

# **Screening report**

# **Serbia**

## **Chapter 27 – Environment**

**Date of screening meetings:**

Explanatory meeting: 15-19 September 2014

Bilateral meeting: 17-21 November 2014

## I. CHAPTER CONTENT

EU environment and climate change policies aim to promote sustainable development, the shift to a resource efficient, low emission, and climate-resilient economy and the protection of the environment for present and future generations. The key principles of the *acquis* covered under this chapter are: preventive action, the polluter pays principle, fighting environmental damage at the source, shared responsibility and the integration of environmental, climate action and disaster resilience considerations into other EU policies. The *acquis* in this chapter comprises over 200 legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals, noise, civil protection and climate change.

Compliance with the *acquis* covered by this chapter requires significant investments and a structured co-operation among all stakeholders including local authorities, industry and civil society. Moreover, a strong and well-equipped administration at national and local level is imperative for its implementation and enforcement.

## II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises the information provided by Serbia during the discussion at the screening meetings in November 2014 and from post-screening documentation received in 2015. Serbia stated that it accepts the *acquis* on environment, climate change and civil protection until November 2014. According to Serbia, difficulties with the implementation of some parts of the *acquis* may be expected due to the high costs of the required investments. Serbia also stated that the administrative structures in charge of implementation and enforcement are generally in place but will need to be further strengthened.

According to Serbia, further institutional development and capacity building, staffing, training, financing as well as technical assistance are necessary for the implementation of the *acquis* covered by this chapter.<sup>1</sup>

Serbia adopted its National Environmental Approximation Strategy (NEAS) in 2011, and a post-screening action plan called “Transposition and implementation of environmental and climate *acquis* – chapter 27: status and plans” in September 2015.

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<sup>1</sup> In the process of alignment with the EU *acquis*, Serbia adopted laws, decrees and rulebooks. A Rulebook and a decree are both implementing acts (bylaws) which serve to transpose the technical issue contained in a law. Rulebooks are adopted by a Ministry and decrees are adopted by Government, both without parliamentary procedure.

## ENVIRONMENT

### II.a. Horizontal legislation

Serbia stated that it partially transposed the **Environmental Impact Assessment (EIA) Directive 2011/92/EU** as amended by Directive 2014/52/EU and the **Strategic Environmental Assessment (SEA) Directive 2001/42/EC**.

The EIA Directive 2011/92/EU is partially transposed by the Law on Environmental Impact Assessment („Official Gazette of the Republic of Serbia“ - OGRS No.135/2004, 36/2009), Law on Environmental Protection (OGRS, No. 135/2004, 36/2009 and 72/2009), by the Decree for List I and List II of projects for which an EIA might be required (OGRS, No. 114/2008), Law on Ratification of Espoo Convention (OGRS, No. 102/07), Law on Ratification of Aarhus Convention (OGRS, No. 38/09), Law on Free Access to Information of Public Importance (OGRS, No. 120/04, 54/07, 104/09 and 36/10), Law on Planning and Construction (OGRS, No. 72/09, 132/14 and 145/14) and by other implementing legislation. The amendments introduced by the Directive 2014/52/EU have not been transposed. Serbia stated that full transposition of EIA Directive 2011/92/EU as amended by Directive 2014/52/EU will be achieved in 2017.

Serbia stated that the SEA Directive is partially transposed by the Law on Strategic Environmental Assessment (OGRS, No. 135/2004 and 88/2010) and the Law on Environmental protection (OGRS, No. 135/2004, 36/2009 and 72/2009). Serbia has ratified the Espoo Convention on EIA in a Transboundary Context and the Protocol on the Strategic Environmental Assessment to the Convention on the EIA in a Transboundary Context). Serbia plans to achieve full transposition of the SEA Directive in 2017 by adopting amendments to the existing laws and to the implementing legislation.

The competent authorities for the implementation of the EIA and SEA legislation are in place: the Ministry of Agriculture and Environmental Protection - MAEP (3 employees for SEA and 8 for EIA), the autonomous province of Vojvodina (2 for SEA/EIA) and the local authorities (City of Belgrade 6 for EIA, 2 for SEA, 1-2 employees for each municipality, 160 employees for all municipalities). Full implementation of EIA and SEA is envisaged by the end of 2018.

Serbia indicated that Directive 2003/4/EC on **public access to environmental information** and Directive 2003/35/EC on **public participation and access to justice** are partly transposed. Serbia has ratified the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus Convention) in 2009 and the Protocol on Pollutant Release and Transfer Register (PRTR) to the Aarhus Convention in 2011. Full transposition of the Directive 2003/4/EC will be done by 2016 and implementation by 2018. 2016 was indicated as deadline for full transposition and 2018 for implementation of the Directive 2003/35/EC.

The websites of the Ministry of Agriculture and Environmental Protection (MAEP) and the Serbian Environmental Protection Agency (SEPA) contain updated information and relevant documents to allow public access to information. Other competent institutions in the field are the regional and local authorities, the Commissioner for Information of Public Importance and Personal Data Protection, the five (5) Aarhus Centres in Kragujevac, Subotica, Novi Sad, Nis and Belgrade as well as the Administrative Court of Serbia. The national PRTR register is

published online and included, in 2013, 277 facilities which were the most significant sources of pollution in Serbia. Serbia also reports to E-PRTR on voluntary basis from 2011.

Serbia stated that Directive 2004/35/EC on **environmental liability (ELD)** is in an initial stage of transposition. Serbia indicated that a dedicated Law on Environmental Liability under preparation will designate the competent authorities and will enable the full transposition of the Directive in 2017. Full implementation is foreseen by the end of 2020.

According to Serbia, most of the provisions of the Directive 2008/99/EC on **environmental crime** have been introduced in the Criminal Code, the Law on the Liability of legal entities for criminal offences (OGRS, No. 97/08) and the Law on Nature protection (OGRS, No. 36/09, 88/10, 91/10). Full transposition was planned for 2015. The Ministry of Justice is responsible for the legislative alignment with the directive. The competent courts, the State Prosecutor's office and the Inspectorate for Environmental Protection are responsible for its implementation. Full implementation is envisaged by the end of 2018.

Serbia stated that Directive 2007/2/EC establishing an **Infrastructure for the Spatial Information in the European Community (INSPIRE)** is partially transposed through the provisions of the Law on state survey and cadastre (2009). Full transposition of INSPIRE Directive was planned by the end of 2015, through adoption of a Law on National Spatial Data Infrastructure (NSDI). An NSDI Council and three working groups have been appointed by the Government (2010) to coordinate implementation of the Directive. Full implementation of the Directive is planned in 2024.

## **II.b. Air Quality**

Serbia stated that Directive 2008/50/EC on **ambient air quality and cleaner air for Europe (AQ)** and the Directive 2004/107/EC relating to **arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (4<sup>th</sup> Daughter Directive)** have been largely transposed through the provisions of the Law on Air Protection (OGRS, No.36/09 and 10/13) and several implementing acts. Serbia plans to transpose the remaining provisions for both directives by the end of 2018. Serbia explained that the competent authorities are in place (MAEP, SEPA), but need more staff and funding for the necessary infrastructure and equipment to perform the monitoring activities. The implementation of both directives is ongoing, with 3 zones and 8 agglomerations identified and an air quality monitoring system consisting of 36 stations in place. The next implementations steps are: adoption of three air quality plans, the re-designation of the zones and agglomerations and the reassessment of AQ Monitoring System by 2016, the development of the Air Protection Strategy and of the Implementation Plan for the Air Quality Directive by 2018. Full implementation of both directives is envisaged by the end of 2020.

Serbia stated that the **National Emission Ceilings** Directive 2001/81/EC (NEC) is partially transposed through the Law on Air Protection (OGRS, No. 36/09 and 10/13) and implementing legislation. Full transposition will be achieved by 2018 through the adoption of the Regulation on establishing the national emission ceilings and through the ratification of the Gothenburg Protocol. Serbia is party to the UNECE Convention on Long-Range Transboundary Air Pollution (CLTAP). The competent authorities (MAEP and SEPA) are designated and implementation of the NEC Directive has started. However, currently there are no national emissions ceilings set for the relevant pollutants. Serbia intends to prepare a National Emission Reduction Plan (NERP) for the existing large combustion plants and a

Directive Specific Implementation Plan by 2018 which will indicate a deadline for full implementation.

Serbia stated that the **Sulphur Content in Liquid Fuels** Directive 1999/32/EC is partially transposed by the Law on Technical Requirements for Products and Conformity Assessment (OGRS, No 36/09), the Rulebook on Technical and Other Requirements for Liquid Fuels of Oil Origin (OGRS, No 111/15), the new Energy Law (OGRS, No 145/14) and other legislation. Serbia plans to achieve full transposition by the end of 2018 after a gap assessment will be performed and amendments to relevant legislation will be adopted. The competent authorities are in place: MAEP, Ministry of Mining and Energy and Ministry of Trade, Tourism and Telecommunication. Serbia plans to adopt a Directive Specific Implementation Plan by the end of 2018, which will indicate a deadline for full implementation.

Serbia stated that **VOC Petrol I and II** Directives (Directive 1994/63/EC on Volatile organic compound from petrol and Directive 2009/126/EC on Stage II petrol vapour recovery) have been largely transposed by the Law on Air protection (OGRS, 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 (OGRS, No. 01/12, 25/12 and 48/12). Full transposition is expected by 2020. The competent authorities are in place: MAEP, Ministry of Mining and Energy, SEPA and the Authority for transport of dangerous goods within the Ministry in charge of transport. Serbia stated that implementation of both directives is at an initial stage. A directive specific implementation plan will be prepared by 2018 that will indicate the cost and the deadline for full implementation.

## **II.c. Waste management**

Serbia stated that the **Waste Framework Directive** 2008/98/EC is largely transposed by the Law on Waste Management (OGRS, No. 36/09 and 88/10) and 29 bylaws. Serbia plans to achieve full transposition by 2018, by adopting amendments to the existing legislation and by adopting new bylaws. Serbia stated that MAEP is the responsible authority for the transposition and implementation of the directive while SEPA is responsible for monitoring and reporting, the Environmental Inspection is responsible for enforcement and the provincial and local authorities are responsible for its implementation. Serbia is in the process of adoption of an amended Waste Management Strategy (2016), the development of the Hazardous Waste Management Plan (2016), the development of a Directive Specific Implementation Plan for the Waste Framework Directive (2016) and adoption of Regional Waste Management Plans. The development of an integrated waste management system is at an early stage, according to Serbia. Serbia plans to achieve full implementation by 2034, subject to revision after the preparation of a Directive Specific Implementation Plan.

Serbia stated that the Directive 94/62/EC on **packaging and packaging waste** is fully transposed by the Law on Package and Packaging Waste (OGRS, No. 36/09). A decree on establishing a plan for reducing packaging waste 2015-2019 was adopted in December 2014. MAEP is the competent authority. Serbia plans to achieve full implementation by the end of 2020, subject to revision after the preparation of a Directive Specific Implementation Plan envisaged for 2016.

Serbia stated that the Directive 1999/31/EC on **landfill of waste** is largely transposed by the Law on Waste Management (OGRS, No. 36/09 and 88/10) and the Rulebook on landfills

(OGRS, No. 92/10). Serbia plans to achieve full transposition by the end of 2018, through amendments to existing legislation. Serbia stated that MAEP is the responsible authority for the transposition and implementation of the Directive with the provincial and local authorities responsible for permitting of landfills within their territories. The country has 7 regional operational landfills for non-hazardous waste that are in line with the requirements of the Landfill Directive; it has 164 non-compliant landfills. Serbia plans to achieve full implementation by the end of 2032, subject to revision after the preparation of a Directive Specific Implementation Plan envisaged for 2016.

Serbia stated that the transposition of the Directive 2012/19/EU on **waste electrical and electronic equipment (WEEE Directive)** is still in the initial phase, being partly transposed by the Law on Waste Management (OGRS, No. 36/09 and 88/10) and the Rulebook on WEEE (OGRS, No. 99/10). Serbia plans to achieve full transposition by the end of 2018, by amending the existing legislation. Serbia stated that MAEP is the competent authority. Serbia plans to achieve full implementation by the end of 2030, subject to revision after the preparation of a Directive Specific Implementation Plan envisaged for 2016.

Serbia stated that the **Batteries Directive 2006/66/EC** is partially transposed by Law on Waste Management (OGRS, No. 36/09 and 88/10) and the Rulebook on the procedures for used batteries and accumulators management (OGRS, No. 86/2010). Serbia plans to achieve full transposition by the end of 2018, by amending the existing legislation. Serbia stated that MAEP is the competent authority and that implementation is at an initial stage. Serbia plans to achieve full implementation by the end of 2026, subject to revision after the preparation of a Directive Specific Implementation Plan envisaged for 2016.

Serbia stated that the **PCB/PCT Directive 96/59/EC** on the disposal of polychlorinated biphenyls and polychlorinated terphenyls is largely transposed by the Law on Waste Management (OGRS, No. 36/09 and 88/10) and the Rulebook on Treatment of the equipment and waste containing PCB (OGRS, No. 37/11). Serbia plans to achieve full transposition by the end of 2018, by amending the existing legislation. Serbia stated that MAEP is the competent authority for transposition and implementation while the Environment Inspectorate is responsible for the enforcement of the Directive. Serbia plans to achieve full implementation by the end of 2020.

Serbia stated that the national legislation has been harmonised with Regulation No.850/2004 on **persistent organic pollutants (POPs)**. 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. Serbia stated that the current Serbian system for POPs chemicals and POPs waste management is almost fully aligned with EU requirements. MAEP is the responsible institution for the implementation and the SEPA is responsible for monitoring and reporting regarding POPs in environment. Full implementation will be achieved by 2020.

According to Serbia, the **End-of-Life Vehicles Directive 2000/53/EC (ELV)** has been largely transposed through the Law on Waste Management (OGRS, No. 36/09 and 88/10), the Rulebook on ELV management (OGRS, 98/10) and other implementing legislation. Serbia plans to achieve full transposition by the end of 2018, by amending the existing legislation. Serbia stated that the competent authorities are: MAEP, Ministry of the Interior, Customs Administration, SEPA and the regional and local authorities. Serbia stated that the Directive is at an initial stage of implementation. Serbia plans to develop a National Plan for hazardous

waste including end-of-life vehicles and a National Plan on ELV by 2016 and to achieve full implementation of the Directive by the end of 2028.

Serbia stated that the RoHS Directive 2011/65/EU on **the restriction of the use of certain hazardous substances in electrical and electronic equipment** has been partially transposed by the Law on Waste Management (OGRS, No. 36/09 and 88/10) and bylaws. Serbia foresees to achieve full transposition by 2018 by amending the existing legislation. Serbia stated that MAEP is the competent authority. Serbia plans to achieve full implementation by the end of 2018.

According to Serbia, **Sewage Sludge** Directive 86/278/EEC is at an initial stage of transposition. Serbia plans to achieve full transposition by the end of 2018, by adopting amendments to the existing legislation and by adopting new bylaws. Serbia stated that MAEP is the competent authority and implementation is at an initial stage. Serbia stated that it will prepare a Strategy for Sewage Sludge Management which will indicate the deadline for full implementation.

Serbia stated that it has been implementing many of the provisions of the **Shipment of Waste** Regulation (EC) No 1013/2006. Serbia is a party to the Basel Convention on the Control of the Trans-boundary Movements of Hazardous Waste and their Disposal (OG of Yugoslavia, 2/1999). Serbia stated that MAEP is the competent authority. According to Serbia, preparations for full application will be completed by 2018 while full implementation is expected by the date of accession to the EU.

Serbia stated that its legislation is partially aligned with the Directive 2006/21/EC on **the management of waste from extractive industries**, through the Law on Mining and Geological Research (OGRS, No. 88/11). Serbia stated that the Ministry of Mining and Energy is the competent authority and that implementation of the directive is at an initial stage. Serbia plans to achieve full transposition by the end of 2016, by adopting relevant implementing acts. Serbia plans to achieve full implementation by the end of 2020.

#### **II.d. Water quality**

Serbia stated that the **Water Framework Directive** 2000/60/EC (WFD) has been partially transposed by the Law on Water (OGRS, No 30/2010 and 93/12) and several implementing acts. Serbia plans to achieve full transposition by the end of 2018, by amending the existing legislation. Serbia indicated that implementation of the directive has started but it is at an initial stage. The monitoring of water statuses has started but it complies only partially with the requirements of the WFD while preparation of the river basin management plans is in the initial stage, according to Serbia. Serbia stated that the Directorate for Water within the MAEP is the competent authority but its administrative and financial capacity is not yet sufficient. Serbia plans to achieve full implementation by the end of 2041, subject to revision after the preparation of a Directive Specific Implementation Plan envisaged for 2017.

Serbia stated that the transposition of the Environmental Quality Standards Directive 2008/105/EC has been partly done. Full legislative alignment is envisaged by 2018, through the adoption of amendments to the Law on Water and related bylaws. Serbia stated that implementation of the Directive is at an early stage, with 35 substances already being monitored but not over the whole territory of the country and 24 substances still waiting to

be included in the monitoring system. Insufficient financing of the sector is visible in the reduced level of monitoring activities. Serbia plans to achieve full implementation by the end of 2033, subject to revision after the preparation of a Directive Specific Implementation Plan for the Water Framework Directive envisaged for 2017.

Serbia stated that the **Directive on technical specifications for chemical analysis and monitoring of water status** 2009/90/EC has been partially transposed through the Regulation on limit values of priority and priority hazardous substances polluting surface water. Full transposition and implementation of the Directive is expected in 2016/2017.

Serbia stated that the **Groundwater** Directive 2006/118/EC is at an early stage of legislative alignment. The legislative framework is planned to be fully put in place by 2018 through the amendments to the Law on Water and by adopting further secondary legislation on the protection of groundwater against pollution and deterioration. The implementation of the Directive is also in early stages, according to Serbia, with chemical monitoring being carried out on 31 out of 153 ground water bodies. Serbia plans to achieve full implementation by the end of 2032, subject to revision after the preparation of a Directive Specific Implementation Plan for the Water Framework Directive envisaged for 2017.

Serbia indicated that the transposition of the **Nitrates** Directive 91/676/EEC is at an initial stage with few provisions reflected in the Law on Water (OGRS, No. 30/10 and 93/12). The legislative alignment will include amendments to this law in order to establish the legal basis for the designation of the vulnerable zones and the adoption of a Code of Good Agricultural Practice. Serbia plans to finalise legislative alignment with the Directive by the end of 2018. Serbia stated that implementation of the Nitrates Directive is at an early stage and progress will depend on the existence of a legislative basis that allows the implementation. The main steps in implementation will involve among others the identification of waters affected by nitrate pollution, the designation of vulnerable zones, the establishment of a monitoring programme and of action programmes. Serbia plans to achieve full implementation by the end of 2022; a Directive Specific Implementation Plan for the directive will define a more accurate timetable for implementation.

Serbia indicated that the Directive 91/271/EEC on **urban waste water treatment (UWWTD)** is partially transposed by the Law on Water (OGRS, No. 30/10 and 93/12) and bylaws. The main gaps are related to the designation of agglomerations and sensitive areas, permitting procedure, reporting and transposition of Annex I. Serbia aims to achieve full legislative alignment by the end of 2018 by adoption of a new Law on Water and by enacting new bylaws. The responsibilities of the competent authorities for the UWWT Directive still need to be clarified at national, regional and local levels. According to Serbia, implementation is at an early stage: designation of the sensitive areas is expected by 2018, the permitting procedure and licence by 2018, the reporting system by 2020. Serbia plans to achieve full implementation by the end of 2041; a Directive Specific Implementation Plan for the directive will define a more accurate timetable for implementation

As regards the Directive 98/83/EC on **drinking water** (as amended by Regulations (EC) No 1882/2003 and (EC) No 596/2009) Serbia indicated that it has been partially transposed by the Law on food safety (OGRS, No. 41/09), the Law on Water (OGRS, No. 30/10 and 93/12) and other legislation. Alignment will continue with the adoption of a Rulebook on drinking water health safety and further amendments to the existing legislation. Serbia plans to achieve full transposition by the end of 2016. Implementation of the Drinking Water

Directive is on-going. The competent authorities are in place. Serbia stated that 50% of municipal water supply systems provide water with adequate physico-chemical and microbiological quality. A monitoring system at national level will be established by 2016. Poor infrastructure and insufficient financing are challenges for the implementation of the directive. Serbia plans to achieve full implementation by 2034; a Directive Specific Implementation Plan for the directive will define a more accurate timetable for implementation.

Serbia stated that there is no applicable legislation that transposes the **Bathing Water Directive 2007/6/EC** (as amended by Regulation (EC) No 596/2009). The quality of waters for bathing is indirectly prescribed in the Regulation on water classification (OGRS, No. 5/68) and the Regulation on limit values for pollutants in surface and ground waters and sediments (OGRS, No. 50/12). A Rulebook on the quality of bathing water is under preparation that will allow full alignment with the Directive. Implementation of the Directive will also depend on the adaptation of the Rulebook and on the classification of bathing waters to be achieved by 2020.

Serbia stated that the **Floods Directive 2007/60/EC** was partly transposed into the Law on Water (OGRS, No. 30/10 and 93/12). Further alignment will be done through amendments to the Law on Water (planned for 2017) and through the adoption of the Rulebook on the establishment of the methodology for the preparation of flood hazard and flood risk maps. Serbia plans to achieve full transposition by the end of 2018. Serbia stated that implementation of the Floods Directive is at an early stage. The preliminary flood risk assessment was completed in 2012, but included only fluvial floods. The finalisation of flood hazard and flood risk maps will be done by 2021. The competent authorities are MAEP/Directorate for Water and the Public Management Companies. Serbia plans to achieve full implementation by 2021.

Serbia stated that the **Marine Framework Strategy Directive 2008/56/EC** is not transposed into the national legislation. Serbia plans full legislative alignment with the Directive by the end of 2017. Serbia stated that implementation of the Directive is at an early stage. Full implementation of this directive is planned for 2020 through the implementation of the Water Framework Directive and international cooperation in the Danube River Basin under the International Commission for the Protection of the Danube River (ICRDR).

## **II.e. Nature protection**

Serbia stated that the **Habitats Directive 92/43/EEC** is largely transposed through the Law on Nature Protection (OGRS, 36/09) and its implementing acts. Further legislative alignment will take place through adoption of the amendments to the Law on Nature Protection and the Decree on Ecological Network. Serbia plans to achieve full transposition by the end of 2020. According to Serbia, the implementation of the directive is at an initial stage. The competent authorities at national, regional and local level have been designated: MAEP, SEPA, Republic Geodetic Authority, Institute for Nature Conservation, and Provincial Institute for Nature Conservation. Serbia has started the process for identification and designation of Sites of Community Importance (SCI) that will continue until 2020 in view of the establishment of the ecological network. Serbia plans to achieve full implementation by 2020.

Serbia stated that the **Birds Directive 2009/147/EC** is fully transposed since 2010 by the Law on Nature Protection (OGRS, No. 36/09, 88/10, 91/10), Law on Game and Hunting (OGRS,

No. 18/10) and implementing legislation. Serbia has prepared a preliminary national list of species listed in Annex I of the Directive (88 local species and 46 migratory species) to be finalised by 2016, as well as a preliminary list of Special Protection Areas - SPA (43 sites). Serbia has taken measures to ensure that hunting of Annex II species does not jeopardize the conservation efforts while certain types of capture and killing are prohibited. The competent authorities at national level are MAEP, SEPA, the Institute for Nature Conservation of Serbia and the Inspectorate for Environmental Protection and Inspection for Hunting. Serbia plans to achieve full implementation by 2020.

According to Serbia, Regulation (EC) No 338/97 and 865/2006 on the **protection of species of wild fauna and flora** by regulating the trade therein (the CITES Regulation) are reflected in several national pieces of legislation such as the Law on environmental protection, Law on nature protection, the Penal Code, the Rulebook on transboundary movement and trade in protected species. Serbia stated that all the provisions of the Regulation will be included in Serbian legislation by 2016 by the adoption of a new Law on transboundary movement and trade in wildlife. In terms of implementation, the responsible authorities are identified but the competences are not yet clearly defined. The CITES Regulation is being partially implemented through different measures: sanctioning of offences, a monitoring system for the issuing of export permits, public information and awareness raising, monitoring of compliance with commensurate inspection and enforcement. According to Serbia, full implementation will be achieved by 2020.

Serbia stated that all provisions of Regulation 511/2014 on **Nagoya Protocol** will become directly applicable in the Serbian legislation through the Law on Ratification of Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation (ABS) by 2020.

Serbia stated that certain provisions of the Regulation (EEC) No 3254/91 **prohibiting the use of leghold traps** are implemented. The use of leghold traps is prohibited by national law. The competent authorities are in place: the MAEP, Customs, Police, Environmental Inspectorate, Hunting Inspectors, etc. Serbia stated that the Regulation will be directly applicable by 2018.

Serbia stated that the **Zoo Directive** 1999/22/EC was partially transposed. Serbia plans to achieve full legislative alignment by 2016 and full implementation by 2018. The implementation of the Zoo Directive has started with the assessment of all existing zoos in view of determining the possibility for licencing. MAEP, Environmental Inspectorate, and the Veterinary Inspectorate were designated as competent authorities

Serbia stated that full legislative alignment with Directive 83/129/EEC concerning the **imports of skins of certain seal pups** and Regulation (EC) No 1007/2009 on **trade in seal products** and its implementing Regulation (EU) No 737/2010 will be achieved by 2016. The competent authorities have been designated: the Ministry of Finance, Ministry of Interior, Border Police Directorate and the Environmental Inspectorate. Serbia plans to achieve full implementation by the end of 2018.

As regards the Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for the import of timber into the European Union (**FLEGT Regulation**), Serbia stated that it is at a very early stage of implementation. The same applies to Regulation (EU) No 995/2010 laying down the obligations of operators who place timber and timber products on the market (**Timber Regulation**). Serbia has not yet designated the competent authorities for

the implementation of the two Regulations. Serbia plans to achieve full implementation by 2020.

## **II.f. Industrial pollution and risk management**

Regarding the **Industrial Emission Directive 2010/75/EU (IED)**, Serbia indicated that some of the provisions are reflected in the Law on Integrated Pollution Prevention and Control (2004, IPPC Law), the Law on Waste Management, the Law on Air Protection and several bylaws. Serbia stated that it has partly transposed Chapters I and II (on IPPC), III (on LCP) and IV (on Waste (co-) incineration) of the Industrial Emissions Directive while the transposition of Chapter V (on VOC) and VI (on TiO<sub>2</sub>) was not achieved at the time of the bilateral screening. According to Serbia, full legislative alignment with the Directive will be achieved by 2018, by adopting amendments to the existing laws, adopting new laws and new bylaws.

Serbia has started implementing the directive but indicated that it is still in initial stages of implementation. The implementation of Chapters II and III is a little more advanced although very few permits for the operators were issued (10 out of 196). Serbia plans to finalise the permitting process by the end of 2020. Serbia is preparing Directive Specific Implementation Plans for Chapters II and III. According to Serbia, the implementation of Chapter IV and V is still at an initial stage. A Directive Specific Implementation Plan for Chapter IV is planned to be prepared by 2016. Serbia has designated the competent authorities for the transposition and implementation of the Directive: MAEP and the regional and local administration. The Environmental Inspection is responsible for law enforcement. Serbia has not specified the date for full implementation of the Directive, but intends to request transition periods for all the Chapters of the Directive with the exception of Chapter VI, which is not applicable to Serbia since titanium-dioxide is not produced in Serbia.

Serbia indicated that the **Seveso III Directive** (Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances) is at an initial stage of transposition. Full legislative alignment is planned by 2018 by the adoption of a Law on the control of major-accident hazards involving dangerous substances and several Rulebooks transposing the relevant annexes. Implementation of the Seveso III Directive has yet not started, however, Serbia has partially implemented the previous Seveso II Directive. 44 safety reports and internal emergency plans have been drawn up and submitted by the upper tier operators to the competent authority. Accident Prevention Policy documents have been developed for all lower-tier Seveso installations/establishments. Serbia indicated 2020 as the deadline for full implementation of Seveso III Directive.

Serbia stated that the **VOC Paints Directive** (Directive 2004/42/EC on volatile organic compounds in certain paints) is partially transposed. Serbia plans to achieve full transposition of the directive by 2018. Serbia indicated 2020 as the deadline for full implementation.

Serbia indicated its intention to align its legislation by the end of 2015 with Regulation (EC) No 1221/2009 on **eco-management and audit scheme (EMAS)** and Regulation (EC) No 66/2010 on the **EU Ecolabel**. The implementation of the two Regulations is at an early stage, according to Serbia. Serbia plans to fully implement those Regulations by 2020.

## **II.g. Chemicals**

According to Serbia, the Law on **Chemicals** (OGRS. No. 36/2009, 88/10, 92/11, 93/12 and 25/15) and several rulebooks are in force and are key instruments for alignment with the *acquis* in the area of chemicals. MAEP is the main competent authority for chemicals. The Environmental Inspection is the main body in charge of enforcement.

Serbia stated that a high degree of harmonisation of national legislation with the **REACH** Regulation (Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals) was achieved since 2009 with the exception of REACH provisions that are too membership-dependent to be incorporated into Serbian legislation during the time of pre-accession (*i.e.* some obligations concerning registration, authorisation and downstream users of chemicals). Serbia has designated the competent authorities (MAEP). The data on legal entities and chemicals placed on the Serbian market are collected via the Chemicals Registry and the operators are obliged to report the data on the chemicals they place on the market. Serbia has established institutional arrangements and infrastructure to be upgraded in order to ensure the future access of the competent authorities to the tools and databases of the European Chemicals Agency (ECHA) and has established a system of inspection and enforcement, including the penalties for non-compliance. Serbia has established a national helpdesk that provides information and advice to manufacturers, importers and distributors on the responsibilities and obligations under the REACH Regulation. The national help-desk has received observer status in the European network HelpNet in 2011. Serbia plans to implement the Regulation by 2020 with the exception of certain provisions for which Serbia intends to request transitional periods.

Serbia stated that alignment has been largely achieved with the **CLP** Regulation (Regulation 1272/2008 on classification, labelling and packaging of substances and mixtures). The classification and labelling of the most used substances are given by the mandatory List of classified substances, while for substances that do not follow from a mandatory classification it is based on the available data. Classification and labelling inventory built according to the CLP Regulation by the notifications sent to ECHA are already used as a source of information to industry. A national help-desk has been established since 2010 that provides assistance to enterprises and SMEs and it is foreseen to become member of the ECHA helpdesk network after accession. Full alignment with the Regulation will be achieved by 2020.

Serbia indicated that the national legislation is partly harmonised with the parts which relates to export of mercury in the **Mercury** Regulation (EC) 1102/2008 and that full alignment with this part will take place by 2015 by amendments to the existing legislation. Serbia signed the Minamata Convention in 2014 but ratification and implementation of the Convention is still pending. Full implementation of the Regulation will be achieved by 2020.

Serbia stated that the **Asbestos** Directive 87/217/EEC has been largely transposed by the Law on Waste Management (OGRS, 36/09 and 88/10) and bylaws. Full transposition is planned to be achieved by the end of 2018, by amendments to the existing legislation. The competent authorities are in place: the MAEP, SEPA, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health, Ministry of Construction, Transport and Infrastructure and the Environmental Inspection. Serbia plans to achieve full implementation by 2020.

Serbia stated that the national legislation has been aligned with Directive 98/8/EC which preceded the Regulation concerning the making available on the market and use of **biocidal products** (EU) No 528/2012 through the Law on Biocidal Products (OGRS, No. 36/09,

88/10, 92/11 and 25/15). Serbia aims to align with the changes brought at EU level by the biocidal products regulation by 2016 through adoption of a new law. Implementation is ongoing. Serbia has established a register of biocidal products placed on the market. According to Serbia, implementation will be achieved by 2020 with the exception of certain provisions for which Serbia intends to request transitional periods.

Serbia indicated that the national legislation has been harmonised with Regulation (EC) No 689/2008 concerning the **export and import of dangerous chemicals**. Notification procedure and prior informed consent (PIC) produced for import and export are established also in accordance with the requirements of the Rotterdam Convention to which Serbia is a party since 2009. A system for penalties and control has been established. The competent authority is MAEP. Full implementation of the Regulation is foreseen for 2020.

Serbia stated that national legislation has been harmonised with **Regulation No.850/2004 on persistent organic pollutants (POPs)**. Serbia stated that it has ratified relevant international acts: the UNECE Protocol to the 1979 Convention on Long-Range Trans-boundary Air Pollution on Persistent Organic Pollutants (LRTAP), and the Stockholm Convention on Persistent Organic Pollutants. In April 2015, Serbia adopted an updated National Implementation Plan (NIP) for the implementation of the Stockholm Convention obligations. Serbia indicated that the institutional framework for POPs management has been established and that the present system of POPs chemicals and POPs waste management is almost fully harmonised to the EU system. MAEP is the responsible institution for implementation and SEPA is responsible for monitoring and reporting regarding POPs in environment. Full implementation will be achieved by 2020.

Serbia stated that the Directive 2010/63/EU on the **protection of animals used for scientific purposes** is partially transposed by the Law on animal welfare (OGRS, No 41/09). According to Serbia, full legislative alignment with this directive is foreseen for the end of 2018 by amending the existing legislation. The competent authorities are the Veterinary Directorate, the Ethical Commission for the Protection of Experimental Animals and the Ethical Council for Welfare of Experimental Animals. Serbia envisages full implementation by 2020.

## **II.h. Noise**

Serbia indicated that the **Noise** Directive 2002/49/EC has been partially transposed by the Law on Environmental Noise Protection (OGRS, No. 36/2009 and 88/2010) and implementing legislation (2010). According to Serbia, transposition of the remaining provisions is foreseen mainly for 2016 by the adoption of amendments to existing legislation. Full transposition is envisaged by 2018. The implementation of the Environmental Noise Directive is at an early stage, according to Serbia. Competences in the area of noise are divided between the national, regional and municipal levels. The MAEP and SEPA are responsible for the overall implementation of the Directive while the Environmental Inspection is in charge of enforcement. The implementation of the Directive will be done through the development of noise maps and action plans by 2020.

## **CIVIL PROTECTION**

Serbia stated that it has completed important steps towards building and upgrading its emergency management system, in particular by the adoption of the Law on Emergency Situations (OGRS 111/09, 92/11, 93/12) and the National Strategy for Protection and Rescue

in Emergency Situations (OGRS 86/11). Serbia stated that it started developing National Risk Assessment and National Protection and Rescue (Emergency) Plans.

The competent authority is the Ministry of the Interior, which has established a Sector for Emergency Management responsible for the preparation and implementation of emergency management actions. Serbia indicated that the organization needs financial resources and strengthening of administrative capacity.

In April 2015, Serbia signed the Agreement for its participation in the **EU Civil Protection Mechanism**, established by Decision No 1313/2013/EU. After ratification on 26 May 2015 it became the 33<sup>rd</sup> participating state in the Mechanism.

Serbia provided reassurances that the Serbian-Russian humanitarian centre established in the city of Nis is aimed at strengthening bilateral cooperation between the two countries in the area of disaster management.

## **CLIMATE CHANGE**

Serbia ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 2001 and the Kyoto Protocol in 2008; it is non-Annex I Party to the UNFCCC. Under Copenhagen Accord, Serbia agreed to voluntary GHG emission limitation by 18% until 2020 compared to 1990 levels. Serbia submitted its first National Communication to the UNFCCC in 2010 and it is currently finalising its First Biennial Update Report and preparing its Second National Communication, which are planned to be submitted to UNFCCC Secretariat in 2016. Serbia has submitted its Intended Nationally Determined Contribution (INDC) under the 2015 Paris Climate Agreement, which will enter into force after 2020, at the latest. Serbia is a party to the Vienna Convention for the Protection of the Ozone Layer (1999) and to the Montreal Protocol on Substances that deplete the Ozone Layer (2005) and has ratified all related amendments. Serbia is implementing all these **international agreements**.

Serbia indicated that it has started the transposition of the climate *acquis*. Serbia stated that it will continue to build-up its legal framework in line with the *acquis* until 2020 and beyond. Serbia also explained that it needs to strengthen its administrative capacity for climate action.

Serbia stated that as priority it will focus its efforts on implementing Regulation (EU) No 525/2013 (**Monitoring Mechanism Regulation – MMR**) and the delegated and implementing acts adopted thereunder. In 2015, Serbia started to work on the project for “Establishment of mechanism for the implementation of MMR“. Serbia indicated as ongoing activities: preparation of greenhouse gases (GHG) inventories for the period 1990 – 2014; preparation of projections and mitigation programme until 2020 under the First Biennial Update Report (FBUR) to the United Nations Framework Convention on Climate Change (UNFCCC), projections and mitigation programme for 2020 and 2030 under the Second National Communication (SNC) to the UNFCCC and the Adaptation programme for three sectors (vulnerability assessment for hydrology and water resources, agriculture and forestry). The FBUR and the SNC are planned to be submitted by 2016. Serbia stated that currently no specific measures in the area of adaptation to the adverse effects of climate change have been implemented so far.

Serbia stated that the MAEP has started drafting legislation to align with Directive 2003/87/EC on a scheme for **greenhouse gas emission allowance trading** (EU Emissions Trading System or EU ETS). The institutional setup is already in place for the monitoring, reporting and verification (MRV) aspects of the EU ETS based on the September 2014 Government Decision. Some 120 stationary installations in Serbia potentially falling under the EU ETS have been identified. A monitoring, reporting and verification (MRV) of greenhouse gases emissions system in line with the EU ETS has not yet been established. Draft bylaws have, however, been developed, which should enter into force no later than 2016 in order to support the establishment of an institutional structure for MRV in 2017. Serbia indicated 2020 as the deadline for full implementation.

Serbia stated that as foreseen by Directive 2008/101/EC on **including aviation activities in the EU ETS**, the operator Air Serbia is part of the EU ETS aviation scheme since 2010. Serbia indicated that it has no other commercial aviation operators. The administering Member State for Air Serbia is Germany and its EU ETS national authority Deutsche Emissionshandelsstelle (DEHSt). In accordance with the Directive, Air Serbia has surrendered allowances in the EU Registry, corresponding to verified 2013 and 2014 emissions by 30 April 2015. Serbia has also three other aviation operators which the country considers not falling within the scope of the Directive. The Civil Aviation Directorate (CAD) will provide technical support to the Climate Change Unit in regard of the assessment of monitoring plans, of verified emission reports and of requests for free allocation by aircraft operators.

As regards the **Effort Sharing Decision** (ESD) 406/2009/EC, Serbia stated that alignment is at an early stage. Currently, Serbia does not have the institutional setup in place for the implementation of the ESD. A project on "Development of a Climate Change Strategy and its Action Plan" includes specific actions to plan for the implementation. It should result in targets for 2020, 2030 as well as a long term framework until 2050, encompassing also the ESD sectors. This should also provide for estimation of costs, investment strategy, climate *acquis* implementation plans, administrative capacity building and mainstreaming climate action into all relevant sectorial policies and strategies, such as energy, agriculture and transport. Serbia indicated 2020 as the deadline for full implementation.

Many of the provisions of **EU Regulations on Ozone Depleting Substances (ODS)** (mainly Regulation EC/1005/2009) and **Fluorinated Gases (F-gases)** (mainly Regulation EC/842/2006) are reflected, amongst others, in the Law on Air Protection (OGRS, no. 36/09, 10/13), Regulation on ODS Management (OGRS, No. 114/13); and Regulation on Fluorinated Greenhouse Gases Management, (OGRS, No. 120/13). Serbia has adopted hydrochlorofluorocarbons (HCFC) Phase-out Management Plan, implementation of which is on-going. The licensing system is in place since 2004, as is a quota system since 2012. Serbia plans to identify the certification bodies and adopt a quota system for certain equipment containing ODSs by 2016. Training of enforcement officers is ongoing. Serbia indicated 2021 as the deadline for full implementation.

Serbia stated that Directive 98/70/EC on the **quality of petrol and diesel fuels** and amending Council Directive 93/12/EEC have been partially transposed through the adoption of the Law on Technical Requirements for Products and Conformity Assessment (OGRS No 36/09), the Rulebook on Technical and Other Requirements for Liquid Fuels (OGRS No 123/12, 63/13 and 75/13), the Law on Protection of Consumers (OGRS No 73/10), the Law on Standardization (OGRS No 36/09), and the Energy Law (OJRS145/14). Further implementing

legislation is foreseen. The Ministry of Mining and Energy is responsible for issuing regulations which prescribe the quality of oil products. The Ministry of Trade, Tourism and Telecommunications is responsible for quality control of goods which are distributed on the market of the Republic of Serbia. The Institute for Standardization is responsible for the adoption of standards related to fuels. Cooperation with industry is planned. Serbia indicated 2020 as the deadline for full implementation.

As regards **CO<sub>2</sub> emissions from cars and vans**, Serbia stated that it has not yet transposed Directive 1999/94/EC on availability of consumer information on fuel economy and CO<sub>2</sub> emissions with respect to the marketing of new passenger cars. However, Serbia explained that the majority of imported vehicles are labelled in accordance with the Directive already, since they are imported from the EU. The Road Traffic Safety Agency (RTSA) is the competent authority, while the Ministry of the Interior is responsible for the process of registration of vehicles. Serbia has not yet implemented Regulation (EC) 443/2009 on **emission standards for new cars** or Regulation (EU) 510/2011 on **emission standards for new light commercial vehicles**. Serbia indicated 2018 as the deadline for full implementation.

Serbia stated that some provisions of Directive 2009/31/EC on **carbon capture and storage** (CCS Directive) have been transposed by the Law on Mining and Geological Researches. On the basis of this law, Serbia intends to adopt implementing legislation to achieve full transposition in 2018. Serbia indicated that the Ministry of Mining and Energy is responsible for implementation.

Regarding adaptation to climate change, Serbia has started preparation of the National Adaptation Plan, in cooperation with UNDP. It will contain priority measures and actions in the hydrology and water resources, agriculture and forestry sectors, based on a cost - benefit analysis.

Serbia indicated the following administrative setup for climate action:

The Ministry of Agriculture and Environmental Protection (MAEP) assumes general competence in the area of climate change, including legislative alignment, supervision, monitoring and reporting. It has a Unit on Climate Change with five members of staff, as well as a Unit for Air and Ozone Layer Protection with six employees responsible for ozone depleting substances and fluorinated gases. In the period 2015-2017, MAEP will coordinate the development of the National Strategy in the area of climate change and determine measures and authorities for their implementation. MAEP will also coordinate and put in place the necessary capacity building programs for relevant other national institutions as well as for the business and civil sector. MAEP intends to mainstream climate change issues into all relevant sector policies in Serbia together with other authorities. It envisages disseminating climate relevant information to the public on a regular basis. The Environmental Inspection of the MAEP is in charge of enforcement of ETS related legislation.

The National Climate Change Committee was established in November 2014 to coordinate the development and implementation of policies, plans and measures to address climate

change.<sup>2</sup> The Serbian Environmental Protection Agency (SEPA) is responsible for implementation issues, including data collection and reporting on greenhouse gas emissions. The Traffic Road Safety Agency is responsible for the implementation of CO<sub>2</sub> emissions from cars and vans. It is planned that the Accreditation Body of Serbia (ABS) would become responsible for the accreditation of verifiers for the purpose of the EU emissions trading system (EU ETS).

The Ministry of Energy and Mining (Division for Sustainable Development and Climate Change in the Energy Sector, with 5 employees) facilitates climate action within the energy sector, and is in charge of carbon capture and storage. The Ministry is also responsible for fuel quality. The Customs Directorate is responsible for import/export control of fluorinated gases and ozone depleting substances (ODS). The Hydro-Meteorological Service has a dedicated department for climate change with 10 employees who work on climate models. It also hosts the Sub-Regional South East European Virtual Climate Change Centre. Other ministries with competences in this field include the Ministry of Construction, Transport and Infrastructure, the Ministry of Economy and the Ministry of the Interior (for emergency response and disaster management).

### **III - ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY**

Overall, Serbia's legislation has a satisfactory level of alignment with the *acquis* covered by this chapter, but implementation and enforcement are at an early stage. There is a substantial amount of work to be undertaken as regards the implementation of legislation and the establishment of the necessary administrative and enforcement and control capacities required by the *acquis*.

Serbia has a comprehensive strategy for the environment and climate change sectors (2011) which outlines planned initiatives and long-term policies for aligning with the *acquis*. Serbia's Transposition and implementation action plan adopted in September 2015 includes programming plans for its policy-related, legislative and institutional preparations; it also includes a national environmental investment plan (including disaster resilience and climate change adaptation investments). As the costs of alignment with the environmental and climate *acquis* will be high, Serbia's action plan envisages ensuring adequate financial resources needed that will allow the implementation of the proposed timetable for legislative alignment and implementation. Serbia should be in a position to complete the legislative alignment by the date of accession.

Serbia should finalise the setting up of systematic strategic planning, and start implementing the country's contribution to the 2015 Paris Climate Agreement.

In general, the institutions responsible for policy development, implementation and enforcement are in place, but need to be strengthened considerably. Administrative capacities and staffing levels for environmental issues should be increased, both at national and local level and across the entire environment and climate action sectors. The present system of partially devolved competences for environmental management requires review to ensure that

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<sup>2</sup> Update from the sub-committee with Serbia on 2-3 July 2015.

devolved competences are matched by capacity. Environmental legislation needs to be mainstreamed into other relevant sector legislation. This is particularly critical with regard to legislation regulating construction so as to ensure an integrated approach towards environmental permitting. Dismantling of the functional Chemicals Agency and of the Green Fund, the turnovers of staff, as well as limited financial resources in the relevant ministries and in the Environmental Inspection remain issues of concern, especially in relation to the overall capacity of these institutions to ensure effective implementation and enforcement of the *acquis*.

Serbia should consolidate its strategic planning capacity and clearly link investments to strategic priorities. It should take measures to set up an effective and permanent financing system for environment and climate action, including substantial infrastructure investments and a stable financing of essential basic services, such as environmental monitoring.

A more effective coordination between MAEP, MoI and other relevant ministries, institutions, bodies and the local authorities is required. Efforts under way to strengthen inspection and enforcement need to be accompanied by the removal of inconsistencies and gaps in legislation that prevent effective enforcement.

There are some mechanisms for integrating environment and disaster risk management and climate action into other policies such as transport, energy, agriculture, mainly at strategic document level, but their application in practice is limited.

Regarding international conventions under chapter 27, the EU will continue to monitor, during the negotiation process, the application of the cross-border obligations to all of Serbia's neighbours.

## **ENVIRONMENT**

### **III.a. Horizontal legislation**

Serbia has achieved a **high level of alignment** with EU horizontal legislation.

The Serbian legislation is partially aligned with the **SEA, EIA and Aarhus** related Directives on the access to information, justice and public participation. Five Aarhus centres on public information are active and available for the relevant NGOs on the Serbian territory. The Ministry of Agriculture and Environmental Protection (MAEP) is the competent authority at national level, while the Vojvodina provincial authority and the municipalities are responsible for the EIAs of projects and SEAs for plans and programmes at the regional and municipal level. Implementation of EIA and SEA directives is on-going and some results can be reported. However, further efforts are needed to implement the EIA and SEA Directives, at national, regional and municipal level. Meaningful environmental assessments, including due consideration of all possible impacts, reasonable alternatives, cumulation with other projects, plans and programmes as well as necessary mitigation and compensation measures, need to be carried out properly. The quality of impact assessments and public consultations with civil society and other stakeholders needs to improve. Efficient coordination among the different authorities as well as with all the stakeholders needs to be ensured. Also enforcement of access to environmental information needs further efforts due to the large number of actors involved such as regional authorities, municipalities and other public authorities envisaged in the Directive. Administrative and judicial procedures related to **environmental crimes** need to be implemented more effectively.

Serbia needs to continue alignment with and enforcement of the **Environmental Liability Directive (ELD)**, regarding the prevention and remediation of environmental damage. Effective implementation of ELD and of the Environmental Crime Directive is necessary in order to improve the level of enforcement of all environmental legislation.

Alignment with and implementation of the **INSPIRE Directive** are at an early stage. The necessary legislation, implementing capacity and infrastructure still need to be developed.

### **III.b. Air Quality**

In the field of air quality, Serbia has achieved a good level of legislative alignment with most of the relevant Directives. Some strategic planning exists for the implementation of the directives, backed by credible financial commitments and investment planning.

Serbia achieved a high level of legislative alignment with the **Ambient Air Quality Directive** and with the 4th daughter Directive. Implementation started, based on the strategic planning mentioned above, on air quality standards, AQ zones, AQ Monitoring Network. MAEP reports on air quality to the European Environment Information and Observation Network (EIONET) and European Environmental Agency (EEA). Serbia needs to plan and ensure substantial investments for the laboratories, equipment and human resources to ensure effective implementation. The 2015 update on air quality showed that seven of Serbia's eight urban agglomerations exceed the margin of tolerance of several pollutants. The air quality plan for Belgrade remains to be adopted and air quality planning for the remaining agglomerations needs to be accelerated.

Serbia reached an overall good level of legislative alignment with the **NEC Directive**, but implementation is at a very early stage. Work on a national emission reduction plan for the power sector was completed but remains to be adopted. The future National Emissions Reduction Plan should contain clear information about the years for which the national emission ceilings will be defined, preferably including 2020 as compliance year in line with the Gothenburg Protocol as amended, as well as 2030 to accommodate long-term planning.

Serbia's alignment with the Directive on **Sulphur content in liquid fuels** is partial and implementation is at an early stage. Serbia should consider improving enforcement through cost-effective inspections conducted by competent authorities as well as setting of penalties in accordance with the Directive. As far as reporting is concerned, while setting implementation plans, Serbia should take into consideration the requirements set in the Commission Implementing Decision (EU) 2015/253 of 16 February 2015 laying down the rules concerning the sampling and reporting under Council Directive 1999/32/EC as regards the sulphur content of marine fuels.

Serbia needs to further align with the **VOC Petrol I and II Directives**, including adopting the necessary legal framework. The fuel market players concerned by the 2 directives need to be identified and involved in the process as early as possible in order to plan and ensure the necessary investments for the required equipment.

Major efforts are needed in the process of implementation of all air quality directives, as this will require large scale investments, including from privately owned companies. The existing monitoring system and structures in charge of the collection and processing of data and of future reporting to the Commission also require reinforcement. The network of monitoring

stations needs to be expanded, especially in polluted areas. Further strengthening of administrative capacity is necessary. Serbia should invest in necessary human resources and in equipment in order to be able to implement the *acquis* in the field of air quality.

### **III.c. Waste management**

Serbia has achieved a good level of legislative alignment with directives on Waste Framework, Landfills, Packaging Waste, End-of-Life Vehicles and PCB/PCT. However, implementation of the waste related directives and regulations remains at an early stage. Serbia adopted a National Plan for Waste Management, which provides a timeline and defines the main instruments and measures to secure alignment with and implementation of EU waste legislation. The development of an integrated waste management system and appropriate infrastructure is at an early stage, with waste continuing to be disposed of in open sites or in multiple unauthorised dumps. At the strategic and investment level Serbia relies on landfilling as the main waste management option. Other forms of waste management need to be developed in order to use landfilling only as a last resort. New investments in the area of waste should focus more on waste separation and recycling. Before any decision on building new landfills is taken, attention should be paid to increasing efforts towards waste minimisation through waste prevention, separate collection and recycling. Such measures are considerably cheaper than building new heavy infrastructure; they also give effect to the objectives of the European waste hierarchy, the cornerstone of the European waste management policy.

Full alignment with the **Waste Framework Directive** remains to be achieved and enforcement of waste legislation needs to improve. Overall implementation of the Directive is at an early stage. Additional efforts are needed to meet relevant targets for glass- and metal-containing packaging waste. More national investment and improvements to address systemic weaknesses in the implementation of environmental projects is needed if management of all special waste streams is to comply with EU requirements.

Serbia reached a good level of alignment with the **Packaging Waste Directive 94/62/EC**, but is at an early stage of its implementation.

Serbia has achieved a high level of legislative alignment with the **Landfill Directive 1999/31/EC**, but implementation is at an early stage. Currently, only eight (8) landfills (non-hazardous waste) operate in accordance with the requirements of the directive. Construction of a 9th regional landfill in Subotica started end 2015. Remediation and closure of non-acquis compliant landfills remain a high priority.

Serbia achieved a satisfactory level of legislative alignment with the Directive on **waste electrical and electronic equipment (WEEE)**, but implementation is at an early stage.

Serbia is partially aligned with the **Batteries Directive 2006/66/EC**. However, there are no implementation plans for key provisions of the Directive, such as the establishment of a system for the separate collection of batteries and accumulators, their disposal and recycling, the collection scheme for the waste portable batteries and accumulators and the treatment and recycling of collected batteries and accumulators.

Serbia achieved a high level of legislative alignment with the **PCB/PCT** Directive 96/59/EC and started its implementation. The implementation will take time and will require investments and expertise. Particular efforts are needed for the safe disposal of PCB containing equipment.

Most of the provisions of the **End-of-Life Vehicles** Directive 2000/53/EC are included in the national legislation. Serbia started the implementation, but further efforts are needed to set up an efficient system of collection, certification and treatment of the end of life vehicles.

The alignment with the **RoHS** Directive is at an early stage. Serbia should ensure full transposition and enforcement, establishing in particular market surveillance authority.

Serbia reached a considerable level of legislative alignment with the Directive 86/278/EEC on **sewage sludge**, but practical implementation is at an early stage. Particular attention should be paid to the establishment of the limit values for the heavy metals in soil and sludge in accordance with the Annexes to the Directive.

Serbia is partially aligned with the Directive on **mining waste**.

Major efforts are needed for the implementation process of the waste *acquis*. Implementation will require large scale investments, and further strengthening of the administrative capacity at national and local level. Cooperation between the state and local authorities needs to be strengthened. Serbia needs to continue working on the waste management plans including a plan for hazardous waste at national and local level (the latter where appropriate) and ensure proper investment flows. These plans should integrate waste minimisation measures - including prevention, separate collection, recycling etc. - and management of waste that cannot be treated other than landfilled. They should be based on the assumption that landfilling waste should be limited to the unavoidable minimum. Serbia should also establish separate collection systems and disposal facilities for specific waste streams or adjust the existing ones in line with the requirements of the *acquis* and develop adequate financing schemes.

### **III.d. Water quality**

Serbia's level of alignment with the *acquis* in the water sector is limited. Monitoring networks for all water sources (surface water, marine waters, and groundwater), river basin management plans and infrastructure for waste water treatment are at an early stage of development. Serbia needs to make significant efforts in its alignment with the *acquis*, its implementation and in strengthening administrative capacity including the enforcement system and inter-institutional coordination. A pipeline of priority infrastructure projects for wastewater management was prepared in May 2014. A national strategy and action plan on water protection have yet to be adopted. Priority should be given to aligning the legislation with the *acquis* and implementing the code of good agricultural practice. Significant investment is needed to modernise drinking water treatment capacity in all types of agglomerations. Strategic investment planning for water pollution abatement continues to be hampered by the lack of a national water protection strategy. The lack of a wastewater treatment plant in Belgrade limits the effectiveness of investments in wastewater treatment of upstream urban agglomerations.

Serbia needs to establish a registry of protected areas, to harmonise and complete the

monitoring requirements, to work on definition of ecological and chemical status and objectives for surface waters and for groundwater, to define the programmes of measures required and to prepare river basin management plans in order to advance the implementation of the **Water Framework Directive 2000/60/EC**. The deadline proposed for the full implementation of the Water Framework Directive ( ) is not consistent with the foreseen delay for the achievement of its objectives (15 years).

Alignment with Directive 91/271/EEC on **urban waste water treatment (UWWTD)** is at an early stage. Serbia needs to define the agglomerations and to designate sensitive areas in line with the Directive's requirements. It also needs a water management plan, a timetable for the implementation of the Directive in the defined agglomerations and detailed investment planning and planning of administrative resources.

With regard to the **Nitrates Directive 91/676/EEC**, Serbia needs to establish a monitoring network for measuring nitrate concentration in surface waters and groundwater. On the basis of monitoring results, Serbia has to identify the waters affected by the nitrate pollution or at risk of being polluted by nitrates from agricultural sources and to designate the vulnerable zones for all agricultural areas that drain into these waters. Furthermore, accurate action programmes for all designated zones need to be developed in line with the Directive. Serbia needs to provide information sessions for farmers to ensure full implementation of the directive and its effective control at the farm level.

Serbia needs to undertake concrete steps for the alignment with and implementation of the **Environmental Quality Standards Directive 2008/105/EC**, the **Groundwater Directive 2006/118/EC**, the **Floods Directive 2007/60/EC** and the **Bathing Water Directive 2007/6/EC**. Alignment with these directives is at an initial stage. The extreme floods that took place in May 2014 call for swift improvements in flood prevention and water management systems and infrastructure. The alignment with provisions of the **Directive on technical specifications for chemical analysis and monitoring of water status 2009/60/EC** is in progress.

Major efforts in terms of financial and human resources will be needed during the implementation process across the entire sector. Large scale investments will be required, notably related to the construction or modernisation of urban wastewater collection and treatment systems, introduction of new technologies for drinking water treatment and supply, monitoring and protection of groundwater and bathing water. For the implementation of the water directives, appropriate monitoring systems need to be put in place as well as the administrative structures in charge for the collection and processing of data. Future reporting to the Commission needs to be developed. Attention needs to be paid to sound planning of administrative capacities and financial resources. Further strengthening of administrative capacity at national and local level is necessary for the implementation of all water related directives. Serbia needs to ensure coherence between the actions of all the authorities involved in water management issues.

### **III.e. Nature protection**

In the area of nature protection, Serbia is partially aligned with the *acquis*. The Implementation of the *acquis* remains at an early stage.

Serbia needs to fully transpose the **Habitats** and **Birds** Directives into national legislation. There are still significant gaps in transposition, for example by allowing hunting of non-huntable species of birds or lacking clear provisions on the derogation system under the directives. The institutional framework for designating and managing future Natura 2000 sites needs to be upgraded and adequately resourced. The monitoring network is very limited and so are the scientific data for the designation of Natura 2000 sites. Serbia has so far designated few Emerald sites (future NATURA 2000), but more efforts should be put into collecting data about the distribution of habitat types, habitats of species and birds to underpin the draft national list of the Sites of Community Importance under the Habitats Directive and to designate the Special Protection Areas under the Birds Directive. Serbia needs to collect scientific information for possible proposals of amendments to the annexes of the Birds and the Habitats Directives. On the side of implementation, work will have to be pursued regarding the management of the protected areas and future Natura 2000 sites, as well as to continue with the establishment of a monitoring system of the conservation status of habitats and species as required by the directives. The investments in hydropower projects need to comply with EU environmental legislation and in particular with the nature protection obligations. Lack of resources and administrative capacity is seriously hampering the implementation of these two directives.

Serbia will have to implement the Regulation on the protection of species of wild fauna and flora by regulating trade therein (**CITES** Regulation). Legislation implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) has been updated to include protected species listings. Important seizures of illegally traded endangered species were made. The capacity of the CITES unit and that of the enforcement agencies need to be enhanced to keep up with the challenges of illegal wildlife trade. Serbia will have to continue providing training for inspectors and services, performing controls on border check points. The designated border-crossing points will need to be equipped with facilities allowing the clearance of the specimen of the wild flora and fauna, and for keeping the confiscated plants and animals on a temporary basis and in adequate conditions.

Regarding provisions of Regulation 511/2014 on Nagoya Protocol Serbian authorities will need to designate competent authorities and set up a system of penalties for infringement of the Regulation. Such provisions cannot be made directly applicable by a fact of ratification of the Protocol.

The Serbian national legislation will have to be aligned with the Directive on **wild animals in zoos**. The provisions of the Regulation on **leghold traps** will also need to be reflected in the Serbian legislation in order to ensure that the latter is in line with the *acquis*. Implementation should proceed accordingly.

Serbia also needs to start the alignment with the EU legislation on **seals** (Directive 83/129/EEC, Regulation (EC) 1007/2009 and its implementing Regulation (EU) 737/2010) as well as to start the implementation of the **FLEGT** and **Timber** Regulations.

The Serbian administrative capacity at national and local level will have to be substantially strengthened. Special attention needs to be paid to the development of a strong inspection network capable of enforcing the provisions of all the nature protection legislation.

### III.f. Industrial pollution and risk management

As regards industrial pollution and risk management, alignment with most of the EU directives and regulations (notably IED, Seveso III Directive, EMAS and EU Ecolabel Regulations) is at an early stage. Serbia will need to accelerate the pace of its alignment with the *acquis*. The implementation process is at an early stage across the entire sector and administrative capacity needs to be strengthened considerably.

The part of the **Industrial Emissions** Directive relating to the integrated pollution prevention and control, large combustion plants and waste (co-) incineration is partly aligned with the *acquis*. Serbia needs to continue its efforts for full alignment and implementation of all the provisions of the Industrial Emissions Directive (IED). It should also strengthen its administrative capacity and inspection system. Serbia should prepare the national emission reduction plan for large combustion plants. However, amendments in March 2015 to the Law on Integrated Pollution Prevention and Control defer the deadline by which existing installations must hold a valid permit from 2015 to 2020. Serbia has not yet addressed the *acquis* requirement for the establishment of an integrated permitting process. Most of the integrated pollution prevention and control (IPPC) installations have submitted their requests for permits but very few permits have been issued. The slow progress in issuing permits is explained by the capacity constraints of the competent department in the Ministry of Agriculture and Environmental Protection and the applicants' limited knowledge in providing the relevant data.

It should be noted that under the Energy Community Treaty<sup>3</sup>, as amended by Decision D/2013/06/MC-EnC of the Ministerial Council of the Energy Community of 24 October 2013, Serbia is obliged to implement Chapter III and Annex V of the IED (covering large combustion plants) as of 1/1/2018 for new plants.

The main elements of the **Seveso III** Directive are still missing in the Serbian legislation. The emergency plans, the reporting system and the inspection system remain to be established. Capacity constraints hamper progress in implementing the legislation on prevention of chemicals accidents.

Serbia needs to proceed with the implementation of the **VOC Paints** Directive which is at an early stage.

The implementation of **EMAS** and **EU Ecolabel** Regulations need to continue.

Major efforts are required to ensure the implementation of the *acquis* in this sector as large scale investments are needed, in line with the EU State aid *acquis*, notably for the adjustment of the existing installations to the requirements of the *acquis*, the construction of the waste incineration or co-incineration plants and cleaning work in the major industrial installations. Further strengthening of the administrative capacity will also be necessary. An effective mechanism of information exchange and of co-ordination between all bodies involved should also be established.

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<sup>3</sup> [https://www.energy-community.org/portal/page/portal/ENC\\_HOME/AREAS\\_OF\\_WORK/Obligations/Environment/Acquis\\_Large\\_Combustion\\_Plants](https://www.energy-community.org/portal/page/portal/ENC_HOME/AREAS_OF_WORK/Obligations/Environment/Acquis_Large_Combustion_Plants)

### III.g. Chemicals

Serbia has achieved a high level of alignment with the *acquis* in the sector of chemicals. Implementation is ongoing. As regards chemicals management, the Law on Amendments to the Law on Prohibition of the Chemical Weapons and on their Destruction was adopted in November 2013. The March 2015 amendments to the Law on Chemicals and the Law on Biocides provide for a clear delineation of previously overlapping inspection remits between environment, market and sanitary inspections, and veterinary inspections for biocides. Capacity for environmental inspection is sufficient. Serbia will have to pursue the process of alignment through the adoption of the required implementing regulations in order to ensure implementation and enforcement.

Serbia has taken some positive steps in the process of alignment with **REACH**. However, the adoption of the implementing legislation and establishment of adequate capacities for effective implementation and participation in the technical work at European level (especially of the ECHA) are still needed.

As regards Regulation (EC) No 850/2004 on **persistent organic pollutants (POPs Regulation)**, Serbia updated its first National Implementation Plan (NIP) in 2015. Serbia's legislation is almost fully harmonised and the institutional framework for implementation of the POPs Regulation has been established.

Regarding the **export and import of dangerous chemicals**, Serbia ratified the Rotterdam Convention in 2009 and fully implements it. Serbia already harmonised the relevant legislation with Regulation (EU) No 649/2012 and fully implements that Regulation, including all procedures and obligations with respect to control and enforcement.

Further efforts are needed to complete alignment with the **CLP Regulation** and to ensure its effective implementation. The same applies to the Directive 2010/63/EU on the **protection of animals used for scientific purposes**, **Mercury Regulation (EC) 1102/2008** and **Asbestos Directive 87/217/EEC**.

Serbia needs to continue alignment with the **Biocides Regulation** and to prepare a specific implementation plan, including financial projection. In doing so, Serbia should make sure that sufficient resources will be made available for the implementation of this Regulation which is complex and resource intensive.

A major effort will be required in terms of strengthening the administrative capacity for the implementation of the *acquis* in this field in the short-term. In the Ministry of Agriculture and Environmental Protection, the chemicals department created in 2013 has taken over all the functions of the Chemicals Agency which was closed. However, the technical posts in the chemicals field have been drastically reduced. Further strengthening of administrative capacity is therefore necessary, especially in the field of risk assessment of biocidal products. The MAEP and Environmental Inspection need to recruit staff with the relevant technical expertise. They also need further training, equipment and sufficient financial resources in order to have the capacity to ensure effective implementation of the *acquis*. As an example, recruitment and training of additional toxicologists and in particular eco-toxicologists is needed.

### III.h. Noise

Serbia has achieved a good level of legislative alignment with the **Noise** Directive. However, implementation is at an early stage. There is a need for strengthening the administrative capacity for the preparation of the strategic noise maps and action plans, including at the municipal level.

## CIVIL PROTECTION

Serbia is satisfactorily aligned with the **EU civil protection *acquis***. However, the country will need to improve its administrative capacity further in order to align the system with standards and good practices of the Member States. Technical and material resources need to be enhanced, in particular by further equipping and training civil protection and other concerned staff to reach a sound basis for adequate support for risk prevention and preparedness as well as necessary response in case of emergencies. Human resources dealing with preparedness and response at municipal level need to be strengthened. Given the frequency and impact of disasters in the country, disaster risk reduction and disaster management should be treated as a matter of priority at national and local level.

Serbia will need to work further on disaster prevention, with an increased focus on risk assessment and risk management planning, including in particular at municipal level. Serbia, as a participating state to the Union Civil Protection Mechanism, needs to build up the necessary capacity to carry out national risk assessment, conduct risk management planning and assessment of its risk management capabilities and inform the Commission accordingly. Serbia will have to establish connection with the Common Emergency Communication and Information System of the Commission's Emergency Response Coordination Centre and set up a system ensuring 24/7 emergency communication and sharing of disaster related information and early warnings. In order to communicate with Emergency Response Coordination Centre Serbia will have to establish sTESTA connection.

Any regional coordination and intervention role for the Serbian-Russian humanitarian centre, as exemplified by recent offers made by the Russian co-director of the Centre to a number of neighbouring states to sign MoUs for regional cooperation, risks duplicating ongoing work under the UCPM, which should be avoided. Further developments including any attempts to develop a regional role for the Nis centre will be closely monitored by the EU, including in the context of the accession negotiations.

## CLIMATE CHANGE

In the area of climate change, Serbia has ratified all the relevant international conventions and protocols on climate change and is implementing them. Serbia has regularly associated itself with EU positions in the international context. However, Serbia needs to make further efforts to ensure implementation of its international commitments by 2020 and beyond. Serbia submitted its intended nationally determined contribution (INDC) to the UNFCCC on 30 June 2015 under the 2015 Paris climate agreement, which will enter into force after 2020, at the latest. The INDC includes an economy-wide greenhouse gases emissions reduction target of 9.8% by 2030 as compared to 1990. It covers all greenhouse gases, is based on the 2006 International Panel on Climate Change methodology and includes adaptation actions.

Serbia does not have a comprehensive and robust climate policy. While a National Climate Strategy is under development, Serbia should ensure that its forthcoming climate policy will be in line with the developments of the EU 2030 framework for climate and energy policies. In addition to mitigation, more efforts need to be put to adaptation to climate change.

Overall, Serbia has achieved a limited level of legislative alignment with the EU climate *acquis*. Implementation is at a very early stage. While there is some progress with Regulations on Fluorinated Gases and Ozone Depleting Substances and limited progress towards legislative alignment with the EU ETS, significant further efforts are required across the entire *acquis*. Priority needs to be given to monitoring, reporting and verification.

Efforts are needed to raise awareness at all levels and to promote cooperation between all relevant stakeholders. In general, the institutions responsible for policy development, implementation and enforcement are in place, but need considerable strengthening of administrative capacity (human, technical and financial resources). This is particularly true for the ministry responsible and its units dealing with climate change.

Main challenges for implementation include the need to improve data accuracy, accessibility, comparability and transparency; shortage of competent staff; lack of training and equipment; limited financial resources and the lack of inter-institutional cooperation and coordination mechanisms at the state and local level. Developments of a transposition and implementation plan as well as amendments to the Law on Environment to introduce a green fund are positive steps.