register of issued permits and submit the data from the permits register to the Environmental Protection Agency. The Agency keeps register of issued waste management permits on the territory of the Republic of Serbia. The database is available on the Environmental Protection Agency webpage.

The register of all issued licences until June 2019 contains 2051 valid permits.

| | MINISTRY | | | AP VOJVODINA | | | LOCAL GOVERNMENTS |
|---|---|---|---|---|---|---|---|
| | Total | Non-hazardous | Hazardous | Total | Non-hazardous | Hazardous | Non- hazardous |
| Collection | 640 | 608 | 190 | 59 | 53 | 18 | 137 |
| Transport | 693 | 667 | 153 | 69 | 65 | 18 | 142 |
| Storage | 161 | 134 | 124 | 97 | 87 | 48 | 714 |
| Treatment | 154 | 127 | 110 | 80 | 78 | 31 | 576 |
| Disposal | 3 | 3 | 1 | 3 | 2 | 2 | 34 |
| Total number of permits by the | 1001 | | | 170 | | | 880 |

| | | | |
|---|---|---|---|
| competent authority | | | |
| Total number of issued permits | | | 2051 |

Main challenges of waste management in the Republic of Serbia still pertain to provision of good coverage and capacities for basic service provision, such as collection, transport and sanitary disposal of waste.

Lack of infrastructure for treatment and disposal of hazardous waste makes a particular problem. There is no national facility for treatment of hazardous industrial waste at the territory of the Republic of Serbia (There are companies/ facilities which are registered for physical/chemical treatment of specific waste streams which fall into the hazardous category, in private sector).

The total number of operators licensed to treat any type of hazardous waste is 113. This includes 33 health facilities: hospitals, clinics and public health institutes licensed for the treatment of infectious waste, as well as 3 veterinary institutes.

During 2016, 94 companies reported that they were handling hazardous waste. Of these, 32 companies stated that they carried out the treatment in accordance with the R12 and R13 treatment operations, which means that these companies only carried out activities relating to the storage of waste and the preparatory treatment activities prior to recovery (repackaging, etc.).

The quantities of treated hazardous waste were most frequently treated in accordance with the R4 treatment operations (metal recycling), and these were discarded electrical and electronic equipment, parts of equipment and lead accumulators, followed by sludges and drilling wastes containing oil which were treated in accordance with the R7 treatment operations (recovery of components which are used to reduce pollution).

Historical Waste: The Ministry responsible for environmental protection planned allocating the financial support from the budget of Republic of Serbia for the activities for dislocation, treatment and final disposal of historical hazardous waste which is temporarily stored at the locations belonging to companies that are in bankruptcy. During 2015, in terms of over 12 locations in the RS, more than 2,000 tons of hazardous waste have been permanently disposed of. The Ministry plans to propose further activities by implementing public procurement for dislocation, treatment and final disposal of historical hazardous waste, from 2018 to 2021. In December 2018, 795 tons of historical hazardous waste (155 tons from factory “Magnohrom” Kraljevo, 100 tons from factory “FAK Loznica” 380 tons from several location near city of Pančevo and 160 tons near city of Obrenovac) were permanently disposed of from locations which contained hazardous waste and which are located in the vicinity of the cities of Pančevo, Kraljevo, Obrenovac and Loznica. Ministry of Environmental Protection of the Republic of Serbia organized public procurement for the removal of about 1700 tons of hazardous waste, which was found in cooperation with the SIA and the Prosecutor’s Office, and which was illegally deposited on locations in the territory of the Republic of Serbia, as well as the removal of historical hazardous waste found on the locations belonging to the companies in bankruptcy and in the process of privatization.

In 2019, the Ministry implemented project for the preparation of the Report on Determining Actual Types and Quantity of the Historical Hazardous Waste which is still located at the locations belonging to the companies in bankruptcy and in the process of privatization.

### 3.2 Plans for full alignment

### 3.2.1 Legislative plans

In order to fully transpose the Waste Framework Directive, the following documents will be adopted until 2021:

- New Law on Waste Management and relevant by-laws pertaining to the mentioned Law;
- New National Waste Management Strategy, with National Waste Management Plan and National Waste Prevention Program, which are to be developed within the framework of the Twinning project.

Several draft by-laws pertaining to the existing Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 69/09, 88/10 and 14/16) were prepared in 2018, and all of the mentioned by-laws are currently in the procedure of adoption.

A draft version of the new Law on Waste Management, has been prepared. The by-laws that need to be adopted in accordance with the new Law on Waste Management will be supported by the activities within the framework of the PLAC project; this will enable the adoption of the aforementioned by-laws in the period until 2021, together with the new Law on Waste Management, according to NPAA.

### 3.2.2 Institutional plans

Necessary reforms are related to strengthening of the existing administrative capacities, especially the capacities of institutions and bodies in charge of planning, control, monitoring, reporting and certification system, as well as establishing close cooperation between MEP, APV and LSGs for the purpose of technical and administrative assistance. In the short term, in terms of strengthening administrative capacity for the transposition of EU legislation into national legislation, it is necessary to employ at least one additional lawyer in the Ministry.

Administrative capacity of Serbian Environmental Protection Agency (SEPA) within the MEP, which is the authority responsible for monitoring and reporting relating to WFD, should be improved.

Furthermore, there is a need for strengthening the existing administrative and institutional capacities, especially in terms of the public enterprise sector (public utility companies responsible for management of municipal waste) and regional companies (private/public).

Environmental protection inspection capacities shall be strengthened by employing additional six persons for the purposes of strengthening and implementing enforcement activities.

### 3.2.3 Planned implementation measures

National Waste Management Strategy (for the period 2020-2025), National Waste Management Plan and Waste Prevention Programme will be developed with the support of the Twinning project (IPA 2014 project) at beggining of 2020. In addition, a set of economic instruments to support implementation of waste management targets and waste hierarchy will be developed as a part of the mentioned Twinning project by the end of the Project (first quarter of 2020).

The Strategy, which will be followed by waste management plan, will set up goals and measures for sustainable use of natural resources and raw materials, especially regarding implementation of cleaner production, prevention or reduction of waste production, and the recovery of waste and its use as a source of energy.

New investments in the area of waste will be more focused on waste separation and recycling. Before any decision on building new landfills is taken, the attention must be paid to increasing efforts towards waste minimization through waste prevention, separation and recycling.

Revision of regional and local waste management plans will continue in parallel with the infrastructure projects implementation.

In the period from the end of 2018 till the end of 2020, it is planned to implement regional infrastructure projects, including the establishment of adequate landfills in three regional centres, which will support introducing separation at source in 17 municipalities (IPA 2017).

Despite the efforts the Republic of Serbia is making in terms of the improvement and extension of separate collection, secondary separation, developing composting and recycling capacities, 50% target remains the goal which is not realistic and difficult to be achieved by the date of accession; this is closely related to further development of the required regional waste management infrastructure.

The requirement for recycling of 50% for Municipal Waste will be achieved by establishing integrated regional systems for the Municipal Waste management throughout the Republic of Serbia by which recyclables will be separately collected and fractions for recycling will be prepared by secondary waste separation, as well by establishing composting lines and home composting for the recycling of organic municipal waste. The integrated regional systems will include the following elements facilitating achievement of the recycling target:

- Setting up separate collection for recyclables by establishing 2 (two) bins collection system – one for mixed waste and another for recyclable waste covering 100 % of the Serbian population (Phase 1 Infrastructure);
- Secondary waste separation - existence of regional waste centres with adequate separation lines for recyclable waste separation (Phase 1 Infrastructure);
- Composting lines – construction of small composting capacities including appropriate vehicles for compost transport (Phase II infrastructure);
- Home composting, in order to recycle organic waste from households (Phase II infrastructure);
- In addition, information campaigns related to separate collection at source and home composting for citizens are foreseen;
- The Phase I infrastructure shall be completely constructed and operating by 31st December 2032. Phase II infrastructure shall be completely constructed and operating by 31st December 2039.

The requirement for achieving the target of preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials of 70% for Construction and Demolition waste will be achieved by establishing the infrastructure for the pre-treatment of Construction and Demolition waste at regional level prior to recycling, by designation of special areas for the treatment, as well as establishment of infrastructure for the operation of one mobile treatment machine per region.

Implementation measures for recycling C&D waste include:

- Provision of an appropriate location for mobile C&D waste treatment and for storage of the processed C&D waste by municipalities;

- Provision of a central location for mobile C&D waste treatment and for storage of the processed C&D waste and operation of one mobile treatment machine in waste management regions.

The requirement for providing for an adequate network of treatment installations for hazardous waste will be achieved by establishment of the following infrastructure:

- Regional storage facilities for hazardous waste,
- Increasing the capacity for physical-chemical treatment of hazardous waste,
- Regional incineration plants for organic industrial and medical waste,
- One landfill for inorganic industrial hazardous waste.

Implementation measures are further specified in the Directive Specific Implementation Plan summary which is attached to this position. This plan includes assessment of required infrastructure, costs of implementation and financing possibilities.

Based on findings of the Directive Specific Implementation Plan, implementation of the Directive requirements requires the extension of the implementation period, depending on the establishment of the required infrastructure in all regional waste management systems.

**3.3 Acceptance of the acquis (and any negotiating requests)**

Considering currently achieved recycling rates for municipal waste (3% in 2016), high cost implementation measures -in particular related to establishment of required infrastructure and available financing, the Republic of Serbia hereby requests a transitional period:

a) until 2039 for full implementation of the article 11, part 2a of the Directive including the following interim targets:

The Republic of Serbia will ensure the necessary measures designed to achieve the target for re-use and recycling of waste materials such as paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, of overall 50 % by weight by 31 December 2039.

The Republic of Serbia will ensure a gradual increase of the rate of waste materials from households and possibly from other origins as far as these waste streams are similar to waste from households, being prepared for re-use and recycling (hereafter “recycling rate of wastes from households”) according to the following scheme:

- By 31 December 2025, the recycling rate of municipal waste will increase to overall 25 % by weight
- By 31 December 2030, the recycling rate of municipal waste will increase to overall 35 % by weight
- By 31 December 2035, the recycling rate of municipal waste will increase to overall 45 % by weight.
- By 31 December 2039, the recycling rate of municipal waste will increase to overall 50 % by weight.

(b) By way of derogation from point b of the second subparagraph of Article 11(2), the requirement to increase the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the

list of waste to a minimum of 70 % by weight, shall apply in the Republic of Serbia in accordance with the calendar laid down hereinafter.

The Republic of Serbia will ensure the necessary measures designed to achieve the target for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste of 70 % by weight by 31 December 2034.

- By 31 December 2029, the recycling rate of C&D waste will be increased to 40 % by weight;
- By 31 December 2034, the recycling rate of C&D waste will be increased to 70 % by weight.

The measures related to establishing an adequate network of treatment installations for hazardous waste in the Republic of Serbia shall be implemented by 2035.

***Directive 94/62/EC on packaging and packaging waste***

**3.1 Current situation**

**3.1.1 Legislative framework**

Directive is partially transposed by the Law on Package and Packaging Waste ("Official Gazette of the Republic of Serbia", No. 36/09) and 8 bylaws. According to the gap analysis, additional actions are needed in order to correctly transpose scope of the directive (Article 2), several definitions (article 3), requirements regarding management plans (Article 14) and other horizontal provisions enhancing the extended producer responsibility (EPR) schemes performance.

Directive 2015/720/EC amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags has not been transposed into Serbian legislation.

**3.1.2 Institutional framework**

The competent authority for transposition and enforcement of the EU legislation on packaging and packaging waste management is the Ministry of Environmental Protection (MEP). The enforcement is ensured by the Republic Inspectorate, which is a part of the MEP, as well as by the Regional Inspectorate APV and the Ministry of Trade, Tourism and Telecommunications - Market Inspection (control of packaging placed on the market in terms of respecting the relevant standards). Serbian Environmental Protection Agency (SEPA) is responsible for reporting process and monitoring the achievement of the targets.

The local self-governments (municipalities) adopt the local waste management plans and organize separate collection of recyclables (paper, metal, plastic and glass).

Institutional framework related to this field is established, however, it is necessary to strengthen the administrative capacity in order to ensure monitoring of implementation and enforcement of the Directive requirements.

**3.1.3 Implementing measures and challenges**

In recent years, producers under the contracts with the Producer Responsibility Organizations (PROs) and those that do not belong to the mentioned organizations (those which have chosen to

pay a fee to the Green Fund for not achieving recycling/recovery targets) have placed on the market, on average, 350 tons of packaging per year:

*Table - Packaging placed on the Serbian market, 2010-2016, in tons/year*

| 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|---|---|---|---|---|---|---|
| 328 | 344 | 344 | 322 | 328 | 362 | 349 |

Structure of the packaging material is on average[4] as follows: 20% glass, 27% plastic, 31% paper and cardboard, 4% metal, 18% wood and 1% of other materials.

Seven so-called collective schemes (Producer Responsibility Organizations) have been licensed by the Ministry of Environment thus far.

Packaging waste from households (mixed with municipal waste) is collected by waste management companies (public utility companies). In terms of the buy-back of some packaging waste types (usually PET and cardboard, waste with a high market value) private companies get contracts from the local authorities. Packaging waste from industrial and commercial flow is collected by private companies and reported to the collective schemes and accounted for as part of producer's responsibility.

In the Republic of Serbia, around 2,000 companies are officially engaged in the collection and recycling of waste - both non-hazardous and hazardous ones. The most recycled packaging waste materials are: paper and cardboard, plastic/PET and then metal and wood. For the glass packaging waste, the recycling rate in below the target, having in mind the low level of separate collection. Packaging waste from chemicals, pesticides and PCB waste are not recycled in the Republic of Serbia.

| Type of packaging waste recycled, tons | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|---|---|---|---|---|---|---|---|
| Glass | 1.069 | 6.866 | 7.701 | 8.947 | 8.947 | 12.189 | 15.359 |
| Plastic | 5.300 | 11.797 | 12.998 | 15.022 | 15.022 | 15.212 | 18.190 |
| paper and cardboard | 8.841 | 28.959 | 37.205 | 63.735 | 63.735 | 80.217 | 93.199 |
| metal | 0 | 910 | 4.545 | 4.785 | 4.785 | 5.261 | 5.475 |
| Wood | 60 | 1.234 | 4.017 | 6.994 | 6.994 | 15.329 | 14.571 |
| Other | 0 | 0 | 0 | 14 | 14 | 0 | 0 |
| TOTAL | 15.269 | 49.765 | 66.466 | 99.497 | 99.497 | 128.207 | 146.794 |

The producers' responsibility organizations have achieved the targets, set in the Directive, for paper and cardboard, plastic and wood. Glass and metal, as well as achieving the overall recycling and recovery targets, still remain problematic.

At the national level, the achieved targets are as follows: glass 22%, plastic 25%, paper and cardboard 72%, metal 35%, wood 20%.

Following main implementation challenges are identified:

[4] Calculated as an average of the percentages reported in 2010 and 2015.

- Insufficient data quality;
- Marginal separate collection of packaging waste from households and lack of sorting infrastructure;
- No motivation for separate collection of packaging waste among citizens;
- Low interest of local authorities to implement separate collection of packaging waste;
- Insufficient recycling and recovery capacity in the Republic of Serbia at least for some waste types, such as glass and wood.

### 3.2 Plans for full alignment

#### 3.2.1 Legislative plans

Transposition will be completed until 2021 by adopting the National Waste Management Strategy and amendments to the Law on Packaging and Packaging waste.

#### 3.2.2 Institutional plans

There is a need to strengthen the institutional capacities for planning, monitoring, and inspection, as well as implementation of the economic instruments, raising the general public awareness, creating and operating an informational system regarding packaging and packaging waste.

#### 3.2.3 Planned implementation measures

As foreseen in the Directive Specific Implementation Plan, meeting targets set by the Packaging and Packaging Waste Directive will require the following measures:

- Amending/adjusting the legal framework to enable review of the performance of PROs organizations, improving enforcement and data quality;
- Increasing the recycling and recovery capacity in the Republic of Serbia at least for some waste types, such as glass, wood and metal;
- Extending current separate waste collection networks in all municipalities, for at least glass, plastic and metal, as well as paper and cardboard;
- Setting up minimum performance indicators for separate collection performed by waste collectors;
- Implementing yearly education and information campaigns targeting consumers and youth;
- Introducing legal financial provisions that would provide strong incentives to increase waste separate collection and recycling;
- Training programmes and technical assistance for municipalities;
- Developing packaging and packaging waste management plan;
- Reducing the annual consumption of plastic bags and other products made of plastics.

Implementation of foreseen measures require establishment and proper functioning of the regional waste management systems which are planned to be completed by the end of 2032.

The key reasons to request a transitional period are detailed within the Directive Specific Implementation Plan.

### 3.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia hereby requests a transitional period for full implementation of targets set in Article 6, paragraph 1, subparagraph(b), (d) and (e) of the Directive 94/62/CE for glass and

paper packaging waste recycling and for overall recycling and overall recovery targets until the end of 2028.

***Directive 1999/31/EC on landfill of waste (COUNCIL DIRECTIVE 1999/31/EC of 26 April 1999 on the landfill of waste, as amended by Regulations (EC) 1882/2003 and (EC) 1137/2008 and Directive 2011/97/EU, Council Decision of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to the Directive 1999/31/EC)***

### 3.1 Current situation

#### 3.1.1 Legislative framework

Directive 1999/31/EC on the landfill of waste is largely transposed by the following legal acts:

- Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10 and 14/16);
- Regulation on Waste Landfilling ("Official Gazette of the Republic of Serbia", No. 92/10) and 5 other Regulations.

Remaining transposition gaps are related to following definitions which are missing and/or are not clearly defined in accordance with the Landfill Directive: "leachate", "landfill gas", "eluate", "biodegradable waste", "treatment" and "underground storage". Also, Article 10 of the Landfill Decree has to be changed (reduction of biodegradable waste, goals and reference year), waste acceptance criteria, conditions of the permit, control and monitoring procedures in the operational phase, closure and after-care procedures and the new requirements for mercury.

#### 3.1.2 Institutional framework

National waste management policy, transposition of requirements, planning and supervision of implementation, is the responsibility of the Ministry responsible for the environment. Collection of data and reporting at a national level is carried out by the Serbian Environmental Protection Agency. Planning for regional, integrated waste management systems is developed at a local level and approved at the national level or by the responsible secretariat in the Autonomous Province of Vojvodina, the Provincial Secretariat for Urbanism and Environmental Protection. Implementation of local waste management services, including most non-hazardous and inert landfills, are the responsibility of the local self-government units.

Strengthening of measures is required for institutions on various levels in order to implement requirements of the Directive.

#### 3.1.3 Implementing measures and challenges

It is assessed that there are about 3500 landfills and dumpsites. They are very different in size and quantity of waste landfilled and have different impacts on the environment. Small dumpsites account for the largest share (92%) of all landfills and dumpsites in the country with only 8% of total volume of deposited waste. 182 large landfills and dumpsites with the capacity over 10 000 $m^3$ contain 93.5% of the total deposited waste quantity. This latter group, together with remaining municipal landfills in the category below 10 000 $m^3$, makes the total volume of about 95% of all landfilled municipal waste and presents the main target group for further assessment. There are 135 controlled municipal landfills.

10 sanitary landfills (8regional, 2 municipal) are in operation. Regional sanitary landfill in Subotica was built and is expected to be put into a trial operation soon. According to latest data from SEPA[5], in 2016, 1.27 million tons of waste was landfilled into compliant sanitary landfills and 30.5 thousand tons of hazardous waste was deposited at 3 regional sanitary landfills in the amount of 1107 tons, while at one landfill for the disposal of industrial waste, 29,310 tons of waste were disposed of. In the Republic of Serbia there are 4 landfills at which the specific hazardous wastes can be disposed of. One of them, belonging to a steel company, has a permit for disposing of their own hazardous wastes. The other three are regional sanitary landfills for non-hazardous waste, which have landfill cells for wastes containing asbestos, for other hazardous construction and demolition waste or for solidified hazardous waste.

According to information available from SEPA, in 2016, about 138962 tons of construction and demolition waste and 1094 tons of hazardous construction and demolition waste were disposed of at landfills.

The implementation of the Landfill Directive is considered together with the implementation of other waste management requirements, in particular having in mind the targets set by the Waste Framework Directive and the Packaging and Packaging Waste Directive. Implementation of these requirements require that appropriate infrastructure be developed for each region. Though priority is given to source separation, secondary separation, recycling and composting, landfills are foreseen as a necessary part of infrastructure for final compliant disposal after treatment. To reduce the use of landfill regional cooperation is encouraged in order to reduce number of required landfills and promote other forms of treatment.

## 3.2 Plans for full alignment

### 3.2.1 Legislative plans

In order to fully transpose Landfill Directive, the following documents are planned to be adopted until 2021:

- New Law on Waste Management (minor adjustments needed),
- New National Waste Management Strategy (targets for biodegradable waste) and
- Amendments to Landfill Regulations.

Draft Amendments to Landfill Regulations are under development.

In the period from January to February 2017, within the PLAC II project, an analysis of the Decree on the Disposal of waste to landfill was carried out in accordance with the Law on Amendments of the Law on Waste Management.

### 3.2.2 Institutional plans

Main institutional development actions will be related to further establishment and strengthening of regional companies as operators on regional infrastructure and reform of the public enterprise sector (public utility companies responsible for management of municipal waste). There is also a need for strengthening capacity relating to permitting and enforcement.

[5] Waste Management in the Republic of Serbia 2011 – 2016, SEPA, 2017.

### 3.2.3 Planned implementation measures

Further progress in implementation of the Directive will be achieved through implementation of the Directive Specific Implementation Plan for Landfill Directive. This plan includes assessment of required infrastructure, costs of implementation and financing possibilities.

Revision of regional and local waste management plans will continue in parallel with infrastructure projects implementation. New National Waste Management Strategy (for the period 2020-2025) will contain a national strategy for the reduction of biodegradable which is disposed of at landfills. In addition, economic instruments in support of diverting waste from landfills will be revised and improved.

Priority for the new investments in the field of waste management is given to waste separation and recycling. Before any decision on building new landfills is taken, attention will be paid to increasing efforts towards waste minimization through waste prevention, separation and recycling.

In the period from the end of 2018 till the end of 2024, it is planned to implement regional infrastructure projects, including the completion of first phase regional infrastructure across 6 regions, introducing separation at source in 17 municipalities belonging to 4 different regions (IPA 2017), strengthening the capacity of inspection, including control and supervision and providing trainings for authorities responsible for the enforcement of legislation in this area at the national, provincial and local level, as well as the business entities, in terms of the legal meaning and application of the provisions of national legislation, particularly the provisions transposing the Directive 1999/31/EC.

In the period from 2018 to 2032, it is planned to establish a network of waste management facilities, including the construction of landfills in accordance with the Directive requirements. From 2032 to 2039 the focus will be on increasing compliance through public awareness and economic measures. It is recognised from EU MS experience that effective and efficient operations of the infrastructure requires active citizen engagement and time.

The assessment indicates that approx. 1,043 million euros of new investments ('CAPEX') are required to implement all elements of the infrastructure and to solve problems related to pollution from old landfills and dumpsites. Operational costs ('OPEX') are estimated 2,519 million euros over the implementation period.

Investment financing plan indicates that required financial resources and administrative capacities can be achieved only during the long period of time, which is beyond the expected membership date. Therefore, transitional period for implementation of the requirements of the Directive is required.

## 3.3 Acceptance of the acquis (and any negotiating requests)

Considering that the first tangible indicators about waste generation are from 2008, the Republic of Serbia is asking to consider the year 2008 as a reference year for purposes of implementation of the article 5(2).

The Republic of Serbia hereby requests a transitional period for full implementation of the following requirements:

(a) Pursuant to items (a), (b) and (c) of the first subparagraph of Article 5(2), the requirement to reduce the amount of biodegradable municipal waste going to landfills to, respectively, 75%,

50% and 35% of the total amount (by weight) of biodegradable municipal waste produced in 2008 the Republic of Serbia, will ensure gradual decrease in the amount of landfilled biodegradable municipal waste according to the following scheme:

(i) by 31 December 2028, the share of biodegradable municipal waste disposed of in landfills will be reduced to 75% of the total amount (by weight) of biodegradable municipal waste produced in 2008;

(ii) by 31 December 2032, the share of biodegradable municipal waste disposed of in landfills will be reduced to 50% of the total amount (by weight) of biodegradable municipal waste produced in 2008;

(iii) by 31 December 2039, the share of biodegradable municipal waste disposed of in landfills will be reduced to 35% of the total amount (by weight) of biodegradable municipal waste produced in 2008.

(b) By way of derogation from Article 14 (c), all landfills used for waste disposal shall comply with the requirements of Council Directive 1999/31/EC by 31 December 2024, with the exception of the requirements laid down below.

The Republic of Serbia will ensure gradual reduction of waste landfilled in the existing non-compliant landfills in accordance with the following annual maximum quantities:

- by 31 December 2023: 2067957 tonnes
- by 31 December 2024: 1397955 tonnes
- by 31 December 2025: 1382387 tonnes
- by 31 December 2026: 1403630 tonnes
- by 31 December 2027: 1425932 tonnes
- by 31 December 2028: 711545 tonnes
- by 31 December 2029: 649075 tonnes
- by 31 December 2030: 618968 tonnes
- by 31 December 2031: 618945 tonnes
- by 31 December 2032: 227381 tonnes
- by 31 December 2033: 230531 tonnes
- by 31 December 2034: 0 tonnes.

***Directive 2012/19/EU on waste electrical and electronic equipment***

**3.1 Current situation**

**3.1.1 Legislative framework**

The level of transposition of the WEEE Directive is rather low, with just under half of its provisions being fully transposed by the Serbian legislation. The main reason for the gaps or partial transposition is that the national legislation has not yet been revised to take account of the new provisions introduced by the new WEEE Directive 2012/19/EU. The basic legal requirements regarding management of the WEEE are given in Article 50 of the Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/2009). Some of the requirements are reflected in the Rulebook on the List of Electric and Electronic Products, Measures of Prohibition and Restriction of Use of Electric and Electronic Equipment Containing

Hazardous Substances, Methods and Procedures of Managing Waste from Electric and Electronic Products ("Official Gazette of the Republic of Serbia", No. 99/2010).

Although the Rulebook on WEEE introduces the "collective operator" definition, legal basis is not sufficient to implement producers' responsibility requirements and create and manage individual and collective schemes for compliance with the legal requirements as foreseen in the Directive. Moreover, other national legal acts establishing obligation for producers/importers to pay a fee for EEE placed on the market discourage development of the collective schemes.

### 3.1.2 Institutional framework

The competent authority to transpose and enforce the EU legislation on WEEE is the Ministry of Environmental Protection (MEP). The enforcement is ensured by the Republican Inspectorate, which is a part of the MEP, as well as by the Ministry of Trade, Tourism and Telecommunications - Market Inspection (the control of recycling facilities), the Ministry of Economy, Sector for Infrastructure and Safety of Products on the Market, the Department for the harmonization, movement of good, nomination and control and Department for unharmonized sector, standardization accreditation and metrology., the Ministry of Finance (responsible for economic incentives), the Ministry of Construction, Transport and Infrastructure, Department for Transport of Dangerous Goods, the Customs (Ministry of Finance) for controlling the transboundary movement of goods and waste.

Serbian Environmental Protection Agency (SEPA) is responsible for reporting process and monitoring of the achievement of targets. The Department of Waste Management is also issuing permits for hazardous waste management and for non-hazardous waste management if the activity is carried out in more than one county.

The Provincial Secretariat for Urban Planning, Construction and Environmental Protection has the same responsibilities as the MEP but only on its administrative territory.

The local self-governments (municipalities) adopt the local waste management plan and organize separate collection of waste electrical and electronic equipment and issue permits for activities relating to the non-hazardous waste.

The institutional framework related to this field is set up, however, it is necessary to strengthen the administrative capacity in order to ensure the full transposition, monitoring and enforcement of the Directive requirements.

### 3.1.3 Implementing measures and challenges

SEPA, through the Environmental Information System, section on waste management, is collecting data from the producers/importers on EEE placed on the market, quantities treated, as well as exported and imported quantities. Based on the fact that the legal system is at the beginning of implementation and that some fluctuations has been recorded in recent years, the introduction of new elements has brought about some inconsistencies, which means that the data available for the period starting from 2010 do not cover all waste streams to the full extent, and more reliable data are expected in the future. Data on EEE placed on the market as shown in the table below give assessments made by the MEP experts and relevant stakeholders:

| | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** |
|---|---|---|---|---|---|---|---|
| Total EEE placed on the market | 57,639 | 58,446 | 57,862 | 59,366 | 58,298 | 58,764 | 60,409 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| (tons) | | | | | | | |
| EEE placed on the market (kilograms per capita) | 8.02 | 8.13 | 8.08 | 8.31 | 8.19 | 8.28 | 8.54 |

Presently, the WEEE collection is based on selective collecting of the whole or component parts of the WEEE that generate higher revenues.

Other quantities are coming from businesses and are predominately collected by companies which treat WEEE. Currently, in the Republic of Serbia there are five major recycling companies and approximately 140 companies with a permit to treat non-hazardous WEEE. The treatment capacity of these plants is nearly 20,000 tons per year. The most common way to treat WEEE is by manual dismantling, sorting of components and materials, drainage of cooling agents and mechanical treatment in a universal cross flow shredder.

In general, estimated amount of the WEEE currently collected makes about 1 kg/inhabitant.

Main implementation gaps include as follows:

- There is a lack of and contradicting requirements in the national legislation preventing establishment of producers' organizations;
- Targets set in national legislation and in the directive are not achieved;
- Information basis regarding EEE placed on the market and WEEE generated, collected and recycled is not reliable; there is no National Register, which can provide reliable date and build a comprehensive picture on EEE management;
- There is no collection system for WEEE generated by households;
- The WEEE tack-back system from retailers is only partially implemented by some retailers and only for few categories;
- There are no systematic public awareness campaigns organized.

### 3.2 Plans for full alignment

#### 3.2.1 Legislative plans

Full transposition will be achieved by 2021 through:

- Adoption of the National Waste Management Strategy;
- Adoption of Amendments to the Law on Waste Management;
- Revision of the Rulebook on WEEE.

#### 3.2.2 Institutional plans

The administrative activities for implementation of the Directive 2012/19/EU are related to transposition of the remaining topics, guidance of EPR schemes, planning, monitoring, and inspection, as well as revision and implementation of the economic instruments, raising the awareness among the general public, creating and operating an informational system. All these activities will require strengthening the of institutional capacity. In order to build an efficient WEEE management system based on the EPR principle, it is necessary to have trained staff and establish an expert network which will be able to resolve the occurring issues.

#### 3.2.3 Planned implementation measures

As foreseen in the Directive Specific Implementation Plan, meeting the targets set by the Waste Electrical and Electronic Equipment Directive will require the following sets of technical measures:

- Improvement of data collection system (2021);
- Establishment of collective and/or individual systems to cover all EEE producers/ importers by 2022;
- Establishment of required infrastructure for WEEE collection including:
  - Take back WEEE (return equivalent) on a one-to-one basis, free of charge for end-users (2022),
  - Collecting WEEE from citizens through retail network on "free of charge" principle (2022),
  - Mobile collection from households and in public places at defined and pre-announced dates (2023),
  - Specific collection schemes and events: curb-side collection, hauling from households on demand, collection at shopping centres, co-collection with packaging, mobile phone collection schemes, etc. (2024).
- Collecting WEEE at municipal collection centres or amenity sites which shall be completely constructed and operating by 31st December (2032);
- Awareness raising campaigns for citizens so that they make full use of the implemented infrastructure (2031-2035)
- Revising the existing economic instruments to facilitate implementation of producers' responsibility principle (2022);
- Improvement of the control and enforcement system for the implementation of the legislation (2024).

Required implementation period is considered based on the following assumptions:

- There is no collection system in place for the WEEE generated by households and the amounts estimated as being collected (approx. 1kg/inhabitant), which are representing the WEEE collected from businesses;
- Implementation of such a collection system requires time for implementation of investment programme (as foreseen for establishment of regional waste management systems). 169 amenity sites, having several containers[6] for collecting the WEEE from households, will be operational by 2032;
- Time is required for awareness building and for engaging the citizens;
- Implementation of foreseen measures will allow to collect from households 3 kg of WEEE per inhabitant in 2031 with the following intermediate targets:
  - 2020 – 1 kg/inhabitant
  - 2024 – 1.5 kg/inhabitant and
  - 2027 – 2.2 kg/inhabitant.
- It is assumed that minimum 1 kg/inhabitant should be added to every figure above, as this amount is planned to be collected from business to business;
- 45% target collection, calculated on the basis of the total weight of the WEEE, will be achieved in 2031 with the following intermediate targets:

[6] Number of containers considering the population density.

- the collection of 8,451 tons of WEEE in 2020 will represent 13% of EEE placed on the market in the three years preceding 2020;
- the collection of 15,333 tons of WEEE in 2024 will represent 20% of EEE placed on the market in the three years preceding 2024;
- the collection of 22,505 tons of WEEE in 2027 will represent 27% of EEE placed on the market in the three years preceding 2027;
- the collection of 37,752 tons of WEEE in 2031 will represent 45% of EEE placed on the market in the three years preceding 2031;

- 65% target collection, calculated on the basis of the total weight of the WEEE, will be achieved in 2035.

Therefore, full implementation of the directive and achievement of targets is only possible in 2035.

### 3.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia hereby requests a transitional period for full implementation of Article 7, paragraph 1, subparagraph 1 until December 2031, and subparagraph 2 until December 2035.

***Batteries Directive 2006/66/EC***

### 3.1 Current situation

#### 3.1.1 Legislative framework

The Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators was partially transposed (Art. 8, Art. 9 and 10, Art. 12 and Annex III, Part B, Art 14 of the Directive have not been transposed) through the Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/2009) and the Rulebook on Manners and Procedures of Used Batteries and Accumulators Management ("Official Gazette of the Republic of Serbia", No. 86/2010). Other relevant legislation is the Regulation on Products ("Official Gazette of the Republic of Serbia", No. 54/2010), establishing a database of producers/importers, reporting procedures and fees and the Governmental Order on Amount and Conditions for the Award of Incentive Funds ("Official Gazette of the Republic of Serbia", No. 88/2009, 67/2010 and 101/2010).

According to the national legislation, waste batteries and accumulators are categorized as the hazardous waste, meaning that the permitting, movement, treatment and storage regulations (and division of competences) set for this type of waste apply to this specific waste stream.

#### 3.1.2 Institutional framework

The waste management system in the Republic of Serbia is decentralized, whereas the Ministry of Environmental Protection (MEP) is designated as the national authority for overall establishment of a waste management policy, strategic, legal framework (transposition) and regulatory framework of the Directive; the competencies over permitting are divided between national level (MEP), regional (Autonomous Province Vojvodina) and local (self-governments) authorities; waste management information system (monitoring and reporting) is under competence of the Serbian Environmental Protection Agency (SEPA), while the competences for enforcement are also divided vertically. Some responsibilities regarding implementation and

enforcement of the Batteries Directive related legislation are under responsibilities of trade related authorities.

The institutional framework related to this field is set up, however, it is necessary to strengthen the administrative capacity in order to ensure the monitoring and enforcement of the Directive requirements.

### 3.1.3 Implementing measures and challenges

Quantities of batteries and accumulators placed on the market are provided in the table below (SEPA, based on producers/importers reporting obligations):

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|---|---|---|---|---|---|---|---|
| Portable batteries and accumulators [t] | 554.99 | 537.85 | 512.96 | 584.77 | 590.99 | 622.22 | 575.1 |
| Automotive [t] | 9,415.53 | 9,478.03 | 8,474.55 | 10,398.08 | 8,997.73 | 9,905.95 | 9031.9 |
| Industrial [t] | 2,202.70 | 4,016.52 | 3,685.41 | 3,825.77 | 3,003.82 | 2,738.83 | 3424.5 |
| Total [t] | 12,173.22 | 14,032.40 | 12,672.92 | 14,808.62 | 12,592.54 | 13,267.00 | 13,031.50 |

Data from the annual database maintained by SEPA do not contain evidence of produced/imported/exported batteries and accumulators, as well as batteries and accumulators by chemical content (lead acid batteries, Ni-Cd batteries and other) within the categories (portable, automotive and industrial).

The Republic of Serbia made progress in recycling car batteries (including for imported waste lead-acid batteries) due to their economic value. On average 13,000 tons of automotive batteries are annually treated in the Republic of Serbia. The entire mentioned quantity is not generated in the Republic of Serbia. Data sources indicate that the quantity of automotive batteries collected in the Republic of Serbia range between 18,000 and 25,000 tons per year. One main company carries out recycling (including for imported waste lead-acid batteries). For these collected batteries, the recycling efficiency target is achieved.

Up to now, no regular separate collection of waste portable batteries and accumulators has taken place in the Republic of Serbia, and as already mentioned, there is no data on generated quantities of portable batteries and accumulators.

Main challenges in terms of implementation include:

- Some legal requirements relating to WBA management, which are already in place, are not fully implemented, including obligation for retailers to take batteries and accumulators back;
- WBA management system and obligations/responsibilities of all actors are not clearly defined, including implementation of the producer responsibility system;
- Control and enforcement system regarding implementation of requirements is not sufficient;
- Financial incentives system does not encourage development of sustainable WBA management mechanism;
- Municipalities do not provide collection facilities for batteries and accumulators;
- There is no collection system for both portable batteries and accumulators and for industrial batteries;
- There are no sorting and temporary storage facilities.

### 3.2 Plans for full alignment

#### 3.2.1 Legislative plans

The Law on Waste Management and relevant regulations will be amended in order to eliminate the legal gaps by 2021, including establishing legal background for EPR and setting effective penalties for non-compliance:

- Adoption of the National Waste Management Strategy (until 2021);
- Adoption of the Amendment to the Law on Waste Management and revision of the Rulebook on WBA (2021).

#### 3.2.2 Institutional plans

Implementation of planned activities for establishment of WBA collection and recycling system and achievement of targets will require strengthening of the institutional capacity. This is particularly related to the development of the efficient WBA management system based on EPR principle.

#### 3.2.3 Planned implementation measures

As foreseen in the Directive Specific Implementation Plan, meeting targets set by the Batteries and Accumulators and Waste Batteries and Accumulators Directive will require the following measures:

- Amending the Law on Waste Management by 2021 and relevant regulations to close the legal gaps including establishing legal background for EPR and setting effective penalties for non-compliance;
- Creating and maintaining a National Registration body for producers by 2022;
- EPR systems will become operational by 2022, thus ensuring proper separate collection of WBA, including portable batteries and accumulators, for which a minimum collection rate must be achieved;
- Implementing by 2022 economic instruments to provide incentives for management of waste batteries and accumulators;
- Establishing by 2032 regional waste management systems including amenity sites, as well as additional infrastructure for WBA and WEEE management. This will ensure collection of portable batteries contained within WEE;
- Ensuring proper and safe interim storage of WBA at civic amenity sites or other regional hazardous storage facilities (according to the establishment of regional waste management systems and establishment of hazardous waste management facilities);
- Establishing by 2020 a system of control for export of materials to licensed facilities for sorting and recycling and developing a trackability system to have an evidence for the recycled quantities;
- Implementing public awareness raising campaigns, which would be organized periodically, starting from 2022, including providing information to the public about the potential effects of WBA on the environment and public health, the need to separate and recycle batteries and about the collection network.

Some measures, required for the management of waste batteries and accumulators, such as establishment of regional centres (civic amenity sites), are considered in other solid waste sector DSIPs, such as the Landfill and the Waste Framework DSIPs.

Waste portable batteries will be collected, and targets achieved through:

- Civic amenity sites established as part of regional waste management systems (169 sites are foreseen, which, among other, will be equipped with a container for WBA, WEEE and other hazardous waste);
- EPR schemes which will extend collection through retailers' networks (take back and collection points at selling points) and extended to educational institutions, public and private buildings;
- WEEE collection system (because most of WEE discarded contain portable batteries).
- It is estimated that the collection per capita will increase as follows: 0.02 kg/cap in 2021, 0.04 kg/cap in 2025, 0.05 kg/cap in 2027 and 0.06 kg/cap in 2031.
- Awareness raising campaigns for citizens so that they make full use of the implemented infrastructure (2031-2035)

The Landfill DSIP foresees three phases of establishment of all the infrastructure, required for the regional waste management systems, including civic amenity sites. The civic amenity sites are to be installed in the first phase and their operation is planned in 2032.

Based on close inter-connection between the WBA and the WEEE Directives, the Republic of Serbia requests a transition period to implement Article 10, letter a (minimum collection rate 25%) by 2031, and letter b (minimum collection rate 45%) by 2035, when the WBA collection system from households will be fully in place.

### 3.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia hereby requests a transitional period for full implementation of the requirements prescribed by Article 10, by December 2035.

## *PCB/PCT Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls*

### 3.1 Current situation

#### 3.1.1 Legislative framework

Directive 96/59/EC has been largely transposed through the adopted amendments to the Law on Waste Management ("Official Gazette of the Republic of Serbia" No. 36/09, 88/10 and 14/16) and Rulebook on treatment of the equipment and waste which contains PCB ("Official Gazette of the Republic of Serbia", No.37/11).

The Republic of Serbia is a Party to the Stockholm Convention on Persistent Organic Pollutants (POPs), therefore the related National Implementation Plan (2009) is the basis for the implementation of the Stockholm Convention.

#### 3.1.2 Institutional framework

Ministry of Environmental Protection (MEP) - Department for Waste Management is responsible for implementation of provisions of the PCB management. Serbian Environmental Protection

Agency (SEPA) is responsible for monitoring and reporting of POPs in the environment. Responsibilities for inspection and control over the implementation of the national legislation on PCB management are delegated to the Environmental Inspection (MEP). Capacity of institutions and other stakeholders was strengthened within the frame of the project "Environmentally Sound Management and Final Disposal of PCBs".

### 3.1.3 Implementing measures and challenges

PCBs were predominantly used in electrical equipment as insulating fluids. This contamination is highly dispersed (there are around 60,000 transformers in operation in the Republic of Serbia), it is associated with equipment required for continuous operation of the power and electricity distribution grids (transformers, condensers and switches) and decontamination or decommissioning of the equipment creates considerable costs. Therefore, implementation of Environmentally Sound Management of PCBs requires time and financial resources. In the RS partial inventories have been done so far. High voltage equipment (35 – 400 kV) has been tested completely. Results indicated that approximately 6-7% of units contained PCB concentration levels above the SC limit of 50 ppm. Based on the partial inventories performed the overall quantity of PCB contaminated equipment in the RS is estimated at 8.000 – 10.000 tons. Up to now, around 600 tons of equipment was disposed of through exports and around 1100 tons of low contaminated equipment was decontaminated. Estimated remaining quantities are around 6,000 – 8,000 tons.

Also, under IPA Twinning Project "Strengthening of Hazardous Waste Management System in the Republic of Serbia", draft National action plan on POPs and PCB waste management is developed and will be further elaborated as part of the National Waste Management Strategy and National Waste Management Plan for the period 2020-2025 (under development with the support of IPA Twinning project).

MEP with the support of the project "Updating the National Implementation Plan for the Launching of the Stockholm Convention on Persistent Organic Pollutants (POPs)", and in cooperation with UNEP and financial support from Global Environmental Fund, developed the primary inventory of POPs (PCB).

The activities on the project Proper Management and Final Disposal of PCB will be implemented in the period 2015-2020.

## 3.2 Plans for full alignment

### 3.2.1 Legislative plans

The remaining part of the Directive will be transposed by amending of Rulebook on treatment of the equipment and waste which contains PCB ("Official Gazette of the Republic of Serbia", No. 37/11).

### 3.2.2 Institutional plans

In close cooperation with all stakeholders, institutional situation has been assessed, proposals have been made in order to eliminate legal and regulatory gaps through revision of relevant regulations and in terms of defining the roles and responsibilities of enforcement mechanism for environmentally sound management of PCBs. However, administrative capacity for monitoring and reporting of PCB in environment should be additionally improved.

### 3.2.3 Planned implementation measures

Implementing activities will be guided by the final draft updated NIP and draft National Action Plan on POPs and PCB waste management (to become part of the National Waste Management Plan for the period 2020-2025) and supported by the project "Environmentally Sound Management and Final Disposal of PCBs". Activities will include partial inventory of PCB containing equipment in the RS, pilot decontamination of low contaminated 200 tons of equipment and waste in an environmentally sound manner, pilot decontamination of PCB contaminated site and integration of Public Private Partnership (PPP) into national assessment scheme and etc.

***Regulation EC/850/2004 on persistent organic pollutants (POPS)***

Regulation is presented in Chemicals section.

***End-of life Vehicles Directive 2000/53/EC***

**I Current situation**

### 3.1.1 Legislative framework

The Directive on ELVs is partially transposed through the following legal framework: Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10 and 14/16) (hereinafter WML) and the Rulebook on the manner and procedure of end-of-life vehicle management ("Official Gazette of the Republic of Serbia", No. 98/10) (hereinafter by-law on ELVs).

### 3.1.2 Institutional framework

The MEP is responsible for the transposition of the Directive.

Ministry (Sector for waste management and waste water, Waste management department), Autonomy Province of Vojvodina and City of Belgrade (Secretariats for environmental protection) are the competent authorities for issuing permits -authorisation operators - for storage and treatment facilities on ELVs (dismantling and shredding) and collection and transport ELVs for their territory.

Local self-government units are involved in the permitting process by issuing permits to operators by giving opinions in the decision-making process of the competent authorities in case the storage and treatment of waste vehicles is done on their territory.

Other institutions involved are the Serbian Environmental Protection Agency (National pollutant source register for Waste Vehicle Reporting), Ministry of Interior (Directorate for Administrative Affairs responsible for deregistering motor vehicles and trailers), Ministry of Finance (Customs Administration for Import and Export of Motor Vehicles).

Ministry (Sector for Supervision and Precaution, Waste Department) from AP Vojvodina precaution, is responsible for supervision and control of application of measures pertaining to waste management on their territory.

### 3.1.3 Implementing measures and challenges

The Republic of Serbia generates between 40,000 - 42,000 tons of ELVs.

Waste Management Licenses Unit within the Department for Waste Management, in the period August 2013 - December 2018 issued 8 permits for dismantling facility, 2 permits for shredding on ELVs and 10 permits for storage.

In terms of the total existing infrastructure, the facilities have the following capacity: for storage and dismantling - 35000 t/a; shredding facility - 55 t/h (2 shredders).

The development of the system is at an early stage.

Through the prepared proposal of the National Waste Management Plan, in 2016, the estimated quantity of waste vehicles was presented in relation to the total number of vehicles placed on the market of the Republic of Serbia with a proposal for necessary investments aimed at the development of the collection network.

### 3.2 Plans for full alignment

#### 3.2.1 Legislative plans

Full transposition will be achieved by the end of 2021 through revision of the following legal acts:

- Amendments of the Waste Management Law;
- Amendments of the bylaw on ELVs;
- Amendments of other sub-legal acts related to products that become special waste streams (OV-ELV), i.e. related to the payment of fees for importing motor vehicles, economic incentives for the management of waste vehicles and the collection of reports from economic operators, operators and competent institutions;
- Amendments of the specific by-law on reporting system on ELVs.

#### 3.2.2 Institutional plans

Necessary reforms are related to strengthening of the existing administrative capacity (MEP, APV and LSGs), which are involved in the planning and management, registration, control and monitoring process and the reporting system. It is important to emphasize that it is also necessary to create conditions for close cooperation between the competent authorities, and that it is necessary to strengthen the administrative capacities of the inspection bodies.

#### 3.2.3 Planned implementation measures

In order to achieve the objectives of the Directive in the Republic of Serbia, the number of collection points for waste vehicles must be increased with the increase in the efficiency of recovery / including the preparation for the reuse / recycling of waste. As part of the direct measures, it is also envisaged to develop more precise national databases on the deregistration of motor vehicles and all outgoing fractions that result from the treatment of waste vehicles.

Through IPA 2016 twinning project Support to Waste Management Policy, a Working Group was formed for the purpose of drafting the National Waste Management Plan.

Draft of the National ELV Management Plan in the Republic of Serbia (OV-ELVs) will be integrated into the National Waste Management Plan. This Plan will also be part of the Waste Management Strategy 2020-2025.

By adopting this plan, the Republic of Serbia will provide additional measures to improve the harmonization and implementation of the Directive.

***Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS)***

## 3.1 Current situation

### 3.1.1 Legislative framework

The Republic of Serbia is in the process of approximating its environmental legislation with the EU acquis. The former RoHS Directive 2002/95/EC, respectively the former WEEE Directive 2002/96/EC, was partially transposed through the same Rulebook on the list of electric and electronic products, measures for prohibition and restriction of use of electric and electronic equipment containing hazardous substances, methods and procedures of managing waste from electric and electronic products ("Official Gazette of the Republic of Serbia", No. 99/2010) and the Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/2009).

The EU Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment was not transposed into Serbian legislation yet. Thus, only provisions which were common in terms of old and new versions of the Directive are transposed in the Serbian legislation.

### 3.1.2 Institutional framework

The competent authority to transpose and enforce the EU legislation on RoHS II is the Ministry of Environmental Protection. The enforcement is ensured by the Republic Inspectorate, which is a part of the MEP, as well as by the Regional Inspectorate APV and Market Inspection of the Ministry of Trade, Tourism and Telecommunications.

Serbian Environmental Protection Agency is responsible for reporting and monitoring achievement of the targets.

### 3.1.3 Implementing measures and challenges

Implementation of the directive is in an early stage.

## 3.2 Plans for full alignment

### 3.2.1 Legislative plans

Full transposition is planned to be achieved by the end of 2021 by amending the Law on Waste Management and by drafting a Rulebook on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

### 3.2.2 Institutional plans

The administrative activities for implementation of the Directive 2011/65/EU are related to harmonizing the Serbian legislation with the EU acquis, planning, monitoring, and inspection (especially for checking the product conformity and testing of EEE suspected as non-compliant with the RoHS**)**. All these activities will be performed through the strengthening of institutional capability.

### 3.2.3 Planned implementation measures

Following measures are planned in order to improve the control and monitoring system for the implementation of the legislation:

- Establishing the institution which will have the power to control and monitor the compliance with RoHS restrictions and define its attributions and responsibilities;
- Establishing most suitable methods for testing of EEE suspected to be non-compliant with the RoHS;
- Establishing the most suitable methods for testing of EEE suspected to be non-compliant with the RoHS.

***Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture***

**3.1 Current situation**

**3.1.1 Legislative framework**

The Directive is in the initial stage of transposition. Only general provisions in terms of Articles 2-3 (definition) and 7 (prohibition of use) of the Directive are in partial compliance, however, this is still insufficient. Main legal act is the Regulation on limit values of polluting substances emission into water and deadlines for their accomplishment ("Official Gazette of the Republic of Serbia", No. 88/67/11).

This Regulation has taken over part of the limit values specified in the Directive on Sewage Sludge (part of Annex IB that refers to urban waste water) and sets maximum limit values for the six heavy metals in sludge as specified in the Directive, however, it additionally sets limits for chromium, arsenic, three groups of organic pollutants and two pathogens, which are not included in the requirements prescribed by the Directive.

**3.1.2 Institutional framework**

The Ministry of Agriculture, Forestry and Water Management, Directorate for Agricultural Land, is the main responsible authority for transposition of the Directive.

The precise division of competencies for implementation of this Directive will be define with support of PLAC project.

**3.1.3 Implementing measures and challenges**

Preparatory Study for Development of National Sludge Management Strategy was developed during 2016, which analyses various options of sludge management including its use in agriculture.

**3.2 Plans for full alignment**

**3.2.1 Legislative plans**

Full transposition will be achieved by the end of 2021

**3.2.2 Institutional plans**

Institutional responsibilities will be defined in legal acts transposing the Directive requirements.

**3.2.3 Planned implementation measures**

Strategy for Sludge Management in the Republic of Serbia was developed with the support of IPA project during 2019 and implementation measures are being defined.

***Shipments of Waste Regulation 2006/1013/EC***

### 3.1 Current situation

#### 3.1.1 Legislative framework

National legislation is mostly aligned with the requirements of the Regulation and includes:

- Law on Waste Management ("Official Gazette of the Republic of Serbia, No. 36/09 and 88/10 and 14/16);
- Law on Ratification of the Basel Convention on Transboundary Movement of Hazardous Waste and its Disposal ("Official Gazette of FRY", International Agreements, No. 2/99);
- Law on Environmental Protection ("Official Gazette of the Republic of Serbia", No.135/04, 36/09, 72/09, 43/11 decision of the Constitutional Court and 14/16);
- Law on Transport of Dangerous Goods ("Official Gazette of the Republic of Serbia", No. 104/16);
- Rulebook on the content of documentation submitted in support of the application for permit for import, export and transit of waste ("Official Gazette of the Republic of Serbia", No. 60/09, 101/10, 48/17, 80/17,98/17 and 38/18);
- Regulation on the waste lists for transboundary shipments, on the content and layout of documentation that accompanies transboundary movement of waste with instructions for their completion ("Official Gazette of the Republic of Serbia", No. 60/09);
- Regulation on designating the types of hazardous wastes that may be imported as secondary raw materials ("Official Gazette of the Republic of Serbia", No. 60/09);
- Regulation on list of non-hazardous waste not requiring a permit, with the documentation accompanying transboundary movement of wastes ("Official Gazette of the Republic of Serbia", No. 102/10);
- Rulebook on categories, testing and classification of waste ("Official Gazette of the Republic of Serbia", No. 56/10);
- The Rulebook on manner of storing, packing and labelling of hazardous waste ("Official Gazette of the Republic of Serbia", No. 92/2010);
- Rulebook on the form of a daily record and annual waste report with the filling instructions ("Official Gazette of the Republic of Serbia", No. 95/2010, 88/2015);
- Rulebook on the contents, manner of keeping and the appearance of register of issued permits for waste management ("Official Gazette of the Republic of Serbia", No. 95/10).

National procedures, pursuant to the Law on Waste Management and the Law on Amendments of the Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10 and 14/16), were additionally aligned with the Regulation 1013/2006/EC and relevant EU acquis. The Law took into account the additional definitions of the aforementioned Regulation.

#### 3.1.2 Institutional framework

Transboundary Movement of Waste Unit, within the Department for Waste Management in MEP, is responsible for transboundary movement of waste, issuing permits and consents for import, export and transit of waste.

Other responsible Sectors/Departments are Agency for Environmental Protection (SEPA) - responsible for data collection, register of importers & exporters and Inspection Department for Environmental Protection.

Other institutions involved are: Ministry of Finance - Customs Administration (Control of transboundary movement of waste), Ministry of Construction, Transport and Infrastructure - Department for transport of Dangerous goods, authorized laboratories for waste characterization and classification.

In the Transboundary Movement of Waste Unit, in the MEP, four persons are employed and work on permits and consents for shipments of hazardous and non-hazardous waste.

### 3.1.3 Implementing measures and challenges

A majority of the requirements prescribed by the Regulation have been already implemented, since the required system had already been established for the purposes of the implementation of Basel Convention, ratified in 1999. Experience accumulated from implementation of Basel Convention serves as a basis for implementation of the Regulation.

## 3.2 Plans for full alignment

### 3.2.1 Legislative plans

Full alignment will be achieved at the end of 2021 by revision of by-laws regarding trans-boundary movement of waste, taking into account the additional definitions adopted in the Law on the Amendments of the Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 14/2016) and recent revisions of the Regulation.

### 3.2.2 Institutional plans

Necessary reforms are related to strengthening of the existing administrative capacities within the MEP and SEPA, improving cooperation with other competent authorities involved in waste shipments and other stakeholders. Administrative capacities will be strengthened with the support of assistance projects.

The strengthening of capacities is needed for the implementation of the requirements, especially in terms of the permitting system, control and supervision of waste shipments, inspection and "spot checks" at the border and/or at the point of origin/destination/shipment (documents, confirmation of identity, physical control).

It is important to continue cooperation with the International Labour Organization (ILO), the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), Customs Administration, Rotterdam Convention and Stockholm Convention, in order to benefit from synergies among Rotterdam Convention, Basel Convention and Stockholm Convention.

### 3.2.3 Planned implementation measures

In addition to the already on-going implementation activities, further improvement of the implementation will be mainly related to ensuring a required level of supervision and control of imported and exported waste and providing guidance through relevant by-law on the system of financial guarantees or equivalent insurance.

***Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries***

## 3.1 Current situation

### 3.1.1 Legislative framework

The directive is fully transposed through the Law on Mining and Geological Researches ("Official Gazette of the Republic of Serbia", No. 101/15) which provided the legal base for the adoption of by-law to enable full compliance with EU directives and EC decisions.

The Regulation of the Government on the conditions and procedures regulating the issuing of waste management permits, as well as the criteria, characterization, classification and reporting relating to the mining waste, was adopted on 29 May 2017, with the date of application of 1 January 2020. This by-law regulates key issues such as content of applications, the content of the management plan, content of licenses, category of the waste facility, the amount of the waste likely to be generated an its characteristics, method of management, including monitoring and closure procedures by means of producing waste management plans related to the criteria and procedures for issuing waste management permits in accordance with the waste management plan and relevant documentation, hereby defining the category, management and reporting on waste originating from mining activities and regulating the process of informing the public on managing waste originating from mining activities.

### 3.1.2 Institutional framework

The Ministry of Mining and Energy is responsible for the adoption of relevant legislation concerning the management of waste from extractive industries, which prescribes the conditions, criteria, procedure and method for disposal, management and categorization of the mining waste, and also for reporting on the mining waste.

The Ministry of Mining and Energy is in charge of issuing waste management permits, except in the case of waste generated as a result of geological exploration works and in the case of exploitation of mineral resources on the territory of the Autonomous Province, where, in this particular case, the issuing of such permits is within the competence of the provincial authorities.

Currently, 3 employees in the Department of Geology and Mines in the Ministry of Mining and Energy are working on monitoring of mining waste. There is a plan to increase the number of employees to five.

### 3.1.3 Implementing measures and challenges

Long-term and intensive mining activity resulted in the generation of significant amounts of waste. Annual production of mining waste in 2014 was about 150 million $m^3$ of solid mining waste, about 15.5 million tons of flotation waste and about 35,000 tons of oil sludge. In 2015, the production of solid tailings as mine waste was approximately 134,861,682 $m^3$, while the flotation tailings amounted to approximately 11,808,810 $m^3$.

Systematized and complete information on abandoned and inactive mining dumps does not exist, especially in the context of the characteristics, quantities and types of mining waste. According to the preliminary screenings, at present, there are 200 active mines as well as a certain amount of abandoned, non-viable or unknown mines, which includes the location of the mining waste formed by depositing of exploited materials and locations which contain tailings from a variety of types of treatment of mineral raw materials during the preparation of mineral raw materials.

Mining and Geology University of Belgrade, at the initiative of the Secretariat for Energy and Mineral Resources of Vojvodina, has developed the "Cadastre of abandoned mines on the territory of AP Vojvodina".

Managing the active and inactive mining waste is the responsibility of the company that exploits the raw materials, in accordance with the Law on Mining and Geological Research, therefore, these companies have an obligation to submit an annual report to the Ministry of Mining and Energy on production, which among other things, includes information on the quantity of mining waste.

### 3.2 Plans for full alignment

#### 3.2.1 Legislative plans

Fully transposed.

#### 3.2.2 Institutional plans

Strengthening of the existing capacities of the Ministry is required, as a body responsible for processing requests and issuing permits to operators and for the recruitment of new mining inspectors needed for monitoring the implementation of relevant legislation related to the management of waste from extractive industries.

#### 3.2.3 Planned implementation measures

Companies or other legal entities and entrepreneurs who manage waste that is generated during geological exploration, exploitation, preparation and storage of mineral resources before the entry into force of the Regulation of the Government regulating the conditions and procedures for issuing permits for waste management, as well as criteria, characterization, classification and reporting of mining, are required to harmonize their operations with the provisions of the Regulation within two years from the effective date of entry into force of this regulation, which is designated on 1 January 2020.

Identification of mining dumps, analysis of the characteristics of mining waste, classification of objects of mining waste in category A and establishing the legal basis for the management and repair and/or reclamation of mining landfills, are one of the priorities of the Republic of Serbia. Development of the Mining Waste Cadastre and Cadastre of Abandoned Mines and Mining Facilities, establishment of methods and timelines for the beginning of implementation of the Directive, development of case studies on the rehabilitation and reclamation of mining waste sites, has started with the support of IPA 2013 Twinning project "Cadastre of Mining Waste".

Taking into account all the obligations arising from the Directive, as well as the waste management systems and facilities, mainly in the competence of the private sector, challenges in terms of implementation are expected, therefore the development of guidelines for operators regarding the requirements for the management of waste from mining is planned, as well as organization of workshops for inspectors and operators.

***Regulation 1257/2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC)***

## 3.1 Current situation

### 3.1.1 Legislative framework

Regulation EU/1257/2013 on Ship Recycling is partly aligned with national legislation. The Parliament of the Republic of Serbia adopted the Law on the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships on 25 September 2018 ("Official Gazette of the Republic of Serbia – International Agreements", No. 12/2018).

The Parliament of the Republic of Serbia adopted amendments to the Law on Maritime Navigation on 26 October 2018. The amendments to the mentioned law include the provisions of the Regulation No. 1257/2013 ("Official Gazette of the Republic of Serbia", No. 83/2018).

Minister of Construction, Transport and Infrastructure passed the Rulebook on Technical Rules for Statutory Certification of Seagoing Ships ("Official Gazette of the Republic of Serbia", No. 72/2018). Technical Rules on ship recycling make an integral part of the Rulebook on Technical Rules for Statutory Certification of Seagoing Ships.

### 3.1.2 Institutional framework

The Minister of Construction, Transport and Infrastructure prescribes the conditions, mode of working and conducting control of the recognized organizations and etc.

Department for Waterborne Transport and Safety of Navigation within the Ministry of Construction, Transport and Infrastructure is responsible for monitoring and implementation of multilateral and bilateral agreements in the field of water transport and cooperation with the international organizations in the field of water transport.

The agreement between the Ministry of Construction, Transport and Infrastructure and the recognized organizations, in accordance with internationally accepted norms, determines the scope, conditions, rights and obligations to carry out technical control of domestic ships and issuance of ship documents and books, in accordance with the law governing maritime navigation.

The Recognized organization with which the Ministry of Construction, Transport and Infrastructure has concluded an agreement governing the delegation of statutory certification services of ships registered in the Republic of Serbia, submits to the Ministry of Construction, Transport and Infrastructure and the European Commission information on seagoing vessels flying the flag of the Republic of Serbia in the respective class, the transfer of class, changes, suspensions and withdrawals of class.

The seaworthiness of the ship is determined by the recognized organization performing the technical inspection and confirmed by issuance of ship's documents and books according to the Technical rules for statutory certification of the seagoing ships. In addition to requirements prescribed by the Technical rules, ship must meet the technical requirements of the recognized organization for the design, construction and maintenance of hull, hull equipment, mechanical equipment, electrical equipment and manoeuvre control equipment (including automation), and rules for the classification of recognized organizations.

The Recognized organization is an international classification society, a member of the International Association of Classification Societies (IACS), which is recognized by the European Commission for conducting the ships' survey and statutory certification of the seagoing ships.

The competence of the regulation will be divided between the Ministry of Construction, Transport and Infrastructure and the Ministry of Environmental Protection, in accordance with the recommendations made within the PLAC project. Within the PLAC II project, representatives from Ministry of Environmental Protection at the invitation of the Ministry of Construction, Transport and Infrastructure participated on the Workshop on Ship Recycling Regulation 1257/2013 (November 2017), where, among other issues, the division of competencies was discussed. In 2018, additional PLAC activities supported intersectoral cooperation between mentioned Ministries and further drafting of the new regulation on ship recycling.

### 3.1.3 Implementing measures and challenges

The Law on Maritime Navigation prescribes penal provisions regarding documentation on the recycling of ship that must be on the board.

Pursuant to the paragraphs 15 and 16 of Article 196 of the Law on Maritime Navigation, a fine of 50,000.00 to 2,000,000.00 dinars shall be imposed on a misdemeanour, a company or other legal entity:

- if the ship does not have the inventory certificate,
- if the ship being recycled does not have a certificate of readiness for recycling.

IMO audit of the Republic of Serbia, which was held from 9 to 15 April 2016, confirmed the lack of capacity to promulgate laws and by-laws for effective implementation and enforcement of the requirements of the mandatory IMO instruments. Because of that reason, the Ministry of Construction, Transport and Infrastructure will authorize a recognized organization with which it has already signed an agreement governing the delegation of statutory certification services of ships registered in the Republic of Serbia for implementation of the Regulation 1257/2013 regarding survey, issuance and endorsement of certificates of ships.

## 3.2 Plans for full alignment

### 3.2.1 Legislative plans

Full alignment with the Regulation requirements will be achieved by 2021.

In order to achieve full harmonization of the national waste management legislation with the SRR and the Hong Kong Convention, the Ministry of Environmental Protection shall resolve the remaining gaps in the secondary legislation regulating the field of special waste streams (end-of-life ships), as well as draft the relevant regulation which shall further define technical specifications.

With the support of the PLAC project experts, draft Rulebook on the manner and procedure relating to the management/handling of the end-of-life ships is developed.

### 3.2.2 Institutional plans

In accordance with the Final report of the IMO audit of the Republic of Serbia, inter alia, the Ministry of Construction, Transport and Infrastructure in the Department for Waterborne

Transport and Safety of navigation will establish a special organizational unit (Group for maritime navigation) in order to enable better implementation of the national and international legislation in the field of maritime affairs.

### 3.2.3 Planned implementation measures

The Ministry of Construction, Transport and Infrastructure will implement measures for ship recycling which will be in accordance with the implementation measures adopted by the European Union and the International Maritime Organization.

The competent authority designated by the Ministry of Construction, Transport and Infrastructure and the Ministry of Environmental Protection, responsible for the implementation of this Regulation in the Republic of Serbia in accordance with Article 18, shall be determined within six months from the adoption of the national legislation.

## 4. WATER MANAGEMENT

***Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, as amended by Decision 2455/2001/EC, and Directives 2008/32/EC, 2008/105/EC, 2009/31/EC, 2013/39/EU and 2014/101/EU) - WFD***

### 4.1 Current situation

### 4.1.1 Legislative framework

The Water Framework Directive (WFD) has been partially transposed through the Water Law ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/12 and 101/16) and several implementing acts including Rulebook on Reference Conditions for the Types of Surface Waters ("Official Gazette of the Republic of Serbia", No. 67/11), Regulation on Emission Limit Values in Waters and Deadlines for Achievement ("Official Gazette of the Republic of Serbia", No. 67/11, 48/12 and 1/16), Regulation on Limit Values of Pollutants in Surface Water, Groundwater and Sediment and Timelines for Reaching of the Values ("Official Gazette of the Republic of Serbia", No. 50/12), Regulation on the Establishment of the Annual Water Status Monitoring Programme and etc.

### 4.1.2 Institutional framework

The main responsible institution is the Ministry of Agriculture, Forestry and Water Management.

Responsible institutions in charge of monitoring are the Ministry of Environmental Protection - Environmental Protection Agency and Republic Hydrometeorological Service of the Republic of Serbia.

Other responsible institutions are: Ministry of Environmental Protection, Provincial Secretariat for Agriculture, Water Management and Forestry, Provincial Secretariat for Urban Planning and Environmental Protection, Public Water Management Company "Srbijavode", Public Water Management Company "VodeVojvodine", Ministry of Health, Ministry of Construction, Transport and Infrastructure, Ministry of Public Administration and Local Self-Government, Ministry of Finance, local self-governments and etc.

The existing institutional setup is not sufficient for WFD transposition and implementation in terms of administrative capacities and capabilities. WFD implementation will require significant strengthening of all institutions and at all levels (state, provincial and local).

### 4.1.3 Implementing measures and challenges

Implementation of the WFD is in an initial stage.

National monitoring of surface water parameters is in accordance with the WFD. The methodology and the frequency of testing relating to the elements of quality monitored are in accordance with the WFD, ecological and chemical status assessment is done annually in accordance with Water Law ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/12 and 101/16) and Rulebook on Parameters of Ecological and Chemical Status of Surface Water and Parameters of Quantitative and Chemical Status of Groundwater ("Official Gazette of the Republic of Serbia", No. 74/2011), however, not all elements of water quality and not a sufficient number of water bodies are included in the monitoring programme. Monitoring of macrophytes, fish and hydromorphology elements have not yet been established. In 2017, a project financed from the budget has been launched, through which macrophyta and fish communities are being monitored and methodology for the assessment based on these biological parameters is being developed, in order to support further ecological status assessment. The project will last for 5 years, which includes 3 years of continuous monitoring of selected biological parameters. Preparation of plans for river basin management is at an early stage.

The national monitoring network consists of more than 74 surface water quality monitoring stations, 406 stations for quantitative monitoring and 76 ground water quality monitoring stations.

In 2012-2016, 40% of lake water bodies were characterized as having poor ecological status, whilst in terms of the reservoir water bodies the water quality is somewhat better (moderate-18%, poor-11% and bad-9%). In general, only 3% of stream and river water bodies included in the 2012-2016 monitoring programmes, were characterized as having good ecological status.

These monitoring stations cover less than 30% of the surface water bodies defined in regulations (498 surface water bodies and 153 ground water bodies defined by Regulations on Determination of surface and groundwater bodies ("Official Gazette of the Republic of Serbia", No. 96/2010)), while the extent and frequency of sampling is typically changed every year in accordance with the annual monitoring programme passed by the Government, which is formulated depending on the annual budget allocation for the monitoring purposes.

The responsible ministry and other responsible institutions are currently engaged in the review of the water bodies and delineation of water bodies for all catchments bigger than 10km$^2$, therefore, it is expected that this will result in a significant increase of water bodies that will be defined and covered by appropriate regulations (it is expected that the number of water bodies will increase by 4 times or more as a result of these activities). Accordingly, the ongoing activity relating to optimizing the water quality monitoring network (surface and ground waters) as a function of the national water management needs and the requirements of WFD and other related directives, is currently in progress.

According to the preliminary proposal for the new monitoring programme, and in order to meet the requirements of the WFD, UWWT Directive, Nitrates Directive and other water related directives, about 1300 monitoring stations might be needed, of which: about 230 monitoring

stations for surveillance, about 1000 for operational monitoring and about 70 for investigative monitoring.

Significant problem for the monitoring is the prior practice of annual planning and budget allocation for an activity which is essentially and functionally a multi-year and on-going activity not amenable to annual growth and reduction as a function of the budget allocation. Such a practice threatens to compromise monitoring efforts and activities, therefore, the activities have been initiated in order to change this situation in the future through implementation of appropriate changes in terms of the relevant laws and regulations.

### 4.2 Plans for full alignment

#### 4.2.1 Legislative plans

Full transposition of WFD will be achieved by the end of 2020, by amending the existing legislation: the Water Law and relevant by-laws.

#### 4.2.2 Institutional plans

Financial and human resources in all institutions are insufficient and will be strengthened. Well-functioning institutional framework, which should involve all relevant actors, that will ensure close cooperation and effective coordination of the whole water management process, will be established by the end of 2021, after the adoption of the new legislation.

During the process of transposition and implementation, a close cooperation between governmental sectors, as well as with scientific institutions (institutes, faculties), public water management companies (PWMCs, etc.) and civil sector in the country will be established in order to have integration principle enforced.

#### 4.2.3 Planned implementation measures

The first RBMP is planned to be adopted by the end of 2021.

Pursuant to Article 5 of the WFD, the Republic of Serbia has initiated the review of the environmental impact of the human activity. Current analysis focuses on the identification and quantification pressures, rather than on the assessment of impacts. It provides a good overview on potentially significant pressures, however, magnitude of impacts and significance for particular water bodies at risk is not quantified.

Therefore, with the expert help of twining partner (IPA 2016 – Support to policy planning in water management sector) analysis of the extent of pollution emissions within the water district, assessment of ecological and chemical status and defining the environmental objectives will be done, with the aim of identifying the optimal choice of a program of measures in order to reduce pollution and achieve a good water status.

Also, assistance will be provided for the assessment of cost recovery level of water services, including all relevant calculations needed for taking into account the principle of cost recovery, as well as the assessment of baseline scenarios and trends in the next planning period. Activities will be focused on the cost-effectiveness and cost-benefit analysis, assessment of potential costs of measures, making decisions on the most effective combination of measures taking into consideration financial costs and environmental and resource costs and other economic analysis required by the WFD, as well as development of needed methodologies.

During the period 2021–2027, main attention is planned to be given to the collection and interpretation of monitoring information, better understanding of main impacts on the quality of waters and selection of appropriate measures for the next planning period. In parallel, measures to improve water quality will be implemented in accordance with programme of measures, and first improvements are expected to be seen from the year 2025.

Republic of Serbia is planning to establish monitoring system which will be in compliance with the requirements of WFD by the year 2021, in order to determine/confirm water status and assess effects of applied programme of measures. For the planning period 2021- 2027, the assessment in the RBMP will be based mainly on expert judgment[7].

SEPA has plans for the extension of the monitoring network, which are not sufficient and mainly based on the potentially available financial resources. SEPA's projection for the monitoring in the period of 2019-2024 envisages gradual increase in the number of the monitoring stations, so that by 2024 monitoring could cover 150 water bodies, however, this will not include new water bodies delineation. In relation to this extension of the monitoring network, three new departments in Šabac, Grdelica and Raška are planned to be established and at least five persons are planned to be employed in each of the mentioned departments. Based on the SEPA's estimates, the budget of around 1400 million RSD (11.5 million EUR) is needed to ensure adequate performance of the entire 6-year period monitoring programme. Additionally, new equipment is needed ("The Status of Surface Waters in the Republic of Serbia - Guidance for Monitoring Plan Development and Implementation", SEPA report, 2018).

Achievement of good water status depends on implementation of measures which will eliminate emission of pollution from industry, pollution from municipal sewerage systems and pollution from agriculture into surface and ground waters. Considering assessment of current situation and number of measures to be implemented, as well as the need for allocation of large financial resources, environmental objectives cannot be realistically achieved by the year 2027.

The Republic of Serbia estimates that after 2027, several programmes of measures will still be needed until good water status is achieved. Also, programmes of measures will be mostly based on coordinated implementation of the UWWT Directive 91/271/EEC, DWD Directive 98/83/EC and Nitrates directive 91/676/EEC. Currently it is considered that at least 3 cycles after 2027 will be needed, including the transitional period for full implementation.

### 4.3 Acceptance of the acquis (and any negotiating requests)

By its accession to the EU, the Republic of Serbia will have the RBMP and the PoM developed and officially adopted. However, the good status of all surface and ground water bodies will not be achieved by 2027, which is the final deadline for achieving the WFD objectives. For full achievement of environmental objectives of the WFD, transition period of three additional 6-year management cycles with the final deadline in 2045 is needed.

Extensive developments and improvements are needed to make the monitoring networks fully in line with the requirements of the WFD and provide data for status assessment of all water bodies.

[7] Assessment of status will be performed by the procedure and methodology defined by the Rulebook on Parameters of Ecological and Chemical Status of Surface Water and Parameters of Quantitative and Chemical Status of Groundwater ("Official Gazette of the Republic of Serbia", No. 74/2011), but due to the lack of adequate monitoring data, the assessment of status will be, in many cases, based on expert judgment.

Extensive and high confidence monitoring data, which is necessary for efficient water planning and management, can be obtained during later management cycles and a few rounds of measurements.

Considering the potentials for the monitoring development and time required to perform studies to close the knowledge gaps, well-grounded and reliable river basin management planning can only be carried out in later management cycles. Moreover, sufficient time is needed for the implementation of the PoM.

The basic measures will mainly focus on reduction of pollution caused by urban waste water, industrial discharges and nutrients. Due to high cost of basic measures, which are to be implemented mainly through infrastructure projects, implementation is possible only within the extended time period.

The final deadline of achievement of environmental objectives of the WFD is 2045. Shorter period of implementation, however, would require additional capacities and financing sources, which would cause further disproportionality of costs.

***Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council as amended by Directive 2013/39/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy Text with EEA relevance***

### 4.1 Current situation

#### 4.1.1 Legislative framework

Directive 2008/105/EC on water quality standards is partially transposed into national legislation. Water Law ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/12 and 101/16) provides legal framework and gives the basis for further transposition of EQS Directive into secondary legislation. Majority of transposed requirements of the Directive are contained in the Regulation on limit values of priority and priority hazardous substances polluting surface water and deadlines for reaching of the values ("Official Gazette of the Republic of Serbia", No. 24/2014).

EQS for priority and certain other pollutants in inland waters are transposed. Other surface waters are not relevant for the Republic of Serbia, and EQS for biota are not transposed since the legal basis in this respect has just been recently established relating to the amendments to Water Law in December 2016. Provisions regarding long-term trend analyses, watch list and some provisions on the content of RBMPs regarding priority substances, are currently based on the amended Water Law, while further transposition into by-laws is expected. Some provisions on e.g. Transboundary cooperation mechanisms, Inventory on emissions, discharges and loses, Reporting and reviewing (Art. 7), Coordination (Art.7a) have not been transposed thus far.

#### 4.1.2 Institutional framework

Competent authorities:

1. Ministry of Environmental Protection (MEP) Department for Protection of Waters from Pollution and Department for Waste Water.
2. Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate (RWD).

The main competencies are with the Department for Protection of Waters from Pollution in terms of setting EQS values, however, the development of Programme of measures within RBMPs is within the competence of RWD, and competencies regarding the Inventory of emissions, discharges and losses are divided among RWD, PWMCs, Department for Protection of Waters from Pollution, SEPA and Provincial and local self-governments (Cadastre of Polluters, Information Systems and etc.).

National monitoring is carried out by Serbian Environmental Protection Agency (SEPA, which is within the Ministry of Environmental Protection) and Republic Hydrometeorological Service of the Republic of Serbia (RHMSS).

Environmental Inspectorate (national and provincial) and Water Inspectorate (national and provincial level) are responsible for inspection and enforcement of requirements.

### 4.1.3 Implementing measures and challenges

Bearing in mind that the aim of EQSD is achievement of good surface water chemical status, main implementing measure in this respect is the emission control. The main legal act regulating the emission of pollutants into water is the Regulation on Emission Limit Values of Pollutants in Waters and Deadlines for their Achievement ("Official Gazette of the Republic of Serbia", No. 67/2011, 48/2012 and 01/2016), which prescribes ELVs as well as other relevant requirements. The Regulation on ELVs also prescribes transitional periods for the facilities that had been in operation before the mentioned Regulation came into effect (21. 09. 2011.), as well as the matters pertaining to the harmonization regarding the emissions into waters; with this in mind, the respective deadline dates are as follows: 31 December 2040 for urban waste waters and 31 December 2025 for industrial facilities. In terms of IPPC facilities, the IPPC permit sets out the deadlines for compliance with the ELV.

In addition, programme of measures will be defined by the River Basin Management Plan. However, the Republic of Serbia still does not have the complete cadastre of polluters, and without the exact data on the current situation on the presence of priority substances in surface waters and full monitoring of all water bodies, it is not possible to foresee whether and what additional measures will be needed. Rulebook on methods and conditions for wastewater quantity measurement and quality testing, and the content of the measurement report ("Official Gazette of the Republic of Serbia", No. 33/2016) further regulates and consolidates the methodology relating to the measurements and analyses of wastewaters and reporting on that subject, thus helping the data collection. From 2016, the rate of received reports is higher than in previous years, due to the adoption of the Rulebook, as well as the work of environmental inspectors.

The monitoring activities, in the framework of State monitoring network, are divided between SEPA (quality of surface and groundwater) and RHMSS (quantity of surface and groundwater). According to the Law on Water ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/12 and 101/16), monitoring of surface water is carried out in accordance with the Annual Water Status Monitoring Programme, adopted by the Government every year in the form of

Regulation. Regulations on the Establishment of the Annual Water Status Monitoring Programme provides the exact number and location of monitoring points, as well as the frequency of monitoring. It is adopted annually and it takes into account all the requirements prescribed by other relevant by-laws on EQS values and water status.

The National Laboratory within SEPA performs monitoring of all physical and chemical parameters and biological elements of water quality, in accordance with the general requirements for the competence of testing and calibration laboratories SRPS ISO/IEC 17025 quality management system. In 2017, 56 priority and certain other substances were monitored on 77 operational monitoring stations on surface water bodies, as defined by the Regulation on the Designation of Surface Water and Groundwater Bodies ("Official Gazette of the Republic of Serbia", No.96/2010): 73 stations on 41 water flows and 4 stations on 2 accumulations. Organic pollutants were monitored 12 times per year at all stations, and heavy metals were monitored 12 times per year at 48 stations, 10 times per year at 2 stations, 6 times per year at 14 stations and 4 times per year at 9 stations. The rest of the substances from the Directive's list were preliminary monitored during 2017 and 2018, but the monitoring programme is not complete due to limited SEPA capacities, especially lack of human resources.

In 2017, results of monitoring showed mainly compliance in terms of the monitored water bodies. Fluoranthene, dissolved nickel and benzo(a)pyrene exceeded allowed average annual concentrations at 30 monitoring stations, and dissolved nickel exceeded maximum allowed concentration on 1 monitoring station. POPs did not exceed allowed limit values.

Monitoring extent and scope changes from year to year and is a function of annual plans and budgetary allocations. Since the monitoring programme is adopted by government on annual basis, it provides for the adjustments of the programme based on results from previous years, but due to limited budget resources and SEPA capacities, operational monitoring of surface waters has not been established for all water bodies.

### 4.2 Plans for full alignment

#### 4.2.1 Legislative plans

Full alignment is planned to be achieved by the end of 2020. The adoption of the new Water Law is planned to be completed by the end of 2020 and will provide the legal basis for further transposition of the Directive into related by-laws. The new Water Law will specifically address the issues relating to the Inventory of emissions, discharges and losses, Transboundary pollution, Reporting and reviewing, and information that should be included in RBM Plans.

It is foreseen that the Regulation on limit values of priority and priority hazardous substances polluting surface water and deadlines for reaching of the values, will transpose the majority of technical requirements of the Directive, further defining general obligations, competences and other requirements provided by the Water Law. Some requirements (such as monitoring frequency, monitoring locations), will be the subject of separate by-laws.

#### 4.2.2 Institutional plans

Institutional system requires strengthening both in terms of staff number and competencies, as well as in terms of budget allocations for their activities. Laboratory facilities also need more capacity, especially in view of pending new responsibilities under the acquis within the next few years and planned establishment of three new departments in Šabac, Grdelica and Raška.

### 4.2.3 Planned implementation measures

Implementation measures for the achievement of good chemical status of surface waters are mostly the measures implemented for pollution control relating to the point and non-point sources. In general, for point sources, these measures should be in place by the end of 2040, but for industrial sector, except for IPPC installations, compliance with the ELVs has to be achieved by the end of 2025. Measures for non-point sources are mainly related to the implementation of nitrates Directive (foreseen implementation by 2033). However, without the exact data on the current situation on the presence of priority substances in surface waters and full monitoring of all water bodies, it is not possible to foresee whether any, as well as what type of supplementary measures will be needed.

Further investigation is necessary for obtaining exact data on the type and the number of sources of pollution caused by priority substances in the Republic of Serbia, and a detailed analysis on the type of priority substances that are emitted in comparison with the deadlines given by the Directive is needed, in order to be able to identify for which particular substances transitional periods will be required.

Full implementation of the Directive is expected, once the environmental objectives are achieved.

### 4.3 Acceptance of the acquis (and any negotiating requests)

Considering, that achievement of environmental quality standards depends on implementation of Water Framework Directive (implementation foreseen for 2045), Urban Waste Water Treatment Directive (implementation foreseen for 2044), Industrial Emissions Directive (implementation deadlines depend on specific industries) and other directives, implementation of requirements of EQS Directive is only possible by the end of 2044.

Therefore, the Republic of Serbia requests transitional period until 2045 for implementation of Article 3. of the Directive.

***Directive 2009/90/EC of 31 July 2009, laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status***

### 4.1 Current situation

### 4.1.1 Legislative framework

Directive is partially transposed into national legislation. Majority or requirements are transposed through the Regulation on limit values of priority and priority hazardous substances polluting surface water and deadlines for reaching of the values ("Official Gazette of the Republic of Serbia", No. 24/2014) and some of them are contained in the Law on Accreditation ("Official Gazette of the Republic of Serbia", No. 73/10) and Rules for the participation in inter-laboratory comparisons and proficiency testing schemes (ATS-PA02), in accordance with which laboratories are conducting analyses, thus proving the competence for performing analyses and the use of accredited methods.

### 4.1.2 Institutional framework

Following authorities have main responsibility for transposition and implementation of the Directive:

- Ministry of Environmental Protection (MEP):
  - Serbian Environmental Protection Agency (SEPA),
  - Department for Protection of Waters from Pollution.
- Ministry of Agriculture, Forestry and Water Management:
  - Republic Water Directorate;
- Accreditation Body of Serbia.

Serbian Environmental Protection Agency (SEPA) and the Department for Protection of Waters from Pollution of the MEP are responsible for transposition of the requirements into national legislation. Serbian Environmental Protection Agency is holding main responsibility for implementation of transposed requirements. Other bodies participating in implementation include Accreditation Body of Serbia, Department for Protection of Waters from Pollution (MEP), Provincial Secretariat for Agriculture, Water Management and Forestry, Institutes of Public Health, Provincial Secretariat for Urban Planning, Construction and Environment and PUCs.

Procedures for monitoring the validity of results (quality assurance and data comparability) are the subject of the assessment performed by the Accreditation Body of Serbia during yearly assessments in accordance with the SRPS ISO/IEC 17025 and other equivalent standards accepted at the international level. Furthermore, this activity is performed by the Ministry regarding the process of authorization.

Reporting regarding application of requirements of the Directive is performed by SEPA.

### 4.1.3 Implementing measures and challenges

In practice, requirements of the Directive 2009/90/EC are already implemented in terms of performing water monitoring, although the Directive has not been fully transposed yet.

The main legal acts for the implementation of Directive 2009/90/EC on technical specifications for chemical analysis and monitoring of water status are the Regulation on limit values of priority and priority hazardous substances polluting surface water and deadlines for reaching of the values ("Official Gazette of the Republic of Serbia", No. 24/2014) (however, this only refers to the substances listed in directive 2008/105/EC as amended by 2013/39/EU) and the Law on Accreditation ("Official Gazette of the Republic of Serbia", No. 73/10), the implementation of which is carried out by SEPA or other legal entities authorized for this type of activities by the Ministry of Agriculture, Forestry and Water Management.

Compliance with the SRPS ISO/IEC 17025 is being checked by the auditors of the Accreditation Body of Serbia during each annual audit. Also, enforcement of these requirements is carried out by means of internal controls implemented by the Laboratories during their routine work.

## 4.2 Plans for full alignment

### 4.2.1 Legislative plans

Full alignment is envisaged by the end of 2020. The new Water Law planned for the end of 2020, will provide the legal basis for the adoption of the Rulebook on technical specifications for

chemical analyses and analyses necessary for water monitoring, which will fully transpose this Directive.

### 4.2.2 Institutional plans

Institutional system is in place but capacity in all institutions is inadequate both in terms of staff number and competencies, as well as in terms of budget allocations for their strengthening. Laboratory facilities will also need to improve and extend their capacities, especially in view of pending new responsibilities under the acquis, regarding the period of the next few years.

During the process of implementation, a close cooperation with scientific institutions (institutes, faculties), as well as Public Health Institutes (PHIs) in the country, will be established.

### 4.2.3 Planned implementation measures

Implementation of the Directive requirements is already in progress. Every audit organized by the Accreditation Body of Serbia means control of compliance of laboratory work with the SRPS ISO/IEC 17025 requirements and, at the same time the requirements stipulated by the Directive. In the next period, implementation issues will also be related to quality assurance at the regional and local level.

## *Council Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration*

### 4.1 Current situation

### 4.1.1 Legislative framework

The Directive has been partially transposed through the Water Law ("Official Gazette of the Republic of Serbia", No. 30/10, 93/12 and 101/16), Regulation on limit values of pollutants in surface waters, ground waters and sediment and timelines for reaching of the values ("Official Gazette of the Republic of Serbia", No. 50/12) and Rulebook on Parameters of Ecological and Chemical Status of Surface Waters and Quantitative and Chemical Status of Ground Waters ("Official Gazette of the Republic of Serbia", No. 74/11).

Law on Amendments of the Water Law provided the basis for further transposition of GWD requirements on trend reversal, prevention of input of hazardous and other pollutants into groundwater, protection of ecosystems depending on the given groundwater body, review of the chemical status assessment and trend assessment. There is still no legal basis for procedure and deadlines for establishment of threshold values (TV) and the inventory of exemptions.

### 4.1.2 Institutional framework

Competent authority with regards to transposition is the Ministry of Environmental Protection – Department for Protection of Water from Pollution. Currently 1 person is working on the tasks relating to the transposition of the GWD, among other responsibilities. Main responsible authorities for permitting are Ministry of Agriculture, Forestry and Water Management – Republic Directorate for Water, Provincial Secretariat for Agriculture, Water Management and Forestry, and Ministry of Mining and Energy, and in terms of the inspection and enforcement, the competent authorities are Environmental Inspectorate and Water Inspectorate.

National monitoring is carried out by Serbian Environmental Protection Agency (National Laboratory within SEPA, which is under the competence of the Ministry of Environmental Protection) and Republic Hydrometeorological Service of Serbia (RHMSS), which is an organization directly responsible to Government. Additional monitoring is conducted by other relevant institutions (for example, Institutes for Public Health, PUCs, IPPC facilities in accordance with the IPPC permit).

### 4.1.3 Implementing measures and challenges

The implementation of the Directive is in an early stage. Regulations on the Establishment of the Annual Water Status Monitoring Programme defines the exact number and location of monitoring points, as well as the frequency of monitoring. It is adopted annually and it takes into account all the requirements of other by-laws on GQS values and water status. In 2017, chemical monitoring was carried out on 25 out of 153 ground water bodies. None of the monitoring stations showed exceedance of allowable concentration of nitrates. Existing data show high natural background level of arsenic in AP Vojvodina, in some areas it even exceeds 50µg/l.

Main problem is that the GWB chemical status and the trend assessment cannot be assessed due to the lack of GW monitoring data in sufficiently long series for more than 70% of GWBs. GW quality standards and TVs cannot be established based on Natural Background Levels (NBLs), therefore, a different methodology for setting standards must be proposed (i.e. based on results for the same type of aquifers). This can pose a problem for reliable status assessment, because in some parts of the Republic of Serbia (i.e. AP Vojvodina), natural (geogenic) occurrence of arsenic above MCL 50µg/l is present and should not be addressed by any GW protection measures, however, it should be addressed in terms of the Drinking Water Directive.

Similar situation refers to water balance; there is a lack of data on mechanism of recharge/discharge, as well on the trend of GW levels and direction of GW flow for most of the GWBs.

The preliminary risk assessment for groundwater bodies was completed, and was rather based on land use and GW vulnerability than on actual monitoring data. Chemical monitoring was done in previous years on 31 of the 153 groundwater bodies and it included the substances listed in Annex II Part B, with the exception of trichloroethylene and tetrachloroethylene. The monitoring of the latter started in 2016. Ministry of Environmental Protection launched a project “Operational Monitoring of Surface and Ground Waters in the Republic of Serbia” in August 2017, which is planned to last for three years, with the aim of improving the existing ground water monitoring by obtaining data on ground water quality on locations that are not covered by Annual Water Status Monitoring Programme and gathering additional data which will serve as a bases for the determination of threshold values.

Present knowledge and data on interactions between groundwater and associated aquatic and dependent terrestrial ecosystems are very limited (if any available) in the Republic of Serbia, except for the data from very few scientific projects dealing with this issue. No systematic monitoring of such GW dependent ecosystems is performed. For this purpose, primarily a methodology for identification of such ecosystems should be established, in order to assess the need for GW monitoring, criteria for defining what is “serious damage to ecosystems” and etc.

Action Plan on implementation of GWD is prepared, which identified the gaps, open questions and further steps for the implementation of the Directive.

### 4.2 Plans for full alignment

#### 4.2.1 Legislative plans

The full transposition of the Directive will be achieved in 2020. The Water Law (planned to be adopted by the end of 2020) will provide the legal basis for further transposition into relevant by-laws.

#### 4.2.2 Institutional plans

Institutional system requires strengthening, both in terms of staff number and competencies, as well as in terms of budget allocations for their activities. Laboratory facilities also need larger capacities especially in view of pending new responsibilities under the acquis within the next few years. During the process of transposition and implementation, a closer cooperation with the scientific institutions (institutes, faculties), as well as water management institutions (PWMCs, etc.) in the country should be established.

#### 4.2.3 Planned implementation measures

The ground water monitoring is planned to be established by 2021. A period of six years is required in order to accumulate monitoring data for the establishment of TV values and the additional 2 years for initial identification of significant and sustained upward trends. It is expected that the implementation of the required measures will start in 2029.

### 4.3 Acceptance of the acquis (and any negotiating requests)

In order to fully prepare for the appropriate implementation of the Directive, considering the time needed for establishment of the monitoring system and the time period required to collect the necessary data, the Republic of Serbia is requesting transitional period until 2029 in terms of implementation of Article 6 of the Directive.

***Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources as amended by Regulations 1882/2003/EC and 1137/2008/EC***

### 4.1 Current situation

#### 4.1.1 Legislative framework

The Nitrates Directive has been partially transposed by the Water Law ("Official Gazette of the Republic of Serbia", No. 30/10, 93/12 and 101/16).

The amended Water Law includes the Article which regulates the vulnerable zones, prescribes the notion of vulnerable zones, the authority responsible for determining the vulnerable zones and their boundaries, the obligation to adopt action programmes with mandatory measures for protected areas designated as vulnerable zones, the content of action programmes, the adoption of the Code of good agricultural practice in order to achieve the general level of water protection against pollution by nitrates from agricultural sources relating to all bodies of surface water and groundwater, and the authority responsible for the adoption of the Code of good agricultural practice.

### 4.1.2 Institutional framework

The Ministry of Agriculture, Forestry and Water Management (MAFWM) is the authority responsible for determining the vulnerable zones and their boundaries, proposing for adoption the action programmes with mandatory measures for protected areas designated as vulnerable zones, proposing for adoption the Code of good agricultural practice in order to achieve the general level of water protection against pollution by nitrates from agricultural sources relating to all bodies of surface water and groundwater, and the authority responsible for the adoption of the Code of good agricultural practice.

These activities are carried out by the Republic Water Directorate and its inspection, the Directorate for Agricultural Land, Directorate for Agrarian Payments and the Department of Rural Development of the MAFWM with the Agricultural Extension Services within the Rural Department.

Other relevant institutions for implementation of requirements include the Ministry of Environmental Protection – the Department for Protection of Waters against Pollution, the inspection and Serbian Environmental Protection Agency, the Republic Hydrometeorological Service of Serbia, Provincial Secretariat for Agriculture, Water Management and Forestry including the Water Inspectorate for the provincial level.

### 4.1.3 Implementing measures and challenges

Preparatory work for implementation of the requirements of the Nitrates Directive has started. Proposal for the Nitrates Vulnerable Zones and draft version of the Code of Good Agricultural Practice have been developed. Measures at the farm level will be defined in the Nitrates Directive Action Programme. Majority of the measures of the Action programme will require farmers to change farming practices without implementing major technical adjustments (e.g. crop rotation, buffer strips, fertilization plans).

Agriculture sector in the Republic of Serbia is dominated by small farms. According to the Statistical Office of the Republic of Serbia (SORS), 47% of holdings (farms) operate on two or less hectares of land. Holdings with less than 10 ha of land make up around 92% of the total number of holdings and cultivate 43% of Serbia's utilized agricultural area. Holdings cultivating more than 50 ha make up only 1% of the total number of holdings and use about one third of utilized agricultural area (UAA). Large farms are concentrated in Region of Vojvodina (North Serbia). The average number of livestock units (LU) per holding is also higher in Vojvodina (4.6 LU) as compared to other regions, especially Southern and Eastern Serbia (2.2 LU).

According to the Census of Agriculture 2012, 77.5% of agricultural holdings in the Republic of Serbia raise cattle. Significant part of the farms (80%) are breading less than five livestock units (LU). Šumadija district and Western Serbia have the highest number of livestock units (approx. 40%), followed by Vojvodina province (approx. 34%), Southern and Eastern Serbia (approx. 21%) and the Belgrade region (approx. 5%).

In terms of ownership, traditionally, most common are small family farms (99.4% of farms and 82.2% of land). Average size of family farm is only 5.6 ha. During the last decade, almost 20% of the family farms have ceased operation (150 580 farms) and average size of family farm has increased by 21.8% (from 3.7 to 4.6 ha). Fastest increase was observed in Vojvodina region (from 3.7 ha to 8.0 ha).

Serbian agriculture sector is undergoing structural changes and faces challenges such as decreasing number of family farms (more than 150,000 family farms ceased operation during the last decade), sharp decline in rural population, especially in age groups of children and young labour force and the increase in average farm size.

According to the 2012 Agricultural Census data, there are around 725 thousand livestock units on farms, located in the proposed nitrate vulnerable zones. Majority of these animals are kept in very small farms with less than 10 LU (71% of cattle, pigs, sheep, goats and poultry, expressed in livestock units). In terms of the proposed NVZ, there are only 99 farms with total number of animals above 50 LU (72 cattle breeding farms and 27 pig farms). 105 thousand LU are kept in farms with more than 10 livestock units which comprise 14.4% of the livestock in terms of the NVZ.

The Minister of Agriculture, Forestry and Water Management in 2017 passed the Ordinance on the conditions for performing fertility control of arable agricultural land ("Official Gazette of the Republic of Serbia", No. 48/17). This regulation prescribes the conditions that are to be met by authorized organizations for carrying out professional tasks of controlling the fertility of arable agricultural land. When making a recommendation, the expert takes into account the available amount of nitrogen in the soil and the need for macronutrients which are required for growing the culture that is cultivated on that soil. If the land is provided in sufficient quantity of nitrogen, the recommendation will stipulate that no nitrogen fertilizer is introduced, i.e. that the amount of this fertilizer will be adjusted with the available amount of nitrogen in the soil. The Ministry of Agriculture, Forestry and Water Management, Directorate for Agricultural Land is in the initial phase of making the Field Book, according to which farmers, as well as tenants of state-owned agricultural land will be required to record day-to-day activities on their plots and will also be required to record the quantities of nitrogen active substances that will be able to be monitored on an annual basis.

### 4.2 Plans for full alignment

#### 4.2.1 Legislative plans

The Republic of Serbia plans to achieve full transposition of the Nitrates Directive by the end of 2020 through the new Water Law and related by-laws.

#### 4.2.2 Institutional plans

Financial and human resources in all institutions are insufficient and need to be strengthened.

#### 4.2.3 Planned implementation measures

Currently, the implementation of the requirements of the Nitrates Directive is in an early stage. Socio-economic impacts, especially on small holdings within vulnerable zones, could be significant. Affordability is a serious problem under current economic conditions.

A detailed study to determine the exact number of farms and livestock units is planned to be developed between 2019 and 2020. This study will help define the exact location of the sampling station relevant for the nitrate concentration monitoring, together within the new water monitoring programme which is planned to be adopted in 2021. Based on the updated information about the location of farms and the results of the monitoring, the revision of the designated nitrates vulnerable zones is planned for 2022. Draft Action Programme will be operational from the year of accession i.e. 2025.

Nitrates Directive Action Programme includes the adoption of the Code of good agricultural practice which will be implemented by all farmers on a voluntary basis.

### 4.3 Acceptance of the acquis (and any negotiating requests)

Considering the high costs of the implementation of requirements (construction of storage tanks or facilities for livestock manure on livestock breeding farms, purchase of machinery (cisterns and manure spreaders) required to apply manure on the fields), the Republic of Serbia requests a transitional period until 2040. Detailed justification is provided in the Directive Specific Implementation Plan.

## *Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment, as amended by Commission Directive 98/15/EC, Regulation 1882/2003 and Regulation 1137/2008, Commission Implementing Decision concerning formats for reporting on the national programmes for the implementation of Council Directive 91/271/EEC (notified under document C (2014) 4208, (2014/431/EU))*

### 4.1 Current situation

#### 4.1.1 Legislative framework

The UWWTD has been partially transposed into national legislation by the Water Law ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/2012, 101/2016), Decree on emission limit values in waters and deadlines for their achievement ("Official Gazette of the Republic of Serbia", No. 67/2011, 48/2012, 01/2016), Decree on threshold values of pollutants in surface waters, groundwaters and sediment and deadlines for their achievement ("Official Gazette of the Republic of Serbia", No. 50/2012) and Rulebook on methods and conditions for wastewater quantity measurement and quality testing, and the content of the measurement ("Official Gazette of the Republic of Serbia", No. 33/2016). Strategic framework is established by the Strategy for Water Management in the Republic of Serbia up to 2034 ("Official Gazette of the Republic of Serbia", No. 3/2017).

Amendments to the Water Law, adopted in 2016, introduced new provisions related to UWWTD: definitions of agglomerations and sludge, legal basis for designation of sensitive areas and obligations related to sludge management.

#### 4.1.2 Institutional framework

The primary responsibility for water management is delegated to the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Environmental Protection (MEP). Provincial secretariats, public water management companies, local self-governments and public utility companies are responsible for implementation of the requirements.

Republic Water Directorate within the MAFWM, with its Department for Water Protection and Department for Strategic Planning, has the main responsibility for implementation of the Directive with a total of four employees in these departments who, in addition to other jobs, also deal with matters related to this Directive. In addition to the need to increase the number of employees in these departments, it is also necessary to establish a project management unit (the IPA unit).

Department for Project Management and Department for Water Protection of the MEP are involved in project planning and policy development.

Collection and treatment of urban waste water is carried out by about 150 public utility companies. Most of them perform also other utility services and activities. Public Utility Companies are established and they operate in accordance with the Law on Communal Activities which is within competence of the Ministry of Construction, Transport and Infrastructure. According to the Strategy for Water Management in the Republic of Serbia up to 2034, such division of responsibilities, along with insufficient inter-sectorial coordination and cooperation, does not ensure efficient water management.

### 4.1.3 Implementing measures and challenges

Approximately 3.9 million residents are currently connected to wastewater collection systems (55% of the total population). Public sewerage receives approximately 296 thousand $m^3$ wastewater annually (72% discharged from households). 52.4% of total generated wastewater is collected, 7.3% receives biological treatment and 1.3% undergoes more stringent treatment.

Delineation of agglomerations in accordance with the UWWTD in the Republic of Serbia has been carried out in 2017. In total 398 agglomerations were delineated (Section 3.3.2 of the DSIP). Agglomeration delineation methodology and main characteristics of agglomerations are in detail provided in Annex IV of the UWWT DSIP.

As regards designation of sensitive areas, the UWWTD DSIP proposes that Serbia applies the provisions of Article 5(8), i.e. more stringent treatment on the entire territory. Eutrophication is one of the main criteria for designation of sensitive areas in the Republic of Serbia. More details on this proposal are provided in Section 3.3.1 of the UWWTD DSIP.

Several projects for medium-sized WWTPs, mostly ranging from 80,000 to 100,000 PE (Šabac, Leskovac, Novi Sad, Raška, Niš, etc.) are currently at different levels of project preparation or under construction in terms of water treatment or sludge treatment facilities.

## 4.2 Plans for full alignment

### 4.2.1 Legislative plans

Full transposition of Directive will be achieved by adoption of the new Water Law and relevant new by-laws and/or amendments to the existing by-laws by the end of 2020.

### 4.2.2 Institutional plans

Institutional capacities are not sufficient. Capacity strengthening for planning, implementation, and management is essential and is a prerequisite for this heavy investment directive.

Local authorities are responsible for water utilities. Significant reform of the water utility sector is expected, which will balance and improve the quality of service and lead to more efficient management of public water supply, as well as the systems for collection and treatment of wastewater in service areas. It focuses on the following areas:

(i) improvement of performance and efficiency of utilities,

(ii) implementation of tariff reform measures indicated in the Water Law (new Water Law and related regulations are in the process of preparation).

The reform will be supported by the planned project Water service reform package (IPA 2017). More details can be found in the UWWT DSIP.

### 4.2.3 Planned implementation measures

Due to high costs and limited availability of funding, the UWWT Directive will not be implemented before accession and transitional periods will be needed. As assessed in the Directive Specific Implementation Plan (DSIP) for the UWWT Directive (developed with the support of the IPA 2013 project "Further Implementation of Environmental Approximation Strategy") total costs of implementation of the Directive is 4,3 billion EUR. Financing of such costs can be provided only during a long-term period. Urban Waste Water Treatment (UWWT) DSIP describes existing situation, legal, institutional and technical gaps, measures to be taken, investment and operation and maintenance needs and funding sources in detail. Transition period is estimated based on the comparison of the estimation of potential funding sources and required investment needs. Moreover, affordability analysis is carried out to assess whether selected investment scenario is affordable for households of various income groups. Based on the DSIP and the Multiannual Investment and Financing Plan, it is only realistic to expect that the requirements will be implemented by 2044.

Detailed information can be found in the relevant DSIPs (Chapter 7. Finance Gap Assessment and Chapter 8. Transition Period and Implementation Schedule).

## 4.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia requests a transitional period for the full application of Articles 3, 4, 5, 6 and 7, on the requirements for collecting systems and treatment of urban waste water by 31 December 2044 in accordance with the following intermediate targets:

- By 31 December 2032, compliance with the Directive will be achieved in agglomerations with a population equivalent of more than 50 000;
- By 31 December 2037 compliance with the Directive will be achieved in agglomerations with a population equivalent of more than 15 000;
- By 31 December 2037, compliance with the Directive shall be achieved in agglomerations with a population equivalent of more than 10 000;
- By 31 December 2044, compliance with the Directive shall be achieved in agglomerations with a population equivalent of more than 2 000.

Detailed justification is provided in the Directive Specific Implementation Plan considering existing situation in the field of wastewater management, legal, institutional and technical gaps, relevant measures to be taken, investment and operation and maintenance needs and funding sources, as well as needed implementation periods.

***Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption***

## 4.1 Current situation

### 4.1.1 Legislative framework

The transposition of the Directive is in progress. Certain provisions of the Directive have already been transposed through the existing Law on Food Safety ("Official Gazette of the Republic of Serbia", No. 41/2009) and the Water Law ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/2012 and 101/2016).

Other significant laws and by-laws related to drinking water are:

- The Law on Public Utilities – which determines which entities may be engaged in public water supply and separates the public water system from the internal distribution system;
- The Law on Health Care – information and reporting on drinking water;
- Law on Public Health - public health activities, responsibilities, planning and implementation of activities related to monitoring of drinking water quality
- Law on Food Safety - jurisdiction in monitoring of drinking water quality, its health safety and hygienic corectness
- Law on Inspection Surveillance - sanitary surveillance of public water supply system
- The Law on Health Safety of Items of General Use – quality of equipment and materials used for water supply;
- The Rulebook on the Hygienic Quality of Drinking Water – quality of drinking water intended for human consumption, point of compliance and monitoring (representative water sample);
- The Rulebook on the Method of Sampling and Laboratory Methods for Analysis of Drinking Water – monitoring (methods for water analysis).

### 4.1.2 Institutional framework

The Ministry of Health and the Provincial Secretariat for Health (regarding the sanitary surveillance over drinking water in the Autonomous Province of Vojvodina) are responsible institutions for monitoring of drinking water quality at the point of consumption (taps) with reporting.

Other significant institutions related to drinking water are:

The Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate, regarding the water regime, water use, water protection and protection against the adverse effects of water; The Ministry of Construction, Transport and Infrastructure, based on the data collected by local self-government units[8], prepares a report on the performance of public utility services to be adopted by the Government and published on the Ministry's website, thus making the data publicly available to natural persons and legal entities.

[8] Powers and responsibilities of local self-governments relating to utility services are regulated by Article 2 and Article 14, paragraph 1, item 1, of the Law on Public Utility Services ("Official Gazette RS", No. 88/11, 104/16 and 95/18).

Local self-governments, regarding planning, development and maintenance of the drinking water supply system on their territory (distribution network) and the establishment of public utilities for that purpose as well as ensuring adequate coverage, scope and quality of water supply service, which includes in particular: health safety and hygienic correctness of drinking water according to prescribed standards and norms, delivery of service in timely manner, safety and protection of users in the provision of water supply service, reliability, affordability and sustainability in providing the service.

- The Environmental Protection Agency – development planning and supervisory inspection of the functioning of the national network for surface water and groundwater quality monitoring, water sampling and analysis, reporting, assessment of surface water and groundwater quality in accordance with domestic and international regulations, and preparation of periodic and annual reports.
- Institute of Public Health of the Republic of Serbia "Dr Milan Jovanović Batut" – coordinates three regional and 21 local public health institutes regarding monitoring and control of the health safety of drinking water at the point of consumption (at the tap) and reporting on the results to the public and all relevant institutions according to national regulation;
- Institute for the Development of Water Resources "Jaroslav Černi" – planning of infrastructures, consulting services related to water resource management and built structures and systems, development of strategic plans and expertise, as well as assistance in the drafting of legislation, standards and methodologies;
- The Standing Conference of Towns and Municipalities – representation of interests, providing high quality service and support for the development and improvement of local-government through joint action of membership, in accordance with the EU standards.

### 4.1.3 Implementing measures and challenges

The administrative system for ensuring the delivery of safe drinking water from the water source to the tap, including planning, financing, development, maintenance, organization, analysis, information supply, reporting and control through inspection, has partially been established or is in the initial stage.

Regarding implementation of the Directive, the system that ensures the delivery of healthy and safe drinking water at the tap includes:

1. Public utilities.
2. A network of local and national public health institutes (a total of 25 institutes) – drinking water analysis, information provision and reporting.
3. Ministry of Health and the Provincial Secretariat for Health – engagement of sanitary inspectors to monitor and inspect the health safety of drinking water at the tap.

At the local level, there is a lack of qualified staff working in the responsible management authority of the local self-government and technical staff in companies that deal with water supply. This is particularly evident in small municipalities and small water supply utilities, even though local authorities are legally obliged to organize the public drinking water supply by means of public water supply systems on the entire territory of the local self-government.

In rural areas, the public water supply system is usually not managed by a public utility or other legal entity that is eligible to operate a public water supply system in accordance with the law.

Monitoring of drinking-water quality is carried out continuously in municipal and city water supply systems. The percentage of population covered by the regularly maintained and controlled water supply systems ranges from 70.4% in the southern and eastern parts of central Serbia to 95% in Vojvodina.

There is a need for improving and modernizing laboratory equipment at the Institute of Public Health of the Republic of Serbia and in a network of regional and local institutes.The existing institutional framework, which should ensure the implementation of the requirements of the mentioned Directive does not have a sufficient number of trained civil servants in all relevant institutions and lacks the necessary equipment.

At present, approximately 155 identified public water supply systems are regularly monitored in municipal urban settlements.

Legal service of the Department for housing and architectural policies, public utilities and energy efficiency is responsible for collecting the questionnaires from local self-government units, including the integrated questionnaire on drinking water and sanitation services. Furthermore, the data on legal entities providing utility services are also submitted, including the data on legal entities providing water supply services.

The identification of all water resources that are being used or will be used for human consumption is in the initial stage. Public water management enterprises, with participation of local authorities and water supply companies, are responsible for this activity.

Monitoring of drinking-water quality should be extended to all public water supply systems, which, pursuant to the applicable regulations, are to be regularly controlled, as well as the potability of water these systems supply; however, due to unresolved ownership issues and other reasons and problems, these systems have not yet been included in the monitoring process. This particularly refers to the small water supply systems in rural areas. The Ministry of Health and public health institutes, with the participation of local authorities and water supply companies, are responsible for this activity.

### 4.2 Plans for full alignment

#### 4.2.1 Legislative plans

The Directive will be fully transposed by 2020 through adoption of the following legal acts:

- Law on Water for Human Consumption (October 2020);
- Rulebook on Drinking Water Quality (end of 2020).

The Draft of the Law on Water for Human Consumption and the Rulebook on Drinking Water Quality has been developed by transposing Directive 98/83. The changes from the Directive 2015/1787 amending Annexes II and III to Council Directive 98/83/EC were also incorporated.

#### 4.2.2 Institutional plans

It is necessary to strengthen the capacity of health institutions which perform monitoring and evaluation of the health safety of drinking water.

It is necessary to further develop inspection services of the Ministry of Health in terms of personnel and material issues.

### 4.2.3 Planned implementation measures

The following operational goals for drinking water supply in the planning period in terms of the full implementation, should include as follows: increasing public coverage of public water supply systems, the improvement of public water supply systems in terms of ensuring a stable supply and healthy and safe drinking water, , protecting water sources used or intended for human consumption in the future, conducting research for the purpose of efficient implementation.

There is also a need for strengthening the institutional capacity at the state and the local level, identification of stakeholders and their implication in the implementation process and especially for introducing and implementing of Water Safety Plans (WSPs) in managing water supply systems based on the risk assessment and control, as well as strengthening the capacity of laboratories participating in the drinking water health monitoring program by current regulations.

A detailed implementation plan and timeframe for full implementation is prescribed by the DSIP.

### 4.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia needs transitional period for implementing the Directive. Based on comparison of funding sources and investment needs given by DSIP, as well as affordability analysis, a transition period for the implementation of the DWD in the Republic of Serbia is required until the end of 2044. Detailed justification for transitional period and indication of needed derogations is provided in the Directive Specific Implementation Plan.

***Directive 2006/7/EC of European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC and Commission Implementing Decision of 27 May 2011 establishing a symbol for information to the public on bathing water classification and any bathing prohibition or advice against bathing.***

### 4.1 Current situation

### 4.1.1 Legislative framework

The Directive is in an early stage of transposition. The Water Law ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/2012 and 101/2016) prescribes the obligation of local authorities to determine the place and the manner of use of water for bathing, after having obtained the opinion of the public water management company. The quality of waters which can be used for bathing are implicitly prescribed by:

1. Regulation on Water Classification ("Official Gazette of the SRS", No. 5/68) - surface waters are classified in 4 classes on the basis of 11 indicators (parameters) including only one microbiological parameter: "most probable number of coliform germs in 100 ml of water". In accordance with limits of their values, waters which are characterized as class I and II can be used for bathing.
2. Regulation on Limit Values for Pollutants in Surface and Ground Waters and Sediments, and the Deadlines for Their Achievement ("Official Gazette of the Republic of Serbia", No. 50/12) - surface waters which can be used for bathing are classified as class I, II and III. In terms of monitoring of the bathing water quality, regulation prescribes that microbiological

parameters “fecal coliforms”, “total coliforms”, “intestinal enterococci” and “aerobic heterotrophs (Kohl method)” are to be monitored.

### 4.1.2 Institutional framework

The Ministry of Health and the Provincial Secretariat for Health (regarding the sanitary surveillance over bathing water in the Autonomous Province of Vojvodina) are responsible institutions for quality of bathing water at the bathing water location.

Other significant institutions related to bathing water are:

- The Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate, regarding the water regime, water use, water protection and protection against the adverse effects of water;
- The Ministry of Construction, Transport and Infrastructure, based on the data collected by local self-government units, prepares a report on the performance of public utility services to be adopted by the Government and published on the Ministry’s website, thus making the data publicly available to natural persons and legal entities.
- Local self-governments, regarding planning, development and maintenance of the bathing water location on their territory;
- The Environmental Protection Agency – development planning and supervisory inspection of the functioning of the national network for surface water and groundwater quality monitoring, water sampling and analysis, reporting, assessment of surface water and groundwater quality in accordance with domestic and international regulations, and preparation of periodic and annual reports.
- Institute of Public Health of Serbia “Dr Milan Jovanović Batut” – coordinates three regional and 21 local public health institutes regarding monitoring and control of the quality of the bathing water at the bathing water location and reporting the results to the public and all relevant institutions according to national regulation;
- The Standing Conference of Towns and Municipalities – is tasked with the representation of interests, providing high quality service and support for the development and improvement of local-government through joint action of membership, in accordance with the EU standards.

### 4.1.3 Implementing measures and challenges

Responsibilities for the BWD are not clearly defined and divided between institutions. The existing capacity is especially inadequate with respect to the following:

1. Inspections and enforcement;
2. Monitoring and IT equipment or training;
3. Identification and registration of bathing water, as well as for their management and maintenance at local government level;
4. Reporting of quality of bathing waters;
5. Financial resources required for implementation of BWD.

Monitoring of the bathing water is currently performed on 73 bathing locations but only some of them have been formally recognized as the bathing water locations and appropriately registered/permitted. However, there are positive cases, for example, bathing water at Ada Ciganlija – Savsko jezero is included in the voluntary scheme “Blu Flag” and this beach has been meeting the requirements of BWD for 5 years in a raw.

### 4.2 Plans for full alignment

#### 4.2.1 Legislative plans

The Directive will be fully transposed by the end of 2020 through adoption of the following legal acts:

- Water Law (end of 2020);
- Rulebook on the Quality of Bathing Water (end of 2020).

#### 4.2.2 Institutional plans

There is a need for strengthening the institutional capacity at the local level and strengthening the technical capacity for monitoring of bathing water, including the development of IT support (hardware and software) and capacity building of laboratories participating in the official monitoring programme of bathing water quality.

#### 4.2.3 Planned implementation measures

Priority implementation measures include the delineation of bathing waters from other surface waters and the registration of bathing water locations. Full implementation is planned up to 2024, i.e. in the period of four years following the adoption of the Rulebook on the Quality of the Bathing Water.

***Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks - Flood Directive***

### 4.1 Current situation

#### 4.1.1 Legislative framework

The Directive is largely transposed into the national legislation through:

- Water Law ("Official Gazette of the Republic of Serbia", No. 30/10, 93/12 and 101/16);
- Decision on determining the list of waters of the 1st order ("Official gazette of the Republic of Serbia", No. 83/10)
- Rulebook on determining the methodology for the preparation of the preliminary flood risk assessment ("Official Gazette of the Republic of Serbia", No. 1/12);
- Rulebook on determining the methodology for development of hazard maps and flood risk maps ("Official Gazette of the Republic of Serbia", No. 13/17);
- Decree on delineation of water districts, ("Official Gazette of the Republic of Serbia", No.75/10);
- Rulebook on delineation of sub-basins ("Official Gazette of the Republic of Serbia", No.54/11);
- Rulebook on determining water units and their borders ("Official Gazette of the Republic of Serbia", No.8/18).

#### 4.1.2 Institutional framework

Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate, is the main institution responsible for the transposition of the requirements of the Directive.

Besides the Republic Water Directorate other main institutions having the responsibility and being involved into implementation, are: the Ministry of Interior Affairs - Sector for Emergency Situations, Provincial Secretariat for Agriculture, Water and Forestry, Republic Hydrometeorological Service, Public Water Management Companies ("Srbijavode" and "Vode Vojvodine"), local government authorities.

### 4.1.3 Implementing measures and challenges

The Strategy of Water Management in the Republic of Serbia up to the 2034 ("Official Gazette of the Republic of Serbia", No. 3/17) is providing general guidance for activities in this sector.

The Flood Directive implementation is in advanced stage. The first cycle of the Preliminary Flood Risk Assessment (PFRA) was completed in 2012. The aim and result of the PFRA is determination and identification of areas with potential significant flood risk (APSFR) that affects human health, the environment, cultural heritage and economic activities. Based on the significant floods in the past and possible future floods, 99 APSFR have been defined, for fluvial floods only, and are available on web site: www.rdvode.gov.rs. Those APSFR do not cover the pluvial flood as well as the impact of climate change.

27 of 99 APSFR have been mapped using different methodologies supported by various assistance projects.

In terms of 99 areas defined as the APSFR the highest flood risk should be examined in more detail, especially after the floods that occurred in 2014 -2015.

Review and, if necessary, revision of PFRA will be done in 6-year cycle, in accordance with the requirements of the Directive.

## 4.2 Plans for full alignment

### 4.2.1 Legislative plans

The Directive will be fully transposed 2020 by the adoption of the new Water Law.

### 4.2.2 Institutional plans

Republic Water Directorate is the main responsible authority for implementation of the Floods Directive requirements. Implementation requires close cooperation and coordination of activities with the Public Water Management Companies.

It is recognized that institutions lack capacity both in human and technical resources and it is necessary to strengthen them.

### 4.2.3 Planned implementation measures

The activities on the preparation of the draft Flood Risk Management Plan for the territory of the Republic of Serbia have started. Elements for first Draft version of Flood Risk Management Plan for the territory of the Republic of Serbia is prepared. It is planned that FRMP for the territory of the Republic of Serbia will be ready by the end of 2021.

For the first cycle for water districts, the development of draft Flood Risk Management Plans based on available maps is planned to be finalized by the end of 2021, as well.

Flood risk and flood hazard maps for remaining APSFR will be developed with the support of IPA 2014 and other projects. It is planned that the maps will be completed by early 2020.

The Republic of Serbia is planning to be in line with the deadline for the EU Member States for the second cycle and to complete maps (produce missing or update and revise existing) for all APSFR by 2021.

***Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)***

### 4.1 Current situation

#### 4.1.1 Legislative framework

Legal framework for transposition and implementation of MSFD is Water Law ("Official Gazette of the Republic of Serbia", No 30/10, 93/12 and 101/16) defining competent authority as required by Article 7 and Law on Ratification of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River ("Official Gazette of the FRY" / International agreements 2/2003), providing basis for regional cooperation pursuant to Article 6(2).

International Commission for the Protection of the Danube River adopted in 2012 the resolution declaring "the willingness of ICPDR to serve as platform facilitating the cooperation with land/locked countries required under Art. 6 (2) MSFD and to contribute hereby to a close coordination of the implementation of the WFD in the Danube Basin and MSFD in the Black Sea region".

#### 4.1.2 Institutional framework

Ministry of Agriculture, Forestry and Water Management, RWD is the Competent authority for transposition. The Republic of Serbia, as a land-locked country is excluded from obligation on permitting, monitoring, inspection and enforcement and reporting under MSFD.

#### 4.1.3 Implementing measures and challenges

Republic of Serbia is providing all needed data for the preparation and update of the River Basin Management Plan for the Danube River Basin through the ICPDR activities.

Currently, an on-going activity is the preparation of River Basin Management Plan for the territory of the Republic of Serbia 2021-2027, which will include the assessment on nutrients and phosphorus loads, as well as other sources of pollution which can have impact to the Black Sea. This RBMP will also have measures in order to decrease the level of negative impact.

### 4.2 Plans for full alignment

#### 4.2.1 Legislative plans

Full transposition is expected to be accomplishing after the adoption of the new Water Law (planned for the end of 2020), which will enable strengthening of provisions regarding regional cooperation.

#### 4.2.2 Institutional plans

Existing capacity is not adequate and strengthening is needed with respect to activities stemming out from obligations under articles 6 and 7 of the Directive (Cooperation and collaboration).

It is foreseen that the Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate, will serve as a body for cooperation between international bodies as required by the Directive.

#### 4.2.3 Planned implementation measures

After transposition, implementation can be considered to be complete, considering the fact that the Republic of Serbia will be ready to implement requirements of Article 6 and 7.

## 5. NATURE PROTECTION

***Habitats Directive: (92/43/EEC as amended by Dir.97/62/EC, 2006/105/EC and Regulation (EC) 1882/2003)***

### 5.1 Current situation

#### 5.1.1 Legislative framework

The Habitats Directive is almost fully transposed, except for the Article 8 which refers to financing, and Articles which refer to the reporting. Nevertheless, the system of financing is foreseen for protection measures relating to the special areas of conservation defined by Decree on Ecological Network (Decree on Ecological Network, "Official Gazette of the Republic of Serbia", No 102/2010). Main legal acts transposing the Directive requirements include:

- Law on Nature Protection ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10, 91/10, 14/16 and 95/18 - other laws);
- Decree on Ecological Network ("Official Gazette of the Republic of Serbia", No. 102/2010);
- Rulebook on proclamation and protection of strictly protected and protected wild species of plants, animals and fungi ("Official Gazette of the Republic of Serbia", No. 5/10, 47/11, 32/16 and 98/16);
- The Rulebook on habitat types, the criteria for the selection of habitat types, sensitive, endangered, rare and priority for protection habitat types ("Official Gazette of the Republic of Serbia" No. 35/2010);
- The Rulebook on compensatory measures ("Official Gazette of the Republic of Serbia", No. 20/2010);
- The Rulebook on special technical-technological solutions which enable unobstructed and safe communication of wild animals ("Official Gazette of the Republic of Serbia", No. 72/2010);

- The Rulebook on conditions of keeping, method of marking and registration of wild animals in the captivity ("Official Gazette of the Republic of Serbia", No. 86/2011);
- Law on Game Animal and Hunting ("Official Gazette of the Republic of Serbia", No. 18/2010) and the relevant bylaws;
- The Rulebook on Proclamation of Protected Game Species by Closed Hunting Season ("Official Gazette of the Republic of Serbia", No. 9/12, 97/13, 55/15, 67/15 and 75/16);
- Law on the Protection and Sustainable Use of Fish Fauna ("Official Gazette of the Republic of Serbia ", No. 128/2014);
- Order on measures for the conservation and protection of fish stock fauna ("Official Gazette of the Republic of Serbia ", No. 56/2015);
- Law on Strategic Environmental Impact Assessment ("Official Gazette of the Republic of Serbia", No. 135/2004, 36/2009);
- Law on Environmental Impact Assessment ("Official Gazette of the Republic of Serbia", No. 135/04, 88/10);
- Regulation on transboundary traffic and trade of protected species ("Official Gazette of the Republic of Serbia", No. 99/09 and 6/14).

### 5.1.2 Institutional framework

Institutional system for the implementation of the Habitat Directive has been established by the Law on Nature Protection and includes:

- Competent authority for transposition and implementation – the Ministry of Environmental Protection;
- Other institutions responsible for implementation – Institute for Nature Conservation of Serbia, Agency for Environmental Protection, Republic Geodetic Authority, Provincial Secretariat for Urban Planning and Environmental Protection, Institute for Nature Conservation of Vojvodina Province, Administrations of PAs;
- Permitting - Ministry of Environmental Protection, Ministry of Agriculture, Forestry and Water Management, Provincial Secretariat for Urban Planning and Environmental Protection;
- Establishing PA's, Inspection, SEA and EIA procedures at the local level - Local Communities;
- Monitoring - Agency for Environmental Protection, Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province in collaboration with scientific organization and NGOs;
- Inspection and enforcement- Ministry of Environmental Protection, Provincial Secretariat for Urban Planning and Environmental Protection and Local self-governments in collaboration with relevant sectoral inspections, Administrations of PA's;
- Reporting - Serbian Agency for Environmental Protection in collaboration with Institute for Nature Conservation of Serbia and Provincial Institute for Nature Conservation.

### 5.1.3 Implementing measures and challenges

The current area under protection, i.e. the protected areas, covers about 662,402 ha or 7,61 % of the area of the Republic of Serbia including 5 national parks, 18 nature parks, 20 landscapes of exceptional characteristics, 68 nature reserves, 38 cultural and historical areas and 310 monuments of nature.

In accordance with the Decree on Ecological Network ("Official Gazette of the Republic of Serbia", No. 102/2010), the established ecological network includes 101 international and national ecological important sites and covers 20.93% of territory of the Republic of Serbia including some potential Natura 2000 sites for birds and habitats.

In accordance with the Rulebook on Proclamation and Protection of Strictly Protected and Protected Wild Species of Plants, Animals and Fungi, there are 2633 species under protection.

The Rulebook on proclamation of strictly protected and protected species has put under protection all Annex IV species, but not in the strict protection regime. The reserves within the Bern Convention have been approved for species that can be used in accordance with the conditions of nature protection (e.g. *Canis lupus, Vipera ammodytes, Felix silvestris and Accipiter gentilis*).

A list of reference species protected through habitat conservation has also been identified, but it is expected that the amendments to the Decree on the ecological network will specifically give descriptions of areas for their preservation.

The implementation of the provisions of the Directive is in progress. The Republic of Serbia made progress in identifying territories according to EMERALD network requirements (61site identified) and established good information basis for collecting additional data and further analysis needed for identification of NATURA 2000 sites.

Training in applying EU methodology for data gathering for Natura 2000 has been provided for the representatives of the Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province and scientific institutions, through two TAIEX expert missions held in July 2017 and February 2018.

Criteria for reference list, interpretation manual for Annex I habitats and reference list for Annex I and Annex II species are almost completed and are to be finalized in 2021 (IPA 2016 Natura 2000).

Management plans for large carnivores for the brown bear (*Ursus arctos*), wolf (*Canis lupus*) and lynx (*Lynx lynx*) under the Habitats Directive and the Bern Convention are currently being developed.

### 5.2 Plans for full alignment

#### 5.2.1 Legislative plans

Full transposition, except in terms of financing and reporting obligations, is planned for the end of 2020 through adoption of Decree on Appropriate Assessment applicable to the whole ecological network and amendments to the laws on SEA and EIA which are currently in procedure. Draft version has been already prepared and will be adopted in the 4th quarter of 2020. It prescribes procedure, content and deadlines as well as determines the reasons of overriding public interest and compensatory measures, including more detailed definition on procedures of the AA within the SEA and EIA procedure. The Rulebook on compensatory measures ("Official Gazette of the Republic of Serbia", No. 20/2010) will be repealed by adoption of Decree on Appropriate Assessment.

IPA 2016 project "Continued support to Implementation of Chapter 27 in the area of nature protection" (Natura 2000 II), which will be implemented during 2019-2021, will assist MEP in assessment of legal framework and completion of harmonization of national legislation with EU

directives related to nature protection. Provisions of EU Habitats Directive related to articles which refer to the financing and reporting (Articles 8, 17 and 23) will be included in the new Law on Nature Protection planned for 2020, as transitional provisions of this law that shall enter into force on the date of accession to the EU.

### 5.2.2 Institutional plans

Future activities related to implementation of Habitat Directive will require improvement of institutional infrastructure at all levels, and strengthening of administrative capacity, professionally trained employees and experts.

### 5.2.3 Planned implementation measures

Regarding establishment of Ecological Network including NATURA 2000, Institute for Nature Conservation of Serbia will continue implementation of the following national projects through contracts with scientific and professional organizations, financed from the budget:

- Second phase of the project "Establishment of an ecological network in the Republic of Serbia, the identification and mapping of habitat types in Serbia - the collection and evaluation of existing data, research, establishment of GIS" (2015-2020);
- Second phase of the project "Development of the Red Book of Plants, Animals and Fungi in the Republic of Serbia" (2015-2018);

First phase of the project "Establishment of Natura 2000".

IPA 2016 project Natura 2000 "Continued support to Implementation of Chapter 27 in the area of nature protection" (Natura 2000 II) will be implemented during 2019-2021 which will facilitate the achievement of the following results:

- Designation process for potential SPAs and pSCIs substantially completed (at least assumed 80% of SPAs and at least 50% of pSCIs), according to Birds and Habitat Directives, for NATURA 2000 Network in the Republic of Serbia;
- Information System, Data base and GIS for NATURA 2000 development;
- Harmonization of National legislation with EU directives related to nature protection, revised and completed;
- Strengthening the technical and administrative capacity for implementation of the nature protection legislation;
- Implementation of the public awareness campaign for NATURA 2000.

Assessment of State of Implementation and Identification of steps towards SPA and pSCI Designation in the Republic of Serbia recommended 2023 as the year for the finalization of the Natura 2000 network. It is planned, that the implementation of IPA 2016 Project "Continued support to Implementation of Chapter 27 in the area of nature protection (Natura 2000 II)", as well as the national project for the development of the ecological network, will make it possible to finalize the proposals for Natura 2000 area up to 2020, including the already identified areas and the new ones that are being assessed by this project. The next IPA funded project will continue work on designation of potential pSCIs and provide all missing data in order to complete list of potential pSCIs until 2023 for the finalisation of the Natura 2000 network.

**5.3 Acceptance of the acquis (and any negotiating requests)**

The Republic of Serbia proposes the following technical adjustments and adaptations to the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora:

1. Delineation of the border between the Pannonian and Continental regions

The border between the Pannonian and Continental regions in the Republic of Serbia should comprise the southern borders of the municipalities Šid, Sremska Mitrovica, Ruma, Pećinci, Surčin, Novi Beograd, Zemun, Pančevo, Kovini Bela Crkva, with the addition of narrower right coastal zones of the rivers Sava and Danube which belong to the neighbouring municipalities, as well as wider zones that include currently protected natural areas. The municipality of Palilula is the exception to this general approach, since its larger part, situated north of the Danube, is included in the Pannonian region, and the smaller urban part south of the Danube is in the Continental biogeographic region.

2. Exclusion of Alpine region in the central part of the Republic of Serbia

Based on assessment of the indicators, it is considered that the Alpine biogeographical region is not presented in the typical form on the territory of the central part of the Republic of Serbia. The region of western Serbia, where the eastern border of the Dinaric Alps is located, is a transitional area, which resembles more the Continental biogeographical region according to its biogeographical characteristics.

3. Geographical restriction in respect of the Serbian populations of the following species referred to in Annex IV of the Directive 92/43/EEC, which includes:

Balkan chamois (*Rupicapra rupicapra balcanica*), Wildcat (*Felis silvestris*), Wolf (*Canis lupus*).

4. Supplementing Annex II of the Directive 92/43/EEC with species belonging to the following groups:

Invertebrates - Serbian Stick Grasshopper (*Pyrgomorphella serbica*), Cricket (*Zeuneriana amplipennis*), Tentyria (*Tentyria frivaldszkii*), Tisa flower (*Palingenia longicauda*);

Plants -**Campanula secundiflora* - (priority species), *Cephalaria pastricensis*, **Daphne malyana* - (priority species), **Nepeta rtanjensis* - (priority species), Serbian spruce *(*Picea omorika)* - (priority species).

5. Supplementing Annex IV of Directive 92/43/EEC with species belonging to the following groups:

Invertebrates - Serbian Stick Grasshopper (*Pyrgomorphella serbica*), Cricket (*Zeuneriana amplipennis*), Tenytria (*Tentyria frivaldszkii*), Tisa flower (*Palingenia longicauda*);

Plants -**Campanula secundiflora* - (priority species), *Cephalaria pastricensis*, **Daphne malyana* - (priority species), **Nepeta rtanjensis* - (priority species), Serbian spruce (**Picea omorika*) - (priority species);

Amphibians - Danube newt (*Triturus dobrogicus*);

Reptiles - Bosnian adder (*Vipera berus bosniensis*).

6. Supplementing Annex V of the Directive 92/43/EEC with the following species:

Balkan chamois (*Rupicapra rupicapra balcanica),* wildcat (*Felis silvestris)* - Balkan part of Serbian population only, Wolf *(Canis lupus)* - Balkan part of Serbian population only.

7. Supplementing Annex I of the Directive 92/43/EEC with the following habitat types:

62F0 Dry Balkan serpentinophilousstepic grasslands (*Halacsyetalia sendtneri*);

8. Supplementing the Interpretation manual on EU habitat types with interpretation of the special features of the relevant habitat types in the Serbian territory:

6170 Alpine and subalpine calcareous grasslands;

91BA Moesian silver fir forests;

91V0 Beech forests (*Symphyto-Fagion*);

91W0 Moesian beech forests;

9410 Acidophilous *Picea* forests of the montane to alpine levels (*Vaccinio-Piceetea*).

Clarification of request for amendments of the boundaries between biogeographical regions in Serbia is presented in Annex 13a.

Clarification of request for amendments of Annex I, II, IV & V of the Habitats Directive and amendments of definitions of certain habitat types in Interpretation manual of EU habitats.

***Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds: (codified version of Directive 79/406/EEC and its amendments)***

**5.1 Current situation**

**5.1.1 Legislative framework**

The Birds Directive is almost fully transposed through following national legislation:

- Law on Nature Protection ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10, 91/10, 14/16 and 95/18) and the relevant by-laws,
- Law on Game and Hunting ("Official Gazette of the Republic of Serbia", No. 18/2010) and the relevant by-laws;
- Regulation on Ecological Network ("Official Gazette of the Republic of Serbia", No.102/10);
- The Rulebook on Proclamation and Protection of Strictly Protected and Protected Wild Species of Plants, Animals and Fungi ("Official Gazette of the Republic of Serbia", No. 5/10, 47/11, 32/16 and 98/16);
- The Rulebook on Proclamation of Protected Game Species by Closed Hunting Season ("Official Gazette of the Republic of Serbia", No. 9/12, 97/13, 55/15, 67/15 and 75/16);
- Regulation on transboundary movement and trade of protected species, ("Official Gazette of Republic of Serbia", No. 99/09 and 6/14);
- Special decrees on protection of natural (protected) areas.

Only provisions 1.1, 4.3, 6.3 and 7.3 of EU Bird Directive related to membership are not transposed.

### 5.1.2 Institutional framework

Institutional structure for the implementation of the Birds Directive has been established at the national, provincial and local level. Authorities in charge of the implementation of the Birds Directive are the following:

- Competent authority - Ministry of Environmental Protection;
- Transposition - Ministry of Environmental Protection, Directorate for Forestry of the Ministry of Agriculture, Forestry and Water Management;
- Implementation - Ministry of Environmental Protection, Directorate for Forestry of the Ministry of Agriculture, Forestry and Water Management, Institute for Nature Conservation of the Republic of Serbia, Agency for Environmental Protection, Republic Geodetic Authority, Provincial Secretariat for Urban Planning and Environmental Protection, Institute for Nature Conservation of Vojvodina Province, Administration of Protected Areas, owners of strictly protected species, public enterprises for forest and water management and users of hunting grounds, with the participation of civil society organizations;
- Permitting - Ministry of Environmental Protection;
- Monitoring - Environmental Protection Agency, Institute for Nature Conservation of the Republic of Serbia and Institute for Nature Conservation of Vojvodina Province in collaboration with scientific organization;
- Inspection and enforcement - Ministry of Environmental Protection and Provincial Secretariat for Urban Planning and Environmental Protection in collaboration with relevant sectoral inspections and Inspection for Forestry and Hunting;
- Reporting - Serbian Agency for Environmental Protection in collaboration with Institute for Nature Conservation of the Republic of Serbia and Institute for Nature Conservation of Vojvodina Province.

### 5.1.3 Implementing measures and challenges

Preliminary list of SPAs areas of special protection for conservation of habitats of certain species of birds was elaborated based on the currently available data; 43 sites were selected (based on IBA inventory – Birdlife International criteria) and established as an integrated part of Ecological Network.

The process of identification of areas of special protection for conservation of habitats of certain species of birds is in progress (in accordance with Bird Directive and Birdlife international, IBA and Ramsar criteria) and planned to be completed (including establishment) by the day of accession to the European Union. These newly identified sites will be added to the Ecological Network of Serbia to ensure required regime of protection.

The existing data on status of migratory birds that are the subject of hunting is being further analysed in order to provide scientific basis for changes of legislation relating to hunting.

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

Full harmonization will be achieved before the date of accession, when requirements related to the EU membership will be transposed. IPA 2016 project “Continued support to Implementation of Chapter 27 in the area of nature protection” (Natura 2000 II), which will be implemented during 2019-2021, will assist MEP in assessment of legal framework and completion of

harmonization of national legislation with the EU directives related to nature protection. Provisions of EU Bird Directive related to membership will be included in the new Law on Nature Protection as transitional provisions of this law that shall enter into force on the date of accession to the EU.

### 5.2.2 Institutional plans

Institutional strengthening is required for the implementation.

Preliminary list of SPAs (based on IBA inventory – Birdlife International criteria) are covered by ecological network and monitoring is within the competence of the protected areas/ecological network authorities and Institute for Nature Protection and Provincial Institute for Nature Protection, which are also responsible for monitoring of species outside of these areas. The work on the new Law on Game and Hunting is in progress and will include new provisions regarding the monitoring of migratory birds that are the subject of hunting and enforcement of legislation.

### 5.2.3 Planned implementation measures

The first priority for ensuring implementation of this Directive is to additionally assess current system and, if the need for new sites is identified, establish additional SPAs. According to planned results of the IPA 2016 project "Continued support to Implementation of Chapter 27 in the area of nature protection" (Natura 2000 II) the process of identification of areas of special protection for conservation of habitats of certain species of birds will end (at least 80% of SPAs) until 2020. The next IPA financed project will continue work on identification of the proposed potential areas of special protection for conservation of habitats of certain species of birds and provide all missing data in order to complete list of potential SPAs until 2023. The Republic of Serbia will take measures to strengthen supervision of transposed requirements regarding hunting restrictions through increased number of hunting wardens and inspectors, providing additional training activities.

The Republic of Serbia will continue with the systematic implementation of special measures (e.g., setting up systems of bird feeding stations for the birds of prey, placing of nest boxes for birds that nest in holes (Eurasian pygmy owl (*Glaucidium passerinum*), Ural owl (*Strix uralensis*), boreal owl (*Aegolius funereus*), European roller (*Coracius garrulus*), red-footed falcon (*Falco vespertinus*)), building of artificial nesting platforms for white stork (*Ciconia ciconia*) on low-voltage power line poles, installing artificial nests for saker falcon (*Falco cherrug*) on high-voltage power line poles; implementing campaigns against poisoning and illegal hunting of birds, protection of nests and marking of nest site protection zones for large forest birds (white-tailed eagle (*Haliaeetus albicilla*), black stork (*Ciconia nigra*), lesser spotted eagle (*Aquila pomarina*), black kite (*Milvus migrans*) and other), conservation of colonial nesting sites and prevention of reed harvesting and winter/spring burning of cut reed near the nesting sites of the following bird species: pygmy cormorant (*Phalacrocorax pygmeus*), black-crowned night heron (*Nycticorax nycticorax*), squacco heron (*Ardeola ralloides*), little egret (*Egretta garzetta*), great white egret (*Egretta alba, Ardea alba*), purple haron (*Ardea purpurea*), glossy ibis (*Plegadis falcinellus*), and common spoonbill (*Platalea leucorodia*), as well as the species that build nests individually: great bittern (*Botaurus stellaris*), little bittern (*Ixobrychus minutus*), bluethroat (*Luscinia svecica*), moustached warbler (*Acrocephalus melanopogon*), and western marsh harrier (*Circus aeruginosus*); implementation of special protection and conservation measures for eastern imperial eagle (*Aquila heliaca*): continuous (daily) monitoring of nesting areas during the nesting period, marking the nesting sites and putting up signs that

prohibit disturbance or destruction of these sites; implementation of special protection and conservation measures for great bustard (*Otis tarda*): maintenance of protective fence, managing of populations of predatory species of birds and mammals within the protective fencing and in its vicinity, implementing tillage practices within the protective enclosure that are beneficial to the great bustard; installation and maintenance of nesting platforms and artificial islands for nesting of common tern (*Sterna hirundo*), little tern (*Sterna albifrons*), Mediterranean gull (*Larus melanocephalus*), black-winged stilt (*Himantopus himantopus*) and pied avocet (*Recurvirostra avosetta*); limiting agricultural activities in zones around nests of Euroasian thick-knee (*Burhinus oedicnemus*), ensuring that standing trees and dead trees are left in forest habitats that are the feeding areas of following species: grey-faced woodpecker (*Picus canus*), black woodpecker (*Dryocopus martius*), middle spotted woodpecker (*Dendrocopos medius*), white-backed woodpecker (*Dendrocopos leucotos*), three-toed woodpecker (*Picoides tridactylus*); placing birdhouses for nesting in forest habitats for collared flycatcher (*Ficedula albicolis*), conservation and planting of windbreaks, rows of trees, individual trees outside forests for the conservation and protection of: lesser grey shrike (*Lanius minor*), Eurasian hoopoe (*Upupa epops*), European roller (*Coracius garrulus*) for the purpose of conservation of aforementioned species in accordance with Annex 1, as well as other migratory bird species that are identified on the territory of the Republic of Serbia.

Furthermore, the information system for reporting to the European Commission will be established.

**5.3 Acceptance of the acquis (and any negotiating requests)**

The Republic of Serbia proposes the following technical adjustments and adaptations to the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds:

1. Supplementing Annex I A of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds with the Horned Lark subspecies *Eremophila alpestris balcanica*;
2. Species from Annex II A of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds whose hunting has been prohibited in the territory of the Republic of Serbia: *Anseranser*, *Anas strepera*, *Anas acuta*, *Anas clypeata*, *Alectorisgraeca*, *Aythyafuligula*, *Lymnocryptusminimus*, *Gallinagogallinago*;
3. Supplementing Annex II B of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds with following species for which hunting is to be allowed in the territory of the Republic of Serbia: *Anser albifrons, Gallinula chloropus, Streptopelia decaocto, Garrulus glandarius, Pica pica, Corvus corone (cornix).*

***Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (CITES) and corresponding amending and implementing regulations***

**5.1 Current situation**

**5.1.1 Legislative framework**

The Republic of Serbia ratified the CITES Convention in 2001, and has progressively adopted national legislation in accordance with the basic provisions, thus providing for the implementation of the main provisions of the Convention. The amendments to the Law on Nature Protection and the Law on Environmental Protection in 2016 allowed for the implementation of both CITES and EU Wildlife Trade Regulations (EU WTR). The main provisions defining the rules for transboundary movement and trade, as well as sanctions, are prescribed by the Law on Nature Protection, whereas by-laws regulate this matter in much more detail (namely the Ministerial Rulebook on Transboundary Movement and Trade in Protected Species). The national legislation is almost fully aligned with the EU WTR, but as amendments to the EU WTR are frequent, the relevant by-law has to be timely revised in order to include such changes.

**5.1.2 Institutional framework**

The structure for implementation of these Regulations exists on a national and provincial level. The competent authorities for implementation of these regulations are:

- Ministry of Environmental Protection (Group for implementation of the CITES Convention) - authority competent for all tasks of the CITES Management Authority, which apart from permit issuance, include legislative drafting, capacity building, reporting and coordination with other agencies for implementation of legislation governing trade in wild species;
- MEP Inspection for environmental protection - authority for the control and monitoring of the legality of ownership, breeding and domestic trade in specimens of protected species, as well as providing support to other agencies for border control and monitoring during controls of cross-border movement, where needed. On the provincial level, the Inspection for environmental protection has jurisdiction only over ownership control, breeding and domestic trade;
- Customs Administration - authority for control of cross-border movement and trade of goods;
- The Ministry of the Interior (Border Police Directorate)- authority for the control of people and vehicles;
- Ministry of the Interior - authority for prevention of illegal activities which are criminal offenses under the Criminal Code, which at this time include: illegal cross-border movement and trade, smuggling, hurting and killing of protected species;
- The Institute for Nature Conservation of Serbia and the Provincial Institute for Nature Conservation are two main designated authorized scientific and expert organizations in the "Rulebook on designating scientific and expert organizations for conducting expert tasks, as well as on the way of obtaining and submitting expert opinions" (Official gazette of RS no.73 of 29.sept 2018) which carry out all the tasks of the national CITES Scientific Authority, namely (1) establishing whether import, export, re-export or taking in from the sea endanger the survival of strictly protected, protected and other wild species; 2) handling of confiscated and seized specimens of wild species; 3) conditions for keeping live specimens of wild species in captivity; 4) establishing whether the specimens were bred in captivity or were

artificially propagated; 5) marking of specimens of wild species; 6) establishing the origin of specimens of wild species; 7) providing expert assistance to the Ministry and other competent authorities in taxonomic determination of wild species; 8) elaboration of draft measures to fight illegal transboundary movement and trade in wild species; and 9) other expert activities relating to the implementation of ratified international agreements, as defined in Article 28 of the Law on Environmental Protection. In accordance with Article 103 of the Law on Nature Protection, activities of nature protection and protection of the natural goods that are partly or wholly located on the territory of AP Vojvodina shall be performed by the Provincial Institute for Nature Conservation. Therefore, in terms of competence of the two main Scientific Authorities with regard to CITES listed and other protected species, if the application concerns a specimen or applicant originating from the AP Vojvodina, the competent scientific Authority is the Provincial Institute for Nature Conservation, for all other applications it is the Institute for Nature Conservation of Serbia. These are the only two scientific authorities involved in the process of authorizing or rejecting applications for import/export/re-export and commercial activities with CITES listed specimens and other wildlife (applications being designated based on territorial administrative competence). The other eight scientific authorities also designated in the abovementioned Rulebook, carry out activities listed above, namely those in points 2), 5), 6), 7), 8) and 9) such as, in accordance with the requirements of the Ministry, their professional capacities and taxa that are the subject of their work.

### 5.1.3 Implementing measures and challenges

The implementation of the provisions of the EU Wildlife Trade Regulation is in process. In terms of declared shipments, the customs authority has a basic warning system in place based on tariff codes indicating that the import or export of a shipment requires special authorization, such as a CITES permit or certificate, or other relevant document. However, even though basic training on CITES and wildlife control was conducted and is repeated periodically, the customs officers do not have the detailed knowledge, which is often necessary for effective control of shipments with regard to wildlife trade regulations. Customs officers often consult the CITES Management Authority (the Group for implementation of the CITES the Ministry for Environmental Protection) in order to receive professional assistance and logistical support required for conducting a control. For the same reason, in preventing attempts of illegal wildlife trade at the border, the customs and border police often work closely with the Group for CITES implementation and the environmental inspectors of the Ministry, ensuring constant availability of staff of the MEP for the purpose. Providing timely professional assistance to customs officers is a challenge, as both human resources and material resources of the MEP are often insufficient for this task.

Development of necessary infrastructure for the proper disposal of confiscated wildlife is urgently required, as currently the competent authorities have great difficulties in effectively enforcing the law due to a general lack of housing options available for confiscated wildlife nationwide. At the moment, there is a lack of capacity, with respect to infrastructure, as well as human and financial resources, connected to appropriate accommodation of seized or confiscated live specimens of wild animals.

### 5.2 Plans for full alignment

#### 5.2.1 Legislative plans

Full alignment is planned for 2020 through adoption of special Law on transboundary movement and trade of wildlife.

Periodic amendments to CITES Annexes and the provisions of EU WTR must be reflected in the national bylaws through their timely amendment when necessary.

#### 5.2.2 Institutional plans

An extensive long-term improvement of institutional capacities of all the involved authorities is necessary, in terms of increasing human and material resources for the implementation of wildlife trade related legislation. In terms of the necessary administrative capacities for CITES and EU WTR implementation, an increase in staff numbers in the CITES Management Authority and in the relevant enforcement bodies is essential.

#### 5.2.3 Planned implementation measures

The efficiency of the enforcement authorities has to be improved for the purpose of conducting wildlife trade controls, both by making changes to legislation and through specialized training. Direct involvement of police in terms of investigating and preventing wildlife crime is necessary for efficient implementation of CITES and EU WTR. The establishment of a specialized wildlife crime police unit within the Ministry of Interior is a possible solution.

***Regulation 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union (Nagoya Protocol) and CIR (EU) 2015/1866 as regards the register of collections, monitoring user compliance and best practices***

### 5.1 Current situation

#### 5.1.1 Legislative framework

National legislation is not aligned with the provisions of Regulation 511/2014 and CIR (EU) 2015/1866. The Republic of Serbia signed the Nagoya Protocol on 26 September 2011 and ratified on 25 September 2018.

#### 5.1.2 Institutional framework

The leading responsible institution for the implementation of the Regulation is Ministry of Environmental Protection. Other responsible institutions are:

- Directorate for National Reference Laboratory - Plant Gene Bank (established pursuant to the Article 41 of Food Safety Law), which is responsible institution for implementation of complementary International Treaty on Plant Genetic Resources for Food and Agriculture;
- Environmental Protection Agency - in charge of collection and compilation of environmental data, processing and preparation of reports, development of procedures for the processing of environmental data and evaluation, keeping data on best available techniques and practices and their application, and reporting to EEA and EC;

- Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province – as the scientific authorities responsible for issuance of scientific opinions and monitoring.

### 5.1.3 Implementing measures and challenges

Implementation of requirements is mainly done through consultation process and raising awareness on the significance of genetic resources and traditional knowledge regarding genetic resources.

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

The alignment of national legislation will be provided through the new Law on Nature Protection and associated by-law which adoption is planned for 2020 and 2021, respectively. This law will introduce new provisions related to designation of competent authorities (Art. 6 of Reg. 511/2014), establishment of check-points of compliance for all recipients of research funding involving the utilisation of genetic resources and traditional knowledge associated with genetic resources (Arts 7.1 of Reg. 511/2014) and dissuasive penalties applicable to infringements (Arts 11.1 and 11.2 of Reg. 511/2014).

Monitoring user compliance checks will be performed by the Ministry responsible for environmental protection (CNA).

Provisions on the register of collections (Art. 5 of Reg. 511/2014) is not relevant for the Republic of Serbia at the moment and is planned to be implemented by the date of accession.

### 5.2.2 Institutional plans

Administrative structure for this regulation is in place but needs further adjustments.

### 5.2.3 Planned implementation measures

Full implementation is planned by the date of accession.

***Directive 99/22/EC on keeping of wild animals in zoos***

## 5.1 Current situation

### 5.1.1 Legislative framework

Directive 99/22/EC on keeping of wild animals in zoos has been fully transposed into the Law on Nature Protection ("Official Gazette of the Republic of Serbia", No. 14/16).

### 5.1.2 Institutional framework

Structure for implementation of requirements exists on a national and provincial level. The competent authorities for the implementation are:

- MEP - authority responsible for the welfare of live animals in captivity and during transport;
- Inspection for environmental protection - authority responsible for the control of ownership of wild animals in captivity, including control of housing conditions;
- Veterinary inspection (Ministry of Agriculture, Forestry and Water Management) - authority responsible for control of health and welfare of animals.

### 5.1.3 Implementing measures and challenges

Implementation of the Directive is in progress. In the case of a closure of a zoo or a part thereof, the temporary or permanent placement of animals presents a nationwide problem due to a general lack of infrastructure for housing of seized or confiscated wild animals. The control of conditions in all existing zoos in the country is in progress.

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

The legal basis for licensing zoos has been transposed into the Law on Nature Protection, whereas the full implementation of the Directive on Zoos will be carried out through the provisions of the by-laws regulating zoos and the keeping of wild animals in captivity, the adoption of which is planned for the end of 2020.

### 5.2.2 Institutional plans

The institutional capacities required for the effective implementation of the Directive provisions require improvement in terms of the number of employees and additional specialized trainings for conducting controls of zoos.

### 5.2.3 Planned implementation measures

Implementation of requirements of the Directive will continue through regular inspection of zoos, prescribing the conditions in permits held by the existing zoos with specific deadlines for their fulfilment, building of capacities within competent authorities for control of zoos through training activities.

Full implementation will require the building of adequate infrastructure and ensuring funding for the temporary or permanent housing and care of the wild animals that are removed from zoos in the event of their closure due to non-compliance with the prescribed conditions for keeping wild animals in zoos. Furthermore, the competent bodies responsible for inspection and control require additional specialized training for conducting inspections of zoos.

## *Regulation No. 3254/1991 prohibiting the use of leghold traps*

## 5.1 Current situation

### 5.1.1 Legislative framework

A general ban of the use of traps (including leghold traps) exists in the provisions of both the Law on Nature Protection and the Law on Hunting. The legal basis for controlling the import, export and re-export of the pelts of the animal species listed in Annex I and of the other goods listed in Annex I of this Regulation, exists in the Law on Nature Protection. Provisions of the Rulebook on Transboundary Movement and Trade in Protected Species regulate, in further detail, the rules for the import of pelts and related products, and are aligned with the requirements of the Regulation.

### 5.1.2 Institutional framework

The competent authorities for the implementation of this regulation are:

- The Ministry of Finance (Customs Administration) - authority for control of cross-border movement and trade of goods;
- The Ministry of the Interior (Border Police Directorate) - authority for the control of people and vehicles;
- Inspection for Environmental Protection - authority for the control of sustainable use and activities which endanger protected species;
- Inspection for Forestry and Hunting (Ministry of Agriculture, Forestry and Water Management) - authority for the control of hunting activities;
- Ministry of the Interior - authority for undertaking particular actions upon order of the Prosecutor's Office, and against the actions which are criminal offenses under the Criminal Code, which at this time include: illegal cross-border movement and trade, smuggling, hurting and killing of protected species.

### 5.1.3 Implementing measures and challenges

The control of compliance with the general ban on the use of traps, based on the Regulation, is already enforced through the activities of the competent enforcement authorities (environmental and hunting inspections). The control of import of pelts and related products is conducted by the customs during the control of goods upon import.

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

Revision of existing national legislation in the field of environmental protection to ensure that the provisions governing the prohibition of the use of leghold traps and the import, export and re-export of the pelts of the animal species listed in Annex I and of the other goods listed in Annex I of this Regulation are fully compliant with the EU requirements (2020).

### 5.2.2 Institutional plans

The institutional capacities are sufficient for the implementation of these provisions in terms of import control, with the need for additional training for customs officers, in particular, with regard to pelts and related products. A general need for improvement of institutional capacities exists primarily in terms of human and material resources in order to ensure efficient control of use of traps throughout the entire territory of the Republic of Serbia.

### 5.2.3 Planned implementation measures

Implementation actions will concentrate on capacity building for enforcement authorities and bodies responsible for controlling the implementation of the ban on the use of leg hold traps and the import, export and re-export of the pelts and other goods with respect to this Regulation.

***Regulation (EC) No 1007/2009 on trade in seal products and Regulation 2015/1850 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products***

## 5.1 Current situation

### 5.1.1 Legislative framework

The legal basis for the implementation of provisions of these two Regulations is provided in the Law on Nature Protection ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10, 91/10 and 14/16), as well as the measures for sanctioning in case of non-compliance with the national legislation regulating the trade in seal products. More detailed provisions need to be further defined by a by-law regulating transboundary movement and trade in wildlife to ensure full alignment.

### 5.1.2 Institutional framework

The competent authorities for implementation are:

- The Ministry of Finance (Customs administration) - authority responsible for control of cross-border movement and trade of goods;
- The Ministry of the Interior (Border Police Directorate) - authority responsible for the control of people and vehicles;
- Inspection for Environmental Protection at the republic and provincial level;
- Ministry of the Interior - authority responsible for undertaking particular actions upon order of the Prosecutor's Office, and against the actions which are criminal offenses under the Criminal Code, which at this time include: illegal cross-border movement and trade, smuggling, hurting and killing of protected species.

The existing institutional capacities are sufficient for the implementation of Regulations (EC) No 1007/2009 and (EU) No 737/2010 (Trade in seal products).

### 5.1.3 Implementing measures and challenges

Currently, the customs officers rely on a warning system to control imports of goods which may contain seal products. When conducting physical checks of shipments, customs officers often may require expertise from competent authorities, in the same manner as they do when performing control of shipments containing wildlife, including parts, derivatives and products thereof.

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

Revision of existing national legislation relevant for the control of trade in seal products is planned in order to ensure that the national provisions governing the trade of pups and products from seals are in compliance with the relevant EU legislation (2020).

### 5.2.2 Institutional plans

The institutional capacities are sufficient for control of import, however, there is a need for periodic training of customs officers regarding to these products. The institutional capacities require strengthening in terms of human resources in order to ensure efficient control of internal trade.

### 5.2.3 Planned implementation measures

Implementation actions will concentrate on capacity building of enforcement officers for the import and internal trade in seal products, mainly through training of the relevant enforcement agencies. The proposed activities are planned to be conducted by the MEP.

***Directive 83/129/EEC concerning importation of skins of certain seal pups***

### 5.1 Current situation

### 5.1.1 Legislative framework

The Directive has been almost fully transposed through general provisions of the Law on Nature Protection. The provisions and annexes of the Rulebook on Transboundary Movement and Trade in Protected Species ("Official Gazette of the Republic of Serbia", No. 99/09 and 6/14) regulate in more detail the importation of skins of certain seal pups and products thereof.

### 5.1.2 Institutional framework

The competent authorities for implementation of this Directive are:

- The Ministry of Finance (Customs Administration) - authority responsible for control of cross-border movement and trade of goods;
- The Ministry of the Interior (Border Police Directorate) - authority responsible for the control of people and vehicles;
- Inspection for Environmental Protection at the republic and provincial level;
- Ministry of Interior - authority responsible for undertaking particular actions upon order of the Prosecutor's Office, and against the actions which are criminal offenses under the Criminal Code, which at this time include: illegal cross-border movement and trade, smuggling, hurting and killing of protected species.

The existing institutional capacities are sufficient for the implementation of the Directive.

### 5.2 Plans for full alignment

### 5.2.1 Legislative plans

Revision of existing national legislation in the field of environmental protection to ensure that the provisions governing the trade in products from seal pups are fully transposed in accordance with relevant EU legislation (2020).

### 5.2.2 Institutional plans

Institutional system is in place.

### 5.2.3 Planned implementation measures

Implementation actions will concentrate on capacity building for enforcement officers with respect to import and trade control of skins of seal pups will be carried out through organizing trainings; the proposed activities will be conducted by MEP.

***Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species***

## 5.1 Current situation

### 5.1.1 Legislative framework

National legislation is not aligned with the provisions of Regulation (EU) No 1143/2014. The legal basis for the implementation of provisions of this Regulation is provided in the Law on Nature Protection ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10, 91/10 and 14/16) for development of the bylaw for regulating in detail the invasive alien species (Articles 82 and 94).

The Law on Nature Protection established a system of control of introduction of allochthonous wildlife species and their hybrids into nature, the introduction of allochthonous wildlife species under controlled conditions and unintentional introduction of allochthonous wildlife species.

The introduction of allochthonous wildlife species and their hybrids into nature on the territory of the Republic of Serbia is forbidden. Exceptionally, the introduction could be allowed if it is scientifically proven and acceptable from the point of view of nature protection, or if it does not endanger the population or the natural habitat of autochthonous wild species.

The introduction of allochthonous wildlife species under controlled conditions is possible on the basis of a permit issued by the Ministry of Environmental Protection, after obtaining the opinion of the Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province or other authorised expert and scientific organisations that there is no threat to autochthonous species, in case of accidental or unintentional escape of specimens in the natural environment of the Republic of Serbia.

The Ministry of Environmental Protection is responsible for proclamation of allochthonous wildlife species as invasive if their introduction and/or expansion threaten other species and the overall biodiversity in the Republic of Serbia. These proclamations are based on generally accepted international criteria, scientific knowledge and obligations assumed under international treaties and international documents, on the proposal of Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province or other authorised scientific or expert organisations, after obtaining the opinion of the ministry responsible for agriculture, forestry and water management.

### 5.1.2 Institutional framework

The leading responsible institution for the implementation of the Regulation is the Ministry of Environmental Protection. Other responsible institutions are:

- Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province – as the expert authorities responsible for issuance of scientific opinions and monitoring;
- The Ministry of Agriculture, Forestry and Water Management - authority responsible for aquaculture and implementation of Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture;
- The Ministry of Finance (Customs Administration) - authority responsible for control of cross-border movement and trade of goods;

- The Ministry of the Interior (Border Police Directorate) - authority responsible for the control of people and vehicles;
- Inspection for Environmental Protection at the republic and provincial level.

### 5.1.3 Implementing measures and challenges

Currently, only the import of invasive alien is regulated, as specific provisions exist only with respect to rejection of the import of wildlife which is deemed to be a threat to the native fauna and flora (Rulebook on Transboundary Movement and Trade in Protected Species).

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

Legal and institutional gap analysis of respective provisions of the Law on Nature Protection and suggestions for alignment with Regulation (EU) 1143/2014 on invasive alien species and institutional capacity building activities will be developed with support of external expertise.

The alignment of national legislation will be provided through the new Law on Nature Protection and associated by-law which adoption is planned for 2020 and 2021, respectively.

### 5.2.2 Institutional plans

Administrative structure for this regulation is in place but needs further adjustments.

### 5.2.3 Planned implementation measures

Full implementation of requirements is planned from the date of accession.

***Regulation on timber: Regulation 995/2010 (EUTR)***

## 5.1 Current situation

### 5.1.1 Legislative framework

This area has been largely aligned and regulated by the Law on Forests ("Official Gazette of the Republic of Serbia", No. 30/10, 93/12, 89/15) and by the Rulebook on Form and Content of Forest Stamp and Mode of Maintaining Records "Official Gazette of the Republic of Serbia", No. 93/16) of 18 November 2016, which prescribes in detail procedure for legal felling and marketing of wood and wood products in Republic of Serbia and the manner of keeping records about the timber and timber products in trade. Amendments to the Law on Forests ("Official Gazette of the Republic of Serbia" No. 89/15) improves the system of prevention and suppression of illegal logging and trade of illegally harvested timber in the Republic of Serbia.

Law on Forest and Rulebook on Form and Content of Forest Stamp and Mode of Maintaining Records cover the matters referred in Article 2 (h) of EUTR for domestic timber. However, the existing legal framework does not contain clear and unambiguous clauses regarding the adjustment with the EUTR in terms on the placement on the market of illegally logged timber imported to the Republic of Serbia, as well as relating to due diligence obligations for all operators.

Traders have obligation to comply with traceability requirements stipulated by the Law on Forests and Rulebook on Form and Content of Forest Stamp and Mode of Maintaining Records, which prescribe the obligation of keeping records about type and quantities of acquired and sold

wood as well as about wood stocks, documentation that accompanying wood in market and supplier's data.

### 5.1.2 Institutional framework

Directorate of Forests of the Ministry of Agriculture, Forestry and Water Management is the responsible/competent authority. Other competent authorities include Ministry of Economy, Ministry of Finance, Ministry of Trade, Tourism and Telecommunications. Clear system of dividing responsibilities among authorities has not been established yet.

### 5.1.3 Implementing measures and challenges

In order to ensure effective EUTR implementation in regard to national timber harvesting, based on the Law on Forests, the adequate procedure for timber harvesting and obligatory aspects is applicable to both state-owned and private forests. Additionally, all timber to be harvested needs to be planned in forest management plans (FMP); furthermore, without direct correlation of FMPs and harvesting timber, the cutting of trees is not allowed. Prior to harvesting, responsible persons (forestry engineers and technicians) are required to mark the trees which are to be cut in both state and private forests, respectively.

Placing timber and timber products on market is additionally regulated by the Amendments to the Law on Forests in 2015, according to which the obligatory documentation of origin is required. Forest inspectors are authorized to control timber placed on the market and impose sanctions in cases of violations of the Law. Current regulations prohibit illegal timber to be placed on the market; imported timber must be explicitly quoted as such. In terms of imported timber, operator is obliged to provide documentation which accompanied the timber. However, there is no prescribed obligation to check whether the document is issued in accordance with the national regulations of the country from which the timber originates.

Plans for checks relating to the operators have not been set up, as provided for in Article 10(2). Thus far, no controls of due diligence have been conducted, since the operators are not legally obliged to perform it, except those who export timber to the EU.

Imported wood and confirmation of the legality is within the competence of the customs. Additionally, competent inspectors from the Ministry of Trade and forestry inspectors from the Directorate of Forests share the responsibilities and competences in terms of the possible cross-border smuggled timber.

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

It is planned to prepare a new Law on marketing of wood and wood products, that would impose EUTR in comprehensive way, in addition to existing Law on Forests and other sectoral legislation. Preparatory measures are undertaken in order to prepare the draft Law until the end of 2020 and expected to be adopted in 2021.

### 5.2.2 Institutional plans

Regarding EUTR, competent authority needs to be officially designated and a system must be established in order to define different responsibilities (implementation, market surveillance, monitoring and inspection, and reporting) as required by Article 7(1) of the EUTR. Plan for

establishment of such system is being developed. The system will be established through adoption of the national legislation by 2021.

Based on the above mentioned, the new Law on EUTR will nominate a competent authority for the enforcement of the Regulation both for domestic and imported timber; risk management elements will be developed in terms of carrying out checks on operators and traders in order to verify compliance with the Law

### 5.2.3 Planned implementation measures

Nominated competent authority shall identify operators that are subject to the obligations of the regulation (design relevant database, as well as perform its regular updating, in close cooperation with relevant Ministries in charge of trade and finance (customs)). Also, the nominated competent authority must have current information about operators dealing with domestically harvested timber, as well as information on imported timber, which is to be achieved by using different approaches like database register, on-line communication with customs and trade inspections and etc.

Imposing due diligence requirements, supported by adequate human and financial resources for implementation of the regulation that will enable carrying out of a sufficient number of checks relating to the domestic and imported timber, taking into consideration the relevant risk criteria.

Enhancing the capacity of the inspectors to check the compliance of the operators in terms of the due diligence, which will be mandatory.

Capacity building for full implementation of the Regulation is needed. Full implementation is expected upon the date of Serbia's accession to the EU.

## *FLEGT: Regulation 2173/2005 amended by the Regulation 657/2014 and Regulation 1024/2008/EC*

### 5.1 Current situation

### 5.1.1 Legislative framework

Provisions of the FLEGT Regulation (2173/2005) have been partially aligned with the national law: Law on Forests ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/201 and 89/2015), Law on Trade ("Official Gazette of the Republic of Serbia", No. 53/2010 and 10/2013), Law on Foreign Trade ("Official Gazette of the Republic of Serbia", No. 36/2009, 36/2011 and 88/2011), Customs Law ("Official Gazette of the Republic of Serbia", No. 62/2006 and 63/2006) and Law on Customs Tariffs ("Official Gazette of the Republic of Serbia", No. 62/2005, 61/2007 and 5/2009).

### 5.1.2 Institutional framework

Competent authority that would have the competence in terms of the responsibilities prescribed by the FLEGT Regulation, as stipulated in its Article 7(1), has not been officially established yet. Implementation of the FLEGT Regulation, based on present Serbian regulations, require shared responsibilities between Ministry of Finance – Customs Administration and Ministry of Trade, Tourism and Telecommunications - Sector for Market Inspection and Ministry of Agriculture, Forestry and Water Management – Forestry Department.

### 5.1.3 Implementing measures and challenges

Implementation of the requirements prescribed by the Regulation is at an early stage.

## 5.2 Plans for full alignment

### 5.2.1 Legislative plans

The new Law on marketing of wood and wood products, which will align EUTR implementation, will also define scope of activities needed for the implementation of FLEGT. The Law is expected to be adopted in 2021

This involves the identification of a competent authority to process all timber shipments that are covered by the FLEGT licensing scheme; development of procedures/guidance on the validation of the FLEGT licences; the setting up of coordination mechanisms between customs and the competent authority (when discrepancies and differences in their respective procedures) and the setting up of penalty provisions in case of violation of the Regulation.

### 5.2.2 Institutional plans

Identification of competent authorities, establishment of a clear division of jurisdictions related to the implementation of this Law, establishment of appropriate cooperation between inspection and customs and other relevant activities initiated in 2018 will be completed until the end of 2021 in line with the adoption of relevant national legislation.

### 5.2.3 Planned implementation measures

The electronic platform launched by the European Commission for EU MS for the processing of FLEGT licences built on the TRACES platform, FLEGIT/TRACES, needs to be implemented. The Republic of Serbia needs to build capacities for using FLEGIT/TRACES for the processing of FLEGT licences, therefore, it is planned to provide the required training/capacity building on the use of the software in cooperation with DG ENV, prior to the date of the accession to the EU. Full implementation of the Regulation is expected upon Serbia's accession to the EU.

# 6. INDUSTRIAL POLLUTION

***Directive 2010/75/EU of the European Parliament and the Council on industrial emissions (the Industrial Emissions Directive or IED)***

## 6.1 Current situation

### 6.1.1 Legislative framework

**Chapter II of IED** (2010/75/EU) is partially transposed into national legislation. Certain parts of this Directive are transposed through transposition of the provisions of the IPPC Directive1996/61/EC into the Law on Integrated Pollution Prevention and Control ("Official Gazette of the Republic of Serbia", No. 135/2004 and 25/2015), (hereinafter the Law on IPPC) and relevant by-laws. The Law on IPPC transposes the 1996/61/EC IPPC Directive including definitions, operator's obligation to hold a permit, permit application procedure, permit issuing procedure, permit conditions, access to information and public participation in the permitting procedure and other issues stipulated in the Directive related to the Annex I activities.

**Chapter III of IED** is partially transposed and regulated by Law on Air Protection adopted on 15 May 2009, amended on 30 January 2013 ("Official Gazette of the Republic of Serbia", No.

36/09 and 10/13) and by national by-laws: Regulation on emission limit values of pollutants in the air from combustion plants adopted on 1 February 2016 ("Official Gazette of the Republic of Serbia", No 6/16) and Regulation on emissions of air pollutant measurements from stationary pollution sources adopted on 27 January 2016 ("Official Gazette of the Republic of Serbia", No. 5/16), which transposes main requirements of the Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants and requirements regarding emission limit values set out in Annex V of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).

Results of the legal gap analysis of the existing national legislation including specific provisions for combustion plants of the Industrial Emissions Directive, were achieved with the assistance of the IPA 2011 project "Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishing the EMAS system". In this respect, it was identified that some definitions are fully transposed, some provisions have to be improved, mostly in relation to other definitions and aggregation rules, while some provisions have to be transposed (flexibility provisions (desulphurization rate, transitional national plan, limited life time derogation, small isolated system, district heating plants), geological storage of carbon dioxide and remaining technical provisions set out in Annex V)).

**Chapter IV of IED** is partially transposed through the following legal framework: Law on Waste Management adopted on 15 May 2009, amended on 22February 2016 ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10 and 14/16) (hereinafter WML) and Bylaw on Waste (Co-) Incineration Plants and Rulebook on the format and the content of license for storage, treatment and waste disposal.

Other relevant legislative includes Rulebook on the form of a daily record and annual waste report with the filling instructions adopted on 17 December 2010, amended on 23 October 2015 ("Official Gazette of the Republic of Serbia", No. 95/10 and 88/15) and Regulation on the format and the content of license for storage, treatment and waste disposal adopted on 3 September 2009 ("Official Gazette of the Republic of Serbia", No. 96/09) (hereinafter specific by-laws).

With the support of PLAC 2 project, in December 2018, the first draft of the by-law the Rulebook on the form for obtaining a permit for treatment on waste relating to co-incineration, gasification and pyrolysis plants (storage, treatment and disposal of waste).

**Chapter V of IED** is partially transposed and regulated by the Law on Air Protection adopted on 15$^{th}$ May 2009, amended on 30 January 2013 ("Official Gazette of the Republic of Serbia", No. 36/09 and 10/13) and by national Regulation on the list of industrial installations and activities controlling emission of volatile organic compounds, emission values of volatile organic compounds during the certain consumption of solvents and total allowed emission, and emission reduction scheme, adopted on 29 December 2011 ("Official Gazette of the Republic of Serbia" No. 100/2011) which transposes main requirements of the Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (OJ L 85, 29.3.1999, p. 1–22).

Results of the legal gap analysis, show that Chapter V of IED is partially transposed into the national legislation. Thus, some provisions have to be improved, mostly in relation to monitoring requirements, substantial changes to existing installation and public access to information. Also,

wording of some national provisions should be strengthened to reflect the scope of the Directive's provisions and some of the transposed provisions need to be corrected.

**Chapter VI of IED** related to the titanium-dioxide is partially transposed by Law on Waste Management adopted on 15 May 2009, amended on 22 February 2016 ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10 and 14/16) and Regulation on management of waste from titanium-dioxide, surveillance and monitoring of environment on the site ("Official Gazette of the Republic of Serbia", No. 1/2012).

### 6.1.2 Institutional framework

**Chapter II of IED** - Competences for issuance of integrated permits is divided between the Ministry of Environmental Protection, Provincial Secretariat for Construction and Environmental Protection and local self-government units, all in compliance with the provisions of the Law on Planning and Construction, which defines the authorities that are competent for issuing the construction permit for the relevant installation.

Inspectorates at all levels are responsible for the control and inspection of IPPC installations, while Serbian Environmental Protection Agency collects data for the National Register of Polluters and issues environmental performance reports.

Competence for issuance of water permit, which is required to be submitted with the application for integrated permit, are divided between the Republic Water Directorate, which is a part of the Ministry of Agriculture, Forestry and Water Management, the Provincial competent authority and Public Water Management Companies "Srbijavode" and "Vojvodinavode".

**Chapter III of IED -**Ministry of Environmental Protection - Department for Air and Ozone Layer Protection is competent authority for transposition and coordination of implementation of Chapter III of IED (one employee with shared responsibilities, responsible for LCP issues). The permitting of LCPs is performed through the IPPC permits.

Serbian Environmental Protection Agency (SEPA) is the competent authority for maintaining the inventory of emissions, environmental information system and reporting. In Department for National Register of Polluters, one employee, who has shared responsibilities is also responsible for the specific topics regarding Chapter III of IED.

Ministry of Mining and Energy is responsible for the activities in the context of the European Energy Community that relates to the implementation of LCP provisions and Chapter III of IED provisions (one employee with shared responsibilities, responsible for LCP issues).

**Chapter IV of IED** - The Department of Waste Management of the Ministry of Environmental Protection is responsible for transposition and planning of implementation (one employee from waste management department with shared responsibilities). Waste Management Licenses Unit within Department for Waste Management is responsible for permitting of storage and treatment of waste (by (co-) incineration). Ministry of Environmental Protection and AP are sharing responsibilities for authorizing collection facilities and for authorizing treatment facilities (for waste (co-) incineration).

Department for Environmental Control and Precaution of the MEP is responsible for supervision and control. Other institutions involved are the Serbian Environmental Protection Agency (hereinafter SEPA), competent Authority of the Autonomous Province, local self-government

units, professional organizations for waste testing, Ministry of State Administration and Local Self-Government and Ministry of Construction, Transport and Infrastructure.

With the support of the PLAC 2 project, in the period from September to December 2017, activities on strengthening administrative capacities were completed, which had been aimed at analyzing the compliance of Serbian legal framework with Chapter IV of the IED and development of proposals for further harmonization. Also, with the support of the project, in December 2017, training for administration workers was conducted in the competent institutions and other bodies - energy, health and local government.

**Chapter V of IED** Department for Air and Ozone Layer Protection (one employee with shared responsibilities) of the MEP is responsible for transposition and coordination of implementation of EU legal acts regarding activities using organic solvents (Chapter V of IED) as well as regarding Petrol vapour recovery stages I and II (VOC Petrol directives). Also, within the Department for integrated permits, one employee with shared responsibilities is responsible for permitting IPPC VOC installations.

SEPA is the Competent Authority for reporting, emission inventories and environmental information system. At this moment there is no permanent employee within SEPA dealing with the specific topic regarding Chapter V of IED.

Environmental inspection at all levels (national, provincial and local) is the competent authority for carrying out inspection supervision over the implementation. Different competencies between different level of inspections are divided based on the Law on Planning and Construction adopted on 3rd September 2009 ("Official Gazette of the Republic of Serbia", No. 72/2009, 81/2009 - corr., 64/2010 - decision CC, 24/2011, 121/2012, 42/2013 - decision CC, 50/2013 - decision CC, 98/2013 - decision CC, 132/2014 and 145/2014) which stipulates competency for the construction license issuing.

**Chapter VI ($TiO_2$)** - The Department of Waste Management of the Ministry of Environmental Protection is responsible for transposition (one employee with shared duties). Department for Environmental Control and precaution, of the MEP is responsible for supervision and control and Serbian Environmental Protection Agency is responsible for information management related issues.

Coordination and oversight of inspection activities conferred to the autonomous province and local governments, are performed by the republic inspections. The number of the employees is as follows: MEP - national inspectors (61, with shared responsibilities), Provincial Secretariat for Urban Planning and Environmental Protection - provincial inspectors (15, with shared responsibilities) and Local self-government - local inspectors (206, with shared responsibilities).

### 6.1.3 Implementing measures and challenges

**Chapter II of IED.** Permitting system for the integrated permits is established and this process is ongoing. On the list of IPPC installations, there are 227 operators that are involved in 6 different activities. It is expected that this number will be revised after full transposition of IED, when installations belonging to the category of new activities listed in Annex I of IED will be also required to obtain the integrated permit. On the other hand, among 227 installations currently identified, there are 19 installations that are currently not operating because they are under extraordinary administration for financial reasons. The following table describes distribution by sectors:

| Type of activity | Total |
|---|---|
| 1. Energy | 30 |
| 2.Metal production and processing | 20 |
| 3.Mineral industry | 28 |
| 4.Chemicals industry | 15 |
| 5.Waste Management | 9 |
| 6.1. Paper industry | 5 |
| 6.4. Milk, food and meet industry | 21 |
| 6.5. Animal by product processing | 5 |
| 6.6. Rearing pig and poultry | 91 |
| 6.7. Surface metal processing | 3 |
| Total | 227 |

Thus far, 34 integrated permits are issued at all levels. The main problems regarding permitting system are related to the incomplete applications for integrated permits. Applications for integrated permits are usually incomplete, because they do not contain all required documents, such as construction permits, water permits and other relevant documentation. Also, because of the financial problems many operators can't prepare programme of measures in which they are required to provide all measures implemented in order to fulfil the BAT requirements. In addition, some facilities are in the privatization process and that is why they don't have clearly defined investments plan.

There are many challenges in this area that the competent authorities are currently facing. The condition needed to meet this deadline implies appropriate staffing at all levels for those services dealing with issuance of integrated permits. At this moment there is a lack of capacities at all levels. There are local self-government units which forward their applications to the Ministry for further processing based on entrusted activities.

With support of the project "Implementation of the Industrial Emissions Directive in Serbia" implemented by the Cleaner Production Centre of the Faculty of Technology and Metallurgy, University of Belgrade, with the financial support of the Kingdom of Sweden, draft Directive Specific Implementation Plan (DSIP) was developed. The document defines actions which are to be taken by MEP and other institutions in order to ensure IED implementation. It includes a specific plan for bringing to full compliance those installations that have requested specific extended implementation[9] period. For each of these installations, the following elements are described: compliance measures and their costs, source of finance and timetable of investments, market, financial and social analysis as well as arguments on how the delayed compliance will not bring any additional harm to the environment nor create potential distortion on the competitiveness of these industries in the EU market.

[9] According to the plan, most of installations are expected to comply with the Directive requirements by December 31 2024. Installations for which implementation period has been requested after the end of 2024, are considered as requiring extended implementation period.

Implementation of **Chapter III** of IED is in the initial stage.

There are in total 79 separate old large combustion plants (put into operation before 1 July 1992; explanation: cut-off date for old LCPs according to the Ministerial Council Decision of the Energy Community is 1 July 1992) and 10 separate existing large combustion plants (put into operation after 1 July 1992), which, with 31 separate medium combustion plants (MCPs) correspond to total 65 emission sources (stacks), i.e. LCPs according to the definition of LCP in the IED (namely, installations in accordance with LCP/ IED). For the purpose of calculating the total rated thermal input of LCPs, only MCPs as separate combustion plants with a rated thermal input above 15 MW have been taken into consideration and only these MCPs are included in list of emission sources (stacks) according to item 3 of Article 29 of IED.

Energy sector, in terms of definition of large combustion plants, includes thermal power plants, district heating plants and combustion plants within the Oil Industry of Serbia (NIS a.d. Novi Sad). The Activity 1, Energy industries, from Annex I of IED (Activity 1.1 - Combustion of fuels in installations with a total rated thermal input of 50 MW or more and Activity 1.2. - Refining of mineral oil and gas) includes a total of 75 separate LCPs and 16 separate MCPs which correspond to 48 of 65 emission sources (stacks), i.e. installations in accordance with LCP/IED that belong to the energy sector. The remaining combustion plants belong to the industry (14 separate LCPs and 15 separate MCPs corresponding to 17 of 65 emission sources (stacks), i.e. installations in accordance with LCP/IED).

In accordance with the Ministerial Council Decision D/2013/05/MC-EnC on implementation of LCP Directive, the Republic of Serbia sent the preliminary National Emission Reduction Plan (NERP) to the Energy Community Secretariat on 31 December 2015, containing only eligible old large combustion plants from the "network energy" sector (as well as preliminary list of old large combustion plants envisaged for "opt-out" mechanism. After consultations with operators, final NERP and final "opt-out" list were sent to the Energy Community Secretariat. Final NERP list covered 12 emission sources (stacks), i.e. installations in accordance with LCP/IED that belong to the "network energy" sector. Final list of old large combustion plants envisaged for "opt-out" mechanism covered 4 installations in accordance with LCP/ IED.

Financial resources for developing a strategic environmental assessment (SEA) for the NERP were secured by the Ministry of Environmental Protection and included in the budget for 2018. SEA for the NERP was submitted to the Ministry in December 2018 and pursuant to the national Decree adopted by the Government - Law on Strategic Environmental Assessment ("Official Gazette of the Republic of Serbia", No.135/2004, 88/2010) the Ministry has conducted a public hearing to this document.

NERP implementation and "opt-out" mechanism in the Republic of Serbia started on 1 January 2018 in accordance with the deadline prescribed by the relevant Ministerial Council Decision of the Energy Community. NERP will be in use up to 31 December 2027 at the latest, as prescribed by the relevant Ministerial Council Decision of the Energy Community. Also, paragraph 8, Art. 8 of the Regulation on emission limit values of pollutants into the air from combustion plants ("Official Gazette of the Republic of Serbia", No. 6/16) stipulates that the National Emission Reduction Plan for old large combustion plants shall apply in the period from 1 January 2018 to no later than 31 December 2027. For all plants covered with the NERP it is envisaged through DSIP for IED to comply with LCP BAT conclusions. For the LCP industrial installations technically connected to Annex I activities, compliance have been assessed together with the

primary ANNEX I activity. Compliance measures are also included in a single compliance plan with the request, if necessary, for a grace period.

In accordance with the Ministerial Council Decision D/2013/06/MC-EnC, on the implementation of Chapter III, Annex V, and Article 72(3)-(a) of IED, the Republic of Serbia is required to implement Chapter III and Annex V of the IED from 1 January 2018 for new plants. According to the paragraph 1, Art. 34 of the Regulation on emission limit values of pollutants into the air from combustion plants ("Official Gazette of the Republic of Serbia", No. 6/16), the emission limit values for pollutants prescribed for new large combustion plants and laid down in this Regulation in Annex 1 under C) have been applied from 1 January 2018.

Chapter IV of IED. The implementation is in the initial phase. The operating system for issuing licenses in the RS was established in 2010.

A total of four permits for storage and thermal treatment of waste were issued, for (co)incineration of waste tires and waste oils in the cement factory Lafarge Serbia from Beočin and (co)incineration of waste tires and SRF/RDF in the cement factory Holcim Serbia from Popovac.

Also, the competent authorities issued two licenses for the thermal treatment of waste for incineration of waste edible oils and fats to the agro-industrial complex BačkaTopola and for the incineration of wood waste, wooden pallets to the company Forma Idealed.o.o. from Kragujevac.

Chapter V of IED is in initial stage of implementation. Pursuant to Article 4, paragraph 2 of the Industrial Emissions Directive, in terms of maintaining the register of installations using organic solvents, so permits will not be issued for VOC installations which are not IPPC establishments. The data collection regarding implementation, commenced in 2015 with the support of IPA 2011 project "Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishing the EMAS system for the Republic of Serbia". Complete list of installations using organic solvents has not been prepared yet.

According to the assessment of the data collected by Serbian Business Register Agency there are 9.316 business entities potentially consistent with the activities of the Regulation/ Directive IED Chapter V and it is estimated that the total number of VOC operators in the Republic of Serbia ranges from 500-1000. Also, according to the analysis from December 2017, in terms of the most frequent activities or the largest number of VOC operators by type of activity, the following activities were crucial for the implementation of the VOC Directive in Serbia:

| No | Activity |
|---|---|
| 1 | Heatset web offset printing activity (thermally adjusted print) |
| 2 | Publication rotogravure |
| 3 | Other rotogravure, flexography, rotary screen printing, laminating or varnishing units |
| | Rotary screen printing on textile/paperboard |
| 4 | Surface cleaning |
| 6 | Vehicle coating and vehicle refinishing |
| 8 | Other coatings, including coating of metal, plastic, textile (2), fibres, films and paper |
| 11 | Dry cleaning |

| | |
|---|---|
| 12 | Wood impregnation |
| 14 | Footwear manufacture |
| 15 | Wood and plastic lamination |
| 16 | Application of adhesives |
| 17 | Manufacture of coating preparations, varnishes, inks and glues (adhesives) |
| 18 | Rubber conversion |
| 19 | Vegetable oil and animal fat extraction and vegetable oil refining activities |

Overview of situation based on answers of operators which have provided information in the scope of Chapter II-Annex I (Activity 6.7) and Chapter V - Annex VII of IED by 2017 is presented below:

| Total number of VOC operators in the scope of Annex I and Ch. V - Annex VII of IED | Compliance | Non-Compliance |
|---|---|---|
| 25 | 9 | 16 |
| Dry cleaning operators - Number of the machines | | |
| 217 | 128 | 89 |

Main challenges regarding implementation at this moment are:

- Updating of the database on the installations,
- Assessment of collected data with the requirements of Chapter V of IED,
- Revision of the current DSIP IED Draft.

Chapter VI ($TiO_2$). At the moment, there are no facilities covered by this Chapter and titanium-dioxide is not produced in the Republic of Serbia.

### 6.2 Plans for full alignment

#### 6.2.1 Legislative plans

**Chapter II of IED**. Full transposition of the 2010/75/EU (IED) Directive in the Republic of Serbia concerning the IPPC part will be achieved during 2021 through:

- Amending the IPPC Law in order to fulfill the requirements from IED-IPPC part (IV quarter of 2020); and
- New by-laws (II quarter of 2021):
  - Rulebook on the content, appearance and method of filling in application for granting of integrated permit,
  - Rulebook on the content and appearance of integrated permit,
  - Regulation on type of activities and installations that the integrated permit shall be granted for.

The amendments to the existing law will ensure compliance with the Chapter I and Chapter II of the IED.

In this context amendments of the existing Law on IPPC will focus on following areas:

- Rectifying administrative obstacles in permitting procedure: introducing new distribution of responsibilities in order to minimize the risk of non-compliance due to general lack of administrative capacities at local level;
- Establishing effective permitting procedure and improving quality of permits:
  - strengthening the role of Technical Commission relating to the procedure of integrated permitting,
  - setting a robust framework for ensuring an effective integrated approach by all authorities involved in procedure of granting integrated permits,
  - improving provisions on permit conditions and setting ELVs in accordance with BAT Conclusions,
  - improving provisions on monitoring, introducing new provisions on general binding rules, site closure, reporting, etc;
- Reinforcing provisions on environmental inspection;
- Developing clear and transparent framework on public participation and access to justice;
- Ensuring clear references to relevant national provisions/legislation transposing different aspects of the Industrial Emissions Directive.

Also, according to the planned amendments of the IPPC Law, the deadline for issuing integrated permits will be postponed to 31st December 2024.

**Chapter III** of IED. Legislative activities for full alignment with national legislation will be completed by the end of 2020 through:

- the Amendments of the Law on Air Protection and Amendments to the Regulation on emission limit values of pollutants in the air from large combustion plants by the end of 2020.

**Chapter IV** of IED. Full transposition is anticipated by the end of 2021at the latest, through:

- Amendments of the WML;
- Amendments of the bylaw on waste (co-) incineration plants;
- Amendments of the specific bylaws on reporting system and catalogue of waste.

**Chapter V** of IED. Transposition of the remaining provisions will be achieved through the Amendments of the Law on Air Protection and Amendments of the VOC Regulation by the end of 2020.

**Chapter VI** of IED. Full transposition will be achieved by the end of 2021, through the Amendments to the Regulation on management of waste from titanium-dioxide, surveillance and monitoring of environment on the site ("Official Gazette of the Republic of Serbia", No. 1/2012) following the adoption of the amendments to the Law on Waste management.

### 6.2.2 Institutional plans

Chapter II of IED. Because of the fact that in 2024 all IPPC installation are required to have a IPPC permit, and only 34 installations are currently permitted, compared to total number of installations, it is foreseen that in the following period capacity of staff within MEP and the AP is not sufficient to provide the necessary IPPC permits on time. The implementation plan for the administrative capacities is presented in Chapter 3.3 of DSIP for IED.

Chapter III of IED. Strengthening of the existing administrative capacities is needed within the Ministry, SEPA - Department for National Register of Polluters and environmental inspectors at national, provincial and local levels.

Chapter IV of IED. Necessary reforms are related to strengthening of the existing administrative capacities, especially the capacity of institutions and bodies in charge of planning, control and monitoring, reporting and certification system, as well as relating to the establishing close cooperation between MEP, APV and LSGs for the purpose of technical and administrative assistance.

Chapter V of IED. Necessary reforms are related to strengthening of the existing administrative capacities within the MEP, SEPA and environmental inspections at all levels. Two employees (one with shared responsibilities) need to be engaged within the MEP and one person need to be permanently engaged within the SEPA to collect submitted data and for the assessment of data. Lack of capacities on the local level and adequate knowledge of environmental inspectors is also identified. In order to ensure implementation, it is necessary to organize training for the environmental inspection. During March 2016, a training for the part of republic, province and local environmental inspection had begun and was further expanded in 2018 to support implementation and control of fulfilment of obligations arising from the Chapter V of IED.

**Chapter VI** of IED Strengthening of the existing administrative capacities is needed within the Ministry.

### 6.2.3 Planned implementation measures

**Chapter II** of IED. The specific plan for implementation of Industrial Emissions Directive has been prepared on the basis of the requirements of the Directive itself and the available BAT Conclusions. Full compliance with IED provisions will be achieved by 31st December 2024, except for those installations that require extended implementation period. Considering time period needed for full implementation for some of companies, the Republic of Serbia will achieve complete compliance by 2032. Based on the assessment of the compliance with IED provisions, a plan of measures has been laid down for each installation that requires extended implementation period. The plan takes into consideration technical, financial and social arguments for delaying compliance while demonstrating that the basic level of environmental protection will be ensured.

Out of total 227 IPPC installations currently in the territory of the Republic of Serbia, extended implementation period is required for 68 installations, including 19 facilities that are currently not operating because they are under extraordinary administration for financial reasons. The total amount of investments necessary to be invested by those installations in order to achieve full compliance with IED is about 1.327 billion EUR. For those installations that are currently not operating, information is very limited, so the compliance analysis could not be performed properly and the total investments may additionally increase.

More detailed information is provided in Chapters 4 and 5 of the DSIP for IED.

**Chapter III** of IED. For further development of the implementation, it is necessary to:

- Complete database of total number of LCPs;
- Ensure compliance with emission limit values (Art. 30);

- Decide whether to set emission limit values (ELVs) or to implement flexibility provisions (Art. 31-35);
- Strengthen and train capacities within the MEP and SEPA, as well as environmental inspectors at national, provincial and local levels.

Extended time period is required in order to provide required financing resources and implement needed changes for some of installations.

**Chapter IV** of IED. The Integrated National Plan for Hazardous Waste Management (developed with the support of IPA 2013 twinning project) recommends the construction of waste (co-) incineration infrastructure (plants with storage facilities); the costs of construction of these facilities are estimated at between 65 – 120 million EUR. These investments are required for the treatment of the annual volume of 40-80 000 t of hazardous waste (chemical waste, health care waste, waste oils and RDF/residues from recalling ELVs and EE waste). Each and every new facility of this type, which is to be constructed in the future, is required to follow requirements of the Directive.

**Chapter V** of IED. Preliminary assessment indicates that total number of VOC operators ranges from 500 to 1000 in the Republic of Serbia. Main investments for aligning installations with the requirements of the acquis will be made by the private sector.

According to the financial analysis from 2017, based on financial statements of 16 operators and dry-cleaning sector, it is estimated that 9.55 mil EUR is needed for alignment of the existing registered VOC installations with the requirements of the Chapter II-Annex I (Activity 6.7) and the Chapter V - Annex VII of IED.

Request for extended implementation date is based on high costs for implementation of VOC solvents – IED, which requires financing that can be provided only in the long-term period.

For further development of the implementation, it is necessary to:

- Strengthen and train capacities within MEP and SEPA;
- Educate environmental inspectors at national, provincial and local levels;
- Educate operators;
- Establish a register of existing installations;
- Complete database of existing installations and continue with data collection activity;
- Revise the current DSIP IED Draft (Chapter V of IED).

MEP will continue with the further implementation of of Chapter V of IED through the Project supported by Embassy of Norway in the Republic of Serbia (2019-2020).

### 6.3 Acceptance of the acquis (and any negotiating requests)

Republic of Serbia requests transitional periods for specific industries for implementation of the requirements of this Directive

The plan for full implementation of the requirements of IED has been developed by MEP in full cooperation with operators and other competent Authorities. The plan considers Directive's provisions related to chapter II, III and V; for those installations that are subject to more than one Chapter, the plan includes comprehensively every compliance measure needed to bring the installation to full compliance.

Tables bellow include all installations that will need extended implementation period in order to comply with requirements of the IED.

*Table: List of IPPC installations requiring extended implementation period for compliance with Chapter II of IED*

| No | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| 1 | NIS AD, Novi Sad, Rafinerija nafte Pančevo | Pančevo | 1.2.<br>4.1. (a) | 14.827 | 2026 |
| 2 | Valjaonica bakra Sevojno AD Sevojno | Sevojno | 2.5. (b) | 1.747 | 2025 |
| 3 | HBIS GROUP Serbia Iron & Steel d.o.o. Beograd, Ogranak Smederevo | Smederevo | 2.2.<br>2.1.<br>2.3. | 56.7 | 2027 |
| 4 | Serbia Zijin Bor Copper d.o.o. Bor – Topionica i rafinacija bakra Bor - TIR Bor [10] | Bor | 2.5. (a)<br>2.5. (b) | 53.5 | 2026 |
| 5 | NISSAL-NEWMET D.O.O. Niška Banja | Niška Banja | 2.5. (a)<br>2.5. (b)<br>2.6. | 0.875 | 2027 |
| 6 | EcoMet Reciklaža DOO | Loznica | 2.5. (a)<br>2.5. (b) | 1.210 | 2027 |
| 7 | TCK DOO KOSJERIĆ | Kosjerić | 3.1. | 8.2145 | 2028 |
| 8 | Lafarge BFC DOO Beočin | Beočin | 3.1. | 13.55 | 2026 |
| 9 | Toza Marković d.o.o. Kikinda[11] | Kikinda | 3.5. | 1.495 | n/a |
| 10 | CRH (Srbija) d.o.o. Popovac | Popovac | 3.1. | 30.5 | 2028 |
| 11 | Srpska Fabrika Stakla AD Paraćin | Paraćin | 3.3. | 21.057 | 2028 |
| 12 | Serbia Zijin Bor Copper d.o.o. Bor, Fabrika kreča Zagradje[12] | Bor | 3.1. | 0.346 | n/a |
| 13 | AD Sloga IGM Pobrđe[13] | Novi Pazar | 3.5. | 0.946 | n/a |
| 14 | Magnohrom d.o.o. Kraljevo | Kraljevo | 3.1. c | 6 | n/a |

[10] Plan for compliance based on experts estimations. Coordination with company on-going.
[11] Plan for compliance based on experts estimations. Coordination with company on-going.
[12] Plan for compliance based on experts estimations. Coordination with company on-going.
[13] Plan for compliance based on experts estimations. Coordination with company on-going.

| No | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| | | | 3.5. | | |
| 15 | HIP-Petrohemija AD Pančevo | Pančevo | 4.1. (a) (h)<br>1.1. | 34.25 | 2027 |
| 16 | MSK AD Kikinda | Kikinda | 4.1. (b)<br>1.1. | 25.646 | 2026 |
| 17 | Umka d.o.o. Umka | Beograd | 6.1. (b) | 32.15 | 2027 |
| 18 | Smurfit Kappa d.o.o. | Beograd | 6.1. (b) | 25.8 | 2026 |
| 19 | Dijamant AD Zrenjanin[14] | Zrenjanin | 6.4. b (ii) | 19.95 | 2027 |
| 20 | AD Vital Vrbas[15] | Vrbas | 6.4. b (ii) | 6.425 | 2027 |
| 21 | "SUNOKO" d.o.o. Novi Sad, Proizvodni centar Bačka, Vrbas | Vrbas | 6.4. b (ii)<br>1.1.<br>3.1. (b) | 21.55 | 2028 |
| 22 | "SUNOKO" d.o.o. Novi Sad, Proizvodni centar Pećinci, Pećinci | Pećinci | 6.4. b (ii)<br>1.1.<br>3.1. (b) | 6.55 | 2028 |
| 23 | "SUNOKO" d.o.o. Novi Sad, Proizvodni centar Jedinstvo, Kovačica | Kovačica | 6.4. b (ii)<br>1.1.<br>3.1. (b) | 21.55 | 2028 |
| 24 | VU Napredak, Ćuprija[16] | Ćuprija | 6.5. | | |
| 25 | VU PROTEINKA, Sombor[17] | Sombor | 6.5. | | |
| 26 | SZSZ "1. Decembar", Žitorađa<br>Pig farm 1. Decembar[18] | Žitorađa | 6.6. (b),(c) | 1.39 | 2027 |
| 27 | UNION MZ DOO Požarevac<br>Pig farm "Trnovče" | SeloTrnovče, Velika Plana | 6.6. (c) | 0.935 | 2027 |
| 28 | UNION MZ DOO Požarevac<br>Pig farm "Mustapić" | Selo Mustapić | 6.6. (b) | 1.675 | 2027 |

[14]The installation is subject to the provisions of both Chapter II and Chapter V of IED, utilization of VOCs is related to a secondary activity. The investments include measures to bring the plant to comply with BREF document's provisions and with ELV set by Annex VII of the Directive

[15]The installation is subject to the provisions of both Chapter II and Chapter V of IED, utilization of VOCs is related to a secondary activity. The investments include measures to bring the plant to comply with BREF document's provisions and with ELV set by Annex VII of the Directive

[16] National Strategy for the By-Product Management is under preparation and the compliance plan will be provided accordingly

[17] National Strategy for the By-Product Management is under preparation and the compliance plan will be provided accordingly

[18] Plan for compliance based on experts estimations. Coordination with company on-going.

| No | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| 29 | UNION MZ DOO Požarevac<br>Pig farm “Petrovac na Mlavi” | Petrovac na Mlavi | 6.6. (b) | 0.36 | 2027 |
| 30 | Zemljoradnička zadruga Kljajićevo, Kljajićevo<br>Pig farm “Kljajićevo” | Sombor | 6.6. (b) | 0.415 | 2026 |
| 31 | Meat industry Topola AD - PP “Pobeda“<br>Pig farm “Pobeda“ | Pobeda | 6.6. (b),(c) | 1.2 | 2026 |
| 32 | Meat industry Topola AD - PTK “Panonija”,<br>Pig farm “Mecker” | Bačka Topola | 6.6. (b),(c) | 1.2 | 2026 |
| 33 | Kotlenik-promet Ltd, Lađevci<br>Pig farm “Obrva” | Selo Obrva, Kraljevo | 6.6. (c) | 3.8 | 2027 |
| 34 | RIT “Čoka d.o.o” Ltd, Pig farm “Arenda” | Čoka | 6.6. (c) | 0.64 | 2026 |
| 35 | RIT “Čoka d.o.o” Ltd, Pig farm “Novo tovilište” | Čoka | 6.6. (b) | 0.64 | 2026 |
| 36 | ASPROM d.o.o. Beograd Ltd,<br>Pig farm “Ramski Rit” | Ramski rit, Veliko Gradište | 6.6. (b),(c) | 0.625 | 2026 |
| 37 | ASPROM d.o.o. Beograd Ltd<br>Pig farm “Farma junadi“ | Ramski rit, Veliko Gradište | 6.6 (b) | 0.625 | 2026 |
| 38 | PIK-Bečej AD Bečej<br>Pig farm “Zalivno polje“ | Bečej | 6.6. (b),(c) | 1.063 | 2027 |
| 39 | PIK-Bečej AD Bečej<br>Pig farm “Breg“ | Bečej | 6.6. (c) | 0.613 | 2027 |
| 40 | AD CARNEX, Industrija mesa Vrbas<br>Pig farm “Vrbas“ | Vrbas | 6.6. (b),(c) | 0.728 | 2027 |
| 41 | AD CARNEX, Industrija mesa Vrbas<br>Pig farm “Savino Selo“ | Savino selo | 6.6. (b),(c) | 0.72 | 2027 |
| 42 | AD CARNEX, Industrija mesa Vrbas<br>Pig farm “Bačko Dobro Polje“ | Bačko Dobro Polje | 6.6. (b),(c) | 0.64 | 2027 |

| No | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| | | | **TOTAL** | **422.1075** | |

*Table: List of IPPC[19]/ LCP installations requiring an extended implementation period and with compliance investments with BATC*

| | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| 43 | JP EPS - TENT A | Obrenovac | 1.1 | 421.9 | 2032 |
| 44 | JP EPS - TENT B | Obrenovac | 1.1 | 239.1 | 2031 |
| 45 | JP EPS - TO Vreoci | Vreoci | 1.1 | 19 | 2027 |
| 46 | JP EPS - TE Kostolac A | Kostolac | 1.1 | 95.2 | 2030 |
| 47 | JP EPS - TE Kostolac B | Kostolac | 1.1 | 64.7 | 2030 |
| 48 | JP EPS – Panonske CHP – CHP Novi Sad | Novi sad | 1.1 | 21.3 | 2027 |
| | | | **TOTAL** | **861.2** | |

*Table: List of IPPC[20]/VOC installations requiring an extended implementation period for compliance with the requirements of both Chapters II and V of IED*

| No | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| 49 | Tipoplastika d.o.o. Gornji Milanovac | Gornji Milanovac | 6.7 | 8.0 | 2028 |
| | | | **TOTAL** | 8.0 | |

*Table: List of IPPC installations under extraordinary administration and not operating*

[19] IPPC installations in accordance with paragraph 1.1, Energy sector from Annex I IED

[20] IPPC installations in accordance with paragraph 6.7 from Annex I IED –VOC

| No | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| 50 | Radijator AD, Zrenjanin[21] | Zrenjanin | 2.4 | 1.3 | 2028 |
| 51 | HIP-Azotara d.o.o. Pančevo - u stečaju | Pančevo | 4.2. (a), (b)<br>4.3.<br>1.1 | 39.650 | 8 years[22] |
| 52 | IGM JUGOBANAT JUBA d.o.o. Banatski Karlovac-Alibunar–u stečaju | Banatski Karlovac | 3.5 | | |
| 53 | AD Naša Sloga AD Kovin– u stečaju | Kovin | 3.5 | | |
| 54 | Lepenka d.o.o, NoviKneževac - u stečaju | Novi Kneževac | 6.1 | | |
| 55 | Pile Prom Ćirković d.o.o Beograd<br>Farma živine “Krepoljin” | Boljevac, Beograd | 6.6(a) | | |
| 56 | ”Hibrofarm” d.o.o. Vranje, Vranjska Banja | Vranjska Banja | 6.6(a) | | |
| 57 | ”Hibrofarm” d.o.o. Vranje, Vranjska Banja | Vranjska Banja | 6.6(a) | | |
| 58 | AD DRAGAN MARKOVIĆ, Farma svinja ”Ratari” | Obrenovac | 6.6 (b),(c) | | |
| 59 | AD Aleksa ŠantićFarma svinja | Sombor | 6.6 (b),(c) | | |
| 60 | AD Neoplanta Novi Sad, Farma svinja “Čenej” | Novi Sad | 6.6 (b) | | |
| 61 | Krivajad.o.o. Krivaja | Krivaja, BačkaTopola | 6.6 (b),(c) | | |
| 62 | Meat industry “PKB IMES” Ltd, Beograd,<br>Pig farm “Farkaždin”[23] | Farkaždin | 6.6 (b),(c) | 1.017 | 2027 |
| 63 | Meat industry “PKB IMES” Ltd, Beograd<br>Pig farm “Vizelj”[24] | Padinska Skela | 6.6 (b),(c) | 1.044 | 2026 |
| 64 | PIK–Bečej AD Bečej<br>Pig farm “Novo selo“ | Mileševo | 6.6 (c) | 0.062 | 2027 |
| 65 | PIK–Bečej AD Bečej | Bečej | 6.6 (b) | 0.256 | 2027 |

[21] Plan for compliance based on experts estimations. Coordination with company on-going.

[22] After the production restarts

[23] Plan for compliance based on experts estimations. Coordination with company on-going.

[24] Plan for compliance based on experts estimations. Coordination with company on-going.

| No | Installation | Location | IED activity/ies | Compliance investments mil. EUR | Implementation period required |
|---|---|---|---|---|---|
| | Pig farm "Veliki jarak" | | | | |
| 66 | PIK-Bečej AD Bečej<br>Pig farm "Petefi tovilište" | Bačko Petrovo Selo | 6.6 (b) | 0.149 | 2027 |
| 67 | PIK-Bečej AD Bečej<br>Pig farm "Petefi prasilište" | Bačko Petrovo Selo | 6.6 (c) | 0.087 | 2027 |
| 68 | PIK–Bečej AD Bečej<br>Pig farm "Šestica" | Bečej | 6.6 (b) | 0.153 | 2027 |
| | | | **TOTAL** | **43.718** | |

***Council Directive 2012/18/EU SEVESO III***

## 6.1 Current situation

### 6.1.1 Legislative framework

Council Directive 2012/18/EU is at an initial stage of transposition. Seveso II Directive has been partially transposed in 2009 through the Law on Environmental Protection ("Official Gazette of the Republic of Serbia", No. 135/04, 36/09, 72/09, 43/11, 14/16, 76/18 and 95/18 – other law) and 3 by-laws to this law:

- Rulebook on the list of dangerous substances and their quantities and on criteria for the determination of the type of documents drawn up by the operator of a Seveso installation or establishment ("Official Gazette of the Republic of Serbia", No. 41/10, 51/15 and 50/18) – fully transposing ANNEX I of Seveso III Directive;
- Rulebook on the scope of Accident Prevention Policy and the scope and methodology on the Safety Report and Contingency Plan Development ("Official Gazette of the Republic of Serbia", No. 41/10) – transposing ANNEX II, ANNEX III and partially ANNEX IV of Seveso II Directive;
- Rulebook on the content of the notification on a new Seveso installation/establishment, existing Seveso installation/establishment and on the permanent closure of a Seveso installation/establishment ("Official Gazette of the Republic of Serbia", No. 41/10) – defines Notification form, accordingly to Art. 6 of Seveso II Directive.

However, it is important to stress that only some articles of Seveso III Directive, which are the same as in Seveso II Directive, and which have already been fully transposed into Serbian relevant legislation can be considered as transposed.

Provisions related to the External Plans of Protection from Major Accidents are regulated by:

- Law on Disaster Risk Reduction and Emergency Management ("Official Gazette of the Republic of Serbia", No. 87/2018) adopted in November 2018;
- Decree on the content and methodology for elaboration of Protection and Rescue Plans in emergency situations ("Official Gazette of the Republic of Serbia", No. 8/11), and

- Guidance on the methodology for elaboration of the risk assessment from natural and other disasters and protection and rescue plans ("Official Gazette of the Republic of Serbia", No. 18/17).

Pursuant to the most recent amendments to the Law on Planning and Construction ("Official Gazette of the Republic of Serbia", No. 72/2009, 81/2009 - corr., 64/2010 – Decision of the Constitutional Court of the RS, 24/2011, 121/2012, 42/2013 – Decision of the Constitutional Court of the RS, 50/2013 – Decision of the Constitutional Court of the RS, 98/2013 - Decision of the Constitutional Court of the RS, 132/2014, 145/2014 and 83/2018), the section of this Law titled Definitions introduces terms Seveso installation and Seveso establishment, while the section of the same Law governing the competences relating to the issuing of construction permits, introduces the provision which stipulates that the ministry in charge of construction shall issue construction permits for the construction of Seveso installations and Seveso establishments.

### 6.1.2 Institutional framework

Leading competent institution for transposition and implementation is the Ministry of Environmental Protection. The environmental inspection is in charge of enforcement. Ministry of Interior is responsible for transposition and implementation of obligations related to external emergency planning. Local self-governments are responsible for preparation of external emergency plans on the territory within their jurisdiction. The competent authority of the local self-government unit in whose territory the higher-level SEVESO complex is situated is obliged to draft and adopt the External Plan of Protection from Major Accidents Ministry of Construction, Transport and Infrastructure is responsible for land use planning.

Currently, within the MEP, in the Section for Major Chemical Accident Protection, there are 3 employees and in the Section for Accidents, there are 7 environmental inspectors with shared responsibilities.

In the Ministry of the Interior (Emergency Management Sector), competence in the area of the External Plans of Protection from Major Accidents is at the central level - it belongs to the Risk Management Directorate as well as at the local level - to organisational units, including four Emergency Management Directorates and 23 Emergency Management Departments.

Additionally, the Law on Critical Infrastructure ("Official Gazette of the Republic of Serbia", No. 87/2018) adopted in November 2018, foresees Operator's Security Plans for Risk Management. Representatives of MEP are the members of the Bureau of the Conference of the Parties and Working Group on Implementation of the Convention on Transboundary Effects of Industrial Accidents.

Institutional framework has been established – there are no institutional gaps, nor overlapping of competences, however, the institutional capacities are insufficient.

### 6.1.3 Implementing measures and challenges

The implementation of the Seveso III Directive is at the initial stage, since current environmental protection system (legal, institutional and administrative) applies to requirements of the Seveso II Directive.

Seveso II Directive is being implemented in the Republic of Serbia from 2009. Implementation is based on existing national legislation which is not fully in compliance with the requirements of

Seveso II Directive. Thus far, there are 111 establishments identified in the Republic of Serbia, out of which, 61establishments belong to lower-tier and 50 belong to upper-tier Seveso establishments. Operators of lower-tier establishments have developed Accident Prevention Policy and operators of upper-tier establishments have submitted Safety Reports and Emergency Plans to the Ministry. Safety Reports have been subject to public insight, public presentation and debate. So far, 38 consents have been issued and 5 non-consents, including the ban of operation of the establishment or a part of the establishment. For the remaining establishments, the competent authority has required amendments, due to the lacking/insufficient data and has required supplementing of the documents. In addition, due to modifications of an establishment, operators updated 4 Safety Reports and internal Emergency Plans. Also, based on the prescribed time-limits, operators reviewed, tested and where it was necessary, updated internal emergency plans.

The obligations that have been reported as implemented are in compliance with the requirements under the Seveso II Directive and need to be amended in line with the requirements of Seveso III Directive. Although the national legislation established mechanisms related to the establishment of notification system (Art. 7); setting obligation to the operators to implement the major-accident prevention policy (Art. 8) and producing safety reports (Art. 10); establishment of a system for examination of Safety Reports (Art.10 and 19) and the requirement which stipulates that all upper-tier establishments are required to draw up internal emergency plans (Art. 12), these are not fully in compliance with Seveso III Directive requirements, therefore, they are assessed as not implemented.

Pursuant to the Law on Disaster Risk Reduction and Emergency Management, External Plans of Protection from Major Accidents form integral part of the Protection and Rescue Plan in Emergencies. Protection and Rescue Plan in Emergencies is drafted and enacted by a LSG.

### 6.2 Plans for full alignment

#### 6.2.1 Legislative plans

The Law on the control of major-accident hazards involving dangerous substances and the Rulebooks transposing relevant Annexes will be adopted by the end of 2020.

A full transposition of the SEVESO III Directive will be achieved through: revision and amendments of the Law on EIA, the Law on SEA, the Law on Free Access to Information of Public Importance and the Law on Planning and Construction (through adoption of by-laws, in accordance with Article 201 of this Law), amendments of the Decree on the content and methodology for elaboration of Protection and Rescue Plans in emergency situations ("Official Gazette of the Republic of Serbia", No. 8/11) and amendments of the Guidance on the methodology for elaboration of the risk assessment from natural and other disasters and protection and rescue plans ("Official Gazette of the Republic of Serbia", No. 18/17).

Draft Law on ratification of the amendments of Annex I to the Convention on Transboundary Effects of Industrial Accidents has been prepared and is expected to be adopted during 2020. Amendments of Annex I to the Convention have been made and adopted by the CoP in 2014 in order to be fully harmonized with Annex I of the Seveso III Directive and CLP/GHS System of classification of chemicals.

### 6.2.2 Institutional plans

Existing institutional setup requires strengthening in terms of administrative capacities and capabilities. According to the Regulation on internal organization and job classification in the Ministry of Environmental Protection, it is planned to increase the number of employees from 3 to 6 in the Section for Major Chemical Accidents Protection. Regarding the inspection, in the Section for Accidents, 12 job positions are foreseen in total.

Within the EMS MoI, within the Risk Management Directorate, a Department for Planning and Risk Assessment was established, with 12 posts systematized in total, within which is also the Section for Protection and Rescue Plans from Natural Hazards with 5 employees.

### 6.2.3 Planned implementation measures

Further implementation of the Directive requirements will be implemented through revision of identified establishments and updating of the existing registers, revision or drafting of new external emergency plans, ensuring that goals for the prevention of major accidents and limitation of their consequences for human health and environment must be taken into account in the process of land use planning, continual improvement of knowledge of all stakeholders.

***Directive (EC) No 2004/42 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products of 21 April 2004 (Official Journal L 143, 30/04/2004)***

## 6.1 Current situation

### 6.1.1 Legislative framework

Provisions of this Directive are fully transposed, except for the provisions which are prescribed only for EU member states (e.g. reporting to the Commission) through:

- Law on Chemicals ("Official Gazette of Republic of Serbia", No. 36/09, 88/10, 92/11, 93/12 and 25/15);
- Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals ("Official Gazette of the Republic of Serbia", No. 90/13, 25/15, 2/16 and 44/17).

### 6.1.2 Institutional framework

Ministry of Environmental Protection is the competent authority for the implementation of the Directive with its Department for Chemicals as the central administration designated for the implementation of this Directive.

Environmental inspection is responsible for control of placing on the market paints and varnishes for professional use.

Sanitary inspection is responsible for control of placing on the market paints and varnishes to general public.

Existing Institutional setup – central staff have acquired knowledge and practical experience on transposition and implementation of the Directive requirements.

### 6.1.3 Implementing measures and challenges

Cooperation with industry is established for the purpose of determining the deadlines for entry into application of the restrictions relating to VOC content in paints and varnishes. Information for distributers and retailers who are placing paints and varnishes on the market was published in 2012. Information about determination of content of the Volatile Organic Compounds (VOC) in certain paints, varnishes and vehicle refinishing products was published in 2010.

Guidelines for inspection control of chemicals placed on the market was developed, as well as guidelines on requirements of placing on market paints and varnishes intended to producers and importers of those chemicals with the support of IPA twinning project 2008 "Assistance in establishing of Chemicals sound management system in the Republic of Serbia" during 2012 and the pilot-inspection control of producers and importers of paints and varnishes was conducted.

Label or packaging for coatings (paints and varnishes) and vehicle refinishing products, in addition to data laid down by Rulebook on classification, packaging labelling and advertising of chemicals, also contain the following data: subcategory of coating (paints and varnishes) and subcategory of vehicle refinishing products, i.e. symbol of subcategory written in Cyrillic or Latin script in alphabetical order; maximum allowed VOC and maximum total VOC continent determined in accordance with requirements of the Directive.

National help-desk for chemicals has provided information to industry regarding deadlines for entering into force of phase 1 and 2 of limits of content of VOCs in paints and varnishes according to deadlines prescribed by national legislation, as well as through providing educational programmes - seminars, organized by the Competent Authority for the mentioned branch of industry. System for collecting data on VOC content is in place through the Integrated Chemicals Registry (product subcategory, quantity and VOC content).

### 6.2.1 Legislative plans

The remaining provisions of the Directive will be transposed through amendments of the Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals, which will be adopted by 2021.

### 6.2.2 Institutional plans

Further strengthening of institutional capacities is required, in particular strengthening of environmental and sanitary inspections.

### 6.2.3 Planned implementation measures

System for collecting data on VOC content for the purpose of monitoring is in place through the Integrated Chemicals Registry (product subcategory, quantity and VOC content). However, Monitoring Programme has not been developed yet, however, this programme for the purpose of verifying compliance with the mentioned Directive, will be conducted through the available data from Integrated Chemicals Registry including also data from inspection supervision by the date of accession to the EU.

***Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel***

### 6.1 Current situation

#### 6.1.1 Legislative framework

Rulebook on Closer conditions, criteria and procedure for obtaining the right to use Eco label, elements, design and manner of use of Eco label for products and services ("Official Gazette of the Republic of Serbia", No. 49/2016), sets requirements which are aligned with the provisions of the Regulation (EC) No 66/2010, followed by 26 Decisions which set the requirements for the product groups.

#### 6.1.2 Institutional framework

Existing institutional capacity is sufficient (in terms of administrative capacities and capabilities).

Rising of national laboratories capacities would be advantage but from the technical aspect – they are not limiting factor for the effective EU Ecolabel regulation alignment and implementation.

#### 6.1.3 Implementing measures and challenges

The national eco-labelling system has been established in accordance with the Rulebook on Closer conditions, criteria and procedure for obtaining the right to use Eco label, elements, design and manner of use Eco label for products and services (Official Gazette of RS, No. 49/2016). The national system contributes for preparation of implementation of the Regulation (EC) No 66/2010. There are already 3 products and 4 lines or groups of products, awarded with the national Ecolabel.

### 6.2 Plans for full alignment

#### 6.2.1 Legislative plans

So far the Republic of Serbia has adopted 26 decisions about product groups, but some of those are not valid in the EU and some of the groups are missing. Such situation occurred because Decisions which defines product groups were frequently changed. By the end of 2020, changes in the National Ecolabel Rulebook will be made in order to adopt and implement all valid decisions for 2020.

#### 6.2.2 Institutional plans

Existing institutional capacity is sufficient (in terms of administrative capacities and capabilities).

#### 6.2.3 Planned implementation measures

The Republic of Serbia will implement the EU Ecolabel regulation from the date of accession.

***Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (and connected Regulations)***

### 6.1 Current situation

#### 6.1.1 Legislative framework

EMAS Regulation has been aligned as much as it is possible at the moment, through the Law on Environmental Protection. Draft "Rulebook on content and form of request for confirmation regarding environmental related data from the official evidence for the participation in EMAS, as well as confirmation, documents which shall be submitted together with the request, the content, manner and appearance of records" is developed to help the organisation from one side and the EU verifier from the other, by providing environmental legislation enforcement check.

#### 6.1.2 Institutional framework

There are three employees working in the "Group for Standards and Cleaner Production". They are responsible for EMAS system aligning with Serbian legislation, as well as, for conducting the Eco-labelling procedure. Existing institutional capacity is sufficient.

#### 6.1.3 Implementing measures and challenges

Three organizations from the Republic of Serbia are already prepared for the EMAS registration, but the registration is still pending (relevant EU CB and EU environmental verifier are still not selected). According to the Law on Environmental Protection, the MEP (future EMAS competent body) will be national contact point for EMAS and will provide support to organizations which want to be EMAS registered and to the relevant EU EMAS Competent body and selected environmental verifier in the process of third country/Global EMAS registration (by issuing environmental legal compliance relevant confirmation).

### 6.2 Plans for full alignment

#### 6.2.1 Legislative plans

Alignment will be improved (operationally), through adoption of the "Rulebook on content and form of request for confirmation regarding environmental related data from the official evidence for the participation in EMAS, as well as confirmation, documents which shall be submitted together with the request, the content, manner and appearance of records" by the end of 2020.

#### 6.2.2 Institutional plans

Existing institutional capacity is sufficient.

#### 6.2.3 Planned implementation measures

Full implementation of the EMAS Regulation will be ensured from the day of accession.

***Directive (EU) 2015/2193 of the European Parliament and the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (Medium Combustion Plant (MCP) Directive)***

## 6.1 Current situation

### 6.1.1 Legislative framework

The MCP Directive requirements have not yet been transposed into national legislation.

National Regulation on emission limit values of pollutants in the air from combustion plants ("Official Gazette of the Republic of Serbia", No. 6/16) adopted on 1st February 2016 and Regulation of emission pollutant measurements in the air from stationary pollution sources ("Official Gazette of the Republic of Serbia", No. 5/16) adopted on 27th January 2016 establishes emission limit values of pollutants in the air and obligations for operators regarding emission measurements from small and medium combustion plants.

ELVs in the existing national Regulation on emission limit values of pollutants in the air from combustion plants for $SO_2$ and PM are more stringent in MCPD for existing plants and solid fuels, and for SOx for liquid fuels and gaseous fuels other than natural gas. However, national existing Regulation prescribes ELVs that are more stringent for NOx for all plants on liquid fuels other than gas oil, for plants between 1 and 5 MW on natural gas and for plants larger than 5 MW on gaseous fuels other than natural gas. ELVs for $SO_2$ and $NO_x$ are more stringent in MCPD for new plants on solid fuels, and for $SO_x$, $NO_x$ and PM for all liquid fuels and gaseous fuels other than natural gas. Also, according to MCPD only new plants become objects of aggregation, while in national Regulation all plants become objects of aggregation. Besides, if these new plants, which are smaller than 15 MW make a sum larger than 50 MW, they are still object of MCPD because only MCPs as individual combustion plants with a rated thermal input above 15 MW are included in total rated thermal input of combustion plants according to point 3 of article 29 of IED. Finally, MCPD does not prescribe ELVs for CO, $N_2O$ and TOC, as is the case with the national Regulation.

### 6.1.2 Institutional framework

Ministry of Environmental Protection - Department for Air and Ozone Protection, is the competent authority for transposition and coordination of implementation of MCP directive (one employee with shared responsibilities).

Serbian Environmental Protection Agency (SEPA) is the competent authority for maintaining of the inventory of emissions, environmental information system and reporting. At the moment, there is no employee within SEPA dealing with the specific topic regarding MCP Directive.

Coordination and oversight of inspection activities conferred to the autonomous province and local self-governments, are performed by the republic inspections. The number of employees: MEP - national inspectors (61, with shared responsibilities), Provincial Secretariat for Urban Planning and Environmental Protection - provincial inspectors (15, with shared responsibilities) and local self-government - local inspectors (206, with shared responsibilities).

Other competencies will be established in the legal acts transposing the Directive requirements.

### 6.1.3 Implementing measures and challenges

Activities on implementation of the Directive have not started yet, but MCPs operators already have some obligations prescribed by the national Regulation on emission limit values of pollutants in the air from combustion plants and Regulation of emission pollutant measurements in the air from stationary pollution sources regarding emission limit values and emission measurements.

According to Implementation programme of the Energy Development Strategy of the Republic of Serbia until 2025 with projections to 2030, in terms of the period from 2017 to 2023 (POS), there are 145 registered medium combustion plants situated in heating plants (total thermal input greater than 1900 MW), which have an obligation to harmonize their emissions into the air with ELVs prescribed in national Regulations on emission limit values of pollutants in the air from combustion plants. This number of plants represents approximate value and applies only to district heating systems in municipalities. Out of that number, 17 plants fall under the IED according to the aggregation rule as plants larger than 15 MW.

An assessment of current situation regarding total number of medium combustion plants in the Republic of Serbia was done during the period august 2017 - December 2018. After detailed inventory, according to questionnaire made by Ministry of Environmental Protection to the local authorities, the relevant data were obtained. According to the initial assessment there are approximately 440 existing MCPs.

According to article 20 and article 35 (items 5, 6 and 7) of national Regulation on emission limit values of pollutants in the air from combustion plants, deadlines for implementation are significantly shorter than in MCPD, in addition, none of the operators has made any objections in this respect.

## 6.2 Plans for full alignment

### 6.2.1 Legislative plans

Legislative activities for full alignment of MCPD requirements with national legislation will be completed by the end of 2020 through:

- Amendments to the Law on Air Protection by the end of 2020;
- Adoption of Regulation on emission limit values of pollutants in the air from medium combustion plants which is scheduled for the end of 2020. As from one year after the national legislative alignment date, the regulation would apply to new plants.

### 6.2.2 Institutional plans

Other competencies will be established by the legal acts transposing the Directive requirements. For example, from 20 December 2018, all new medium combustion plants must be permitted or registered, as determined by each Member State. In the Republic of Serbia, all combustion plants with steam boilers, which fall, in so-called vessels under pressure category, are covered with legislation and registration by the Ministry of Mining and Energy. Other type of MCPs are registered by local authorities, which require investment and civil engineering permits. In this situation, it is logical for the Ministry to apply registration. Accordingly, further strengthening of administrative capacities is needed within the Ministry, SEPA - Department for National Register of Polluters, Provincial Secretariat for Urban Planning and Environmental Protection and environmental inspectors at national, provincial and local levels.

### 6.2.3 Planned implementation measures

In order to ensure implementation of the requirements, it is necessary to:

- Continue analyzing current available data on MCPs;
- Complete a database to contain the total number of MCPs;
- Ensure compliance with emission limit values (Art. 6);
- Introduce requirement for the operators to monitor emissions (Art. 7, Part 1 of Annex III);
- Establish a reporting system and database (Art. 11).

Implementation of the MCP directive will be achieved according to the dates prescribed for the Member States.

## 7. CHEMICALS

***Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)***

Note: REACH is also subject of negotiations within the Chapter 1 *Free movement of goods*.

### 7.1 Current situation

### 7.1.1 Legislative framework

Serbian legislation is partially aligned with the REACH Regulation. Provisions which require EU membership as a prerequisite in order to be implemented are not incorporated into the national legislation (e.g. substance registration, evaluation and authorisation).

Considering direct applicability of the REACH Regulation, partial alignment is a temporary legislative measure which facilitates preparation for direct implementation of REACH after the accession.

Alignment is provided by:

- Law on Chemicals („Official Gazette of the RS“ No 36/2009, 88/2010, 92/2011, 93/2012 and 25/2015);
- Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals („Official Gazette of the RS“, No 89/10, 71/11, 90/11, 56/12, 90/13, 25/15, 2/16, 44/17 and 36/18);
- Rulebook on manner of conduction of chemicals safety assessment and content of chemicals safety report (“Official Gazette of the RS”, No 37/11);
- Rulebook on criteria for identification of substances such as PBT (persistent, bioaccumulative and toxic) and vPvB (very persistent and very bioaccumulative) (“Official Gazette of the RS”, No 23/10);
- Rulebook on the content of Safety Data Sheet (“Official Gazette of the RS”, No100/11);
- List of Substances of Very High Concern (“Official Gazette of the RS”, No 94/13, 101/16 and 22/18);
- List of candidate substances for the List of SVHC (“Official Gazette of the RS”, No 58/16 and 22/18) and

- Rulebook on Methods for Testing of Chemicals' Hazardous Properties ("Official Gazette of the RS", No 117/13),

hereinafter referred to as "Serbian Chemicals Legislation".

In particular, the Serbian Chemicals Legislation implements the REACH provisions related to the information in the supply chain (safety data sheets (SDS), Article 33 SVHC notification), the Candidate List of SVHCs, the List of SVHC and REACH restrictions (although the dates of applicability of specific restrictions do not necessarily correspond to those set out in REACH, Annex XVII). In addition, the Serbian Chemicals Legislation include the rulebook on chemical safety reports (CSR) providing that if the CSR is available, the information in the safety data sheet must correspond to the information from the CSR and the Exposure Scenario has to be provided in the annex to the SDS.

The Chemicals Legislation also comprises a Serbian Chemicals Registry. The duty to notify a chemical into the Registry applies to substances placed on the market as such, and mixtures formulated in or imported into the Republic of Serbia in the quantities above 100 kg/year. The Registry contains information about the notifiers and general information on the chemicals, such as the information on the origin, use, labeling, the composition and the content of volatile organic compounds. In case of mixtures containing SVHC listed in REACH Annex XIV, notifying requirements include a description of the measures to reduce the risk and information on the alternative substance, if available.

### 7.1.2 Institutional framework

Ministry competent for the environment (hereinafter: MEP) is Competent Authority (CA) for Chemicals Management. Responsibility is further allocated to MEP's Department for Chemicals that is responsible for performing tasks arising from the legislation on chemicals and biocidal products, including alignment with the acquis. Department for Chemicals consists of Unit for Chemicals management (3employees), Unit for Biocidal Products Management (3 employees), Unit for Chemicals' Classification, Hazard Assessment and Communication (1 employee) and Unit for Integrated Chemicals Register (3 employees). Total number of staff, including the Head of Department is 11.

Two full time employee equivalents are in charge of implementation of compiled REACH aligned legislation, including help-desk function.

Control of compliance with the national legislation aligned with REACH requirements and inspection supervision are conducted by MEP via the environmental inspectors, and Ministry competent for health via the sanitary inspectors.

Administrative capacity of the Department for Chemicals needs to be strengthened in the short-term, by recruitment of staff with the relevant regulatory and technical expertise as well as soft skills for both, the Chemical's Department and Environmental Inspection. Existing staff also need further training, IT equipment and financial resources in order to have the capacity to ensure effective implementation of REACH.

In terms of knowledge, expertise and soft skills building, specific activities are already implemented, e.g. with the support of the European Chemicals Agency (ECHA) under the ECHA IPA project, twinning projects funded by the EU IPA and implemented in cooperation with

Austria/Slovenia, and long-term capacity building project through cooperation with Swedish Chemicals Agency (Kemi).

### 7.1.3 Implementing measures and challenges

The Serbian Chemicals Legislation aligned with certain parts of REACH is in force since 2010. Where alignment is provided, Serbian rulebooks repeat the detailed content of individual REACH provisions. However, alignment with respect to REACH registration and authorisation requirements before the accession has been challenged. In our view introducing REACH registration/authorisation processes before the accession would be against the EU principles of proportionality and legal certainty.

Even if a REACH alike registration/authorisation is obtained in the Republic of Serbia before the accession, such registration/authorisation would not be recognized in the EU after the accession and would have to be duplicated. In such a case, the accession would lead to a situation of cancellation of legal instruments enabling their holders to carry on an economic activity, while according to the settled case-law of EU Courts, the legitimate expectations and legal certainty of such holders have to be protected[25].

Regulatory knowledge on chemicals relevant for implementation is available and continuously improved. Since 2009 numerous educations and trainings have laid down a base for REACH aligned rules within the core administration. Capacities of core staffs and inspectors have been further underpinned by the cooperation with Austria/Slovenia (IPA SR13 IB EN 03 "Further development of chemicals and biocides products management" and Sweden ("Chemicals risk management in the Republic of Serbia"). Additionally, central staff is receiving support from the ECHA through the workshops and trainings provided within the ECHA's IPA technical assistance for candidate and potential candidate countries.

National helpdesk has been established and provides advice on responsibilities and obligations under national legislation aligned with REACH (Ref: info.hemikalije@ekologija.gov.rs); national helpdesk is foreseen to become the member state REACH, CLP and BPR Helpdesk once the Republic of Serbia becomes the EU member. Helpdesk staffs already take part in the ECHA helpdesk network activities with the capacity of an observer.

Serbian representatives participate in the Member States' CA for REACH and CLP Meetings (CARACAL) with the capacity of an observer, which is recognized as important for implementation of legislation and further strengthening of competences and skills in particular those required for effective participation with the full capacity after the accession.

However, as regards building the capacity to participate in other technical work e.g. technical subgroups to the meeting of CARACAL or Partner expert groups, REACH Committee, Member State Committee etc., administrative capacity of Serbian core administration for chemicals has to be strengthen further by both, number of employees and range of competences.

Duty to communicate information on chemicals within the supply chain has been implemented. Legal entities placing chemicals on the market provide Safety Data Sheet together with the

[25] The Commission invokes this principle as regards transition periods, see e.g. the Judgment of the European Court of Justice in Case 235/17, European Commission vs. Hungary.

chemical and the form and content are in line with REACH, Annex II. Duty to communicate information on substances in articles (REACH, Art. 33) is implemented also.

Restrictions aligned with REACH Annex XVII apply in the Republic of Serbia and for notifying chemicals in the Chemicals Registry, there are special requirements for substances listed in REACH, Annex XIV.

Active cooperation with the civil sector with regard to chemicals and product safety is established. NGOs are among the main partners when it comes to dissemination of information about chemicals to the public.

In order to raise awareness on consumers' rights and protect human health and environment, MEP established new website for consumers "IPOHEM" (www.ipohem.gov.rs).

Establishment of an effective inspection and enforcement system is partially implemented. Law on chemicals defines enforcement arrangements for control of compliance with the Law and legislation promulgated thereof including REACH aligned rules. The Law on Chemicals contains provisions for sanctions in a number of cases of non-compliance with REACH aligned rules. Article 97 prescribes Economic Offences and Art. 98, 99, 100 and 101 prescribe offences and sanctions that are to be applied in case of infringement of the provisions of the Law.

### 7.2 Plans for full alignment

#### 7.2.1 Legislative plans

For the purpose of implementation of REACH, Law on implementation of REACH will be drafted and adopted. Activities on preparation of the first draft have started. Deadline for the adoption is 2021, while this Law would be applied from the day of accession.

With the effect from the date of accession, the current Law on Chemicals would be repealed and replaced with the New Law on Chemicals. The New Law on Chemicals would not comprise REACH aligned provisions.

The New Law on Chemicals will maintain some specific provisions from the current Chemicals Legislation, namely the Chemicals Registry. In our view these provisions do not infringe the free movement clause enshrined in Article 128 REACH and we would like to support this by referring to the fact that national registries of chemicals are in principle in line with EU law as this has been confirmed by the Court of Justice of the EU in the case involving Swedish Chemicals Registry[26]. The specified conditions apply and those are also met by the Serbian Chemicals Registry. Namely, notifications to the Registry are not a pre-condition for the placing on the market and the Registry mainly concerns non-REACH information as it primarily keeps data on mixtures. It serves as a supportive instrument for enforcement and contributes to the achievement of high level of protection of human health and the environment.

#### 7.2.2 Institutional plans

Existing institutional set up comprises Ministry competent for the environment as CA for Chemicals Management. Responsibility will be further allocated to Department for Chemicals.

Current CA capacity and tasks (e.g. list of expertise, technical skills etc.), available staff (man/year) and resources required on accession (man/year) with reference to MS obligations

[26] Case C-472/14, Canadian Oil Company Sweden AB vs. Riksåklagaren

would be reviewed. Institutional strengthening measures will take into account pros and cons for establishment of an independent institution e.g. Chemicals Agency. Further details regarding the administrative capacity building would be given in the Action Plan for Administrative Capacity Development.

### 7.2.3 Planned implementation measures

MEP is continuously working on capacity building and strengthening of both administrative and professional capacities to participate in the Member State Committee and to assist the work of the Risk Assessment Committee and Socio Economic Analysis Committee.

Administrative capacity of Serbian core administration for chemicals in terms of capacity to evaluate substances, prepare and submit dossiers for identification of Substances of Very High Concern and proposals for restrictions of the manufacture, use or placing on the market of substances will be built further and supported by scientific sector.

Specific REACH implementation Plan will be developed under the IPA 2014 Environmental Approximation Strategy III.

During the pre-accession period, MEP will continue to communicate about the implementation of REACH with all relevant stakeholders (e.g. Ministry of Health, Ministry of Trade, Tourism and Telecommunications, Serbian Chamber of Commerce, Serbian Association of Employers, SME Union, NGOs and Industry).

Link for the national Helpdesk on the official web presentation where basic information about REACH will be provided (http://www.ekologija.gov.rs/organizacija/sektori/sektor-za-planiranje-i-upravljanje-u-zivotnoj-sredini/odeljenje-za-hemikalije/informativni-pult-za-hemikalije-i-biocidne-proizvode).

Industry will be further informed and supported during the pre-accession period through workshops and other events e.g. Stakeholder Day.

## 7.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia will implement REACH as from the day of accession, subject to specific arrangement set out below for the requirements for which adaptation periods are necessary.

List of requirements for which adaptation period is needed:

Article 5 stipulates that subject to Article 6, 7, 21 and 23, substances on their own, in mixtures or in articles shall not be manufactured in the Community or placed on the market unless they have been registered in accordance with the relevant provisions where this is required.

Article 56, stipulates that any manufacturer, importer or downstream user shall not place a substance on the market for a use or use it himself if that substance is included in Annex XIV, unless the requirements of this article are met. Further, Article 58 (1) (c) defines transitional arrangements such as the date(s) from which the placing on the market and the use of the substance shall be prohibited unless an authorisation is granted and a date or dates by which applications for authorisation must be received if the applicant wishes to continue to use the substance or place it on the market for certain uses after the sunset date(s).

In order to enable that substances which are manufactured and imported on the day of accession are not manufactured or placed on the market contrary to REACH requirements and to allow the

Serbian Industry sufficient time to comply with the requirements, the Republic of Serbia respectfully submits request for a transitional mechanism as follows:

- For application of Article 5, Article 6, Article 7(1), Article 14, 17 and Article 18, for all types of registrations and for all tonnage bands:

  (i) Adaptation period of 30 months for substances already manufactured or placed on the market in the Republic of Serbia and already registered in the EU on the day of accession;

  (ii) Adaptation period of 42 months for substances already manufactured or placed on the market in the Republic of Serbia but not registered as yet in the EU on the day of accession;

In order to benefit from the adaptation regime as per the points (i) and (ii) above, each potential registrant established in the Republic of Serbia shall submit information required by REACH Article 26(1)(a-d) within 12 months from the date of accession.

- For application of Article 7, paragraphs 2, 3 and 4 and Article 9 of the Regulation:

  (i) Adaptation period of six months from the day of accession.

- For application of Article 56 and Article 58 (1) (c) for applicants established in the Republic of Serbia:

  (i) Adaptation period of 18 months from the date of accession for application for authorisation for any substance included in Annex XIV if the latest application date falls before the date of accession or less than 18 months after the accession date.

At this stage of negotiations, the adaptation periods for application of Article 67 REACH in connection with Annex XVII REACH are not necessary because all existing REACH restrictions so far have been implemented into the Serbian Chemicals Legislation. However, since the specific dates of applicability of any future REACH restriction as implemented into the Chemicals Legislation might not be in line with REACH, we reserve a possibility to introduce a request for an adaptation period in the future.

With regard to a transfer of rights from the Only Representative to Serbian companies upon Serbia's accession to the EU, the Republic of Serbia respectfully requests clarification of the procedure to transfer an ownership of data in the dossier from the Only Representative to the parent company, e.g. practical details of implementation of the ownership transfer and payment of fees.

***Regulation (EC) No 1272/2008 of the European parliament and of the council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (CLP Regulation)***

Note: CLP is also subject of negotiations within the Chapter 1 *Free movement of goods*.

### 7.1 Current situation

#### 7.1.1 Legislative framework

Serbian legislation on classification, labelling and packaging of chemicals is partially aligned with the CLP Regulation.

Alignment is provided by:

- Law on Chemicals Title IV, Art. 9-19 (Official Gazette RS No 36/2009, 88/2010, 92/2011, 93/2012 and 25/2015);
- Rulebook on classification, packaging, labeling and advertising of the chemical and certain article in accordance with Globally Harmonized System for Classification and Labeling of the UN ("Official Gazette of the Republic of Serbia", No 105/13, 52/17 and 21/19);
- Rulebook on the List of classified substances ("Official Gazette of the Republic of Serbia", No 19/19).

Most of CLP provisions are incorporated into the Serbian legislation; however, alignment is partial since the provisions which require EU membership as a prerequisite in order to be implemented are not incorporated into the legislation. Serbian legislation is periodically amended in order to ensure alignment with the regulations amending CLP for the purpose of its adaptation to technical and scientific progress. Amendments up to 10$^{th}$ ATP to CLP have been taken into account so far.

Considering direct applicability of the CLP, alignment is a temporary legislative measure which facilitates preparation for direct implementation of CLP after the accession.

#### 7.1.2 Institutional framework

Ministry competent for the environment (hereinafter: MEP) is Competent Authority (CA) for Chemicals Management. Responsibility is further allocated to Department for Chemicals. General information on the Department, its' units and the number of employees per unit is provided in the Section above addressing the REACH Regulation.

Unit for Chemicals' Classification, Hazard Assessment and Communication is responsible for CLP. One full time employee equivalent is in charge of implementation of legislation aligned with CLP, including CLP Help-desk function.

Control of compliance with the national legislation aligned with CLP requirements and inspection are conducted by MEP, via the state environmental inspectors.

Regulatory knowledge, expertise and soft skills of the staff have been built intensively during the recent years. Specific actions have been implemented, e.g. with the support of the European Chemicals Agency (ECHA) through technical assistance and workshops organized under the ECHA IPA project, twinning projects funded by the EU IPA and long-term capacity building project implemented in cooperation with the Swedish Chemicals Agency (Kemi).

Even so, administrative capacity of the whole Department for Chemicals needs to be strengthened further in the short-term. Recruitment of staff with the relevant regulatory and technical expertise as well as soft skills is needed for both, the Unit in charge for CLP and Environmental Inspection. Existing staff also need further training, IT equipment and financial resources in order to have the capacity to ensure effective implementation of CLP.

### 7.1.3 Implementing measures and challenges

Chemicals shall not be placed on the market unless they are classified, labelled and packaged in line with the national legislation aligned with CLP.

National helpdesk has been established and provides advice on responsibilities and obligations under the national legislation aligned with CLP (Ref: info.hemikalije@ekologija.gov.rs); national helpdesk is foreseen to become the member state CLP Helpdesk once the Republic of Serbia becomes the EU member. Helpdesk staffs takes part in the ECHA Helpdesk network activities with the capacity of an observer.

Effective inspection and enforcement system of national legislation is implemented. Law on chemicals defines enforcement arrangements for control of compliance with the Law and legislation promulgated thereof including the rules on classification, packaging and labelling aligned with CLP.

Serbian representatives participate in the Member States' CA for REACH and CLP Meetings (CARACAL) with the capacity of an observer, which is recognized as important for implementation of legislation and further strengthening of competences and skills.

However, capacity to participate in other technical work such as the Partner Experts Groups consulted in the process of developing guidance documents, technical subgroups to the meeting of CARACAL and in particular to develop proposals for harmonized classification and labelling has to be strengthened further by both, number of employees and range of regulatory and scientific expertise.

Since the new Annex VIII has been added to CLP recently, the Republic of Serbia follows the developments and communication between the EC, MSs and ECHA in order to prepare for implementation of the requirements regarding submission of the data required for emergency health treatment which should be submitted by the importers and downstream users of mixtures. The Republic of Serbia has National Poison Control Centre which is fully operational.

## 7.2 Plans for full alignment

### 7.2.1 Legislative plans

Further legislative actions for the purpose of implementation of CLP comprise drafting and adoption of the Law on implementation of the CLP Regulation. Deadline for the adoption is 2021 and this Law should apply from the date of accession.

With the effect from the date of accession, the current Law on Chemicals would be repealed and replaced by the New Law on Chemicals. The New Law on Chemicals would not comprise provisions on classification, labelling and packaging of chemicals.

### 7.2.2 Institutional plans

Current administrative capacity for implementation of CLP will be strengthened further in terms of number of staff and range of regulatory knowledge and expertise. Institutional strengthening

measures will take into account pros and cons for establishment of an independent institution e.g. Chemicals Agency. Further details regarding administrative capacity building would be given in the Action Plan for Administrative Capacity Development.

### 7.2.3 Planned implementation measures

The Republic of Serbia will put every effort to communicate the information about the direct applicability of the CLP Regulation to all duty holders, well before the accession. National Help desk function and different information dissemination tools including targeted seminars for prospective duty-holders would be used to channel the information.

The Republic of Serbia will continue to participate in the CARACAL and other meetings organized by the EC and/or ECHA, with the capacity of an observer. The Republic of Serbia will follow developments regarding the implementation of Annex VIII to CLP and will ensure information dissemination and preparatory work in order to make all the duty holders acquainted with their obligations to facilitate smooth implementation of the requirements, after the accession.

## 7.3 Acceptance of the acquis (and any negotiating requests)

The Republic of Serbia will implement CLP as from the date of accession, subject to the specific arrangement set out below for the requirements for which adaptation periods are needed.

Requirements for which adaptation period is needed:

Article 40 imposes *obligation* on any manufacturer or importer or group of manufacturers or importers ('the notifier(s)') who places on the market a substance referred to in Article 39, *to notify the Agency* the information that shall be included in the Classification and Labelling Inventory referred to in Article 42.

Paragraph 3 of the Article 40 stipulates that substances placed on the market on or after 1 December 2010 shall be notified in accordance with 40(1) within one month after their placing on the market.

In relation to Serbian accession, since the stipulated deadline is well behind, Serbian manufacturer or importer or group of manufacturers or importers shall notify ECHA within one month from the date of accession.

Annex VIII, Harmonised information relating to emergency health response and preventative measures, stipulate submission requirements and application deadlines for different types of mixtures. Submitters shall provide information relating to mixtures classified as hazardous on the basis of their health or physical effects to the bodies appointed under Article 45(1) (hereinafter "appointed bodies"), in the Member State or Member States where the mixture is placed on the market, before placing mixtures on the market**.**

Aiming to ensure that all the duty holders would be able to comply with the requirements of the above cited articles of CLP and the Annex VIII, the Republic of Serbia respectfully submits request for:

- Adaptation period of 3 months from the date of accession for application of Article 40.
- Adaptation period of 18 months from the date of accession for implementation of the Annex VIII.

***Regulation (EU) 2017/852 of the European parliament and of the Council of 17 May 2017 on mercury, repealing Regulation (EC) No 1102/2008.***

## 7.1 Current situation

### 7.1.1 Legislative framework

National legislation is at the initial stage of alignment with the new Regulation on Mercury.

Regulation 2017/852 is partially aligned with national legislation on chemicals management. The Law on Chemicals ("Official Gazette of the RS", No. 36/09, 88/10, 92/11, 93/12 and 25/15) established the legal basis for adoption of the Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals ("Official Gazette of the RS", No. 90/13, 25/15, 2/16, 44/17 and 36/18) which has been harmonized with Annex XVII of Regulation No. 1907/2006 (REACH). This Rulebook prescribes bans and restrictions of production, placing on the market and use of Mercury and their compounds (No. of bans and restrictions: 18, 18a and 62). Prescribed provisions of entry 18a for general use came into force in 2011. For professional use, these provisions came into force in 2018. In the same Rulebook, bans and restrictions regarding phenyl mercury compounds listed under no. 62 entered into force on 10$^{th}$ October 2017. Also, the Rulebook on Import and Export of Certain Hazardous Chemicals ("Official Gazette of the RS", No. 89/10, 15/13 and 114/14) contains provisions pertaining to an export ban of metallic mercury, certain mercury compounds with certain exemptions and mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 % by weight.

Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010 and 14/2016 and relevant by-laws (Rulebook on Storage, Packaging and Labelling of Hazardous Waste ("Official Gazette of the Republic of Serbia" No. 92/2010), Rulebook on the List of Electrical and Electronic Products, Measures for Restricting or Prohibiting the Use of Electrical and Electronic Equipment Containing Hazardous Substances, Manner and Procedure for Management of Waste Originating from Electrical and Electronic Products ("Official Gazette of the Republic of Serbia", No. 99/2010), Rulebook on the Manner and Procedure of Management of Waste Batteries and Accumulators ("Official Gazette of the Republic of Serbia", No. 86/2010), Rulebook on the Manner and Procedure for Managing Waste Mercury-Containing Fluorescent Tubes ("Official Gazette of the Republic of Serbia", No. 97/2010), Regulation on the Lists of Waste for Transboundary Movement and Content of the Documents Accompanying Transboundary Movement of Waste with Instructions for Their Completion ("Official Gazette of the Republic of Serbia", No. 60/2009) and Regulation on Waste Disposal on Landfill ("Official Gazette of the Republic of Serbia", No. 92/2010) regulate the issues of management of hazardous waste (collection, transport, disposal, transboundary movement), whereas the mercury waste is regulated as hazardous waste, and the relevant national provisions apply to mercury waste, as well.

Other legal acts, thus far recognised as relevant for the implementation of the regulation, are the Law on Integrated Pollution Prevention and Control, the Law on Environmental Protection, the Law on Soil Protection, Law on Water with relevant bylaws and the Law on Health Safety of General Use Articles.

Law on Environmental Protection, mainly the chapter Chemical Accident Protection and 3 by-laws to this law regulate the issues related to industrial activities in terms of the control of major

accident hazards involving dangerous substances, including the activities of the interim storage of mercury and of the mercury compounds and mixtures of mercury listed in Annex I to Regulation (EU) 2017/852 on mercury, at the establishments covered under the scope of Directive 2012/18/EU of the European Parliament (Seveso III Directive). Rulebook on the list of dangerous substances and their quantities and on criteria for the determination of the type of documents drawn up by the operator of a Seveso installation or establishment ("Official Gazette of the Republic of Serbia", No. 41/10, 51/15 and 50/18) – sets up the dangerous substances and thresholds in accordance with the thresholds and requirements set out in Annex I of Directive 2012/18/EU of the European Parliament.

The Republic of Serbia signed the Minamata Convention on 9th October 2014.

Also, The Republic of Serbia ratified The Protocol on heavy metals (Hg, Pb, Cd) under the UNECE Air Convention in 2012.

### 7.1.2 Institutional framework

Competent Authority responsible for alignment and implementation is the Ministry of Environmental Protection in cooperation with the following institutions thus far recognised as relevant for the implementation of the regulation: Ministry of Health and Ministry of Finance (Customs authority).

Ministry of Environmental Protection is the competent authority for the implementation of Regulation and foreseen to become the competent authority under the Regulation on mercury on the day of accession.

Department for Chemicals, as the central administration, is responsible for the implementation of the part of Regulation related to the bans and restrictions of placing on the market and export of mercury, mercury compounds, mixtures of mercury and mercury-added products.

Department of Waste Management (MEP) is in charge for permitting relating to collection, storage, transport, transboundary movement and treatment of waste. Autonomous province is in charge for issuance of permits for all the activities at the territory of autonomous province. Division for soil protection and renewable energy sources is responsible for giving consents to the rehabilitation and remediation projects of the degraded environment and and the remediation and reclamation projects of the soil.

Department for protection of water from pollution (MEP) is responsible for preparation of environmental quality standards (EQS) for hazardous substances in water bodies which include mercury as well. Department for waste water (MEP) is responsible for establishment of emission limit values (ELVs) for substances discharged into sewage and water bodies. Environmental inspection is in charge for inspection of compliance with ELVs when waste waters are discharged into sewage.

Environmental Protection Agency is responsible for maintaining the environmental information system and keeping the register on all permits for collecting, transport, storage, treatment and disposal of non-hazardous and hazardous waste, as well as the establishment and maintenance of the registry of contaminated sites, maintaining the inventory and reporting on total Hg air emissions for key categories in the Republic of Serbia.

Division for Chemicals within Department for Accidents and Chemicals (Department for Environmental Control and precaution, MEP) is in charge for inspection supervision of implementation of chemicals legislation.

Sanitary inspection (Ministry of Health) is responsible for inspection supervision of implementation of bans and restrictions of production, placing on the market and use of chemicals and articles intended for general use.

Customs Authority performs export and import control of chemicals and articles which export and import is banned and examines whether the notification procedure and/or PIC procedure has been conducted.

### 7.1.3 Implementing measures and challenges

Regulation (EU) 2017/852 is at the initial stage of implementation.

UNDP provided assistance to the Ministry of Environmental Protection for the implementation of the GEF funded project "Development of Minamata Convention on Mercury Initial Assessment in the Republic of Serbia" (MIA project) that aims to strengthen national decision-making toward ratification of the Minamata Convention on Mercury and build national capacity towards implementation of future obligations. The project was finished in April 2018.

Report on assessment of capacities of the Republic of Serbia for implementation of Minamata convention on mercury was prepared through the project together with National Mercury Inventory, i.e. a qualitative and quantitative National Inventory of all mercury sources and releases, as well as identification of mercury contaminated sites. Regarding primary mining of mercury, it was concluded that there is no primary mining of mercury in the Republic of Serbia. In terms of introduction of ban for new mining facilities with primary mercury mining, the applicable Law on Mining and Geological Explorations introduced the permitting procedure, which combined with EIA procedures, excludes the possibility for establishment of such type of facilities. The above mentioned report represents for the Republic of Serbia the basis for making decision on ratification of Minamata convention on mercury.

At the request of UNEP, the RS provided data on mercury especially in terms of use of mercury in the chlor-alkali electrolysis industry. Study on mercury emissions and releases from two chlor-alkali facilities in the Republic of Serbia, as well as the assessment of amount of mercury containing waste generated from those facilities, was prepared through project by Stockholm Convention Regional Centre in the Czech Republic, Research Centre for Toxic Compounds in the Environment (RECETOX) in 2017.

In order to increase efficiency of activities of the Customs Authorities, Decision on determining the goods subject to the presentation of certain documents when imported, exported or transiting ("Official Gazette of the Republic of Serbia" No. 92/17) was prepared and adopted. List of chemicals and articles, the import and export of which is banned, is given in Annex 7-of the decision. Seminar was organized for customs authority and inspection in order to facilitate introducing provisions regarding to import and export of certain hazardous chemicals.

In 2018 MEP implemented project „Conduction of soil degradation caused by outpouring of tailing slurry of mine tailing „Stolice". This project covered the area where tailing slurry was released into Kostajnik stream, after heavy rains in 2014. Identified content of mercury in flooded area is above limited values, but lower than remediation values prescribed in Decree on limit values for polluting, harmful and hazardous substances in soil ("Official Gazette of the

Republic of Serbia" No. 30/18). Further conductions of heavy metals availability, including mercury, in soil and its content in surface water, groundwater and crops are planned.

### 7.2 Plans for full alignment

#### 7.2.1 Legislative plans

The amendments of the legal acts relevant for the alignment with the Regulation EU 2017/852 on mercury are planned as follows:

- Amendments to the Rulebook on export and import of hazardous chemicals (IV quarter of 2020);
- Amendments to the Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals (IV quarter of 2020);
- Law on Implementation of the Regulation 2017/852 on Mercury (IV quarter of 2021);
- New Law on Waste Management and relevant by-laws (2021);
- New Law on Water and relevant by-laws (2021)

Development of the draft Law on Implementation of the Regulation 2017/852 on mercury was supported through PLAC project.

#### 7.2.2 Institutional plans

It is foreseen that the Ministry of Environmental Protection will remain a competent authority for the implementation of the Regulation. Other authorities also responsible for implementation of the Regulation will be further defined in the draft Law on Implementation of the Regulation 2017/852 on mercury.

#### 7.2.3 Planned implementation measures

MEP is continuously working on capacity building and strengthening of both administrative and professional capabilities. Important steps towards capacity improvement for implementation of the Regulation are related to preparatory activities relating to the ratification of the Minamata convention.

## *Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos*

### 7.1 Current situation

#### 7.1.1 Legislative framework

Directive 87/217/EEC on the prevention and reduction of the environmental pollution by asbestos has been largely transposed. The majority of the Directive's provisions were transposed through the Law of Waste Management ("Official Gazette of the Republic of Serbia", No. 36/09 and 88/10), Rulebook on procedures for managing waste which contains asbestos ("Official Gazette of the Republic of Serbia", No. 75/2010), whereas obligations under Art. 5 were transposed through the Regulation of limit values of pollutant emission into waters and deadlines for their achievement ("Official Gazette of the Republic of Serbia", No. 67/2011).

#### 7.1.2 Institutional framework

The MEP, Department for monitoring of special waste streams and EU Legislation, is responsible for the transposition and implementation of the Directive 87/217/EEC. Other relevant institutions are the Serbian Environmental Protection Agency, competent authority of the autonomous province, city of Belgrade and local self-government units and professional organizations for waste testing.

Institutional capacities require further strengthening.

### 7.1.3 Implementing measures and challenges

Since 2016 asbestos is banned in the Republic of Serbia, more precisely its production, placing on market and usage. Mines where asbestos ore was exploited are closed.

The main problem is related to article 7 (asbestos waste from construction and demolition), since asbestos containing materials were very popular in the Republic of Serbia in the past.

Implementation of the Directive is in initial phase. For now, there is a problem of the lack of a disposal site for the waste containing asbestos because there are only 3 sanitary landfills in the Republic of Serbia on which asbestos waste can be disposed of. Considering large quantities of construction materials which will need proper treatment, the Republic of Serbia would need more places for disposal of such waste. In order to reduce amount of construction and demolition waste going to sanitary landfills, the Republic of Serbia will implement better source separation policies, diverting to special landfills only asbestos waste. For this purpose, the Republic of Serbia will use regional sanitary landfills, which are part of an integrated waste management system. Also new investments in the area of waste will be more focused on the construction and demolition waste separation.

Implementation of the Directive requirements will be further guided by the National plan for Hazardous Construction and Demolition Waste which is developed in 2017, with the support of Twinning project (IHWM).

## 7.2 Plans for full alignment

### 7.2.1 Legislative plans

In order to fully transpose Asbestos Directive, the following documents will be developed or amended until end of 2021:

- New Law on Waste Management;
- Amendments to the Rulebook on the Procedures for Managing Waste which Contains Asbestos;
- Rulebook for Management of Construction and Demolition Waste.

### 7.2.2 Institutional plans

There is a need for strengthening measures relating to permitting function, including targets to be achieved, improved cooperation with other Ministries (in particular with the Ministry of Construction and Ministry of Labour) and improved capacity for inspection.

Regarding administrative capacities, it is planned to employ 2 more persons with shared responsibilities in the Department for monitoring of special waste streams and EU Legislation.

### 7.2.3 Planned implementation measures

In the period of 2018-2020, it is planned to implement the campaign on raising public awareness regarding proper method of removal of asbestos-containing materials, as well as the disposal of asbestos. Particular attention will be given to the implementation of the system for separate collection of waste containing asbestos. Furthermore, additional guidance/instructions will be provided to the construction and demolition companies regarding demolition of buildings which were built of asbestos-containing materials.

***Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products***

**7.1 Current situation**

**7.1.1 Legislative framework**

The legislative framework regulating placing biocidal products on the Serbian market includes the Law on Biocidal Products ("Official Gazette of the republic of Serbia" No. 36/09, 88/10, 92/11 and 25/15), adopted on 15 May 2009, and secondary legislation. The law is partially harmonised with the provisions of the Directive 98/8/EC (hereafter: BPD) that preceded the Regulation (EU) No 528/2012 (hereafter: BPR).

The Law on Biocidal Products sets out procedure for national authorisation for placing on the market of a biocidal product, including a procedure for cancellation, review and amendment of the authorisation. Furthermore, the Law lays down rules for recognition of the national authorisation for the biocidal product granted by the Competent Authority of the EU Member State as well as national rules for the placing on the market of a biocidal product, i.e. inclusion of a biocidal product into the Temporary List.

The law does not establish procedures for approval of active substances. Instead, it refers to the active substances that are either approved in the EU or are being evaluated under the Review Programme, and can be used in biocidal products placed on the Serbian market. In this regard, approved active substances, including conditions specific to biocidal products containing the active substances, as well as existing active substances for which a non-approval decision has been taken in the EU are published in the Official Gazette of the Republic of Serbia.

Pursuant to the Law on Biocidal Products, secondary legislation has been adopted regulating as follows: content of dossier for a biocidal product (Annex II and III to the BPD); common principles for the evaluation of dossier for the biocidal product (Annex VI to the BPD); biocidal products types (Annex V to the BPD); specific requirements for packaging, labelling and advertising of biocidal products (Article 20 of the BPD); certain hazardous biocidal products which cannot be placed on the market for general use (Article 5(2) of the BPD); active substances in biocidal products; taxes for services provided with respect to the procedures under the Law.

With a view to removing, as far as possible, obstacles to trade of biocidal products and treated articles in the period until accession and in order to facilitate implementation and enforcement of the BPR as soon as the Republic of Serbia becomes a Member State of the EU, new Law on Biocidal Products has been drafted with the aim to partially align national legislation with the provisions in the BPR. Therefore, rules for making available on the market and use of biocidal products as referred to in the BPR, including procedure for unilateral recognition of an

authorisation for a biocidal product granted in line with the BPR, as well as rules for placing on the market of treated articles, have been laid down by the new Law on Biocidal Products.

As the BPR is Regulation, not all provisions can be implemented in the Republic of Serbia before accession, as some of them require membership in the EU. Due diligence was carried out to align national legislation with the provisions of the BPR and prescribe legal requirements which are feasible and justified to implement at national level in the pre-accession period. In that regard, *Recommendations for alignment of the national legislation with the provisions of the BPR* were prepared within the twinning project IPA 2013 "Further development of chemicals and biocidal products management in the Republic of Serbia" and fully utilized during the law drafting process.

### 7.1.2 Institutional framework

Pursuant to the Law on Ministries, the Ministry competent for the environment (hereafter: MEP) is responsible for carrying out tasks related to chemicals and biocidal products management. General description of the Chemicals Department is provided in the section related to the REACH.

The MEP is, inter alia, responsible for drafting of legislation in the area of biocidal products, evaluation of biocidal products and issuing of administrative acts for placing biocidal products on the market, as well as for providing advice and guidelines to applicants and any other interested parties on their responsibilities and obligations under national biocidal products legislation.

Responsibility for biocidal products management is further allocated to the Unit for Biocidal Products Management (hereafter: UfBPM). Three full time employees are engaged in tasks related to biocidal products, namely implementation of the Law on Biocidal Products, operating national helpdesk, maintaining the national Registry of Biocidal Products, alignment of national biocidal products legislation with the EU *acquis*, carrying out EU integration activities, including trainings, implementation of twinnings and experience-sharing projects related to biocidal products aiming to further strengthen institutional capacities.

Representatives of the UfBPM take part in the Member States' CAs meetings for implementation of the BPR, in the work of the Coordination group as well as in the ECHA HelpNet Steering Group meetings for the BPR as observers. Participation of the Serbian representatives in these meetings is recognised as very important for further strengthening of competences and skills in order to participate as a full member after accession.

With regards to enforcement arrangements, the MEP is responsible for administrative supervision of the Law on Biocidal Products and legislation promulgated thereof. Control of compliance with the Law on Biocidal Products is carried out by the enforcement authorities, namely by the Department for Environmental Control and Precaution within the MEP, Sector for Sanitary Inspection within the Ministry of Health, Sector for Trade Inspection within the Ministry of Trade and the Veterinary Directorate within the MAFW.

Existing institutional set-up is operational at the time being, but administrative capacity needs to be strengthened further. Recruitment of staff with the relevant technical expertise is required, especially in the field of risk assessment of biocidal products (e.g. toxicologists and eco-toxicologists as well as experts on efficacy). Staff at the MEP as well as environmental inspectors need further advanced trainings in specific fields of expertise. Technical equipment

needs to be upgraded and adequate financial resources has to be allocated to ensure effective implementation and enforcement of the BPR after accession.

In order to build necessary expertise and gain practical knowledge, basic trainings in biocidal product dossier management and assessment of biocidal products were implemented with the support of the twinning project IPA 2013 “Further development of chemicals and biocidal products management in the Republic of Serbia” as well as through on-going bilateral cooperation project with Sweden “Chemicals Risk Management in Serbia”, funded by Sida and implemented with Swedish Chemicals Agency (KemI). In addition, with the aim of strengthening both the MEP staff and industry expertise for full implementation of the BPR after accession, a pilot application for recognition of the national authorisation for the biocidal product granted by the Competent Authority of the EU Member State was submitted to the MEP by one company and evaluated in accordance with the BPR rules with the support of KemI experts.

### 7.1.3 Implementing measures and challenges

Although current national legislation is partially harmonised with the BPD that preceded the BPR, the status of implementation may be regarded as being at an initial stage.

From the time when the Law on Biocidal Products came into force, the MEP has been carrying out national transitional procedure for placing a biocidal product on the market, i.e. the inclusion of a biocidal product into the Temporary List. In line with this procedure, biocidal products containing approved active substances or a combination of approved active substances and active substances which are being evaluated under the Review Programme, can be placed on the Serbian market.

The Registry of Biocidal Products, as a database of biocidal products placed on the market, has been established by the Law on Biocidal Products. Approximately 1.800 biocidal products are included into the Temporary List, i.e. placed on the Serbian market. 70% of the biocidal products are imported, out of which 94% are products manufactured in the EU and 6% are products manufactured outside the EU. Approximately 30% of the biocidal products placed on the market are manufactured in the Republic of Serbia.

With regards to product types (PTs), 59% of the biocidal products belong to Main Group 1, Disinfectants; 12% of the biocidal products belong to Main Group 2, Preservatives; and 29% of the biocidal products belong to Main Group 3, Pest Control.

With regards to the compliance with Article 95 of the BPR, approximately 75% of the biocidal products manufactured and imported from the EU, around 30% of the biocidal products manufactured in the Republic of Serbia and nearly 43% of the biocidal products manufactured and imported from non-EU countries contain an active substance which is supplied by a substance/products supplier included in the Article 95 list.

With regards to the status of active substances in biocidal products, several hundreds of the biocidal products placed on the Serbian market already contain an approved active substance and will have to be authorised in accordance with the BPR as soon as the Republic of Serbia becomes a Member State of the EU, either through (first) national authorisation, mutual recognition or Union authorisation procedures. By the year 2025, approx. 151 applications for (first) national authorisation, including applications for Union authorisation and approx. 581 applications for mutual recognition in sequence may need to be handled in accordance with the BPR (Source: Registry of Biocidal Products).

The national helpdesk is fully operational and provides advice to companies relating to compliance with the requirements of the chemicals and biocidal products legislation. The national helpdesk is foreseen to become the REACH, CLP and BPR helpdesk once the Republic of Serbia becomes a Member State of the EU.

The MEP is actively promoting the BPR among Serbian biocidal products industry to raise awareness about the BPR obligations. Cooperation and a permanent dialogue with Serbian Chamber of Commerce has been established. Several meetings were organised within the frame of the bilateral cooperation project with Sweden, to ensure that biocidal products industry is informed and aware of the responsibilities and obligations under the national legislation as well as under the BPR.

Appropriate fees for services that the MEP provides with respect to procedures under the Law on Biocidal Products are set and are the revenue of the budget of the Republic of Serbia.

Penalties applicable to infringement of the provisions of the Law on Biocidal Products are laid down by this law.

A system for monitoring, reporting and poison control is partially established. Control of compliance with the Law on Biocidal Products is regularly carried out by the enforcement authorities, i.e. environmental inspectors, sanitary inspectors, trade inspectors and veterinary inspectors. There is fully operational National Poison Control Centre. However, the body responsible for receiving information relating to emergency health response in line with Article 73 of the BPR has not been appointed yet.

Nevertheless, the main challenges with respect to implementation of the Law on Biocidal Products are associated with national authorisation of biocidal products. The reason lies in the facts that instruments envisaged by the BPR aiming to facilitate access to information on active substance and biocidal product (e.g. data sharing negotiations and compensation, bringing a data sharing dispute claim to the Agency, access to R4BP) are not available to the MEP and Serbian applicants for national authorisation in the pre-accession period.

### 7.2 Plans for alignment

#### 7.2.1 Legislative plans

Further legislative actions include adoption of the new Law on Biocidal Products which has been drafted with the aim to be partially aligned with the BPR and adoption of the Law on Implementation of the BPR.

The Proposal of the new Law on Biocidal Products should have been adopted by the Parliament by the end of 2020. The timetable for adoption of corresponding secondary legislation has been set out therein. The Law on implementation of the BPR will be adopted by the 4$^{th}$ quarter of 2021. The Law would apply from the date of accession.

#### 7.2.2 Institutional plans

Current administrative capacity of the Chemicals Department needs to be increased and strengthened in order to reflect the extent of the EU *acquis* on chemicals and biocidal products.

Capacities and tasks (e.g. list of expertise, technical skills etc.), available staff (manpower/year) and resources required upon accession (manpower/year) with reference to Member States' obligations under the BPR will be reviewed. Significant lack of expert capacities and resources

have been already identified. Institutional measures for strengthening capacities will take into account pros and cons for establishment of an independent institution e.g. a national Chemicals Agency. Further details regarding administrative capacity building are given in the Action Plan for Administrative Capacity Development developed within the framework of the project "Environment Approximation Strategy II" (IPA 2013 EAS2 project).

Whereas risk assessment and risk management of biocidal products is an area where the capacity building has to be done more urgently, the MEP initiated and implemented certain activities in that regard, with support of the twinning project IPA 2013 "Further development of chemicals and biocidal products management in the Republic of Serbia". Series of capacity building workshops were organised with the aim to strengthen the skills and expertise of both the MEP staff and representatives of the scientific community who may be entrusted with executive scientific-technical tasks related to the evaluation of the applications/dossiers for authorisation of biocidal products. The most viable scenario for evaluation of applications/dossiers in terms of strengthening in-house expertise, including recruitment of new staff with relevant expertise and/or outsourcing of required technical expertise, will be decided in due time before accession.

Regarding building capacities to participate in the Biocidal Products Committee (BPC) and its Working Groups (WGs), further strengthening of the administrative capacities in terms of qualification and experience is needed.

In addition, parallel legislation (e.g. financial legislation), which is essential for proper engagement of outsourced technical expertise, needs to be updated to allow appropriate contracted periods needed for the evaluation of applications for authorisation of biocidal products.

Furthermore, high IT/security requirements need to be fulfilled in order to get access to the R4BP.

### 7.2.3 Planned implementation measures

In order to prepare as far as possible for implementation of the BPR before becoming a Member State of the EU, the Republic of Serbia will start handling applications for biocidal products authorised in line with the BPR through unilateral recognition of such authorisations, in accordance with the procedure envisaged by the new Law on Biocidal Products.

The Serbian biocidal products industry will be further supported in the pre-accession period to meet the extended rules for accessing the EU market by organising workshops and other capacity building and awareness raising events, e.g. Stakeholders' Day.

A specific plan for full implementation of the BPR, including financial projection, is currently being developed within the framework of IPA 2014 EAS3 project.

## 7.3 Acceptance of the acquis (and any negotiating requests)

Whereas at the foreseen time of accession full implementation of the BPR is not regarded as feasible, and having regard to the principle of equal treatment, with a view to facilitating a smooth transition from the Serbian national scheme to the BPR and prevent a market freeze for biocidal products made available and used on the Serbian market before the date of accession, adequate time periods for adaptation to the requirements of the BPR are considered necessary.

Listed below are the provisions of the BPR which have been identified as not possible and justified to align with before Serbia becomes a Member State of the EU.

Article 71

Applicants and Serbian competent authority can submit and manage various BPR applications and data in the R4BP only after Serbia becomes a Member State of the EU.

Article 62(2) and Article 63(3)

In order to minimise the number of tests on animals, a Serbian prospective applicant should share, and not duplicate, studies on vertebrates in exchange for equitable compensation. In the absence of an agreement on sharing of studies on vertebrates with the data owner, a Serbian prospective applicant can bring a data sharing dispute claim to the Agency only after the Republic of Serbia becomes a Member State of the EU.

Article 95

Not all biocidal products made available on the Serbian market before the date of accession will consist of, contain or generate an active substance which is supplied by a substance supplier or a product supplier included in the list referred to in the first subparagraph of Article 95(1).

In order to allow Serbian substance or product supplier to negotiate sharing of the data with the data owner and make a submission to the Agency through the R4BP to be included in the list referred to in the first subparagraph of Article 95(1), the Republic of Serbia needs a 12-month adaptation period from the date of accession for application of the second subparagraph of Article 95(1).

In order to allow time for the Agency to verify the submissions and take a decision on the inclusion of the Serbian substance or product supplier in the list referred to in the first subparagraph of Article 95(1), the Republic of Serbia needs a 18-month adaptation period from the date of accession for application of Article 95(2).

During the adaptation period, such biocidal products can be made available on the Serbian market or used in line with the national rules.

Articles 26, 29, 34 and 43, with reference to the first and the second subparagraph of Article 89(3)

For biocidal products made available on the Serbian market before the date of accession and containing active substances which are included in Annex I or approved for the relevant product-type, the Republic of Serbia needs a two-year adaptation period from the date of accession to enable prospective applicants for authorisation to negotiate sharing of the data with the data owner, compile a dossier referred to in Article 20(1)(a) and submit an application for a national authorisation in accordance with Article 29(1) or for mutual recognition in parallel in accordance with Article 34 or for Union authorisation in accordance with Article 43(1), through the R4BP. The same adaptation period is also needed to enable the submission of application for a simplified authorisation in accordance with Article 26(1).

Following the submission of an application for a national authorisation in accordance with Article 29(1) or mutual recognition in parallel in accordance with Article 34 or for a simplified authorisation in accordance with Article 26(1), the Republic of Serbia shall ensure that an authorisation for the biocidal product is granted within four years from the date of submission. Hence, the Republic of Serbia needs additional adaptation period of four years from the date of submission of an application.

During the adaptation period, the Republic of Serbia may continue to apply its current system of making available on the market or using such biocidal products in line with the national rules.

Following a submission of an application for Union authorisation in accordance with Article 43(1), the Republic of Serbia may continue to apply its current system of making available on the market or using such biocidal products in line with the national rules for up to three years from the date of submission.

Article 33

For biocidal products made available on the Serbian market before the date of accession and containing active substances which are included in Annex I or approved for the relevant product-type, the Republic of Serbia needs a 180-day adaptation period from the date of accession to enable prospective applicants wishing to seek the mutual recognition in sequence to negotiate sharing of the data with the data owner and submit application in accordance with Article 33(1) through the R4BP.

Following the submission of an application for mutual recognition in sequence in accordance with Article 33(1), the Republic of Serbia shall ensure that an authorisation for the biocidal product is granted within 12 months from the date of submission. Accordingly, the Republic of Serbia needs additional 12-month adaptation period from the date of submission of an application.

During the adaptation period, the Republic of Serbia may continue to apply its current system of making available on the market or using such biocidal products in line with the national rules.

Article 89(3), the third subparagraph

For the biocidal products made available on the Serbian market before the date of accession, for which no application for a simplified authorisation in accordance with Article 26 (1) or for a national authorisation in accordance with Article 29(1) or for mutual recognition in parallel in accordance with Article 34 or for Union authorisation in accordance with Article 43(1) has been submitted within two years from the date of accession, or for which no application for mutual recognition in sequence in accordance with Article 33(1) has been submitted within 180 days from the date of accession, the Republic of Serbia needs a phase-out period of up to 180 days after the relevant adaptation period has expired for the making such biocidal products available on the market and a phase-out period of up to 365 days after the relevant adaptation period has expired for the use of existing stocks of the biocidal products concerned.

Article 89(4)

Where a Member State’s competent authority, or where relevant, the Commission, decides to reject an application referred to above/submitted in accordance with Articles 26(1), 29(1), 33(1), 34 or 43(1) for authorisation of a biocidal product already made available on the market, or decides not to grant an authorisation or, if the Serbian competent authority decides to impose conditions for the authorisation making it necessary to change such a product, the Republic of Serbia needs a 180-day phase-out period after the date of the decision of the authority for the making available on the market a biocidal product which has not been authorised or, where relevant, which does not comply with the conditions of the authorisation and a 365-day phase-out period after the date of the decision of the authority for the use of existing stocks of the biocidal product.

Article 89(2), the second subparagraph

For biocidal products made available on the Serbian market before the date of accession and containing an active substance for which a non-approval decision for the relevant product-type was taken up to 12 months before the date of accession, the Republic of Serbia needs a phase-out period of up to 12 months from the date of accession for the making such biocidal products available on the market and a phase-out period of up to 18 months from the date of accession for the use of existing stocks of the biocidal products concerned. Phase-out periods shall not exceed in total the phase-out periods set out by the second subparagraph of Article 89(2), starting from the date of accession.

Article 94(1)

For treated articles placed on the Serbian market before the date of accession, which were treated with or intentionally incorporating one or more biocidal products containing active substance for which a non-approval decision was taken up to 12 months before the date of accession, the Republic of Serbia needs an adaptation period of up to 180 days from the date of accession to phase-out such treated articles.

***Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (PIC Regulation)***

**7.1 Current situation**

**7.1.1 Legislative framework**

With the adoption of the Law on Ratification of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ("Official Gazette of the Republic of Serbia - International Agreements", No. 38/09), this convention became part of the legal system of the Republic of Serbia. Law on Chemicals ("Official Gazette of the Republic of Serbia", No 36/09, 88/10, 92/11, 93/12 and 25/15), Article 51-57 and Rulebook on Import and Export of Certain Hazardous Chemicals ("Official Gazette of the Republic of Serbia", No. 89/10, 15/13 and 114/14) represent the regulatory mechanism for the implementation of the Rotterdam Convention.

Rotterdam Convention prescribes certain obligation for the Parties of the Convention.

National legislation is mostly aligned with EU Regulation concerning export and import of hazardous chemicals. PIC provisions which require EU membership status to be implemented are not incorporated into the national legislation.

**7.1.2 Institutional framework**

Ministry of Environmental Protection is the national authority designated to carry out the administrative procedures (notification and PIC procedure) and for the implementation of the Rotterdam Convention under the Law on Chemicals with the Department for Chemicals as the central administration and foreseen to become the designated national authority under the PIC Regulation on the day of accession. DNA (Designated National Authority) has been working for nine years.

Ministry as National Authority, Customs Authority, inspection, Plant Protection Directorate (as authority competent for plant protection products) and industry are involved in implementation

of PIC Regulation. Ministry is responsible for conduction of the procedures prescribed by the Regulation (in cooperation with Plant Protection Directorate when plant protection products are issue). Customs Authority performs export and import control of chemicals and articles which export and import is banned and examines whether the notification procedure and/or PIC procedure has been conducted. Control of compliance with the legislation on export and import and inspection supervision are conducted by the Ministry in charge of environmental protection through the environmental inspectors.

Regarding administrative capacities, 1 person with shared responsibilities is envisaged for PIC Regulation. One more person is being involved in the implementation of administrative procedures (with shared responsibilities) in accordance with the PIC Regulation, by internal reorganization and reallocation of tasks within the Division for Chemicals Management.

### 7.1.3 Implementing measures and challenges

Adequate knowledge of the central core staffs exists and is continuously improved. Staff of the Serbian DNA have acquired knowledge through cooperation and continuous exchange of experience between DNAs for the implementation of the Rotterdam Convention and PIC Regulation during several years. Participation at meetings of the Conference of the Parties since 2009, DNA meetings with the capacity of an observer since 2012, Sub-regional meeting to foster cooperation among DNAs in the implementation of the Rotterdam Convention organized for Central and Eastern European countries in Moscow, Russian Federation in 2011 and Tbilisi, Georgia in 2018 (presentation of FRA Evaluation Toolkit), ), meetings of Rotterdam convention subsidiary body (Chemical Review Committee), were of great importance for building capacities of central core staff. Support that central staff is receiving from bilateral project with Sweden (Chemicals risk management in Serbia) and also from the ECHA (ECHA's IPA project) is of great importance for capacity building. Study visit to the Polish Chemical Bureau regarding implementation of the Rotterdam Convention and PIC Regulation was organized in Lodz, Poland in 2014. Also, ECHA workshop on PIC and ePIC was organized in Helsinki, Finland in 2014.

Integrated Chemicals Registry represents source of valuable information on importers and imported chemicals as a support in monitoring and collection of data.

Ministry provides guidance to the exporters on their obligations. Seminars for the exporters were organized to introduce them with their obligations, helpdesk was established with the aim to provide relevant information and guidelines to industry and relevant stakeholders. A link to the official website of the Rotterdam Convention containing all necessary information is provided on the website of the Ministry.

## 7.2 Plans for full alignment

### 7.2.1 Legislative plans

Amendments to the PIC Regulation are continuously followed and implemented. New Rulebook on Export and Import of Certain Hazardous Chemicals is in the process of adoption (aligning with Regulation (EU) No 1078/2014, Corrigendum of Regulation (EU) No 1078/2014, Regulation (EC) 1102/2008 and Regulation (EU) 2015/2229).

For the purpose of implementation of the PIC Regulation, Law on implementation of the PIC Regulation will be drafted and adopted in the 4$^{th}$ quarter of 2021. Law would apply from the day of accession.

Implementation of the action has started.

### 7.2.2 Institutional plans

Existing institutional setup includes the Ministry competent for the environment as the Competent Authority for Chemicals Management (hereinafter: CA). Responsibility will be further allocated to Department for Chemicals.

Regarding administrative capacities, 1 person with shared responsibilities works on PIC related tasks. By internal reorganization and reallocation of tasks within the Division for Chemicals Management, one more person is also being involved in the implementation of administrative procedures in accordance with the PIC Regulation.

Participation at the DNA Meetings with the capacity of an observer and COPs meetings further strengthen competences and skills required for effective participation with the full capacity after the accession.

MEP (i.e. Department for Chemicals) will remain designated national authority for PIC.

### 7.2.3 Planned implementation measures

Implementation of national harmonized legislation is ongoing. MEP is continuously working on capacity building and strengthening of both administrative and professional capacities.

During the pre-accession period, MEP will continue to communicate about the implementation of PIC with all relevant stakeholders (i.e. Customs Authority, inspection, Plant Protection Directorate and Industry). Industry will be informed further during the pre-accession period through workshops.

***Regulation (EC) 850/2004 of the European Parliament and of the Council, of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC, as amended by Regulations (EC) 1195/2006, (EC) 172/2007, (EC) 323/2007, (EC) 219/2009 and (EC) 304/2009, (EU) 756/2010, (EU) 757/2010, (EU) 519/2012***

## 7.1 Current situation

### 7.1.1 Legislative framework

The Republic of Serbia harmonized the Serbian national legislation with EC Regulation on POPs No 850/2004 including following amendments: EC Regulation No 756/2010 and 757/2010 and Commission Regulations No 1342/2014, 2015/2030, 2016/293 and 2016/460. Currently, Serbian national legislation related to POPs chemicals and waste management is almost fully aligned and updated with the latest consolidated version of EC Regulation No. 850/2004 including all amendments.

The Republic of Serbia is Party to the Stockholm Convention on Persistent Organic Pollutants (POPs) and the related National Implementation Plan (2009) is the basis for the implementation of the Stockholm Convention.

Main legal acts include:

- Law on Ratification of the Stockholm Convention on Persistent Organic Pollutants;

- Law on Ratification of the Protocol of the Convention on Long-Range Transboundary Air Pollution from 1979 on Persistent Organic Pollutants;
- Law on Chemicals ("Official Gazette of the Republic of Serbia", No. 36/09, 88/10, 92/11, 93/12 and 25/15);
- Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals ("Official Gazette of the Republic of Serbia", No. 90/13, 25/15 2/16, 44/17 and 36/18),
- Law on Waste Management ("Official Gazette of Republic of Serbia", No. 36/09 and 88/10);
- Rulebook on the List of POPs Substances, Method and Procedure for Managing POPs Waste and Limit Values for POPs Concentrations relating to Disposal of Waste Containing or Contaminated with POPs Substances ("Official Gazette of the Republic of Serbia", No. 65/11 and 17/17).

### 7.1.2 Institutional framework

Ministry of Environmental Protection (MEP) is CA responsible for implementation of Stockholm Convention (the SC) and POPs aligned national legislation. Department for Chemicals of the MEP is responsible for the implementation of the Stockholm Convention on POPs (prohibitions or restrictions of produce, placing on the market and use of POPs chemicals). Department for Waste Management of the MEP is responsible for implementation of provisions of the SC related to POPs waste management. Serbian Environmental Protection Agency (SEPA) is responsible for monitoring and reporting of POPs in environment. Plant Protection Directorate of the *Ministry of Agriculture, Forestry and Water Management* is responsible for implementation of provisions of the SC related to POPs pesticides in plant protection products and Phytosanitary inspection is responsible for enforcement of the Plant Protection Products legislation. Responsibilities for inspection and control over the implementation of the national legislation on POPs (as chemicals) management are laid on the Environmental Inspection (MEP) and Sanitary Inspection (Ministry of Health). Environmental inspectors are in charge for inspection and control over the implementation of the legislation on the POPs waste management.

Staff of central institutions, as well as industry, were provided education, training and practical experience regarding chemical and waste sound management during several years with support of the international cooperation projects.

### 7.1.3 Implementing measures and challenges

Grounds for implementation of the Stockholm Convention have been prepared on the basis of the NIP in the period 2007-2009. Draft updated NIP is in the procedure of adoption by the Government of the Republic of Serbia.

Under IPA 2013 Twinning Project "Straightening of administrative capacity for hazardous waste management system in Serbia", finished in 2016, draft National Action Plan on POPs and PCB waste management system was prepared and it will be incorporated in the new National Waste Management Strategy and National Waste Management Plan for the period 2020-2025, which will be developed under activities of the ongoing IPA 2013 Twining Project "Support to Strategic Framework in Waste Management Policy".

National POPs website was established in 2015 within website of the Ministry of Environmental Protection http://www.ekologija.gov.rs/organizacija/sektori/sektor-za-upravljanje-zivotnom-sredinom/odeljenje-za-hemikalije/pops

Serbian Environmental Protection Agency (SEPA) started monitoring of new POPs in surface water since 2018 and in this way improved the POPs monitoring system in the Republic of Serbia. First results of new POPs monitoring in surface water will be available in the SEPA Annular Water Monitoring Report for 2018.

### 7.2 Plans for full alignment

#### 7.2.1 Legislative plans

The Republic of Serbia will continue alignment of national legislation in line with further amendments of the EC Regulation on POPs No 850/2004 in the pre-accession period especially after recast of the POPs Regulation and its adoption by the European Parliament.

For the purpose of implementation of EC Regulation on POPs No 850/2004, Law on implementation of the POPs Regulation will be drafted and adopted in the 4$^{th}$ quarter of 2021.

Implementation of the action has started.

#### 7.2.2 Institutional plans

Ministry in charge of Environment, Organizational Units for Waste and Chemicals Management are foreseen to continue as the MS CAs under POPs Regulation. CAs under POPs Regulation will be officially designated in POPs Implementing Act. Serbian Environmental Protection Agency (SEPA) within Ministry in charge of Environment will continue to be responsible for monitoring and reporting regarding POPs in environment.

#### 7.2.3 Planned implementation measures

All implementing activities will be conducted through implementation of action plans which were developed within the final updated draft NIP and through the National Action Plan on POPs and PCB waste management.

Upgrade of laboratory facility in the Serbian Environmental Protection Agency (SEPA) was achieved with the support of EU IPA project “Establishment of an integrated environmental monitoring system for air and water quality”, including laboratory facility for monitoring of new POPs.

Under the UNDP/UNEP project “Strengthening the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions (BRSM Conventions) in the Republic of Serbia” prepared by the Ministry responsible for environmental protection in cooperation with the UN Development Program (UNDP), institutional strengthening of the Basel, Rotterdam, Stockholm and Minamata conventions will be implemented through the implementation of joint activities related to strengthening the implementation of the obligations prescribed by these conventions. The main components of this project are as follows: support to policy and development of support for the synergy of international agreements in the field of chemicals and waste management, capacity building and awareness raising and strengthening of monitoring, reporting and data management between all stakeholders relevant for implementation of abovementioned conventions.

Also, the MEP in cooperation with UNIDO has prepared the proposal of the CEE regional project "Introduction of BAT/BEP for the Elimination of Unintentionally Produced Persistent Organic Pollutants (POPs) in the Metallurgical Industry". The key objectives of the proposed project are: strengthening institutional and administrative capacities for the implementation of the best available techniques and practices (BAT/BEP), introduction with possible options of the best available techniques and practices (BAT/BEP) for the elimination of unintentionally produced POPs from processes in metallurgy, training and technical assistance in demonstrating the application of BAT/BEP on the concrete plant of the metallurgical industry in order to reduce release of unintentionally produced POPs. This project proposal is in the phase of approval by GEF.

***Directive 2010/63/EU Welfare of Experimental Animals***

### 7.1 Current situation

#### 7.1.1 Legal framework

Directive 2010/63/EU is partially transposed, however, almost all major provisions (registration of users, breeders and suppliers, approval of experiments, two bodies established equivalent to the animal welfare body and national committee etc.) are already transposed in the Law ("Official Gazette of the Republic of Serbia", No. 41/09) and the Rulebook on requirements for registration in Register of experiments on animals and content and manner of keeping the Register, training program on welfare of experimental animals, form of request for conduction of experiment on animals, care, handling and the methods of killing of experimental animals, and content and manner of record on keeping, breeding, trade and experiments conducted on animals ("Official Gazette of the Republic of Serbia", No. 39/10).

European Convention for the protection of vertebrate animals used for experimental and other scientific purposes animals (ETP 123) is part of the national legislation through the Law on ratification of European Convention for the protection of vertebrate animals used for experimental and other scientific purposes animals (ETP 170) ("Official Gazette of the Republic of Serbia – International Agreements", No. 1/2010).

#### 7.1.2 Institutional framework

According to the Law on Animal Welfare ("Official Gazette of the Republic of Serbia", No. 41/09) Veterinary Directorate, Ministry of Agriculture, Forestry and Water Management are considered a competent authority for the welfare of experimental animals. Within Veterinary Directorate there is a Department for Animal Welfare and Veterinary Services and within this Department, there is a Group for Animal Welfare, with two employees on the central level, which is not sufficient. Control of the implementation is done by the veterinary inspectors in the field, on the basis of risk analysis, by random sampling and upon the notification on actions contrary to the provisions of Law.

#### 7.1.3 Implementing measures and challenges

Veterinary Directorate, Ministry of Agriculture Forestry and Water Management is responsible for issuing the Approval for conduction of experiment on animals (totally 346 approvals were issued during the reporting period (2017-2019)), registration of all users, breeders and suppliers, keeping the Register on experiments on animals (thus far, 23 institutions were registered),

drafting the legislation and rulebooks, recommendations and checklist, and their implementation. Two bodies, prescribed by the Directive 2010/63 are established:

- Ethical Commission for the Protection of Experimental Animals within every scientific organisation and other legal person that conduct the experiments. This Commission is equivalent to the Animal Welfare Body, prescribed by the Article 26 and 27 of the Directive 2010/63.
- Ethical Council for Welfare of Experimental Animals was established as Special Working Group. This body is equivalent to the National Committee for the protection of animals used for scientific purposes, prescribed by the Article 49 of the Directive 2010/63.

Practical training for the relevant target groups that carry out experiments on animals in practice or control the application of animal welfare rules in practice, i.e. veterinary inspectors, members of Ethical Commissions and users, in practical application of animal welfare rules stemming from the Council Directive 2010/63/EU on the protection of animals used for scientific purposes and Commission Implementing Decision 2012/707/EU establishing a common format for the submission of the information pursuant to Directive 2010/63/EU, was organised with the support of the PLAC II project (Europe Aid / 137065 / DH / SER / RS9) during 2018.

### 7.2 Plans for full alignment

#### 7.2.1 Legislative plans

Revision of national legislation is necessary for complete transposition of Directive 2010/63/EC, so that all the relevant provisions are transposed correctly and concisely in the national legislation. Plan for transposition includes:

- Amendments of the Law on Animal Welfare ("Official Gazette of the Republic of Serbia", No 41/09) in order to create the solid bases for complete transposition of the EU legislation – by the end of 2020.
- Adoption of the new Rulebook on welfare of experimental animals in order to complete transposition of the Directive 2010/63/EU - 2021.

#### 7.2.2 Institutional plans

It is necessary to strengthen the capacity within the Veterinary Directorate by employment of two veterinarians on central level.

#### 7.2.3 Planned implementation measures

Implementation of national legislation is ongoing.

Veterinary Directorate is planning to continue organizing training for users, suppliers, breeders, members of the Ethical Council and Ethical Commissions related to implementation of the provisions of Directive 2010/63/EU, which applies to the retrospective analysis of the experiment.

## 8. NOISE

***Directive 2002/49/EC relating to the assessment and management of environmental noise***

### 8.1 Current situation

#### 8.1.1 Legislative framework

Directive is partially transposed through the following legal acts:

- Law on Environmental Noise Protection ("Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010);
- Regulation on noise indicators, limit values, assessment methods for indicators of noise, disturbance and harmful effects of noise in the environment ("Official Gazette of the Republic of Serbia", No. 75/2010);
- Rulebook on the methods of development and contents of the strategic noise maps and the manner of presentation of the strategic noise maps to the public ("Official Gazette of the Republic of Serbia", No. 80/2010);
- Rulebook on the methodology for action plans development ("Official Gazette of the Republic of Serbia", No. 72/2010).

#### 8.1.2 Institutional framework

Ministry of Environmental Protection (MEP) is leading institution responsible for environmental noise protection. Other responsible institutions are: Serbian Environmental Protection Agency (SEPA), as a body within thy Ministry of Environmental Protection (a legal entity), Ministry of Construction, Transport and Infrastructure, Statistical Office of the Republic of Serbia, Republic Geodetic Authority, Ministry of Finance, Ministry of Health, Provincial Secretariat for Urban Planning and Environmental Protection, PE "Roads of Serbia", JSC "Serbian Railways", Airport "Nikola Tesla" Belgrade, Standing Conference of Towns and Municipalities and local self-governments. Ministry of Environmental Protection is in charge of legislative, permitting, and inspection issues. Local Self Governments are in charge of noise monitoring. Serbian Environmental Protection Agency is collecting noise data and reporting them to the EU.

In the Ministry, in the Sector for Environmental Management, in Section for the Protection against Noise, Vibration and Non-ionizing Radiation there are 3 employees in charge of noise protection issues.

#### 8.1.3 Implementing measures and challenges

PE Roads of Serbia has developed all planned strategic noise maps (designated 843 km) for the roads. IPA 2014 Project "Strategic noise mapping of Niš agglomeration" has developed Strategic noise maps for Niš agglomeration and they officially presented in Belgrade and Niš in July 2019.

Furthermore, the project resulted in the Guidelines for developing strategic noise maps for other agglomerations (using the experience gained through development of strategic noise maps for the city of Niš).

Serbia has the obligation to prepare strategic noise maps for 4 agglomerations (Belgrade, Novi Sad, Kragujevac and Subotica), railway line sections, Belgrade airport, as well as action plans based on the developed srategic noise maps.

Strategic noise maps and action plans shall be developed every five years, in accordance with Directive 2002/49/EU.

### 8.2 Plans for full alignment

#### 8.2.1 Legislative plans

Full transposition of Directive 2002/49/EC is planned by the end of 2020 through the adoption of the Law on Environmental Noise Protection and amended by-laws.

Modality of transposing Directive 2015/996 (CNOSSOS-EU) into Serbian legislation has been reviewed with the assistance of the PLAC project (April 2018). Full transposition of this directive will be achieved 2020.

#### 8.2.2 Institutional plans

Current institutional system for noise protection shall be revised by establishing new institutional setup and changing competent authorities responsible for strategic noise mapping and action plans drafting. Strategic noise mapping and drafting of action plan, will follow deadlines specified in the Directive 2002/49/EC.

In order to strengthen institutional setup responsible for coordination, one more employee for noise protection issues will be employed by the end of 2020.

#### 8.2.3 Planned implementation measures

Full implementation of the Directive 2002/49/EC is foreseen by the end of 2021. It is planned to develop strategic noise maps and action plans for five agglomerations (Belgrade, Novi Sad, Niš, Kragujevac and Subotica), sections of roads, railways and Belgrade Airport "Nikola Tesla". The Directive requires that strategic noise maps are drawn up every 5 years and the action plans one year after noise maps have been completed.

## 9. CLIMATE CHANGE

***EU Monitoring Mechanism - Regulation 525/2013 (MMR)***

### 9.1 Current situation

#### 9.1.1 Legislative framework

Regulation 525/2013 (hereinafter: MMR) is not aligned, however the public consultation for the draft Law on Climate Change[27] ended on 20 April 2018, while the most of accompanying by-laws that transpose MMR are prepared.

[27] Developed within the IPA funded Twinning projects; "Establishment of a mechanism for the implementation of the MMR" and "Creation of a monitoring, reporting and verification system for the successful implementation of EU Emission Trading System"

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### 9.1.2 Institutional framework

The Ministry of Environmental Protection (MEP) is the main competent authority and coordinator of climate change mitigation and adaptation policies and the UNFCCC implementation in the Republic of Serbia.

Until the adoption of the Draft Law on Climate Change, Article 50 of the Law on Air Quality prescribes that Serbian Environmental Protection Agency (SEPA) is responsible for preparation and maintaining of the GHG inventory. Republic Hydrometeorological Service of the Republic of Serbia is the institution responsible for monitoring, observation and research of climate change. MEP, as the UNFCCC Focal Point, is responsible for preparation and submission of Biennial Update Reports and National Communications.

### 9.1.3 Implementing measures and challenges

Taking into account that the Law on Climate Change has not been adopted yet (MMR is not aligned), there is no implementation, except for certain provisions related to GHG inventory (according to the Article 50 of the Law on Air Quality) and preparation and submission of Biennial Update Reports and National Communications (based on the Law on Ratification of the UNFCCC).

Although, the alignment with the MMR is currently in progress, the pace of adoption, and hence the implementation of the necessary legislation, is also seen as a challenge.

Moreover, the main challenges for the future implementation are:

- Insufficient number of employees in the Climate Change Department in the MEP and SEPA for effective fulfilment of the MMR requirements;
- Insufficient capacities of relevant sectoral ministries for monitoring and reporting of policies
- Lack of financial resources for preparation of GHG emissions inventory, projections and strategic documents.

Technical minimum also implies that financial resources for preparation of GHG inventory, projections and strategic documents are to be ensured from the national budget.

## 9.2 Plans for full alignment

### 9.2.1 Legislative plans

As foreseen by the revised NPAA, adoption of all the required legislative acts, including MMR, is planned to be finalized during the 4$^{th}$ quarter of 2020.

The Draft Law on Climate Change transposes:

- Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC.
- Relevant provisions of Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020.

- Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council.
- Commission Delegated Regulation (EU) No 666/2014 of 12 March 2014 establishing substantive requirements for a Union inventory system and taking into account changes in the global warming potentials and internationally agreed inventory guidelines pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council.
- Relevant provisions of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and mending Council Directive 96/61/EC as amended by Directive 2004/101/EC (in respect of Kyoto Protocol's project mechanism).

During 2020, it is planned to analyse the new regulations on LULUCF (EU) No 2018/841 and Effort Sharing Regulation (EU) No 2018/842, repealing Decision No 406/2009/EC with the TAIEX support during the 2nd quarter of 2020 and to prepare plan and timeframe for the alignment.

Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council will be analysed while plans and timeframe for the transposition of the Regulation will be prepared in the forthcoming period.

Five by-laws are planned to be developed and adopted in order to transpose relevant requirements of the MMR. Two of them are already drafted:

1. Regulation on national system for preparation of the GHG inventory and on system for reporting on policies, measures and GHG projections -Transposing EU Regulation on monitoring mechanism 525/2013 and Regulation 666/2014 on inventory system of the Union. This Regulation lays down in more detail the National system for the compilation of the GHG inventory and the system for the reporting of policies, measures and projections of GHG emissions by sources and removals by sinks; defines the type of data necessary for the compilation of the GHG inventory and preparation of the report on policies, measures and projections, the authorities and organizations responsible for their submission, and the deadlines for the submission of such data; obligation to provide data quality assurance and quality control data.
2. Rulebook on reporting of greenhouse gas emissions - Transposing EU Regulation on monitoring mechanism 525/2013 and Regulation 749/2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013. This Rulebook lays down content of GHG Inventory, National GHG Inventory Report and other reports relevant to climate change, as well as deadlines for their production, sectors and categories that are relevant to GHG emissions in accordance with the law regulating climate change.

Other three by-laws to be drafted shall include:

1.Regulation on form, content and deadlines for submission of reports to the government on policies, measures and GHG projections,
2.Regulation on list of authorities and organizations which report to the Ministry on implemented adaptation measures and content and form of the reports,
3.Rulebook for limitation of GHG emissions.

### 9.2.2 Institutional plans

Based on the draft Law on Climate Change:

- MEP is recognized as the main MMR competent authority;
- Serbian Environmental Protection Agency (SEPA) is responsible for the national GHG inventory system preparation and maintenance.

Relevant sectoral ministries are responsible for monitoring and reporting of policies.

The MEP and SEPA recognize a need for ensuring:

- Four additional employees as a technical minimum for effective fulfilment of the MMR requirements in the Climate Change Department in the MEP, to fill in the available, systematized vacancies, which were created as a result of the recommendations provided within a finished Twinning project[28];
- Four additional employees as a technical minimum for effective fulfilment of the MMR requirements in SEPA, as a result of the recommendations provided within a finished Twinning project[29];
- Capacities of relevant sectoral ministries for monitoring and reporting of policies and measures (PAMs);
- Financial resources for preparation of GHG emissions inventory, projections and strategic documents from the national budget.

### 9.2.3 Planned implementation measures

It is envisaged that the full implementation of the MMR will start with the adoption of the Law on Climate Change, which is envisaged to take place for the 4$^{th}$ quarter of 2020.

## *EU Emissions Trading System (EU ETS)*

### 9.1 Current situation

### 9.1.1 Legislative framework

Directive 2003/87/EC (hereinafter: ETS) is not aligned, however the draft Law on Climate Change and accompanying by-laws that transpose monitoring, reporting and verification provisions (MRV) of the ETS are prepared.

### 9.1.2 Institutional framework

The institutional framework has not been established yet. However, based on the Governmental conclusion adopted by the Government in September 2014 (titled "Report on establishment of institutional structure for the implementation of monitoring, reporting and verification (MRV)

[28] "Establishment of a mechanism for the implementation of the MMR"

[29] "Establishment of a mechanism for the implementation of the MMR"

for the implementation of ETS") leading responsible institution/competent authority for the ETS shall be the Ministry of Environmental Protection (MEP)/Climate change unit (CCU). Other responsible institutions are Serbian Environmental Protection Agency, Civil Aviation Directorate, Accreditation Body of Serbia, Ministry of Mining and Energy. The Conclusion is the basis for institutional structure suggested in the Draft Law on Climate Change.

The main challenges for the future implementation are related to insufficient number of employees in the Climate Change Unit and Department for prevention and control of the MEP, SEPA, Accreditation Body of Serbia and Civil Aviation Directorate.

### 9.1.3 Implementing measures and challenges

Taking into account that the Law on Climate Change has not been adopted (ETS is not aligned) yet, there is no implementation.

Draft legislation includes only MRV aspects of EU ETS. Implementation of the market related provisions will be a challenge, from perspective of both Governmental institutions and the industry.

## 9.2 Plans for full alignment

### 9.2.1 Legislative plans

Legislation regarding MRV aspects of the EU ETS will be adopted – draft Law on Climate Change during the 4th quarter of 2020 and accompanying by-laws up to one year after the adoption of the draft Law while the plans and timeframe for the transposition of market related provisions (Union Registry, free allocation, and auctioning) will take place at a later stage and prior to Serbia's joining to the EU ETS.

It is foreseen to analyse the revised ETS Directive (Directive (EU) 2018/410) with the PLAC support during the 2nd quarter of 2020 and to prepare plan and timeframe for the alignment.

The public consultation process for the draft Law on Climate Change[30] ended on 20 April 2018, while all accompanying by-laws that transpose MRV ETS are prepared. Newly adopted Monitoring and Reporting Regulation (2018/2066) and the Accreditation and Verification Regulation (2018/2067) will be analysed and compared against the already prepared draft by-laws, with the support of PLAC.

The Law on Climate Change and accompanying by-laws transpose:

1. Relevant provisions of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC as amended by Directive 2004/101/EC (in respect of Kyoto Protocol's project mechanism).
2. Relevant provisions of Directive2009/29/EC of the European Parliament and of the Council of 23 April 2009amending Directive 2003/87/EC, so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community.

[30] Developed within the IPA funded Twinning projects; "Establishment of a mechanism for the implementation of the MMR" and "Creation of a monitoring, reporting and verification system for the successful implementation of EU Emission Trading System"

3. Relevant provisions of Directive 2008/101/EC of the European parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC, so as to include aviation activities in the greenhouse gas emission allowance trading scheme of the Community.
4. Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council.
5. Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council.

More precisely, the Law and one by-law transpose MRV provisions of the Directive 2003/87/EC, namely articles: Art. 1, 3(c), 3(b), 3(i), 3(f), 3(e), 4, 5, 6, 7, 15 and 18, annexes, as well as certain articles of Regulation 600/2012 and 601/2012 and Directive 2008/101/EC. The remaining parts of the Regulation 600/2012 and 601/2012 are transposed by two by-laws. The by-laws which are drafted and will follow adoption of the Law, transposing MRV provisions, are:

1. Regulation on types of activities and greenhouse gases for which it is necessary to obtain a GHG emission permit:

a. Transposing Annex I of the Directive on emission trading system 2003/87/EC и 2009/29/EC.

2. Rulebook on monitoring and reporting of greenhouse gas emissions:

a. Transposing Regulation 601/2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC.

3. Rulebook on requirements for verifiers, procedure, verification criteria, content of the verification report, data required for application for accreditation, requirements which the assessment team should fulfil and the content of the report on the implementation of the work programme:

a. Transposing Regulation 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC.

Other by-laws to be drafted include:

1. Regulation on aviation activities (and gases) for which aircraft operators are not required to submit a monitoring plan - from 2021.
2. Rulebook on methodology on monitoring of GHG emissions for aircraft operators - from 2021.

The Law on Climate Change envisages that the by-laws will be adopted one year after adoption of the Law, with the exception of a by-law that regulates obligations of aircraft operators, which will be adopted after 2021 in accordance with the decisions of the International Civil Aviation Organization (ICAO) Resolution for a global market-based measure to address CO2 emissions from international aviation.

### 9.2.2 Institutional plans

Based on the draft Law on Climate Change:

- Leading responsible institution/competent authority for issuing of permits (the MRV aspects of ETS) is the Ministry of Environmental Protection (MEP)/Climate Change Department (CCD);
- Serbian Environmental Protection Agency is responsible for evaluation of the monitoring plans and emission reports for stationary installations;
- Civil Aviation Directorate is responsible for evaluation of the monitoring plans for aviation operators;
- Accreditation Body of Serbia is responsible for accreditation of verifiers.
- In line with the Regulation of the European Parliament and of the Council on the **Governance of the Energy Union and Climate Action,** the Ministry of Mines and Energy should play a role in monitoring and reporting on governance, especially in the area of competence of this Ministry.

The needs for hiring full time employees are identified in:

- MEP/CCD – two employees;
- SEPA – three employees;
- CAD – one employee;
- MEP/Department for Environmental Control and Precaution – one employee (involvement of environmental inspectors may be greater when starting the system, but should decrease over time),
- Accreditation Body of Serbia – one employee.

### 9.2.3 Planned implementation measures

Provisions in regard to aircraft operators will be implemented in accordance with the decisions of the International Civil Aviation Organization (ICAO) Resolution for a global market-based measure in order to address $CO_2$ emissions from international aviation as of 2021. Draft Law on Climate Change transposes relevant provisions of Directive 2008/101/EC, however, Serbian aircraft operators already report and will continue to report their emissions to German National Authority (DEHSt). Analysis performed showed that due to the stop-the-clock decision and the fact that the Republic of Serbia is outside of this scope, changing of the scope of aircraft operators, prior to EU accession, so as to include the airspace outside of stop-the-clock would be too demanding and without relevance. In addition, transitional period for reattribution of administrative responsibilities for aircraft operators to the Republic of Serbia will also need to be considered and the MEP in cooperation with the Civil Aviation Directorate and Ministry in charge for transportation will further elaborate specific needs.

Considering that electricity producers do not receive CO2 allowances for free during the trading period 2021 - 2030, the fact there is no opportunity to use Modernization fund, as well as the burden for the industry, especially energy - there is a need for additional analysis that will determine timeline and scope for full compliance with the target legislation (EU ETS). Due to previous, request for certain transitional period and/or derogation should be expected.

## 9.3 Acceptance of the acquis (and any negotiating requests)

Based on assumed date of accession, the Republic of Serbia requests transitional period and/or derogation for implementation of the requirements of target legislation (EU ETS). Corresponding position regarding this request will be provided after finalization of two IPA projects: “Climate

Strategy and Action Plan", implemented by Ministry of Environmental Protection and "Development of Energy Planning Capacity", implemented by Ministry of Mining and Energy. Based on them and additional analyses, realistic implementation plans will be defined and they will serve as detailed justification of specific needs. Those plans will set out the investments to be undertaken in retrofitting and upgrading the infrastructure, in clean technologies, in diversifying energy mix etc., which will ensure full compliance with the target legislation (EU ETS).

***Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars***

**9.1 Current situation**

**9.1.1 Legislative framework**

Directive 1999/94/EC is not aligned, however the draft Law on Climate Change and accompanying by-law that transpose Directive 1999/94/EC are prepared.

**9.1.2 Institutional framework**

According to the responsibilities defined by the Law on Ministries:

- Ministry of Environmental Protection (MEP)/Climate Change Unit (CCU) is recognized as the leading responsible institution.
- Ministry of Trade, Tourism and Telecommunications is recognized as responsible for the surveillance and control of implementation.
- Ministry of Construction, Transport and Infrastructure/Road Traffic Safety Agency is recognized as responsible for preparation of the fuel economy guide, in cooperation with the MEP.

The main challenge for the future implementation is the lack of employees in all institutions.

**9.1.3 Implementing measures and challenges**

Taking into account that the Law on Climate Change has not been adopted yet (Directive 1999/94/EC is not aligned), there is no implementation.

**9.2 Plans for full alignment**

**9.2.1 Legislative plans**

Adoption of all the required legislative acts, including this legislation, is planned during 2021.

**9.2.2 Institutional plans**

Based on the draft Law on Climate Change:

- MEP is responsible for description of the label on fuel economy and CO2 emissions, content of the guide, poster and/or display and promotional literature;
- Traffic Safety Agency is responsible for preparation and publishing of guide on fuel economy and CO2 emissions;
- Ministry of Trade, Tourism and Telecommunications is responsible for the surveillance and control of implementation.

### 9.2.3 Planned implementation measures

TAIEX assistance was carried out to facilitate the definition of the institutional setup and overall competences.

***Ozone-depleting substances - Regulation 1005/2009/EC***

## 9.1 Current situation

### 9.1.1 Legislative framework

The Regulation (EC)1005/2009/ is partially aligned through two legal acts: Law on Air Protection ("Official Gazette of the Republic of Serbia", No. 36/09 and 10/13) and Regulation on substances that deplete the ozone layer and on conditions for issuing licenses for import and export of these substances ("Official Gazette of the Republic of Serbia", No. 114/2013 and 23/2018).

Articles on HCFC management are not aligned. The Republic of Serbia is following HCFC phase-out schedule for Article 5 countries of the Montreal Protocol with HCFC Phase-out Management Plan (HPMP) that is adopted in 2010 for the purpose of phasing out 35% of HCFC consumption by 2020. In accordance with national legislation, there is a ban on production of ODS in the Republic of Serbia. Within the group of ODSs, only HCFCs are allowed to be imported and are mostly used in refrigeration manufacturing and servicing sector. HCFCs are on quota regime and only registered importers who obtain quota can apply for an import license. Also, national ODS Regulation prescribes licensing system to control import and export of products and equipment containing or relying on ODSs in certain cases while the import for products and / or equipment that contains or relies on HCFC has been banned since 15 April 2018.

Regarding alignment of Regulation (EU) No 744/2010, there are provisions related to halons for critical uses, list of critical uses, labelling of cylinders and registering of all users. Only halons from registered halon banks can be used. The cut-off date for critical uses is not set, while the cut-off date for non-critical uses of halons is 31 December 2020.

### 9.1.2 Institutional framework

The National Ozone Unit/MEP is responsible for implementation of control measures, licensing and quota system, data collection, reporting, project implementation and regional and international cooperation (National focal point for the Vienna Convention and Montreal Protocol). One person with shared responsibilities is working on these tasks (ODSs and f-gases).

Environmental Inspection/MEP is responsible for inspection of importers/exporters, as well as inspection of operators of the equipment (planned). Coordination and oversight of inspection activities conferred to the autonomous province and local governments, is performed by the republic inspections.

The Customs Administration has the responsibility for border control of imports/exports and prevention of illegal trade.

### 9.1.3 Implementing measures and challenges

As the Article 5 country of the Montreal Protocol (developing countries), the Republic of Serbia is fully in compliance with its provisions, which are primarily related to the consumption of ODSs. Consumption of HCFCs is controlled through licensing and quota system. In the year 2013, the first control measure of the MP has been introduced – freeze to the baseline consumption and in 2015 the Republic of Serbia conducted the second control measure with reduction of HCFC consumption by 10% of baseline level (RS has obligation to reduce the consumption of HCFC for 35% by 2020).

Import quota for the year 2018 was 6.72 ODP and imported quantity of HCFC in that year was 6.61 ODP tones. Import quota for the year 2019 is 6.48 ODP tones and it has been allocated to 9 registered importers, based on their contribution to the total imports in the year 2009-2012.

Regarding licensing and quota system, consumption of HCFC is also controlled by issuing of permits for each shipment only to registered importers, cross-checking of data on imported and exported quantities with the Customs, obligation of the registered companies to report on import and export and application of iPIC procedure with the exporting countries.

Also, reduction of consumption is achieved through projects that are financed from the Multilateral fund and accomplished through the National Ozone Office within the Ministry, with UNIDO as an implementing agency: HPMP (HCFC phase out management plan) and IS (Institutional Strengthening).

The investment component of the approved Stage I of HPMP has been completed. This component includes conversion of technology in 4 RAC manufacturing companies. R-22 is not used in their manufacturing processes and it is completely phase-out. All companies use other alternatives.

The National survey of the ODS alternatives was prepared in 2016. Main objective of this report is to present the survey results of HFCs consumption and uses in various sectors/sub sectors and HFCs banks. The sectors include stationary and mobile air conditioning, domestic, commercial, mobile and industrial refrigeration.

## 9.2 Plans for full alignment

### 9.2.1 Legislative plans

Full alignment will be achieved by the end of 2020 through adoption of the Law on Amendments to the Law on Air Protection that will make conditions and legal basis for the adoption of new national legislation or amendments to the existing legislation in the field of the substances that deplete the ozone layer.

An accelerated reduction plan for the HCHCs will be prepared within the HPMP Stage II.

### 9.2.2 Institutional plans

Necessary reforms are related to strengthening of the existing administrative capacities within the MEP and two persons (with shared responsibilities) need to be engaged within the MEP (in field of ODSs and f-gases).

The strengthening of capacities is needed for the implementation requirements especially for keeping the records, reporting and certification system.

### 9.2.3 Planned implementation measures

- Continuation of the training activities (within HPMP), which include training and certification of service technicians from the refrigeration sector; training for environmental inspection in order to improve the enforcement of ODS and F-gas legislation, specifically the trainings for inspection competent for the servicing sector and also for the customs officers;
- As the Republic of Serbia will become a part of the EU, it is planned that accelerated reduction plan of HCFCs consumption will be prepared in compliance with EU Regulations within stage II of HPMP, which should be approved by Executive Committee of the Multilateral Fund for the implementation of the Montreal Protocol. The funds for the preparation of Stage II of HPMP have been approved at 82nd Executive Committee Meeting and preparation started in 2019. Regarding HFC phase-down in the line with the Kigali Amendment, at the 80th Executive Committee Meeting, held in Montreal in November 2017, the funds for enabling activities have been approved for the Republic of Serbia. The implementation of these activities in order to ratify Kigali Amendment has started in 2018.

***Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006***

### 9.1 Current situation

### 9.1.1 Legislative framework

The Law on Air Protection ("Official Gazette of the Republic of Serbia", No. 36/09 and 10/13) and Regulation on fluorinated greenhouse gases management, as well as on conditions for license issuance for import and export of such gases ("Official Gazette of the Republic of Serbia", No. 120/2013) are partially aligned with the provisions of Regulation (EU) no 517/2014 and Commission Implementing Regulations (EC) 1494/2007, (EC) 1497/2007, (EC) 1516/2007, (EC) 304/2008, (EC) 306/2008, (EC) 307/2008, (EU) No 1191/2014, (EU) 2015/2065, (EU) 2015/2066, (EU) 2015/2067, (EU) 2015/2068 .

The Regulation on certification of personnel performing certain activities related to controlled substances and certain fluorinated greenhouse gases ("Official Gazette of the Republic of Serbia", No. 24/16) was adopted on 8 March 2016. It is aligned with the provisions of the Commission Implementing Regulation (EU) 2015/2067 (minimum requirements for the certification in relation to stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases) and with the Regulation 307/2008/EC (minimum requirements for training programs of personnel recovering certain fluorinated greenhouse gases from air-conditioning systems in motor vehicles). This Regulation prescribes 4 categories of personnel certificates for operating with stationary equipment in RAC sector and certificates for personnel operating in the MAC sector.

### 9.1.2 Institutional framework

The National Ozone Unit/MEP (within Department for Air and Ozone Layer Protection) is responsible for: implementation of control measures, licensing system, data collection, reporting, project implementation and regional and international cooperation (focal point for the Vienna Convention and Montreal Protocol). One person is involved in these tasks (ODS and f-gases).

Environmental Inspection/MEP is responsible for inspection of importers/exporters, as well as inspection of operators of the equipment (planned). Coordination and oversight of inspection activities conferred to the autonomous province and local governments, are performed by the republic inspections.

The Customs Administration has the responsibility for border control of imports/exports and prevention of illegal trade.

SEPA, the Department for National Register is responsible for collecting data for the national inventory of f-gases emissions.

### 9.1.3 Implementing measures and challenges

Management of f-gases in the Republic of Serbia, at this moment, follows the structure of the ODS management, with both groups of substances being used mostly as refrigerants.

Licensing system for imports/export of f-gases and air conditioning units containing f-gases is in place. This data is used to monitor consumption and use of f-gases in the Republic of Serbia.

The National survey of the ODS alternatives was prepared in 2016. Main objective of this report is to present the survey results of HFCs consumption and uses in various sectors/sub sectors and HFCs banks. The sectors include stationary and mobile air conditioning, domestic, commercial, mobile and industrial refrigeration.

In order to establish certification system of service technicians, we have started with the trainings of service technicians in November 2018 within HPMP project (more than 400 service technicians passed the training). The plan is to conduct the training for 480 service technicians and after that we will continue with exams and issuance of certificates. Before the beginning of the trainings, the following main activities were implemented: establishing training and certification scheme for the service technicians, establishing and equipping four training centers, preparation of the training materials, procurement of 100 sets of equipment and tools for servicing, trainings of trainers in servicing sector – which were successfully implemented and included handling with f-gases and ODSs (National training of 23 trainers from 4 vocational schools and training and certification of 12 experts for F-gases). The new manual for service technicians has been prepared.

## 9.2 Plans for full alignment

### 9.2.1 Legislative plans

Full alignment will be achieved by the end of 2020. As F-gas Regulation (EU) No 517/2014 sets out more stringent requirements than the previous one, the GAP analysis of the National F-gas Regulation (EU) has been done within the PLAC 2 project in 2017. According to that analysis, the legal bases for amendments to existing legislation in the field of the fluorinated greenhouse gases will be prepared. Also, adoption of the Law on Amendments to the Law on Air Protection, will make conditions and legal basis for the adoption of the new national legislation or amendments to the existing legislation in the field of the fluorinated greenhouse gases. All relevant regulations will be taken into account.

### 9.2.2 Institutional plans

Necessary reforms are related to strengthening of the existing administrative capacities within the MEP and SEPA. Two persons (with shared responsibilities) need to be engaged within the

MEP (in field of ODSs and f-gases) and one person need to be engaged within the SEPA to collect submitted data and to perform the assessment of data.

The strengthening of capacities is needed for the implementation requirements, especially for keeping the records, reporting and certification system.

### 9.2.3 Planned implementation measures

It is planned to continue with the training within the HPMP project – training and certification of service technicians from the refrigeration sector; training for environmental inspection in order to improve the enforcement of ODS and F-gas legislation, specifically the trainings for inspection competent for the servicing sector and also for the customs officers.

Regarding HFC phase-down in the line with the Kigali Amendment, the implementation of the enabling activities in order to ratify Kigali Amendment started in 2018. In terms of these activities, the plan is to achieve compliance (as much as possible) with the EU F-gas Regulation; this will include:

- Amendments to the Law on Air Protection related to the protection of the ozone layer;
- Drafting proposal of amendments on national F-gas regulation;
- Drafting proposal of Rulebook on certification.

## *Directive 98/70/EC of the European Parliament and of the council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58)*

### 9.1 Current situation

### 9.1.1 Legislative framework

The Directive 98/70/EC concerning the Quality of Petrol and Diesel Fuels is fully transposed in the legislation of the Republic of Serbia through the following acts: Law on Technical Requirements for Products and Conformity Assessment ("Official Gazette of the Republic of Serbia", No. 36/09), Rulebook on Technical and Other Requirements for Liquid Fuels of Petroleum Origin ("Official Gazette of the Republic of Serbia", No. 111/15, 106/16, 60/17 and 117/17), Energy Law ("Official Gazette of the Republic of Serbia", No. 145/14), National Action Plan for Renewable Energy Sources ("Official Gazette of the Republic of Serbia", No. 53/13), Law on Consumer Protection ("Official Gazette of the Republic of Serbia", No. 62/14, 6/16), Law on Standardization ("Official Gazette of the Republic of Serbia", No. 36/09, 46/15) and Accreditation Act ("Official Gazette of the Republic of Serbia", No. 73/10), Decree on oil derivatives and biofuels quality monitoring ("Official Gazette of the Republic of Serbia", No. 97/15, 5/17, 8/17,119/17, 50/18 and 102/18) and the Rulebook on the content and manner of conducting the annual programme of quality monitoring of oil derivates and biofuels for 2019 ("Official Gazette of the Republic of Serbia", No. 23/19 ), Decree on biofuels ("Official Gazette of the Republic of Serbia", No.71/19, it will apply from 1.1.2021) and Decree on criteria for sustainability of biofuels ("Official Gazette of the Republic of Serbia", No. 89/19, it will apply from 1.1.2021);

Also, provisions stipulating obligations of the Member States towards the Commission have not been transposed into the national legislation yet.

### 9.1.2 Institutional framework/administrative capacities

Authorities responsible for transposition: the Ministry in charge of mining and energy in cooperation with ministries in charge for agriculture, environment and trade.

Authorities responsible for implementation:

- Ministry of Mining and Energy (Oil and Gas Department, Renewable Energy Department)- Authority responsible for preparation, monitoring and enforcement of laws and regulations related to oil and gas and renewable energy. In Oil and Gas Department, 3 employees with shared responsibilities, deal with transposition and implementation of Directive 2016/802/EC. In Renewable Energy Department, 4 employees with shared responsibilities, deal with transposition and implementation of Directive 2009/28/EC which also contains provisions related to greenhouse gas emission reductions, sustainability criteria for biofuels, verification of compliance with the sustainability criteria for biofuels and calculation of life cycle greenhouse gas emissions from biofuels;
- Ministry of Trade, Tourism and Telecommunications (Market Inspection Sector) - Authority responsible for fuel quality control and control compliance with the prescribed requirements (Market Surveillance). In Market Inspection Sector, 16 inspectors, in addition to other activities related to the certain liquid fuels, deal with fuel quality monitoring on the market of the Republic of Serbia;
- Ministry of Environmental Protection – Authority responsible for monitoring, reporting and verification of emissions of greenhouse gases. Ministry of Agriculture, Forestry and Water Management - authority which performs activities related to strategy and policy for development of agriculture and food industry.

### 9.1.3 Implementing measures and challenges

Implementation of the Directive is in the initial stage. Competent authorities have been identified. The implementation of the obligations under the Directive is linked to the further transposition of the provisions of the Directive into the Serbian legislation and establishing a system of the use and monitoring biofuels in transport.

In order to implement Directive 98/70/EC a few important steps have been taken until now:

- More than 500 million euros have been invested into refinery capacity modernization, which enabled the conformity of gasoline and diesel fuel quality requirements with standards SRPS EN 228 and SRPS EN 590, as well as 0.1% sulphur content in gas oil which is used for heating purposes;
- With the adoption of the Energy Law in December 2014, legal basis for fuel quality monitoring regulation has been prescribed and at the end of 2015 the implementation of fuel quality monitoring has started;
- Fuel Quality Monitoring System (FQMS) in the Republic of Serbia has two parts, the first part is carried out in accordance with the standard SRPS EN 14274, while in terms of the second, “national part”, the requirements go beyond the requirements prescribed by the standard SRPS EN 14274.
- FQMS of unleaded petrol and diesel fuels placed on the market at petrol stations (retail and commercial dispensing sites) is carried out in accordance with standard SRPS EN 14274 and the Directive 2016/802/EC.

- "National part" of FQMS includes determination of sulphur content in gas oil for heating purposes and fuel oils in order to meet the requirements of Article 6 of the Directive 2016/802/EC;
- In 2018, 3378 samples of petrol and diesel fuel were tested.

**9.2 Plans for full alignment**

**9.2.1 Legislative plans**

The Directive is fully transposed through adoption of by-laws referring to the Energy Law, particularly biofuels, as well as the relevant new law on fees.

**9.2.2 Institutional plans**

Strengthening of the existing administrative capacity within Ministry in charge of mining and energy is needed in order to perform activities related to monitoring of the implementation of regulations.

Also, strengthening of the existing administrative capacity within Ministry in charge of trade, Sector for Market Inspection, is needed in order to perform fuel quality monitoring, as well as other activities related to the oil sector.

**9.2.3 Planned implementation measures**

Currently, implementation measures are in progress, and in the framework of the IPA 2014, full implementation plan for Directive 98/70/EC will be prepared. Based on the assessment provided by this document, deadline for achieving full compliance will be determined.

Having in mind that establishment of a system for the use and monitoring of biofuels in transport is in the initial stage, it is expected that implementation period of Directive 98/70/EC will exceed planned accession date.

**9.3 Acceptance of the acquis (and any negotiating requests)**

The Republic of Serbia requests transitional period according to the Directive Specific Implementation Plan (DSIP is under development).

***Regulation (EC) No 443/2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce $CO_2$ emissions from light-duty vehicles***

***Regulation (EU) No 510/2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO2 emissions from light-duty vehicles***

**9.1 Current situation**

**9.1.1 Legal framework**

The process of alignment with the Regulation 443/2009/EC on emission standards for new passenger cars, and the related Regulation 510/2011/EU on emission standards for new light commercial vehicles, has not yet started. National legislation on $CO_2$ emissions from new passenger cars and light commercial vehicles has not yet been aligned with the EU legal acts.

Analysis of alignment and compliance possibilities was conducted by the Road Traffic Safety Agency (RTSA) with support of the PLAC (Policy& Legal Advice Centre) Project, in order to identify and include other institutions with competences and responsibilities in this field and to make an assessment of alignment plan and define the type of document and its proposer.

### 9.1.2 Institutional framework

The Road Traffic Safety Agency is designated as the main authority. There are other institutions which have competences and responsibilities in this field - the Ministry of Interior, the Ministry of Environmental Protection (MEP), the Ministry of Construction, Transport and Infrastructure. One employee in the Road Traffic Safety Agency is currently working on alignment of the EU legal acts related to CO2 monitoring and reporting.

### 9.1.3 Implementing measures and challenges

RTSA has finished the database for Certificates of Conformity. Optimizing of mentioned database is in progress and the start of implementation of collecting monitoring data is expected during 2018 (in agreement with Ministry of Interior which is responsible for the process of registration of vehicles); the whole system must be coordinated from the beginning, as this would be a necessary prerequisite for establishing the system for collecting and monitoring data according to all EU regulations in the field of CO2 emissions from cars and vans.

The following challenges were identified:

1. Insufficient cooperation between the interested stakeholders.
2. Lack of administrative capacity.

## 9.2 Plans for full alignment

### 9.2.1 Legislative plans

Rulebook on collecting, monitoring and reporting CO2 emissions data from passengers and light-duty vehicles will be adopted until end of 2021.

### 9.2.2 Institutional plans

Based on the legislation that will be aligned with the requirements of the Regulation, the institution competent for implementation will be established. It is necessary to strengthen the institutional and administrative capacity of RTSA, by employing at least one additional employee**,** in order to fulfil all requirements from the EU acquis. Also, better communication among involved institutions is needed.

### 9.2.3 Planned implementation measures

The Republic of Serbia will be fully prepared to ensure the implementation and enforcement of the Regulation’s requirements on the date of accession.

***Carbon Capture and Storage - Directive 2009/31/EC of the European parliament and of the Council OF 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC***

## 9.1 Current situation

### 9.1.1 Legal framework

The main principles and priorities identified in the Directive 2009/31/EC are partially transposed through the Law on Mining and Geological Research ("Official Gazette of the Republic of Serbia", No. 101/15). The Law of Mining and Geological Research created the legal basis for the adoption of secondary legislation, which will establish full compliance with the EU Directives relating to geological research pertaining to identification of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of $CO_2$.

According to Article 21 of the Law on Mining and Geological Research, the Government will define the conditions, criteria, procedure and manners of issuing of approvals and other special requirements relating to geological research pertaining to identification of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of $CO_2$.

### 9.1.2 Institutional framework

Authorities responsible for transposition: Ministry of Mining and Energy in cooperation with the Ministry of Environmental Protection and Ministry of Construction, Transport and Infrastructure.

Ministry of Mining and Energy is responsible for issuing the relevant regulations concerning geological research pertaining to identification of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of $CO_2$, and for the licensing for geological research, except in the case when geological researches are performed in the territory of the autonomous province, where licensing is the responsibility of provincial authorities.

Ministry of Environmental Protection is responsible for control and monitoring of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

Ministry of Construction, Transport and Infrastructure is responsible for the licensing $CO_2$ storage sites.

### 9.1.3 Implementing measures and challenges

Implementation of directive is in the initial stage. Competent authorities have been identified.

## 9.2 Plans for full alignment

### 9.2.1 Legislative plans

Transposition of the remaining provisions relating to geological researches will be achieved through the adopting of Government Regulation on the conditions, criteria, procedure and manners of issuing of approvals and other special requirements relating to geological research pertaining to separation of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of $CO_2$ by the end of 2021.

Plans for full transposition of the remaining parts of the Directive will be determined in cooperation with the relevant institutions.

### 9.2.2 Institutional plans

The existing institutional setup of competent authorities responsible for processing requests and issuing licenses according the Directive for storing of $CO_2$ requires strengthening.

### 9.2.3 Planned implementation measures

With the support of IPA 2017 Twinning project: "Mapping suitable geological formations in the Republic of Serbia for carbon capture and geological storage (2017)" (proposed in Sector planning documents for IPA projects 2015-2017), the methods and timeframe for commencement of implementation of this Directive will be set out.

## *10. CIVIL PROTECTION*

### 10.1 Current situation

### 10.1.1 Legal framework

The area of civil protection is governed by the Law on Disaster Risk Reduction and Emergency Management (Official Gazette of the Republic of Serbia No 87/18) which was adopted in November 2018, fully replacing the Law on Emergency Situations ("Official Gazette of the Republic of Serbia" No 111/09, 92/11 and 93/12). In addition to the aforementioned Law, a set of laws in this area has been adopted, as follows: the Law on Critical Infrastructure, the Law on Volunteer Firefighting and the Law on Amendments to the Law on Fire Protection (Official Gazette of the Republic of Serbia No 87/18). Also, the Law on Reconstruction after Natural and Other Disasters was adopted (Official Gazette of the Republic of Serbia No 112/15) which defines, among other things, reconstruction and recovery after natural disasters. Work on adoption of the Law on Explosive Materials is under way.

### 10.1.2 Institutional framework

The Republic of Serbia will ensure the establishment of a unified system of disaster risk reduction and emergency management in accordance with the Law on Disaster Risk Reduction and Emergency Management and other relevant positive regulations, as well as programs, plans and other documents related to the area of civil protection.

The Disaster Risk Reduction and Emergency Management System (hereinafter: the System) is part of the national security system and it represents an integrated form of managing and organizing the entities of this system to implement preventive and operational measures and perform the tasks of protection and rescue of people and assets from the consequences of disasters, including measures of recovery from those consequences. Civil Protection within the meaning of the Law on Disaster Risk Reduction and Emergency Management is an organized system whose main activity is the protection, rescue and elimination of consequences of natural disasters, technical and technological accidents and other major dangers that can endanger the population, material and cultural assets and environment during peace, in emergency and the state of war.

The intention of the legislator in this area is to involve the whole society in the System, and with regard to the aforementioned, the entities and forces of the system are defined along with the

establishment of unity of action through the National Platform, whose role is played by the National Emergency Management Headquarters.

The system is set up in such a way that local self-government units play a primary role in disaster risk management and that role is supported by all relevant state and provincial institutions; therefore in the protection and rescue, forces and resources from the territory of the local self-government units are deployed first, and when those forces and resources are not sufficient enough, the competent authority ensures the use of other forces and resources from the territory of the Republic of Serbia, including the police and the Serbian Armed Forces, when necessary.

In order to monitor disaster risk reduction activities and coordinate and manage emergencies, emergency management headquarters have been established, as follows: for the territory of the Republic of Serbia - National Emergency Management Headquarters established by the Government, for the territory of the autonomous province - Provincial Emergency Management Headquarters established by the executive body of the autonomous province, for the territory of the administrative district - district emergency management headquarters established by the National Emergency Situation Headquarters, for the territory of the city - city emergency headquarters is forming a competent authority of the city, in the municipality - the municipal headquarters for emergency situations, which is established by the municipality. The Emergency Management Headquarters establishes expert and operational teams as their auxiliary expert bodies.

One of the responsible authorities of the System, particularly in the field of disaster response is the Emergency Management Sector, Ministry of the Interior (hereinafter referred to as EMS MoI).

Entities that are part of the disaster risk reduction and emergency management system ensure the establishment of a single protection and rescue system in the territory of the Republic of Serbia. The subjects of the system are the following: 1) government administration authorities, autonomous province authorities and local self-government units; 2) companies, other legal entities and entrepreneurs; 3) citizens, groups of citizens, associations, professional and special organizations.

The Law on Disaster Risk Reduction and Emergency Management defines the forces of the disaster risk reduction and emergency management system. The forces of the Disaster Risk Reduction and Emergency Management System are Emergency Headquarters, Civil Protection Units, Fire and Rescue Units, Service 112, Police, Serbian Armed Forces, Red Cross of Serbia, Mountain Rescue Service, Fire Brigade of Serbia, Amateur Radio Association of Serbia, commissioners, i.e. deputy commissioners of civil protection, citizens, citizens' associations and organizations whose activity is of particular interest for the development and functioning of the system.

The EMS MoI consists of Directorate for Preventive Protection, Directorate for Risk Management, Directorate for Fire and Rescue Units and Civil Protection, Department for Legal Affairs and International Cooperation and Department for economic and material and financial support in the seat of the Sector and 27 organisational units throughout Serbia, while operational capacities of the Republic of Serbia's Emergency Management Sector, Ministry of the Interior, comprise 3,895 professionals of which 3,210 are the members of specialized fire and rescue units and are first responders to emergencies.

In order to implement fire protection, rescue of people and property, prevention and suppression of other technical and technological accidents and natural disasters, firefighting rescue units were established. In the Republic of Serbia, there are professional and voluntary firefighting units. While professional units are part of the EMS MOI, voluntary units may be established by the local self-government units, legal entities or associations. The tasks performed by the firefighting units are the following: fire extinguishing; technical interventions; technical interventions in traffic accidents; interventions in chemical accidents; rescue of people and material assets in the event of natural disasters - floods, earthquakes, landslides; other interventions (pumping out water, arriving upon call, other services, etc.); continuous activity on the improvement of knowledge and training of workers; education of children and citizens in the field of fire protection.

The units of civil protection are established, equipped and trained as operational forces for the execution of civil protection tasks, as additional forces of protection and rescue tasks.

Civil protection units are established as specialized units and general purpose units. The specialised civil protection units are established, equipped and trained to perform complex tasks of civil protection by the Ministry of the Interior and on the basis of the Disaster Risk Assessment for the Republic of Serbia.

Specialized civil protection units are formed as: 1) fire protection units; 2) water and underwater rescue units; 3) rescue units on inaccessible terrain; 4) first aid units; 5) UXO detection and destruction units; 6) units for CBR protection; 7) units for rescue from ruins; 8) observation units; 9) alerting units; 10) telecommunications units; 11) the care unit.

Civil protection units of general purpose are formed by the local self-government, and are responsible for carrying out simpler tasks and tasks of protection and rescue: assistance to the competent services in the construction and reinforcement of dams for protection against floods (filling in and setting up sand bags); assistance in cleaning roads and streets covered with snow deposits; assistance to sanitation of terrain and facilities; assistance to fire extinguishing in the open; assistance in clearing debris.

The EMS MoI coordinates the activities of all state institutions involved in elimination of disaster consequences and disaster risk reduction, fulfilling its obligations defined by the Law on Disaster Risk Reduction and Emergency Management with regard to proposing and implementing policies on issues of protection and rescue. Among other things, the EMS MoI coordinates the work of all entities that form part of the protection and rescue system.

Coordination of these activities with local self-government units is of key importance for the implementation of preventive measures and disaster risk reduction and it implies improvement of emergency management policy, drafting risk assessment and training of civil protection commissioners who are a very important segment of civil protection.

In practice, this coordination also implies improving the capacity of local governments for managing emergency situations in appropriate manner. The Ministry of the Interior is therefore raising its management capacities through trainings of the headquarters' commanders, heads of staff and all members of emergency management headquarters. Practical testing of knowledge and skills, as well as readiness, is carried out through command and simulation exercises in the emergency management headquarters, individual municipalities, cities and districts.

In regard to immediate response in the event of emergencies or emergency situations, according to the Law on Disaster Risk and Emergency Management, the responsibilities of local self-government units have been extended. They include prevention, response and recovery, including the responsibility to organize emergency response and emergency management at the local level through EMH including engagement of civil protection units of general purposes and the possibility of allocating funds in local budgets for prevention and inter-municipal cooperation in emergency situations.

The Standing Conference of Towns and Municipalities (SCTM), as a national association of local authorities, coordinates the establishment of the River Basin Protocol on cooperation of towns and municipalities regarding joint risks. This original form of non-binding cooperation was initiated by the City of Kraljevo and is fully supported by the Ministry of Public Administration and Local Self-Government (MPALSG), the Ministry for environmental protection, the Public Investment Management Office (PIMO), SCTM, United Nations Development Programme (UNDP) and CARITAS.

In February 2017, the first two Protocols were signed among 26 towns and municipalities belonging to two river basins - Zapadna Morava and Kolubara. During 2018, more than 20 towns and municipalities from the Velika Morava river basin and Upper Danube Banat river basin and the Drina river basin signed three Protocols. The towns and municipalities of Upper Danube Bačka river basin, have already launched an initiative for signing their own protocol. In the Republic of Serbia there are a total of 10 river basins and remaining Protocols are expected to be signed during 2020 and 2021.

The new Law on Amendments on Local Self Government has recognized the efforts of the Standing Conference of Towns and Municipalities (SCTM) to improve the Protection and Rescue System on the local level by providing new legal possibilities in the field of inter-municipal cooperation. This is the first step towards establishing contractual rights and obligations among towns and municipalities within all river basins, based on already signed Protocols.

Namely, river basin as a geographical term does not recognize administrative borders between municipalities or neighbouring countries. Given the above, the SCTM, through the Program "Support to Serbian Municipalities on the Road to EU Accession", financed by the Government of Sweden and the UNDP Project - SEE URBAN, has started expanding the River Basin Initiative to the international level. This initiative is institutionally supported by the Ministry of Public Administration and Local Self-Government (MPALSG) and Public Investment Management Office (PIMO) of the Government of the Republic of Serbia.

The PIMO, which is also tasked with managing the projects of reconstruction and aid allocation following natural and other disasters, is an important part of these joint national efforts in disaster prevention and management.

In accordance with Article 13 of the Law on Reconstruction after Natural and Other Disasters, the PIMO coordinates the activities defined by this Law, undertakes measures and actions in order to provide assistance and enable implementation of the reconstruction, performs the necessary procurement of goods and services, participates in the harmonization and directs the work of other bodies and organizations involved in providing assistance and reconstruction, organizes needs assessment after natural and other disasters and performs other tasks in order to achieve effective assistance and reconstruction, in accordance with the Law and the founding act.

In addition, the PIMO is in charge of coordinating all state authorities, local authorities and other institutions in the Republic of Serbia in the implementation of the National Programme for Natural Disaster Risk Management, adopted by the Government of the Republic of Serbia in December 2014. The Office coordinated the preparation of the Action Plan for the implementation of the National Programme for Natural Disaster Risk Management which the Government adopted in 2017 for the period 2017-2020. This Action Plan is fully aligned with the Sendai framework for Disaster Risk Reduction for the period 2015-2030.

Within the National Program, a multi-donor trust fund has been established, whose financial resources are implemented and coordinated by the Office, and which relates to the entire disaster risk management process, depending on the area and part of the territory that the donor wants to fund. The implementation of 6.4 EU donations through Pre-Accession Funds (IPA), $ 1.6 million donation from Switzerland and $ 1 million donation from Japan are under way.

The Republic of Serbia is committed to developing and improving international cooperation in the field of disaster risk reduction and emergency management. Accordingly, Agreements on cooperation and assistance in emergency situations were signed with the following countries: Republic of Azerbaijan, Bosnia and Herzegovina, Republic of Bulgaria, Hungary, Russian Federation, Slovak Republic, Republic of Slovenia, Ukraine, Republic of Croatia and Montenegro. Also, negotiations are underway to sign agreements in this area with the following countries: Republic of Austria, Hellenic Republic, Italian Republic, Republic of Cyprus, Federal Republic of Germany, Romania and Republic of North Macedonia. In addition, the Republic of Serbia supports and develops regional cooperation activities in this area, in particular through participation in the Disaster Preparedness and Prevention Initiative for South Eastern Europe (DPPI SEE) and other organizations and initiatives. The signing of the Agreement with the European Union on the Accession of the Republic of Serbia to the Union Civil Protection Mechanism (April 2015) enables quality cooperation and enhancement of national capacities in line with the EU *acquis*. Participation in joint training programs and exercises is of great importance for improving the knowledge and skills of relevant actors in disaster risk reduction and emergency management systems. In accordance with the need to adopt by-laws for the implementation of the Law on Disaster Risk Reduction and Emergency Management, it is envisaged to adopt a by-law that will regulate the process and procedures for receiving international humanitarian aid for the needs of emergency protection and rescue.

### 10.1.3 Implementing measures and challenges

In order to improve the disaster risk reduction and emergency management system, the Republic of Serbia has taken a number of different measures either by using its own resources or bilaterally – through cooperation with partners in different countries and developing strong relations with a number of international partners.

In previous years, the European Union especially supported a number of national capacity building projects, i.e. a comprehensive EU IPA Programme Civil Protection Cooperation for the Candidate Countries and Potential Candidates, which was implemented in two phases (phase I, 2010-2013 and II, 2013-2015).

The aim of this programme was to reduce the vulnerability to natural and man-made disasters at national and regional levels through increasing the ability of the beneficiaries to effectively cooperate with the Union Civil Protection Mechanism and relevant institutions and to increase

the capability of the beneficiaries to further develop effective national civil protection and disaster response systems and cooperate regionally.

The Republic of Serbia also actively participated in IPA programme for prevention, preparedness and response to floods (IPA FLOODS, 2014 – 2018) aiming to establish, equip, train and exercise self-sufficient and interoperable multi-national civil protection modules (CPMs), to develop Standard Operating Procedures (SOPs) for the national teams and the multinational CPMs according to the EU Guidelines for SOPs and based on the experience of existing EU CPMs, as well as developing border crossing points and Host Nation Support (HNS) according to the EU Guidelines for the provision of HNS.

As a beneficiary country, the Republic of Serbia is currently being a part the of the ongoing IPA Disaster Risk Assessment and Mapping project (IPA DRAM, 2016-2019) aiming to improve effective, coherent and EU-oriented national systems for disaster loss data collection, risk assessment and mapping. Technical components of the project are disaster loss data collection, risk assessment and risk mapping and Electronic Regional Risk Atlas (ERRA), while the overall project approach includes partnership between national civil protection agencies, continuity with regard to previous (DesInventar Disaster Losses Database Project, United Nations International Strategy for Disaster Reduction (UNISDR) and UNDP, 2013-2014) and ongoing IPA projects in the region, cross-border and regional perspective, as well as a comprehensive approach to capacity development of disaster management authorities as national coordinators and institutions/organizations focused on disaster loss data, risk assessment and mapping.

The EMS MoI, as the main project partner and implementing authority in Serbia, also actively participated in a programme of strengthening chemical, biological, radiological and nuclear (CBRN) first response capabilities and regional cooperation in South East Europe, Southern Caucasus, Moldova and Ukraine (P 44, 2015-2018) aiming to enhance response capabilities and promote inter-agency and regional cooperation in CBRN first response in the Western Balkan and Black Sea regions by enhancing the capabilities to organize and execute table-top and field exercises and by organising the trainer courses both at national and sub-regional level.

The Republic of Serbia has been actively involved in cross-border cooperation projects: Improving the capability of the Romanian and Serbian authorities of reacting in emergency situations and Joint management of the emergency situations in Romania - Republic of Serbia cross-border area (2012-2019); Joint emergency interventions in Serbian and Bulgarian cross-border region, within the Interreg – IPA cross-border cooperation program Bulgaria – Serbia (2014-2020); cross-border cooperation EU funded IPA Programme with Hungary - Hailnet (ended in 2014); Adriatic Holistic Forest Fire Protection Project; Cross-border flood protection and rescue – Montenegro (ended in 2014); Cross-border cooperation project Serbia – Bosnia and Herzegovina entitled "Joint combatting and monitoring of forest fires in Western Serbia"; Cross-border cooperation project Serbia – Croatia "Strengthening the capacity of Serbian and Croatian authorities responsible for the management of unexploded ordnance and mines (UXO)"; Improvement of the capacity for risk management in case of major forest fires in the border area, No. 189 within Interreg IPA cross-border cooperation program Bulgaria – Serbia and participation in projects GEO-CRADLE, "DAREnet", and etc.

The Republic of Serbia also actively participated in IPA 2014 National Programme for Serbia, Special measure on flood recovery and flood risk management "EUrban Water Aid 2016" (EUWA 2016-2018); in the Swedish International Development Cooperation Agency's

programme - its component for emergencies 2016-2020 related to raising capacities of municipalities; and in the 2015 and 2016 Japan Government Support Program "Capacity Building of Local Self-Governments" for flooded areas, which was executed by UNDP and whose main task was to raise capacities of Civil Protection units at the local level – training for CP Liaison Officers and their deputies from 15 towns and municipalities. Training was held at Rudno Regional Center, (Kraljevo – Western Morava Basin) which was established after the floods in 2014.

Within the Project "Municipal capacities for disaster preparedness enhanced in line with the Union Civil Protection Mechanism", a number of trainings on emergency response and evacuation procedures were organized. The Project supported Serbia's EU accession process by strengthening the capacity of emergency response personnel in line with EU standards through direct trainings for local emergency headquarters staff, in line with the EU Civil Protection Mechanism. The National Training Centre for Emergency Situations within the Sector for Human Resources of the Ministry of the Interior, the National Training Centre of the Ministry of the Interior, together with experts of the Emergency Management Sector, used the equipment provided by the project to train members of local emergency headquarters in 47 municipalities on topics such as emergency preparedness, rescue, and communications in the event of evacuation. A total number of 472 representatives from local emergency headquarters were trained at 14 trainings, out of which 96 were women, which strengthened the capacities and engagement of women in the emergency response process.

In addition to the aforementioned trainings for members of local emergency management headquarters, the UNDP procured basic rescue kits in cooperation with the EMS MoI for those municipalities whose representatives successfully underwent trainings for emergency rescue. EMS MoI distributed the equipment acquired through the Project to 12 fire-fighting units and 4 civil protections units operating in the territory of 27 municipalities covered under the scope of the Project.

The National Training Centre for Emergency Situations within the Sector for Human Resources of the Ministry of the Interior, which serves as the national umbrella organization for emergency trainings, also received basic teaching equipment for use in current and future trainings. This equipment is a valuable teaching tool and will also be used after the Project is finished.

As the area of disaster risk reduction is being increasingly aligned with regulations in the field of climate change adaptation, the financial support expected from all available environmental funds will be crucial.

EMS MoI, as a coordinator of all activities in the system of disaster risk reduction and protection and rescue, needs to improve this system by using available financial resources in this field and participating in different projects.

Emergency Management Sector, Ministry of the Interior

Challenges:

Bearing in mind that it is necessary to strengthen the resilience of society to disasters, the Republic of Serbia approaches the effective disaster risk reduction by facing the challenges of understanding disaster risks, strengthening the disaster risk management system, investing in disaster risk reduction in order to strengthen resilience, as well as improving the readiness to respond effectively in the event of a disaster and to "build a better system than the one prior to

the disaster" in the course of recovery, reconstruction and rehabilitation. Bearing in mind the aforementioned, the Republic of Serbia has undertaken various measures with the aim of resolving challenges such as reducing death rate in disasters, reducing the number of people affected by disasters, reducing economic losses and reducing infrastructure damage as a consequence of disasters, increasing the number of national strategies for disaster risk reduction and promoting international cooperation. Also, it should be noted that the Republic of Serbia is constantly striving to improve international cooperation.

Taking into account the analysis of the current situation in the field of civil protection in the EMS MoI, firefighting and rescue units in the territory of the Republic of Serbia use 155 facilities for accommodation of personnel, vehicles, equipment, technical equipment, devices and means. Out of the total number of facilities, 72 meet the requirements, 53 partially meet the requirements, while 31 facilities do not meet the requirements for accommodation and operation of members of the firefighting and rescue units.

Specialist water rescue and operations teams and specialist teams for rescue from ruins, whose members are specially trained and equipped members of the firefighting and rescue units, are ready to react at any moment throughout the territory of the Republic of Serbia. Specialist water rescue and operations teams have 171 members, whereas specialist teams for rescue from ruins have 126 members.

Given the above, in order to meet the challenges of strengthening the resilience of the society to disasters, it is necessary to increase the capacity of firefighting and rescue units to respond to emergencies and save lives of citizens and protect property in the territory of the Republic of Serbia, through:

- Employing new staff:

In the next five years, the number of members of the firefighting and rescue units is expected to decrease by about 400 (due to retirement). In order to achieve the optimum number of members of the firefighting and rescue units, it is necessary to employ at least about 1,500 members (389 to fill up the newly formed firefighting and rescue units, 754 to expand the existing ones, and 400 to compensate for the members of firefigthing and rescue units whose employment will terminate in the next five years).

In addition, the Three-year Action Plan for the Employment of Civil Servants Performing Inspection Supervision within the competence of Republic Inspections, adopted by the Government of the Republic of Serbia on 8 August 2019, envisages that the Ministry of the Interior, Emergency Management Sector, increase the number of employees by employing 60 inspectors performing inspection supervision.

- Providing equipment for organisational units:

In the next period, in order to appropriately respond to all types of emergencies, it is necessary to continue the ongoing process of strengthening the capacity of the firefighting and rescue units of the Emergency Management Sector through procurement of specialized firefighting and rescue vehicles for various purposes. This type of procurement will be implemented through Capital Projects that have been implemented or are in the implementation phase, as well as through newly planned Capital Projects within project financing. This process would renew the EMS MoI fleet, reduce the average age of vehicles, reduce repair costs and, most importantly, increase the operability and mobility of members of the firefighting and rescue units.

The construction of new facilities for the accommodation of members of the EMS MoI firefighting and rescue units, as well as the reconstruction, adaptation and rehabilitation of existing ones through the Capital Project (2018-2020), which is in the implementation phase, as well as through new Capital Projects envisaged by project financing, would continue the ongoing process of improving conditions for work, training and accommodation of firefighting and rescue units in the territory of the Republic of Serbia, particularly considering the current state of the facilities and the priority needs for this type of investment.

Bearing in mind the planned employment of new staff – firefighters-rescuers, it is necessary to procure a sufficient number (in accordance with the employment dynamics) of regular work uniforms, emergency (protective) uniforms, as well as light emergency uniforms (for the purposes of extinguishing outdoor fire).

The employment of new staff also requires the mandatory organisation of basic training as well as specialist training and professional development and qualification, with particular reference to training of members of newly formed specialist water rescue and operations teams, specialist teams for rescue from ruins and procurement of equipment and organising training for CBRN teams. Also, the employment of new staff within the EMS MoI includes the procurement of administrative equipment for smooth functioning, reporting and communication.

The EMS MoI plans to implement all the trainings defined within the framework of the Union Civil Protection Mechanism with an annual professional development plan, while the annual training cycle provides a quote of a total of twenty (20) different training programs: five (5) places in the Union Civil Protection Mechanism Introduction Course which one has to complete in order to participate in all other training programs by the Union Civil Protection Mechanism; three (3) places in the Operational Management Course – OPM which is also obligatory to complete in order to participate in other trainings by the Union Civil Protection Mechanism; two (2) places in the Technical Experts Course – TEC; two (2) places in the Assessment Mission Course – AMC; two (2) places in the Staff Management Course – SMC; one (1) place in the Security Course – SEC, i.e. one (1) place in Course on Negotiation and Decision-making – CND; one (2) place in the High Level Coordination Course – HLC; and two (2) places in the Seminar for Mechanism Experts – SME.

Unlike other training programmes of the Union Civil Protection Mechanism, within this year's training cycle five (5) Modules Basic Course – MBC are organised for which none of the member states has a defined quote and the selection of participants is done based on the nominations done by Administration of the Republic of Slovenia for Civil Protection and Disaster Relief and the Swedish Civil Contingencies Agency. Please note that in the previous period, our representatives participated in an average of three courses per year, those organised in the Republic of Slovenia, since the other two are organised in the UK and require additional visa costs.

Also, within the framework of the negotiation process with the European Union and in accordance with the need to adopt the *acquis* governing this area, the EMS MoI is responsible for implementing Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on the Union Civil Protection Mechanism and Decision (EU) 2019/420 of the European Parliament and of the Council amending the Decision on the Union Civil Protection Mechanism. On the basis of this document, member states are strongly recommended to participate in the Mechanism training programs in order to create a coherent European system of

protection and rescue and better interoperability of experts in the international environment. In the European Commission Progress Report, participation in the Mechanism training programs is considered as important information in terms of capacity building of civil protection staff.

### 10.2 Plans for full alignment

#### 10.2.1 Legislative plans

The Law on Disaster Risk Reduction and Emergency Management was adopted building on the experience gained in the implementation of the Law on Emergency Situations, assumed international obligations and new developments which took place after 2009 with regard to the disaster risk reduction policy at global and European levels, as well as on recommendations made to the Republic of Serbia for the upgrade of the legal and institutional frameworks for disaster risk management, especially regarding the need for further development of prevention activities in this area. The main goals of the Law on Disaster Risk Reduction and Emergency Management concern primarily a comprehensive standardisation of preventive measures and activities aimed at disaster risk reduction, effective response in case of disasters and as efficient as possible elimination of their consequences in order to ensure fast recovery and normalisation of living and working conditions in the affected area. The Law has partially transposed relevant EU legislation which offers the highest standard for regulating those areas which concern the protection of basic values such as life, integrity, environment and property. The goal is to fully align the Law with the EU *acquis* in this area before the accession of the Republic of Serbia to the EU takes place. Eight by-laws have so far been passed out of 43 which are stipulated by the Law.

The Law on Critical Infrastructure is partially aligned with elements of the Council Directive 2008/114/EC which defines critical infrastructure, common procedure for the identification and designation of European critical infrastructures, and a common approach to the assessment of the need to improve the protection of such infrastructures. Two by-laws are being drafted as stipulated by the Law.

The Law on Volunteer Firefighting defines the establishment, registration and deletion from the volunteer firefighting register, operation, organs of volunteer firefighting societies, rights and obligations of volunteer firefighting societies, supervision of the work of volunteer firefighting societies, association of volunteer firefighting societies, and organisation of volunteer firefighting associations. Two by-laws are being drafted as stipulated by the Law.

The drafting of the text of the Law on Explosive Materials is under way. The Law is to align primarily with Directive 2014/28/EU on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (recast) and Directive 2013/29/EU on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles. The Law will further specify the manner and conditions for production, trade, use, storage, import, export, transport, transit, testing, destruction, conformity assessment and retail sale of explosive materials, safety requirements regarding the application of fire and explosion protection measures in the course of installation, construction, extension, reconstruction and use of facilities. The Law will prescribe procedures for issuing approvals by competent authorities implementing this Law, and for supervising the implementation of this Law and regulations adopted pursuant to this Law to prevent the occurrence and spread of fires and explosions.

### 10.2.2 Institutional plans

The EMS MoI, as a competent authority, is responsible for a timely organisation of efficient and effective civil protection measures as part of emergency management and for continuous improvement and development of its capabilities, including better internal and external connectivity and higher visibility.

In this regard, the EMS MoI has regular communication and exchange of information in the field of emergencies not only with other relevant government authorities but also with DG ECHO and Commission's Emergency Response Coordination Centre (ERCC).

Although the main communication channel between participating states of the Union Civil Protection Mechanism is the Common Emergency Communication and Information System (CECIS), the current lack of direct access to the information exchange and early warning systems is compensated through e-mail correspondence and telephone communication between registered national contact points and the ERCC.

The Common Emergency Communication and Information System will be established upon Serbia's accession to Trans European Services for Telematics between Administrations / new generation (TESTA-ng).

Given that the new Law was adopted in November 2018, a new Rulebook on internal organisation and job classification was passed according to which the EMS MoI was reorganised as of 1 January 2019. These internal changes, together with new legislation, are expected to enable better efficiency and higher performance of the entire disaster risk reduction and emergency management system in Serbia. In addition, the European Affairs Department was established within the Directorate for Legal Affairs and International Cooperation, with job positions for five employees who will coordinate and implement activities relevant to the EU integration process.

In order to build the capacity of fire and rescue units to respond to emergencies and to save and protect citizens' lives and property in the territory of the Republic of Serbia, it is necessary to:

- Enlarge the existing 90 fire and rescue units by hiring additional staff;

- Establish four regional specialist water rescue and rescue from the ruins teams, as well as 27 regional specialist teams.

According to EMS MoI plans, each fire and rescue unit should have a specialist water rescue and operations team; therefore, it is necessary to establish another 12 teams and to deliver training for their members. In addition, 8 more specialist rescue from the ruins teams should be created and training should be delivered for them too.

Based on the Law on Volunteer Firefighting, as adopted in November 2018, and relevant by-laws, the EMS MoI is obliged to verify the fulfilment of requirements for the establishment of fire units of volunteer firefighting associations, their categorisation and to carry out constant supervision of units' operations and whether they are equipped with material and technical means and staff.

Further, based on by-laws passed as stipulated in the Law on Fire Protection, the EMS MoI is obliged to verify the fulfilment of requirements for the establishment of fire units of legal entities, their categorisation and to carry out constant supervision of units' operations and whether they are equipped with material and technical means and staff.

Given the above, it is necessary to create a special department in the EMS's Directorate of Fire and Rescue Units and Civil Protection to have at least 12 employees who have acquired a degree of 240 ECTS points to carry out tasks arising from the obligations assumed by the adoption of the above mentioned laws and by-laws.

According to the Law on Critical Infrastructure which was adopted in November 2018, the MoI is obliged to establish a new organisational unit that will implement, plan for, coordinate and control activities, communicate and provide information related to critical infrastructure.

### 10.2.3 Planned implementation measures

In accordance with the Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on the Union Civil Protection Mechanism, in May 2015 the Republic of Serbia became the 32nd Member State of the Union Civil Protection Mechanism (UCPM), which ensures a significantly higher alignment with relevant EU legislation. In addition to mutual assistance, coordinated EU relief operations and cooperation with other EU countries in case of disasters, the Union Civil Protection Mechanism allows the Republic of Serbia to communicate directly with civil protection authorities of the EU Member States in the course of emergency response, to exchange information and best practices, to participate in transport co-funding. A wide range of cooperation opportunities is offered, such as European monitoring tools and early warning systems, joint training and exercises, exchange of experts, disaster prevention and preparedness projects, while additional advancement of the UCPM is expected to take place thorough the recently-adopted Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism.

The Republic of Serbia is fully committed to developing and expanding cooperation with other partner states under the Union Civil Protection Mechanism (UCPM) framework. That is the reason why further alignment is planned in the coming period with relevant EU *acquis* (Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism; Decision 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism; 2014/762/EU Commission Implementing Decision; EU Commission staff working paper - Risk Assessment and Mapping Guidelines for Disaster Management (2010); Commission staff working document - EU Host Nation Support Guidelines (2012); Joint Research Centre - Guidance for Recording and Sharing Disaster Damage and Loss Data; EU Floods Directive (2007/60/EC) with secondary responsibility of the EMS MoI, etc.).

The alignment and implementation of the EU *acquis* will take place until the accession of the Republic of Serbia to the EU.

The EMS MoI is planning to continue implementing all points under 10.1.3. of this document concerning challenges, the focus being in particular on the adoption of by-laws, the establishment of new organisational units within the Ministry of the Interior, and the growth of staff through the employment of new firefighters-rescuers and inspectors of relevant profiles and the procurement of assets and equipment, with a view to more efficient functioning of the EMS MoI as the party responsible for the disaster risk reduction and emergency management system.

**Annexes**

1. Directive Specific Implementation Plan for Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on Waste.

2. Directive Specific Implementation Plan for Directive 94/62/EC on Packaging and Packaging Waste.

3. Directive Specific Implementation Plan for Council Directive 1999/31/EC of 26 April 1999 on the Landfill of waste.

4. Directive Specific Implementation Plan for Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) (recast).

5. Directive Specific Implementation Plan for Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

6. Directive Specific Implementation Plan for Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community Action in the field of water policy.

7. Directive Specific Implementation Plan for Council Directive 91/676/EEC of 12th December 1991 Concerning the Protection of Waters against Pollution Caused by Nitrates from Agricultural Sources.

8. Directive Specific Implementation Plan for Council Directive of 21 May 1991 concerning urban wastewater treatment (91/271/EEC).

9. Directive Specific Implementation Plan for Council Directive 98/83/EC of 3rd November 1998 on the Quality of Water Intended for Human Consumption.

10. Directive Specific Implementation Plan for Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions.

11. Action Plan for Administrative Capacities Development.

12. Multi-annual Investment and Financing Plan (water and waste sectors).

13.a. Justification for proposed biogeographical regions on territory of the Republic of Serbia.

13.b. Justification for Request for amendments of Annex I, II, IV & V of the Habitats Directive, amendments of definitions of certain habitat types in Interpretation manual of EU habitats and amendments or geographical restriction for Serbian populations of certain Annex I, IIA & IIB species of the Birds Directive