

# LAW

## ON ENVIRONMENTAL PROTECTION

*(Official Gazette of the Republic of Serbia Nos 135/2004, 36/2009, 36/2009 - other law, 72/2009 - other law, 43/2011 - Decision of the Constitutional Court and 14/2016)*

### I GENERAL PROVISIONS

#### Subject of the Law

##### Article 1

This Law shall regulate the integral system of environmental protection which shall ensure human right to live and develop in healthy environment as well as balanced economy growth and protection of the environment in the Republic of Serbia.

#### System of Environmental Protection

##### Article 2

The system of environmental protection shall comprise measures, conditions and instruments for:

- 1) sustainable management, preservation of nature balance, integrity, diversity and quality of natural values and conditions for survival of all living beings;
- 2) prevention, control, reduction and rehabilitation of all kinds of environmental pollution.

Sustainable management of natural values and environmental protection shall be realised in accordance with this Law and special law.

#### Definitions

##### Article 3

Certain terms used in this Law have the following meaning:

- 1) **environment** means a set of natural and man-made values whose complex mutual relations make up the environment, i.e. area and conditions for life;
- 2) **environmental quality** means a state of environment in terms of physical, chemical, biological, aesthetic and other indicators;

- 3) **natural value** means natural wealth which comprises air, water, soil, forests, geological resources, plants and animal life;
- 4) **protected natural good** means a preserved part of nature with special values and characteristics (geodiversity, biodiversity, scenery, landscape, etc.), due to which they have permanent ecological, scientific, cultural, educational, health recreational, tourist and other significance and, therefore, as a public good it enjoys special protection;
- 5) **public natural good** means a cultivated or uncultivated part of natural wealth, i.e. air, water goods, water-fronts, underground goods, forests, sceneries or landscapes equally accessible to all;
- 6) **geodiversity** (geological diversity) means a presence or dispersion of different elements and features of geological texture, geological structure and processes, geochronological units, rocks and minerals of different composition and genesis types and different paleoecosystems which have been changed in space under influence of internal or external geodynamic components in the course of geological time;
- 7) **biodiversity** (biological diversity) means a diversity of organisms within a species, among the species and eco-systems and it covers full genetic diversity, species and ecosystems diversity at local, national, regional and global level;
- 8) **register of environment pollution sources** means a set of systematized information and data on types, quantities, manner and place of introduction, discharge or disposal of pollutants in gas, liquid and solid state of matter, or release of energy (noise, vibrations, heat, ionizing and non-ionizing radiation) from point, line and area pollution sources into the environment;
- 9) **activity affecting the environment** (hereinafter referred to as the “activity”) means any action (permanent or temporary) which changes or may change the state and conditions in the environment and relates to: utilization of resources and natural goods; production and circulation processes; distribution and use of materials; emissions of pollution into water, air, or soil; waste and wastewater management; chemicals and harmful substances management; noise and vibrations; ionizing and non-ionizing radiation; accidents;
- 10) **installation** means a stationary technical unit where one or more activities are performed for which special regulations have been determined and permit has been issued, as well as any other activity where there is a technical connection to the activities that are performed at the place and which, as a result, may cause emission and pollution;
- 11) **environmental pollution** means introduction of pollutants or energy into the environment, caused either by human activities or natural processes, which has or may have adverse effects towards quality of the environment and human health;
- 12) **environmental capacity** means the ability of environment to accept certain quantity of pollutants per unit of time and space so as to avoid irreparable damage towards the environment;
- 13) **endangered environment** means a certain part of environment where pollution or risk from pollution exceeds the environmental capacity;

- 14) **polluter** means a legal or natural entity who by its activity or inactivity pollutes the environment;
- 15) **pollutants** are substances whose outflow into the environment affects or may affect its natural composition, properties and integrity;
- 16) **load to the environment** means individual or cumulative effect of activities to environment, which may be expressed as aggregate (several similar components), common (several heterogeneous components), permitted (within the permitted limit values) and excessive (exceeding limit values) load;
- 17) **degradation of environment** means a process of degradation of environment quality caused either by natural or human activity or it occurs as a consequence of non-performance of measures for elimination of causes of degradation of quality or damage towards the environment, natural or any man-made values;
- 18) **emission** means the discharge and outflow of pollutants in gas, liquid and solid state of matter or emission of energy from pollution sources into the environment;
- 19) **level of pollutants** means the concentration of pollutants in the environment, whereby the quality of environment at a particular time and space is expressed;
- 20) **waste** means any substance or object defined by the law regulating waste management;
- 21) **hazardous materials** means chemicals or other materials that have harmful and hazardous characteristics;
- 22) **dangerous substance** means a substance defined by EU regulations governing the control of large chemical accidents including dangerous substances;
- 23) **risk** means a certain level of probability that certain activity, directly or indirectly, shall cause danger towards the environment, life and human health;
- 24) **accident** means sudden and uncontrolled event that occurs with release, leakage or dispersion of hazardous materials, in the course of performing activities of production, utilization, processing, storage, disposal or long-term inadequate keeping (hereinafter referred to as as the chemical accident);
- 25) **rehabilitation, i.e. remediation** means the process of undertaking measures in order to halt pollution and further degradation of environment up to the safe level for future use of the location, including also arrangement of the area, revitalization and recultivation thereof;
- 26) **public** means one or several natural or legal entities, their associations, organizations or groups.
- 27) **environment pollution sources** means location-wise specified and spatially limited point, line and area sources of pollutants and energy into the environment;
- 28) **interested public** means public which is affected or may be affected by decision-making of the responsible authority or which has an interest therein, including citizen associations and

social organizations engaged in the environmental protection, that are registered with the responsible authority;

29) **responsible authority** means an authority responsible for the implementation of obligations within competences laid down in this Law, in particular:

- ministry responsible for environment;
- province authority responsible for environment;
- responsible authority of the local self-government unit;

29a) **public authority** means an authority responsible for the fulfilment of obligations within competences laid down in this Law, as follows:

- ministry responsible for environment;
- provincial authority responsible for environment;
- competent authority in a local self-government unit;
- other public authority, authority of an autonomous territory, authority of a local self-government unit or organisation with conferred public competences;
- natural and legal persons performing public functions or exercising public competences, including specific duties, activities or services in relation to the environment, and other natural or legal persons exercising public competences or providing public services relating to the environment that are under their control;
- legal person established by a public authority, authority of an autonomous territory, authority of a local self-government unit and organisations with conferred public competences or financed entirely or mostly from budgetary funds;

30) **operator** means any natural or legal person that, in accordance with regulations, manages the installation or an establishment or controls it or is authorized for making economic decisions in the field of technical functioning of an installation;

31) **Seveso installation, i.e. installation where activities are performed in which hazardous materials are present or may be present in equal or higher quantities than prescribed** (hereinafter referred to as the Seveso installation) means a technical unit within the establishment where hazardous materials are produced, utilized, stored or handled. Installation shall include all equipment, buildings, pipelines, machines, tools, internal tracks and warehouses, wharfs, unloading ports for installations, piers, storehouses or similar structures, on water or land, which are necessary for the operation of installations;

32) **establishment** means the spatial unit under control of an operator where hazardous materials are present in one or several installations, including individual or common infrastructure or individual or common activities;

33) **requirements related to environmental quality** means a set of conditions and requirements that must be met at the specified time and on the specified area or in certain environmental media, in accordance with special regulations;

33a) **environmental information** means all information in written, visual, aural, electronic or other material form, held by or for a public authority, on:

1) the state of environmental factors such as air and atmosphere, water, land, soil, regions and natural areas, including swamp, inshore, river and lake areas, biodiversity and its components, geodiversity and geological inheritance, genetically modified organisms, and interaction of these factors;

2) factors such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment affecting or likely to affect the elements of the environment referred to in subpoint 1 of this point;

3) measures (including administrative measures) such as public policies, strategies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in subpoints 1 and 2 of this point, and established measures or activities for the protection of these factors;

4) reports on the implementation of environmental legislation;

5) cost-benefit analysis, economic analysis and assumptions used within the framework of the measures and activities referred to in subpoint 3 of this point;

6) the state of human health and safety, including the threatened food webs, and, if necessary, conditions of human life, immovable cultural property and their protected environment, and construction facilities, in as much as they are or might be affected by the state of environmental factors referred to in subpoint 1 of this point, through such factors, the state of any factors referred to in subpoints 2 and 3 of this point;

33b) **information held for a public authority** means environmental information possessed by a natural or legal person that keeps this information on behalf of a public authority;

33c) **sludge** means processed or unprocessed residue from technological waste water treatment facilities;

33d) **applicant for environmental information** may be anyone in accordance with the Law on Free Access to Information of Public Importance;

33e) **information concerning environmental threats or environmental protection** means the information on imminent danger resulting from human activity or natural causes, including information on the emissions to the environment.

## **Subjects of the Environmental Protection System**

### **Article 4**

The environmental protection system shall be carried out, within their respective competencies, by:

1) Republic of Serbia;

2) Autonomous Province;

3) Municipality, i.e. the city (hereinafter referred to as the local self-government unit);

4) Companies, other domestic and foreign legal entities and entrepreneurs that use natural values in their economic and other activities, endanger or pollute the environment (hereinafter referred to as the legal and natural entities);

5) Scientific and professional organisations and other public services;

6) Citizens, groups of citizens, their associations, professional and other organisations.

All the subjects of the environment system shall preserve and improve the environment.

## **Liabilities of Subjects**

### **Article 5**

In the implementation of the environmental protection system, the Republic of Serbia, Autonomous Province, local self-government unit, legal and natural entities shall be responsible for every activity, with which they change or may change state and conditions of the environment, i.e. for failing to implement environmental protection measures in accordance with law.

In performing their activities, legal and natural entities are obliged to provide: rational use of natural resources, calculation of environmental protection expenditures in their investment and running costs, implement regulations, namely take environmental protection measures in accordance with law.

## **Raising Awareness**

### **Article 6**

State authorities, scientific institutions, education, information, culture and other institutions, as well as other types of societies, in the field of their work shall inspire, direct and ensure better awareness concerning the importance of environmental protection.

Raising awareness about the importance of environmental protection is provided through education and upbringing system, science research and technological development, public information and popularization of environmental protection.

## **Citizens' Associations**

### **Article 7**

Citizens' associations in the field of environmental protection shall prepare, promote and implement their protection programme, protect their rights and interest related to environmental protection, propose activities and measures conducive to protection, participate in the decision making process in accordance with law, help or directly disseminate information about the environment.

## Cooperation

### Article 8

The subjects involved in the environmental protection system shall be bound to cooperate, provide for coordination and harmonisation in decision making and decision implementation.

The Republic of Serbia shall cooperate with other governments and international organisations in the environmental domain.

## Principles of Environmental Protection

### Article 9

The basic principles of environmental protection shall be:

1) **Integration principle** - State authorities, those of the autonomous province and local self-government units shall provide the integration of environmental protection and enhancement into all sector policies by implementing mutually harmonised plans and programmes and by implementing regulations through permit system, technical and other standards and norms, by financing, through incentive and other measures of environmental protection.

2) **Preventive and precautionary principle** – Every activity must be planned and implemented in the way that: causes minimal possible change in the environment; represents the smallest risk towards the environment and human health; reduces spatial burden and consumption of raw materials and energy in construction, production, distribution and utilization; includes the possibility for recycling; prevents or limits impact to the environment at the source of pollution.

The precautionary principle shall be implemented through environmental impact assessment and through usage of best available and accessible technologies, techniques and equipment.

The absence of full scientific reliability cannot be the reason for non-performance of measures for the prevention of environmental degradation in case of possible or existent significant impacts to the environment.

3) **Principle of natural value preservation** - Natural values shall be used under the conditions and in the manner to ensure the preservation of the values of geodiversity, biodiversity, protected natural goods and landscape.

Renewable natural resources shall be used under the conditions which ensure their permanent and efficient renewal and permanent quality enhancement.

Non-renewable natural resources shall be used under the conditions which ensure their long-term, economical and reasonable utilization, including limited utilization of strategic or rare natural resources and substitution by other available resources, composite or artificial materials.

**4) Sustainable development principle** - The sustainable development is a harmonized system of technical/technological, economic and social activities in the overall development, where the natural and man-made values of the Republic of Serbia are used in a cost-efficient and reasonable manner, in order to preserve and enhance the quality of the environment for the present and future generations.

The sustainable development shall be implemented through promulgation and implementation of decisions producing balance between the environmental protection and the interest of economic development.

**5) Principle of polluters' and legal successors' liability** - Any legal or natural entity that shall be involved in environmental pollution by its illegal or improper activities shall be liable in accordance with law.

The polluter shall be liable for environmental pollution also in the case of winding up or bankruptcy of the company or other legal entities, in accordance with law.

The polluter or its legal successor shall be bound to eliminate the cause of pollution and the consequences of direct or indirect environmental pollution.

Changes in the ownership of companies or other legal entities or other changes in the ownership structure shall include assessment and allocation of liability for environmental pollution, and settlement of debts (charges) of the ex-owner on account of pollution or damage to the environment.

**6) Polluter pays principle** - The polluter shall pay charges for environmental pollution if it causes or may cause, by its activities, load to the environment, i.e. if it produces, utilizes or markets raw material, semi-finished or final products containing material dangerous for the environment.

The polluter, under the legal regulations, shall bear the total costs of measures for prevention and reduction of pollution, including the costs of risks for the environment and cost of elimination of damage inflicted on the environment.

**7) User pays principle** – Any person that utilizes natural values shall pay real cost for their utilization and recultivation of the area.

**8) Principle of subsidiary liability** - State authorities, within their financial abilities, shall eliminate the consequences of environmental pollution and reduce damages when the polluter is unknown, and when pollution originates from the sources outside the territory of the Republic of Serbia.

**9) Principle of applying incentive measures** - State authorities, i.e. those of the autonomous province, local self-government units shall take measures for the preservation and sustainable management of environmental capacities, particularly by reduced utilization of raw materials and energy and prevention or reduction of environmental pollution via economic instruments and other measures, by the best available techniques, facilities and equipment, which shall not require excessive cost, and through selection of products and services.



10) **Principle of public information and participation** - In the exercise of the right to healthy environment everyone shall be entitled to be informed of the state of the environment and to participate in the process of making decisions whose implementation may have an effect towards the environment.

The data about the state of the environment shall be open to public.

11) **Principle of protection of right to healthy environment and access to justice** - A citizen or groups of citizens, their associations, professional and other organisations shall be entitled to exercise their right to healthy environment before the competent authority or the court in accordance with law.

## **Special Laws**

### **Article 10**

Sustainable management of natural values as well as the protection of the environment shall be governed by this Law, special laws and other regulations, governing:

- 1) Assessment of impact of plans, programmes and projects on the environment;
- 2) Integrated prevention and control of pollution;
- 3) Protection of nature;
- 4) Protection of air, water, soil, forests, geological resources;
- 5) Chemicals management;
- 6) Waste management;
- 7) Ionizing and non-ionizing radiation;
- 8) Protection against noise and vibrations;
- 8a) Control of the major risks of accidents involving dangerous substances;
- 8b) Transboundary movement and trade in wild species.

## II MANAGEMENT OF NATURAL VALUES

### **1. Planning and Utilization of Natural Values**

#### *Management of Natural Values*

#### **Article 11**

Natural values management shall be carried out by planning sustainable utilization and preservation of their quality and versatility, in accordance with the conditions and measures of environmental protection set out in this Law and in special laws.

Natural values shall be:

- 1) natural resources as renewable or non-renewable geological, hydrological and biological values, which are, directly or indirectly, usable or exploitable, and which have real or potential economic value;
- 2) protected natural goods;
- 3) public natural goods.

Natural values may be subject to concession in accordance with the conditions and in the manner set in this Law and in special laws.

#### *Strategic Documents*

#### **Article 12**

Sustainable use and protection of natural values shall be provided for within the Strategy of Spatial Development of the Republic of Serbia and the National Strategy of Sustainable Use of Natural Resources and Goods.

The National Strategy on the Sustainable Use of Natural Resources and Goods (hereinafter referred to as the National Strategy) shall be enacted by the Government for the period of at least ten years.

The National Strategy shall contain, in particular:

- 1) Principles of sustainable development in the national policy of management of natural resources and goods;
- 2) Analysis of the state and thus far level of exploration of natural resources and goods by types, spatial layout, diversity, volume and quality;
- 3) Balance categories (spatial and time functions, quantities, quality, threat, renewability, strategic reserves, etc.) and anticipation of trends of change in the status;

- 4) Manner of evaluation and conditions of sustainable use of natural resources and goods;
- 5) Planning and developing as well as socio-economic analysis of strategic priorities of exploration and utilization of natural resources;
- 6) Ecological-spatial master plans on the potentials of natural resources or goods;
- 7) Conditions for gradual substitution of natural resources;
- 8) Guidelines for further research in the area of individual natural resources and goods and for planning needs, i.e. enacting plans and programmes.

The National Strategy shall be implemented through plans, programmes and master plans for every individual natural resource or good that are enacted by the Government.

On the basis of data and records on the implementation of plans, programmes and master plans, the ministry responsible for environment (hereinafter referred to as the Ministry), in cooperation with other responsible ministries, shall biannually prepare a report on the implementation of the National Strategy and submit it to the Government.

If it is found from the data on the implementation of the National Strategy that the use of natural resources significantly endangers the natural balance of the ecosystem, the Government may, upon the proposal of the Ministry responsible for environmental protection or other ministry, temporarily limit the scope of use of natural values in specific area.

The National Strategy shall be published in the *Official Gazette of the Republic of Serbia*.

#### *Plans and Programmes of the Autonomous Province and Local Self-Government Unit*

### **Article 13**

The autonomous province and local self-government unit, within the responsibilities specified in this Law and special laws, shall adopt their plans and programmes of management of natural resources and goods, in accordance with the strategic documents referred to in Article 12 of this Law and their specificities.

Two or more self-government units may adopt joint programmes referred to in paragraph 1 of this Article.

#### *Control of Utilization and Protection*

### **Article 14**

Control of utilization and protection of natural resources and goods shall be ensured by bodies and organisations of the Republic of Serbia, autonomous province and self-government unit, in accordance with this Law and special laws, and in particular through:

- 1) Implementation of the National Strategy, plans, programmes and master plans;
- 2) Application of standards, norms and regulations on utilization and protection of natural

resources and goods;

3) Strategic impact assessment on the environment of plans, programmes, master plans and other acts governing the utilization of natural values and environmental protection;

4) Impact assessment of projects on the environment on all levels of research and exploitation;

5) Integrated prevention and control of environmental pollution;

6) Harmonised system of licenses, approvals and consents;

7) Maintenance of cadastre of utilization of natural resources and goods;

8) Organizing monitoring of utilization of natural resources and goods, state of the environment through collection, compilation and analysis of data and quantification of trends.

### *Consent to Use*

#### **Article 15**

A competent authority may not issue an approval for the use of natural resources without a given consent to an environmental protection and rehabilitation project during and after the use of the natural resource.

The consent referred to in paragraph 1 of this Article shall not be obtained for works and activities on the use of natural resources which are, in accordance with special law, subject to the environmental impact assessment procedure and for which the environmental protection and rehabilitation measures during and after the use of the resources are laid down in the framework of the impact assessment procedure.

The consent to the project referred to in paragraph 1 of this Article is issued by the Ministry.

The Minister responsible for environmental protection (hereinafter referred to as the Minister) shall prescribe in more detail the content of the project referred to in paragraph 1 of this Article, as well as the procedure and conditions for the issuance of the consent to the project.

### *Rehabilitation and Remediation*

#### **Article 16**

A legal or natural person degrading the environment shall perform rehabilitation and remediation of the degraded environment, in accordance with a rehabilitation and remediation project.

The Ministry shall give consent to the rehabilitation and remediation project referred to in paragraph 1 of this Article, except for rehabilitation and remediation projects for mining facilities.

The consent referred to in paragraph 2 of this Article shall be issued in the form of a decision and shall be valid for 2 years from the date of issue.

The decision referred to in paragraph 3 of this Article is final and an administrative dispute may be filed against it.

In the procedure of issuing the consent referred to in paragraph 2 of this Article, the Minister, by way of a decision, may establish a special working group in accordance with the regulations on public administration.

When the person referred to in paragraph 1 of this Article does not perform rehabilitation and/or remediation of the degraded area, the Ministry shall, at the expense of the person referred to in paragraph 1 of this Article, perform the required actions in order to rehabilitate and/or remediate the degraded area.

In case of an initiated procedure of winding up or bankruptcy of the person referred to in paragraph 1 of this Article, the rehabilitation and remediation costs shall be covered from the bankruptcy estate.

The application for consent and the rehabilitation and remediation project referred to in paragraph 1 of this Article shall be submitted in written and/or electronic form.

The minister shall prescribe in more detail the content of the rehabilitation and remediation project, procedure and conditions for provision of consent to the project, and the documentation that should be submitted with the application for provision of consent referred to in paragraph 2 of this Article.

### *Protected Natural Goods*

#### **Article 17**

Protected natural goods shall be used and developed in the manner that enables their permanent preservation and advancement, in accordance with law governing nature protection.

The activities which threaten environmental capacity, natural balance, biodiversity, hydrographical, geomorphologic, geological, cultural and scenery values or in any way degrade the quality and properties of the natural good may not be performed in the protected natural good.

### *Utilization and Protection of Public Natural Goods*

#### **Article 18**

Public natural goods, as well as goods of general interest shall be used in a way and under conditions which shall enable development and permanency of their natural, physical, health or aesthetic values in accordance with the regulations.

### *Utilization of Space*

#### **Article 19**

Development and spatial plans shall determine construction zones at certain locations depending on environmental capacity and the degree of load, as well as on the objectives of the construction within certain parts of those locations.

In certain zones where protected distance or area has been established, it shall be allowed to carry out the activities in a way determined by special regulations in accordance with the nature of the load to the environment.

## *Public Green Areas*

### **Article 20**

Public green areas in the inhabited places and areas encompassed by spatial and urban plans shall be made and maintained in a manner that enables preservation and development of natural and man-made values.

If a public green area has been destroyed due to a facility construction, it must be compensated under the conditions and in the manner determined by the local self-government unit.

Assembly of the local self-government unit shall adopt a special decision to regulate the general conditions of protection, the manner of establishment and maintenance, rehabilitation of degraded public green areas as well as the keeping of records concerning public green areas.

## **2. Protection of Natural Values**

### ***Integrated Protection***

#### **Article 21**

Protection of natural values shall be ensured through the implementation of measures for their quality, quantity and reserves preservation, as well as their natural processes, i.e. their inter-relation and overall natural balance.

### ***Protection of Land and Soil***

#### **Article 22**

Protection of land area (land) and its sustainable use shall be achieved through the measures of systematic monitoring of land quality, monitoring of indicators for the assessment of risk of land degradation, as well as through the implementation of remediation programmes for removing consequences of land contamination and degradation, regardless if they occur naturally or are caused by human activities.

Upon change of the holder of the right to utilize land, the land user whose right to utilization ends, and whose activity has affected or could have affected or impeded natural functions of land, shall prepare a report on the state of land.

Programme of systematic monitoring of land quality, indicators for assessment of risk of land degradation and methodology for preparation of remediation programmes referred to in paragraph 1 of this Article shall be prescribed by the Government.

The Minister shall prescribe content and methodology for the preparation of report on the state of land referred to in paragraph 2 of this Article.

## *Water Protection*

### **Article 23**

Waters may be used and burdened, and wastewaters discharged into waters with the application of adequate treatment, in the manner and up to the level which shall not represent threat to natural processes or to renewal of quality and quantity of water and which shall not reduce the possibility of their multi-purpose utilization.

Protection and utilization of waters shall be implemented within the integral water management through undertaking and implementing measures for the preservation of surface and underground waters and their reserves, quality and quantity, as well as through protection in accordance with special law.

A legal person and/or entrepreneur owning wastewater treatment facilities or planning to build them and who is discharging waste water into a recipient or public sewerage, except facilities subject to integrated permits, shall adopt an action plan for gradually achieving limit values of pollutant emission into the water, set time limits for their gradual achievement and act in line with the action plan in accordance with the regulation on limit values for pollutant emission into the water and time limits for their achievement.

The sludge produced in the process of communal wastewater treatment must be treated, disposed of and used in a manner that does not endanger the environment and human health, in accordance with law governing water pollution.

The sludge produced in the process of technological wastewater treatment must be treated, disposed of and used in accordance with law on waste management, with the exception of sludge which is the mining waste produced in the process of exploitation and mineral resources preparation.

For the purpose of protection and preservation of quantities and quality of underground water reserves, detailed research work shall be conducted, as well as preparation of balance of reserves of underground waters.

Protection of waters shall be achieved through undertaking of systematic and control monitoring measures of water quality, reducing pollution of waters with pollutants below the prescribed limit values and undertaking technical-technological and other measures necessary for their treatment, in order to avoid introduction of dangerous, waste and other harmful substances in waters, as well as through monitoring the effect of polluted waters on the health of humans, animals and plants and the environment.

Protection of waters shall include protection of waters from the impact of transboundary pollution, in a manner to ensure the overall preservation of waters.

## *Air Protection*

### **Article 24**

Air protection shall be ensured through undertaking measures of systematic air quality monitoring, reducing pollution of air with pollutants below the prescribed limit values and by undertaking technical-technological and other necessary measures for emission reduction, by monitoring polluted air impact on the human health and environment. Measures of air protection shall ensure overall atmosphere preservation with all of its processes and climatic characteristics.

### *Protection and Preservation of Forests*

#### **Article 25**

For the purpose of protection and enhancement of forest ecosystems, forests shall be administered in a manner that shall ensure rational forest management, genetic fund preservation, improvement of the structure and realization of forests priority functions.

State authorities, forest owners and users shall undertake necessary measures for preservation and sustainable use of forests, measures of renewal, afforestation and their improvement, as well as control and protection of forests in case of transboundary pollution.

### *Biosphere Preservation and Biodiversity Protection*

#### **Article 26**

Biosphere preservation shall comprise protection of organisms, their communities and habitats including preservation of natural processes and balance within the ecosystem, ensuring their sustainability.

Biodiversity and biological resources shall be protected and used in a way that shall enable their survival, diversity, renewal and improvement in case of disturbance.

Biodiversity protection, use of biological resources, genetically modified organisms and biotechnology shall be carried out pursuant to this Law and special law, as well as obligations undertaken through international agreements.

### *Protection and Use of Flora and Fauna*

#### **Article 27**

In order to protect biodiversity and biological resources, i.e. autochthonic plant and animal species and their spreading, the Ministry, other competent bodies and organizations shall control import and growth of plant and animal species of foreign origin.

It shall be prohibited to harass, abuse, hurt and destroy wild fauna and to demolish their habitats.

It shall be prohibited to destroy, tear or in any other manner devastate wild flora or to destroy and demolish their habitats.

Certain species of wild flora and fauna, their developed forms and parts may be collected and placed on the market in the manner and under the conditions determined in a license issued by



the Ministry, upon previously obtained opinion of the organization responsible for nature protection.

Legal person or entrepreneur engaged in circulation of wild flora and fauna shall pay the charge.

The amount of the charge referred to in paragraph 5 of this Article shall be determined in the act on placing under control use and circulation of wild flora and fauna which shall be adopted by the Government.

The funds collected from the charge referred to in paragraph 6 of this Article shall be revenue of the budget of the Republic of Serbia and shall be used for environmental protection and enhancement purposes in accordance with this Law.

### *Movement and Trade in Specimens of Wild Flora and Fauna*

#### **Article 28**

The transboundary movement and trade in specimens of wild flora and fauna (import, export, taking in, taking out, re-export) and their developed forms and parts may be performed provided that import and/or export is not prohibited and/or that the quantity and number of specimens of wild flora and fauna subject to the transboundary movement and trade do not endanger the survival of the species, and other conditions imposed by law.

The transboundary movement and trade referred to in paragraph 1 of this Article shall be performed on the basis of a permit and/or document issued by the Ministry in the capacity of a competent public administration body for the implementation of ratified international agreements on transboundary movement and trade of protected species of wild flora and fauna.

The transit of specimens of wild flora and fauna species protected under an international agreement, their developed forms, parts and derivatives may be performed provided that the consignment is accompanied by a valid original export permit and/or certificate of re-export, issued by a competent authority in the state of export or re-export, which clearly states the final destination.

With the application for the permit and/or document referred to in paragraph 2 of this Article, the applicant shall submit:

- 1) Documentation evidencing that the specimens of wild flora and fauna were acquired in accordance with ratified international agreements and regulations on the protection of certain species in the country of export or re-export;
- 2) A statement of the importer and/or exporter on the purpose of use of the specimen;
- 3) Other required documentation.

In the procedure of issuing permits and/or documents referred to in paragraph 2 of this Article, the Ministry shall, via electronic means, forward the application and supporting documentation to an authorized scientific and professional organisation in order to obtain an expert opinion.

The scientific and professional organisations referred to in paragraph 5 of this Article shall perform expert activities relating to:

- 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;
- 9) Other expert activities relating to the implementation of ratified international agreements.

The Minister shall appoint scientific and professional organisations for the expert activities referred to in paragraph 6 of this Article, and the manner of obtaining and submitting expert opinion.

The Minister may establish a special body composed of representatives of scientific and professional organisations referred to in paragraph 5 of this Article, i.e. scientists and professionals, in order to provide the final assessment on certain issues relating to transboundary movement and trade in wild species, conditions for keeping and breeding in captivity, marking, origin of specimens, taxonomic determination and other procedures involving wild species.

The Minister shall prescribe in more detail documentation to be submitted with the application referred to in paragraph 4 of this Article, and the content and the appearance of the permit.

The Ministry shall keep a register on issued permits in a prescribed manner.

### *Hazardous materials*

#### **Article 29**

Management of hazardous materials shall be carried out under the conditions and in the manner that ensures reduction of risk from their properties dangerous to the environment and human health in the process of production, storage, utilization and disposal.

Legal and natural persons managing hazardous materials shall plan, organize and undertake all necessary preventive, protective, safety and rehabilitation measures by which the risk to the environment and human health is reduced to the least possible level.

The Minister, in cooperation with the ministers responsible for health, safety at work, mining and energy and internal affairs, shall prescribe detailed conditions that must be met by warehouses of hazardous materials, as well as the instructions on conditions and manner of storing hazardous materials.

### *Waste Management*

#### **Article 30**

Waste management shall be implemented according to the prescribed conditions and measures of waste treatment within the system of collecting, transportation, storage, preparation for reuse and/or recovery, treatment and disposal of waste, including supervision of

these activities and care for the installations for waste management after their closure.

The waste owner and/or other holder shall undertake measures of waste management in order to prevent or reduce waste generation, reuse and recycling, separation of secondary raw materials and use of waste as energy source, and/or waste disposal.

### *Protection Against Noise and Vibrations*

#### **Article 31**

The user of noise source may place on the market and use noise sources according to the prescribed conditions with the application of prescribed measures of protection by which noise emissions, i.e. the use of installations, devices, machines, means of transportation and apparatus causing noise are reduced.

Protection against vibrations shall be enforced by undertaking measures by which threat to the environment from effects of mechanical, periodical and individual vibrations caused by human activity is prevented and eliminated.

### *Protection from Radiation*

#### **Article 32**

Protection from radiation shall be enforced through the implementation of the system of measures by which threat to the environment and human health from the effects of radiation generated in ionizing and non-ionizing sources is prevented and by which the consequences of emissions that radiation sources emit or may emit are eliminated.

Legal and natural persons may produce, circulate and use sources of ionizing and non-ionizing radiation according to the prescribed conditions and in the prescribed manner.

## **III MEASURES AND CONDITIONS OF ENVIRONMENTAL PROTECTION**

### ***1. Preventive Measures***

#### *Planning and Construction*

#### **Article 33**

Spatial planning, use of natural resources and goods established by spatial and urban plans and other plans (spatial plans and master plans for use of agricultural land, forest, water management, hunting master plans and programmes of enhancement of fishery in fishing areas and other plans) shall be based on the obligation to:

1) preserve, enhance and to the greatest extent renew natural resources and goods, and if they are not renewable, to use them rationally;

1a) ensure preservation and maintenance of significant or characteristic attributes of

landscape, enhancement of landscape, their re-establishment and re-creation, which are of great importance for the protection of wild flora and fauna and their habitats;

2) ensure protection and unimpeded realization of functions of protected natural goods with their protected environment and to preserve habitats of wild plant and animal species and their communities to the greatest possible extent;

3) ensure preservation of built-up areas;

4) ensure conditions for human relaxation and recreation;

5) establish measures of environmental protection;

6) illustrate the existent state according to elements referred to in points 1, 2, 3 and 4 of this Article and the planned state with measures necessary for the fulfilment of plans.

The Ministry, autonomous province authority or local self-government unit shall participate in the procedure of preparation and adoption of plans referred to in paragraph 1 of this Article, in the manner specified by law.

### *Spatial and Urban Planning*

#### **Article 34**

Spatial and urban plans shall ensure measures and conditions of environmental protection, and in particular:

1) determining special regimes for preservation and use of the areas of protected natural goods, water-supply sources, thermal and mineral springs, forests, agricultural land, public green areas, recreation areas and spas;

2) determining areas of endangered parts of the environment (polluted areas, areas endangered with erosion and torrents, exploitation of mineral raw materials, flooded areas, and the like) and determining measures for rehabilitation of such areas;

2a) determining measures of integrated protection and planning of landscape, aimed at regulating long-term conception, purpose and organization of landscape and harmonizing multipurpose utilization of space that threatens the landscape (agriculture, forestry, water management, mining, energy, transportation, habitation, recreation and other);

2b) determining areas in which appropriate distances shall be maintained in the long term between installations where one or more hazardous materials are present or may be present in quantities higher than prescribed, and residential areas, public areas, as well as areas of special interest, for the purpose of protecting human life and health and the environment;

3) determining measures and conditions of environmental protection according to which space intended for exploitation of minerals shall be utilized, or according to which industrial and energy facilities shall be constructed as well as facilities for waste storage, preparation for reuse, treatment and/or recovery and disposal, infrastructure and other facilities whose

construction or utilization may threaten the environment.

Conditions for ensuring measures referred to in paragraph 1 shall be provided by the Ministry, authority of autonomous province and/or local self-government unit, at the request of the authority competent for preparing and adopting the plan, and on the basis of requirements and opinions of competent professional organisations.

### *Strategic Environmental Impact Assessment (SEIA)*

#### **Article 35**

The strategic environmental impact assessment shall be carried out for strategies, plans, programmes and master plans in the field of spatial and urban planning or land utilization, agriculture, forestry, fishing, hunting, energy, industry, traffic, waste management, water management, telecommunications, tourism, infrastructure systems, protection of natural and culture goods, plant and animal life and their habitats etc., and it shall be an integral part of the plan, programme or master plan.

Strategic environmental impact assessment must be harmonised with other environmental impact assessments, as well as with plans and programmes for the protection of environment, and it shall be carried out in accordance with the procedure prescribed in special law.

Autonomous province or local self-government unit, within their rights and responsibilities, shall specify the types of plans and programmes for which strategic impact assessment is prepared.

### *Environmental Impact Assessment (EIA)*

#### **Article 36**

The environmental impact assessment of the project shall be carried out for the projects that are planned and implemented in an area, including changes in technology, reconstruction, expanding of capacities or termination of operations, which may result in significant environmental pollution or which constitute risk to human health.

Impact assessment shall be carried out for projects in the fields of industry, mining, energy, traffic, tourism, agriculture, forestry, water management, waste management and utility activities, as well as for projects planned on the protected natural good and in the protected environment of non-movable cultural good.

Environmental impact assessment of the project shall be an integral part of the technical documentation without which project execution may not commence and it shall be carried out in accordance with the procedure prescribed in special law.

### *Integrated Prevention and Pollution Control*

#### **Article 37**

For the operation of new and existent installations and activities that may have negative impact on human health and environment or material goods, an integrated license shall be required,

which ensures the prevention and control of the environmental pollution.

Types of activities and installations, conditions and procedure of issuing an integrated license, supervision and other issues relevant for integrated prevention and control of environmental pollution shall be governed by special law.

### *Chemical Accident Protection*

#### **Article 38**

The operator of the Seveso installation/establishment where activities are performed, in which one or more hazardous materials is present or may be present in the prescribed quantities, shall undertake all the necessary measures for preventing chemical accident and limiting impact of such accident on the life and health of humans and on the environment for the purpose of creating conditions for risk management, in accordance with this Law.

### **2. Conditions for Environmental Protection**

#### **2.1. Requirements Related to Environmental Quality and Requirements Related to Emission**

##### *Limit Values*

#### **Article 39**

In the Republic of Serbia the requirements shall be determined with respect to the environmental quality, i.e. limit values of the level of pollutants, noise, radiation and energy and limit values of their emissions into air, water and soil, including emission from mobile sources of pollution.

Uniform norms shall be established in order to: control the quality of air, water, soil, procedures with waste and chemicals, wastewater treatment, industrial pollution and risk management, level of noise and vibrations and other.

Limit values referred to in paragraph 1 of this Article shall be determined by the Government in accordance with special regulations.

##### *Conditions for Operation of Installations and Performance of Activities*

#### **Article 40**

Construction and operation of installations and performance of activities shall be carried out if the prescribed requirements for emission and level of pollutants in environmental media, equipment and devices that reduce or prevent emission of pollutants or energy and provide for its preservation, are fulfilled, i.e. if other measures and activities have been undertaken to secure the prescribed conditions for environmental protection.

Pollutants and hazardous materials, wastewater or energy shall be released into air, water and soil in the prescribed manner and in the quantities, i.e. concentrations or levels not exceeding the prescribed limit values.

Means of transportation that are produced and/or placed on the market must meet the conditions with respect to emission for mobile pollution sources.

### *Limitation Aimed at Fulfilment of Requirements*

#### **Article 41**

With the view to gradual fulfilment of requirements related to emissions and levels of pollutants in environmental media referred to in Article 39 of this Law and conservation of natural values, the Government may, for a specific period, limit the operation of installations and performance of activities in a certain area.

The period for which the Government imposes limitations referred to in paragraph 1 of this Article shall be specified in accordance with the prescribed limit values and the National Programme of Environmental Protection.

### *Warnings of the Public*

#### **Article 42**

The Ministry shall inform the public and adopt an act introducing special measures in case of immediate threat or excess of the prescribed limit values of pollution.

The Minister shall prescribe the criteria for adoption of the act referred to in paragraph 1 of this Article and the manner of warning the public.

The local self-government unit authority shall adopt an act introducing special measures in the case referred to in paragraph 1 of this Article if the pollution is limited to the territory of the local self-government unit and has no impact on the wider area.

### *State of Endangered Environment*

#### **Article 43**

The Government shall define criteria for determining the state of endangered environment and for determining priorities for rehabilitation and remediation.

Based on criteria referred to in paragraph 1 of this Article, the state of endangered environment and priorities for rehabilitation and remediation for the area of significance for the Republic of Serbia shall be determined by the Ministry, subject to the opinion obtained from other responsible authorities, and for the area of local significance they shall be determined by the local self-government unit.

The local self-government unit shall obtain the prior consent of the Ministry on the proposal of act determining the state of endangered environment and priorities for rehabilitation and remediation for areas of local significance, and for areas of local significance on the territory of autonomous province, the consent of the responsible authority of autonomous province.

## **2.2. Environmental Protection Management System**

### *Environmental Protection Management System*

#### Article 44

In the Republic of Serbia, Serbian standards for the management and certification of the environmental management system shall apply.

Legal persons, entrepreneurs, organisations and other legal entities may certify their environmental management system in accordance with standard SRPS ISO 14001.

Legal persons, entrepreneurs and organisations that have an established environmental management system may become involved in the community Eco-Management and Audit Scheme (hereinafter EMAS).

The persons referred to in paragraph 3 of this Article shall submit an application to the Ministry for the confirmation of data on official records in the field of the environmental protection (issued permits, approvals, consents, findings of the inspection authority competent for the environmental protection, etc.) in order to be included in EMAS.

The application for the confirmation referred to in paragraph 4 of this Article shall contain:

- 1) data on the legal person, entrepreneur and organisation (activity for which it is registered, number of employees and its headquarters);
- 2) a short description of the established environmental management system;
- 3) other required data in accordance with law.

With the filled in form of application referred to in paragraph 5 of this Article, the following documentation shall be submitted:

- 1) proof of registration of the activity;
- 2) copy of submitted application for EMAS registration;
- 3) other documents in accordance with this Law.

In the procedure for the issuance of the confirmation referred to in paragraph 4 of this Article, the Ministry may request additional data from other competent authorities with relevance to the environmental protection.

For the submission of the application and for the issue of the confirmation, a fee shall be paid in accordance with law on Republic Administrative Fees.

The Ministry shall keep records on confirmations issued.

The Minister shall specify:

- 1) the content and the form of the application for the confirmation, documentation submitted with the application, the content and the confirmation form;
- 2) the content, manner of keeping and the appearance of the records.



## **Articles 45 through 50**

*(Deleted)*

### **2.3. Quality Requirements for Products, Processes and Services**

*Technologies, Processes, Products, Semi-Finished Products, Raw Materials*

#### **Article 51**

On the territory of the Republic of Serbia, domestic or imported technology or processes may be applied, or products produced and placed on the market if they meet the requirements related to the environment and/or product quality requirements, or if technology, processes, products, semi-finished products or raw materials are not prohibited in the exporting country.

The Ministry may, in case of doubt, instruct evaluation of the harmful effect of technology, processes, products, semi-finished products or raw materials referred to in paragraph 1 of this Article on the environment, even if accompanied with the prescribed document.

The evaluation of technology, processes, products, semi-finished products or raw materials referred to in paragraph 2 of this Article shall be provided within 30 days after the receipt of application by the accredited professional organisation or experts in specific fields.

Devices for removal or treatment of pollutants for which domestic standards have not been prescribed, may be used if their efficiency for such purposes has been determined by an authorized professional organization.

The Ministry may prohibit the production and circulation of certain products and performance of certain activities, for a specific period or on a part of territory of the Republic of Serbia and/or autonomous province and/or local self-government unit, in order to prevent threat to the environment or human health.

#### *Product Label Warning*

#### **Article 52**

Producer or distributor shall warn on the product label of a raw material, semi-finished product or product, of the environmental pollution and damage to human health, which the product or its packaging causes or may cause.

The warning must contain the instructions for use or handling of the product, ingredients and its packaging in the production, use and disposal, in accordance with the applicable standards and regulations for handling.

## *Ecological Label*

### **Article 53**

Ecological label shall be established for products intended for general consumption, except foodstuffs, agricultural and other products obtained in accordance with regulations governing organic production, production of beverages, production of pharmaceutical products and medical equipment, if their production, marketing, circulation, consumption and disposal cause less environmental pollution compared with similar products, or if they are obtained from waste recycling.

Ecological label shall also be established for products and services that are less polluting to the environment.

Legal or natural person may obtain the right to use ecological label for products or services if their production and/or provision result in reduced:

- 1) Consumption of energy resources;
- 2) Emission of harmful and hazardous materials;
- 3) Production of waste;
- 4) Consumption of natural resources and other.

The Minister shall prescribe conditions, criteria and procedure for obtaining the right to use ecological label, elements, design and the manner of use of ecological label for products and services.

## *Awarding and Withdrawal of Ecological Label*

### **Article 54**

The Ministry shall issue an act granting the right to use ecological label.

The right to use ecological label shall be granted for the period of up to three years.

The interested party shall submit the application for obtaining ecological label to the Ministry.

The application shall be accompanied with the evidence of fulfilment of conditions referred to in Article 53 of this Law.

The costs of granting the right to use ecological label shall be borne by the applicant.

The Minister shall prescribe the amount of costs referred to in paragraph 5 of this Article.

The right to use ecological label shall be withdrawn if the product or service ceases to fulfil one of the conditions for granting the label.

## *Acclaims and Awards*

### **Article 55**

Acclaims and awards for contribution to the environmental protection may be granted for:

- 1) prevention of environmental pollution;
- 2) the most favourable solutions in production processes with respect to the environment;
- 3) development and research projects in the field of environmental protection;
- 4) development of educational programmes for environmental protection;
- 5) contribution of individuals for development and advancement of environmental protection or contribution in international cooperation;
- 6) contribution of professional and other associations and non-governmental organizations for development and advancement of environmental protection;
- 7) contribution in the area of nature protection.

The Minister shall prescribe the procedure and conditions for granting the acclaims and awards.

## ***3. Measures of Protection Against Hazardous Materials***

### **3.1. Circulation**

#### **Article 56**

*(Deleted)*

### ***Importation, Exportation and Transit of Waste***

#### **Article 57\***

The importation of hazardous waste shall be prohibited.

License for import, export or transit of waste shall be issued by the Ministry in accordance with law and other regulations.

When submitting an application for issuing license for import, export and transit referred to in paragraph 1 of this Article, the applicant shall submit the documentation whose content is prescribed by the Ministry.

The Minister shall prescribe the conditions that must be fulfilled by professional organizations for waste testing.

The Minister shall specify professional organizations referred to in paragraph 5 of this Article.

### **3.2. Protection Against Chemical Accident**

#### *Obligations of Operators*

#### **Article 58**

Operator of the Seveso installation/establishment, where activities are performed, in which one or more hazardous materials are present or may be present in quantities equal or higher than prescribed, shall submit a Notification i.e. prepare the Accident Prevention Policy or Report on Safety and Accident Protection Plan, depending on the quantities of hazardous materials with which such activities are performed, and to undertake measures for preventing chemical accident and limiting impact of such accident on life and health of humans and the environment, specified in such documents.

The Minister shall prescribe the list of hazardous materials and their quantities and criteria for determining types of documents prepared by the operator referred to in paragraph 1 of this Article.

#### *Content of the Accident Prevention Policy*

#### **Article 58a**

Accident Prevention Policy shall contain objectives and principles of operator's activities, for the purpose of controlling the danger of chemical accident.

Accident Prevention Policy referred to in paragraph 1 of this Article must include sufficient elements in proportion to the danger from an accident, based on which an operator can ensure high degree of protection of humans and environment from the chemical accident.

The operator shall prepare the Accident Prevention Policy at the latest six months following the submission of Notification referred to in Article 59 of this Law.

The Minister shall prescribe in more detail the content of the Accident Prevention Policy.

#### *Obligation to Submit Notification*

#### **Article 59**

The operator that is obliged to prepare the Accident Prevention Policy shall, prior to preparing the Accident Prevention Policy, submit to the Ministry the Notification on:

- 1) new Seveso installation/establishment at least three months before commencing operation;
- 2) existing Seveso installation/establishment six months from the date this Law comes into force at the latest;
- 3) existing Seveso installation/establishment whose activities were such that the hazardous materials were present in quantities lower than prescribed, in case of increase of quantities of

hazardous materials up to the quantities prescribed in Article 58 of this Law, within three months from the date of change at the latest;

4) the permanent termination of operation of Seveso installation/establishment, as well as in case of modification of Seveso installation/establishment, or any change that may affect the possibility of chemical accident occurrence.

The Minister shall prescribe content of the Notification referred to in paragraph 1 of this Article.

### *Content of the Report on Safety and Accident Protection Plan*

#### **Article 60**

Report on Safety shall contain in particular: Information on the system of management and organization of operator for the purpose of preventing chemical accident; description of location of Seveso installation/establishment; description of Seveso installation/establishment; analysis of risk from chemical accident and manner of its prevention; protective measures and intervention measures for limiting consequences of chemical accident; listing of hazardous materials and other.

The Accident Protection Plan shall contain in particular measures that are undertaken within the Seveso installation/establishment in case of chemical accident or in case circumstances arise which may cause chemical accident.

The Report on Safety and the Accident Protection Plan shall be prepared by the operator referred to in Article 58 of this Law.

For the preparation of documents referred to in paragraph 3 of this Article, other legal person or entrepreneur may be engaged if it is registered in the appropriate register for performing activities of designing, engineering and preparing studies and analysis. In the case of engaging other legal person or entrepreneur, a person permanently employed with the operator referred to in Article 58 of this Law must participate in preparation of such documents.

The operator shall exchange information and harmonize the Accident Protection Plan with the Accident Protection Plan adopted by the responsible authority of the local self-government unit, autonomous province and the Republic of Serbia.

The Minister shall prescribe content and methodology for the preparation of the Report on Safety and the Accident Protection Plan.

### *Submitting the Report on Safety and Accident Protection Plan*

#### **Article 60a**

The operator referred to in Article 58 of this Law shall prepare and submit to the Ministry the Report on Safety and the Accident Protection Plan:

1) for new Seveso installation/establishment at least three months before commencing operation;

2) for existing Seveso installation/establishment at the latest within eighteen months from the day this Law comes into force;

3) for existing Seveso installation/establishment whose activities were such that the hazardous materials were present in quantities lower than prescribed, in case of increase of quantities of hazardous materials up to the quantities prescribed in Article 58 of this Law, within six months from the date of change at the latest.

The operator referred to in paragraph 1 of this Article shall submit the request for issuing consent on the Report on Safety and the Accident Protection Plan, along with such documents.

With the application referred to in paragraph 1 of this Article, the operator shall submit evidence on the payment of administrative fee.

The operator shall periodically review the Report on Safety and if necessary update it:

1) at least every five years;

2) on its own initiative or upon request of the Ministry due to the new facts obtained based on the analysis of other chemical accidents or evaded accidents.

In the event of modification of the work process, change of nature or quantity of hazardous materials or other changes that may affect the danger of occurrence of chemical accident, the operator must immediately enter changes in the Report on Safety and the Accident Protection Plan and submit them to the Ministry, and in the event the changes refer to the modification of installations or warehouses, prior to introducing such modifications.

The operator shall review, test and, if necessary, update the Accident Protection Plan at least every three years.

### *Submitting Information from the Accident Protection Plan*

#### **Article 60b**

The operator referred to in Article 58 of this Law shall ensure that the information on safety measures and procedures in case of chemical accident from the Accident Protection Plan is submitted to all legal persons and public institutions (schools, hospitals, etc.), as well as to natural persons, that may be affected by the consequences of a chemical accident.

Information referred to in paragraph 1 of this Article shall be updated every three years, and especially in case circumstances referred to in Article 60a paragraph 5 of this Law arise.

Updated information referred to in paragraph 1 of this Article must be publicly available.

The period between two regular submissions of information to the public may not be longer than five years.

## *Public Availability, Presentation and Public Debate on the Report on Safety*

### **Article 60c**

The operator shall ensure that the Report on Safety and the list of hazardous materials that are present in the Seveso installation/establishment are publicly available.

The responsible authority shall ensure public availability, organize presentation and administer public debate regarding the Report on Safety in the procedure of deciding on providing consent on the Report on Safety.

The person submitting the Report on Safety may be allowed, upon approval of the responsible authority, not to provide for public availability and presentation of certain parts of the report due to protecting industrial, trade and personal secret, public safety or defence of the country.

The responsible authority shall inform the person submitting the report, interested bodies and organizations and the public on the time and place for the public insight, public presentation and the public debate on the Report on Safety within seven days from the date of receipt of the Report on Safety.

Public debate may be held at the earliest twenty days from the date of informing the public.

The person submitting the Report on Safety shall participate in the presentation and the public debate.

The regulation on the procedure of public availability, presentation and public debate regarding the study on environmental impact assessment shall apply *mutatis mutandis* on the procedure of public availability, presentation and public debate concerning the Report on Safety.

## *Evidence in the Report on Safety*

### **Article 60d**

The operator shall be obliged to prove in the Report on Safety that it had:

- 1) established appropriate policy and defined system for safety management for the purpose of its implementation;
- 2) recognized danger from the chemical accident and undertaken necessary measures for preventing occurrence of chemical accident i.e. for limiting consequences of such accident to humans and the environment;
- 3) taken into account safety and reliability when designing, constructing, managing and maintaining all installations and storage premises, equipment and infrastructure that are in connection with danger of chemical accident;
- 4) accepted and included in the Report on Safety justifiable comments and proposals of the

public.

### *Evidence in the Accident Protection Plan*

#### **Article 60e**

The operator shall be obliged to prove in the Accident Protection Plan that it had:

- 1) provided for and ensured implementation of all necessary measures for limiting and controlling the chemical accident, for the purpose of mitigating the consequences of such accident for humans, environment and the property;
- 2) provided for and established the manner for submitting information to the responsible authorities and general public;
- 3) provided for appropriate measures for cleaning up, rehabilitation and recultivation of the environment after a chemical accident;
- 4) processed sufficient data for the preparation of plans for the protection against chemical accident at the level of the Republic of Serbia, autonomous province and/or local self-government unit (hereinafter referred to as the External Plans).

### *Consent on the Report on Safety and the Accident Protection Plan*

#### **Article 60f**

The Ministry shall provide consent on the Report on Safety and the Accident Protection Plan regarding the fulfilment of requirements referred to in Articles 60d and 60e of this Law.

The Ministry may request amendments of documents referred to in paragraph 1 of this Article if it determines that they do not contain the required data.

### *Decision Prohibiting Operation or Start-Up of Seveso Installation*

#### **Article 60g**

In case the conditions for issuing consent on documents referred to in Article 60f of this Law have not been met, the Minister shall issue a decision prohibiting operation or start-up of Seveso installation/establishment or part of installation/establishment and the storage premises.

An appeal may be lodged against the decision referred to in paragraph 1 of this Article.

The appeal shall not stay the execution of the decision.

The Government shall decide on appeal on the first instance decision.



## *Appointment of the Special Working Group*

### **Article 60h**

For the purpose of assessing the Report on Safety and the Accident Protection Plan, the Minister, in accordance with regulations governing state administration, may issue a decision to appoint the special working group – technical commission (hereinafter referred to as the Technical Commission).

Decision referred to in paragraph 1 of this Article shall specify tasks, composition and chairperson, deadline for executing tasks and other issues of relevance for the work of the Technical Commission.

Technical Commission shall submit to the Ministry without delay the opinion on fulfilment of requirements referred to in Articles 60d and 60e of this Law.

The chairperson of the Technical Commission shall be appointed from the ranks of employees or appointed persons in the Ministry.

Persons holding a university degree in the relevant field and/or course and relevant professional results, may be appointed as members of the technical commission, from the ranks of:

- employees or appointed persons in the Ministry;
- employees or appointed persons in other bodies and organizations;
- independent experts.

The following persons may not be members of the Commission:

- Persons that participated in preparation of the Report on Safety and the Accident Protection Plan;
- Founder of the legal person or entrepreneur that has prepared the Report on Safety and the Accident Protection Plan or employees of such persons;
- Operator or employees of the operator.

## *Obligation of Keeping Records*

### **Article 60i**

Based on the Report on Safety and Notification, the Ministry shall establish and keep records on operators and Seveso installations/establishments with increased probability of occurrence of a chemical accident or with increased consequences of such accident due to their location, proximity of similar installations or due to the type of stored hazardous materials.

Operators referred to in paragraph 1 of this Article shall exchange information necessary for

preparation of the Report on Safety and the Accident Protection Plan, in order to take into account in such documents the nature and scope of common danger from a chemical accident.

The Ministry shall inform the responsible authorities about the operator or Seveso installation/ establishment referred to in paragraph 1 of this Article in accordance with regulations governing protection and recovery for the purpose of preparing External Plans.

### *Register of Installations and Register of Reported Accidents*

#### **Article 60j**

Based on the Report on Safety and the Notification, the Ministry shall keep register of installations as well as the register of accidents that have been reported.

### *Informing of the Accident*

#### **Article 60k**

The operator referred to in Article 58 of this Law shall inform without delay the Ministry, local self-government unit and authorities responsible for acting in emergency situations of the chemical accident in accordance with regulations governing protection and recovery, in particular of: the circumstances in connection with the chemical accident, present hazardous materials, available data for the assessment of consequences of the chemical accident for humans and the environment and of the undertaken urgent measures.

Operator referred to in paragraph 1 of this Article shall inform the responsible authorities of the subsequently collected data that affect the previously found facts and conclusions.

Operator referred to in paragraph 1 of this Article shall inform the responsible authorities within a reasonable period of the planned measures for removing mid-term and long-term consequences of a chemical accident and for the prevention of reoccurrence of an accident.

Operator referred to in paragraph 1 of this Article shall be obliged to implement urgent mid-term and long-term measures for removing the consequences of the chemical accident, as well as to provide, following the analysis of all aspects of the chemical accident, DV recommendations for the future prevention measures.

The Ministry shall conduct supervision and control of the fulfilment of obligations of operators referred to in paragraphs 1 through 4 of this Article.

### *Obligations of Responsible Authorities*

#### **Article 61**

State authorities, authorities of autonomous province and local self-government unit, based on responsibility under regulations governing protection and recovery, shall adopt External Plans, which are an integral part of plans for response in emergency situations.

*Notification on Operators or Seveso Installations/Establishments Whose Activities May Cause Chemical Accident with Transboundary Effects*

**Article 61a**

The Ministry shall, based on the Report on Safety referred to in Article 60 of this Law, determine operators and Seveso installations/establishments whose activities may cause chemical accident with transboundary effects, and notify thereof the responsible authority of the country that may be affected with consequences of such accident within the shortest possible period, and at the latest at the time of informing the public in the country.

The Ministry shall keep records on operators and Seveso installations/establishments referred to in paragraph 1 of this Article.

If the responsible authority of other country considers that the notification referred to in paragraph 1 of this Article does not contain all Seveso installations/establishments whose activities may cause chemical accident affecting its country, it shall request additional data from the Ministry.

If the Ministry finds that the request of the responsible authority of other country is not justified, it shall inform such authority of its position.

In case agreement with the responsible authority of the interested country cannot be reached, this issue shall be resolved in accordance with international agreement binding on the Republic of Serbia.

The Ministry shall notify the responsible authority of other country of all the significant facts from the Report on Safety on the Seveso installation/establishment whose activities may result in the occurrence of a chemical accident with transboundary consequences, as well as of all the significant facts from the Accident Protection Plan for such installation/establishment.

The Minister shall prescribe the procedure for notification and exchange of data on Seveso installation/establishment whose activities may result in the occurrence of a chemical accident with transboundary effects.

*Obligation to Submit Notification of the Responsible Authority of Other Country*

**Article 61b**

The Ministry shall submit the notification received from the responsible authority of other country on the Seveso installation/establishment whose activities may cause chemical accident with effects on the territory of the Republic of Serbia to domestic authorities whose competence is prescribed by the regulations governing protection and recovery, for the purpose of preparing External Plans.

Notification in the case of chemical accident or immediate danger from a chemical accident that may cause transboundary effects, as well as possible mutual assistance, shall be governed by

regulations on protection and recovery.

### *Exceptions*

#### **Article 61c**

Provisions of Article 38 and Articles 58 through 61b of this Law shall not apply to: military installations; accidents caused by ionizing radiation; transport of hazardous materials in road, rail, water, air and sea traffic, and transport outside the establishments encompassed by this Law, including loading and unloading and/or transport to and from other means of transport on wharfs, piers or marshalling yards; transport of hazardous materials by pipelines, including pumping stations, outside the Seveso installation/establishment encompassed by this Law; accidents in the course of research and exploitation of mineral raw-materials, except if raw-materials are chemically or thermally processed or stored, and they contain hazardous materials in the prescribed quantities; locations of waste materials landfills, except active waste barren soil including artificial lakes, embankments and dams, which contain hazardous materials and in particular those that derive from chemical and thermal mineral processing.

### *Proclamation of the State of Endangerment*

#### **Article 62**

In the case of accident, depending on its scope, within or outside the installation and estimated consequences which may cause direct or deferred threat to human health and environment, the state of endangerment of the environment shall be proclaimed, and the public shall be informed of the undertaken measures.

State of endangerment of the environment referred to in paragraph 1 of this Article shall be proclaimed by the Ministry and/or the authority of autonomous province and/or local self-government unit.

For accidents with transboundary effects, the state of endangerment of the environment shall be proclaimed by the Government.

### *Rehabilitation Measures and Subsidiary Liability*

#### **Article 63**

For the purpose of preventing further spreading of pollution caused by an accident, legal and natural person shall immediately undertake rehabilitation measures according to protection plans at its own cost.

If the polluter responsible for accident has been determined subsequently, the authority that has borne the costs of removing the consequences of environmental pollution shall claim the reimbursement.

## **4. Programmes and Plans**

### *National Programme*

#### **Article 64**

Planning and management of environmental protection shall be ensured and realized through implementation of the National Environmental Protection Programme (hereinafter referred to as the National Programme), adopted by the Government for the period of at least ten years.

National Programme referred to in paragraph 1 of this Article shall provide for an integrated environmental protection and shall contain in particular:

- 1) Description and assessment of state of environment;
- 2) Basic objectives and criteria for the implementation of environmental protection in general, by areas and spatial units with priority measures of protection;
- 3) Conditions for the implementation of the most favourable economic, technical, technological and other measures for sustainable development and environmental protection management;
- 4) Long-term and short-term measures for prevention, mitigation and control of pollution;
- 5) Proponents, manner and dynamics of the implementation;
- 6) Funds for the implementation.

The National Programme shall be implemented through action and rehabilitation plans adopted by the Government for the period of five years.

The Ministry shall prepare biannually a report on the implementation of the National Programme, in cooperation with other responsible ministries, and submit it to the Government.

The National Programme shall be published in the Official Gazette of the Republic of Serbia.

### *Action Plan*

#### **Article 65**

Action plan shall be a short-term instrument for the implementation of the National Programme.

Regulatory and institutional activities, monitoring activities, studies, preparation of project documentation, economic and financial instruments, informing, education, management and capital investment shall be elaborated in the action plan.

### *Rehabilitation Plan*

#### **Article 66**

The rehabilitation plan shall be adopted when pollution in the given area exceeds the effects of the undertaken measures, i.e. when the capacity of the environment is threatened or there is a risk of permanent degradation of the quality or damage in the environment.

The rehabilitation plan shall be adopted by the Government in the following cases:

- 1) When the level and the scope of degradation of the environment exceeds the rehabilitation possibilities of the autonomous province an/or the local self-government unit;
- 2) When the responsible entity is unknown, and the environmental pollution causes harmful consequences across the borders of the Republic of Serbia;
- 3) When the responsible entity is beyond the jurisdiction of the Republic of Serbia, and the environmental pollution causes harmful effects on its territory;
- 4) When the environmental pollution threatens the area of extraordinary relevance for the Republic of Serbia or causes harmful effects thereon;
- 5) When it is necessary to undertake urgent and intervention measures in emergency cases.

If the polluter that is responsible for the pollution has been determined subsequently, the authority that has borne the costs of environmental rehabilitation shall claim reimbursement.

The Government's rehabilitation plan specifies the regulations on state aid for the rehabilitation of contaminated locations and other regulations on state aid required for the enforcement of regulations on state aid for the rehabilitation of contaminated locations.

In the case of exceeding the prescribed levels of emission and other activities that have resulted in the environmental degradation, the polluter shall be obliged to prepare and implement the rehabilitation plan at its own cost.

### *Content of Plans*

#### **Article 67**

Action and rehabilitation plans shall contain in particular: status, measures, impact assessment on human health in case of the endangered environment, proponents, manner, dynamics and funds for the implementation of plans.

Action and rehabilitation plans shall be prepared by the Ministry with the ministries responsible for the relevant area.

### *Programmes and Plans of Autonomous Province and Local Self-Government Unit*

#### **Article 68**

Autonomous province and local self-government unit shall adopt the programme for environmental protection on their territory, namely local action and rehabilitation plans, in accordance with the National Programme and plans referred to in Articles 65 and 66 of this Law and their interests and specificities.

Two or more local self-government units shall adopt a joint programme of environmental protection for the purpose of reducing negative effects on the environment or for cost-efficiency

reasons (joint waste management, wastewater management, and the like).

## IV ENVIRONMENTAL MONITORING

### **1. Monitoring**

#### *Provision of Monitoring*

#### **Article 69**

The Republic of Serbia, autonomous province and local self-government unit, within their competencies prescribed by law, shall provide for continual control and monitoring of the state of the environment (hereinafter referred to as the Monitoring), in accordance with this Law and special laws.

Monitoring shall be an integral part of the uniform information system of the environment.

The Government shall adopt the programmes of monitoring based on special laws.

Autonomous province and/or local self-government unit shall adopt the programme of monitoring on its territory that must be in accordance with the programme referred to in paragraph 3 of this Article.

The Republic of Serbia, autonomous province and local self-government unit shall provide financial resources for performing monitoring.

#### *Content and Manner of Performing Monitoring*

#### **Article 70**

Monitoring shall be carried out by systematic observance of the value of indicators, and/or by observance of negative effects on the environment, state of the environment, measures and activities that are undertaken with the aim of reducing negative effects and increasing the level of environmental quality.

The Government shall determine criteria for specifying the number and lay-out of measurement points, network of measurement points, scope and frequency of measurement, classification of phenomena monitored, work methodology and indicators of the pollution of environment and their monitoring, deadlines and manner of data submission, pursuant to special laws.

#### *Authorised Organisation*

#### **Article 71**

An authorized organization may also perform monitoring, provided that it meets the conditions with respect to personnel, equipment, space, accreditation for measuring the given parameter and SRPS-ISO standard in the field of sampling, measurement, analysis and reliability of data, in accordance with law.

## *Polluter Monitoring*

### **Article 72**

The operator of the installation/establishment, which represents source of emissions and environmental pollution, shall, in accordance with law, through the responsible authority, authorized organization or independently, if it meets the conditions prescribed by law, perform monitoring, i.e.:

1) monitor the emission indicators and/or indicators of effect of its activities on the environment, indicators of efficiency of applied measures for the prevention of occurrence or reduction of the level of pollution;

2) ensure meteorological measurements for big industrial establishments or facilities of special interest for the Republic of Serbia, autonomous province or local self-government unit.

The polluter shall prepare a plan for monitoring performance, keep good records on monitoring and submit reports, in accordance with this Law.

The Government shall determine types of activities and other occurrences which are subject to monitoring, work methodology, indicators, manner of recording data, deadlines for submission and keeping data, pursuant to special laws.

The polluter shall plan and provide the financial resources for performing monitoring as well as other measurements and monitoring the effect of its activity on the environment.

## *Data Submission*

### **Article 73**

State authorities and/or organizations, authorities of autonomous province and local self-government unit, authorized organizations and polluters shall submit the data from monitoring referred to in Articles 70 and 72 of this Law to the Environmental Protection Agency in the prescribed manner.

## ***2. Information System and Manner of Data Submission***

### *Information System*

### **Article 74**

For the purpose of efficient identification, classification, processing, monitoring and record keeping of natural values and environmental management in the Republic of Serbia, an information system for environmental protection shall be established (hereinafter referred to as the Information System).

The Information System shall ensure formation, classification, processing, maintenance, presentation and distribution of numerical, descriptive and spatial databases on: quality of



the environmental media, monitoring of the state and protection of the environment, legislative, administrative and organizational and strategic measures, scientific-technical information about planning measures of prevention, and exchange of information with other information systems and other.

The Information System shall be kept by the Environmental Protection Agency.

The Information System shall provide access to other information systems and harmonization of all relevant information and data at the national and international level.

The Environmental Protection Agency shall establish and maintain the National Metaregister for Environmental Information (hereinafter referred to as the National Metaregister), which is a constituent part of the Information System .

The National Metaregister for Environmental Information is an electronic database and portal to existing databases and documents containing information from the environmental field of various authorities and organisations.

Public authorities shall update, in accordance with law, at least once a year or if necessary, at request of the Ministry, data in the National Metaregister.

The Environmental Protection Agency shall establish and maintain the means for processing environmental information.

Public authorities referred to in paragraph 7 of this Article are responsible for the accuracy of updated information provided.

The Government shall prescribe the content and the manner of keeping the Information System, methodology, structure, common basis, categories and levels of data collection as well as the content of information regularly and obligatorily released to the public.

### *Registers of Sources of Environmental Pollution*

#### **Article 75**

National and local registers of sources of environmental pollution shall be maintained in accordance with this Law for the purpose of monitoring the qualitative and quantitative changes in the environment and undertaking measures for the protection of the environment.

National register of sources of environmental pollution shall be maintained by the Environmental Protection Agency.

Local register of sources of environmental pollution shall be maintained by the responsible authority of the local self-government unit.

The Minister, upon obtained opinion of the minister responsible for water management and mining and energy, shall prescribe the methodology for preparation of the national and local registers of sources of environmental pollution as well as the methodology for determining types, manner and deadlines for data collection.

The polluter shall be obliged to submit the prescribed data at its own cost, in the manner and within deadlines specified in accordance with law.

*Control of Data Submission and Accuracy of Submitted Data for the National Register of Pollution Sources*

**Article 75a**

The Environmental Protection Agency shall, on its own or in collaboration with a competent inspection, monitor data submission for the National Register of Pollution Sources and the accuracy of submitted data.

The Agency shall initiate misdemeanour proceedings charges against persons who are obliged to report to the National Register of Pollution Sources and who have not submitted the required data or data were not submitted in the prescribed manner and within the statutory deadline and/or who have submitted inaccurate data.

**3. State of the Environment Report**

*State of the Environment Report*

**Article 76**

The Government shall annually submit to the National Assembly a report on the state of the environment in the Republic of Serbia.

The Environmental Protection Agency shall draft the report referred to in paragraph 1 of this Article on the basis of collected and available data and information no later than 31 May of the current year.

The responsible authority of the autonomous province and/or the responsible authority of the local self-government unit shall submit data for preparation of the report referred to in paragraph 1 of this Article, quarterly, to the Environmental Protection Agency, in particular for the first, second and third quarter at the latest within two months after the elapse of the quarter, and for the last quarter by 31 January.

The state of the environment reports shall be published in the official journals of the Republic of Serbia, autonomous province and local self-government unit.

*Content of the State of the Environment Report*

**Article 77**

The report referred to in Article 76 of this Law shall particularly contain data on:

- 1) Status and changes in the state of the environment based on data and information obtained through the monitoring of relevant indicators;
- 2) Implementation of the Strategy, National Programme and action plans;
- 3) Rehabilitation plans and other undertaken measures;
- 4) Financing the system of environmental protection;

5) *(deleted)*

6) Other data relevant for the management of natural values and environmental protection.

## V INFORMATION AND PARTICIPATION OF THE PUBLIC

### Access to Information

#### Article 78

State authorities, authorities of the autonomous province, authorities of local self-government units and authorized and other organizations shall be obliged to regularly, timely, fully and objectively inform the public on the state of the environment, namely occurrences that are observed within the monitoring of the pollutant level and emission, as well as warning measures or development of the pollution which may pose threat to human life and health, in accordance with this Law and other regulations.

Access to environmental information shall be exercised in accordance with the Law on Free Access to Information of Public Importance.

When application is related to information referred to in Article 3 paragraph 1 point 33a subpoint 2 of this Law relating to measurement procedures, including analysis, sampling and sample pre-treatment, that were used for information gathering, public authority, with a notification about web page with available information, shall deliver to the applicant a notification on standard procedure used as well.

When due to technical reasons public authority is not able to deliver the environmental information in the requested form, it shall deliver it in other form or format, stating the reasons for such action.

Public authorities shall make all reasonable efforts to maintain environmental information held by or for them in forms or formats that are readily reproducible and accessible via computer telecommunications or other electronic means.

#### Article 79

*(Deleted)*

### Dissemination of Environmental Information

#### Article 80

Public authorities shall undertake all necessary measures to ensure that environmental information which is relevant to their functions and which is held by or for them are actively and systematically disseminated to the wider public, in particular by means of computer telecommunication and/or electronic technology.

Public authorities shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunication networks.

Public authorities shall regularly update and disseminate environmental information, in particular:

- 1) International conventions, agreements and legislation on the environment or relating to it;
- 2) Strategies, plans, programmes and other documents relating to the environment;
- 3) Progress reports on the implementations of legislations on environment, including the implementation of international agreements, strategic documents, plans, programmes in the field of environment, when public authorities have prepared them or hold them in electronic form;
- 4) State of the environment reports;
- 5) Data obtained on the basis of monitoring activities affecting or likely to affect the environment;
- 6) Permits and authorisations for performing activities that have significant effect on the environment;
- 7) agreements concluded with the aim of environmental protection;
- 8) Environmental impact assessment studies and risk assessments relating to environmental factors, and decisions relating to all three phases of the impact assessment procedure.

Public authorities shall without delay inform the public, by means of public notifications or in some other appropriate manner, of an existing threat to human life and health, environment or material goods, regardless of whether the threat was caused by human activity or natural causes.

In case of a failure to act or in case of inadequate and untimely action in accordance with the previous paragraph, the public authority bodies shall be responsible under the general rules for damage compensation.

## **Participation of the Public in Decision-Making**

### **Article 81**

In accordance with law, public and the public concerned have the right to participate in the process of decision-making on:

- 1) Strategic environmental impact assessment of plans and programmes;
- 2) Impact assessment of projects whose implementation may lead to the pollution of the environment or may present a risk for the environment and human health;
- 3) Approval of operations of new and/or existing installations;
- 4) Developing, amending, reviewing and adopting air quality plans, regional and local waste management plans, i.e. hazardous waste management plans, national waste management plan,

waste prevention programmes, action plans for environmental noise prevention, and water pollution protection plan.

Public participation regarding strategic impact assessment shall be ensured within the framework of the public presentation of a spatial and urban plan and/or other plan or programme referred to in Article 35 of this Law.

Public participation in decision-making on environmental impact assessment of projects shall be enforced in the framework of public presentation of projects and public debate.

Public participation in decision-making on commissioning new and/or existing facilities shall be enforced during the issue of new permits for integrated pollution prevention and control.

The Government shall establish the public participation procedure in decision-making on developing, amending, reviewing and adopting plans and programmes referred to in paragraph 1 point 4 of this Article.

## **Right to Justice**

### **Article 81a**

The interested public, in the process of exercising the right to healthy environment, shall have the right to initiate as a party the decision review procedure before the responsible authority and/or court, in accordance with law.

## **Limitation of Participation of the Public in Decision-Making**

### **Article 82**

The Government may, in order to protect the national security and defence interests, limit the participation of the public in decision-making referred to in Article 81 of this Law.

## **VI ECONOMIC INSTRUMENTS**

### **Financing Environmental Protection**

#### **Article 83**

The Republic of Serbia and/or autonomous province and/or local self-government unit within their competencies shall provide for financing and implementation of the environmental protection objectives, in accordance with this Law.

Environmental protection funds may also be provided from donations, loans, international aid resources, foreign investment resources intended for environmental protection, resources from instruments, programmes and funds of the EU, UN and international organizations.

## ***1. Types of Economic Instruments***

### **1.1. Charge for Use of Natural Values**

#### **Article 84**

The user of natural values shall pay a charge for the utilization of natural values and bear the cost of rehabilitation and recultivation of degraded area, in accordance with special law.

Funds collected from the charge referred to in paragraph 1 of this Article shall be revenue of the Republic budget and budget of the autonomous province and/or local self-government unit, in accordance with special law.

### **1.2. Environmental Pollution Charge**

#### **Article 85**

The polluter shall be obliged to pay a charge for environmental pollution.

The criteria for determination of the charge referred to in paragraph 1 of this Article shall be:

- 1) type, quantity or characteristics of emissions from individual source;
- 2) type, quantity or characteristics of emission of produced or disposed waste;
- 3) content of substances which are harmful to the environment in a raw material, semi-finished product and product.

The payer of the charge referred to in paragraph 1 of this Article (hereinafter referred to as the Payer) shall be any person causing environmental pollution by emissions, and/or waste or that produces, uses or places on the market raw material, semi-finished products or products containing substances harmful to the environment.

The Government shall determine the type of pollution, criteria for charge calculation and payers, the amount and manner of calculation and payment of the charge.

Funds collected from the charge referred to in paragraph 1 of this Article in the amount of 60 % shall be revenue of the budget of the Republic of Serbia, and in the amount of 40 % revenue of the budget of the local self-government unit.

The funds referred to in paragraph 5 of this Article shall be used for the protection and enhancement of the environment according to programmes and/or action plans and rehabilitation plans adopted in accordance with this Law and special laws.

#### ***Areas of Special Interest***

#### **Article 85a**

Upon proposal of the ministry responsible for environment issues, the Government shall

determine areas of special state interest in the environmental protection area.

The Government shall prescribe criteria for determining areas of special state interest referred to in paragraph 1.

The amount and manner of payment of the charge for environment pollution in areas referred to in paragraph 1 of this Article shall be specified by the Government.

Funds collected from the charge referred to in paragraph 3 of this Article in the amount of 80 % shall be revenue of the budget of the Republic of Serbia, and in the amount of 20% revenue of the local self-government unit and they shall be used for the protection and enhancement of the environment in accordance with programmes and/or action plans and rehabilitation plans adopted in accordance with this Law and special laws.

### *Refund, Relief or Reduction of the Charge for Environmental Pollution*

#### **Article 86**

The Payer shall be entitled to refund of the already paid charge for environmental pollution, i.e. to relief or reduction of the payable charge if it uses the funds for the implementation of measures for adjusting to the prescribed limit values or implements other measures contributing to reduction of environmental pollution below the prescribed level.

The Government shall determine criteria and conditions for refund, relief or reduction of payable charge.

The Minister shall decide on the right referred to in paragraph 1 of this Article in accordance with the prescribed criteria and conditions.

### *Charge for Protection and Enhancement of the Environment*

#### **Article 87**

The local self-government unit may, within the scope of its rights and duties, prescribe the charge for protection and enhancement of the environment.

The charge referred to in paragraph 1 of this Article shall be prescribed in the act of the assembly of local self-government unit.

The charge referred to in paragraph 1 of this Article shall be prescribed on the grounds of:

- 1) Use of residential and commercial buildings, apartments and business premises for residence or performing business activity, as well as for the use of land for performing the regular activity (hereinafter referred to as the Real Estate),
- 2) Performance of certain activities affecting the environment, which are specified by the Government,
- 3) Transport of oil and oil derivatives, as well as raw-material, products and semi-finished

products of chemical and other hazardous materials from the industry or for the industry on the territory of local self-government unit with the status of endangered environment on the area of importance for the Republic of Serbia.

Payers of the charge on the grounds referred to in paragraph 3 point 1 of this Article shall be holders of the property right for real estate, or lessees if the real estate is used based on the lease right, and the amount of charge shall be determined according to the surface area of the real estate and it shall be paid monthly up to the amount that may not exceed the amount prescribed in accordance with this Law.

Payers of the charge on the grounds referred to in paragraph 3 point 2 of this Article shall be legal persons and entrepreneurs performing certain activities.

Payers of the charge on the grounds referred to in paragraph 3 point 3 of this Article shall be the owners of trucks, and/or legal and natural persons engaged in transportation of oil and oil derivatives, as well as raw material, products and semi-finished products of chemical and other hazardous materials from industry or for the industry on the territory of the local self-government unit with status of the endangered environment on the area of importance for the Republic of Serbia.

The Government shall prescribe criteria for determining charge referred to in paragraph 1 of this Article, as well as the highest amount of such charge.

The local self-government unit shall determine in act referred to in paragraph 2 of this Article the amount, deadlines, payers, manner of payment of the charge and relief for certain categories of payers, in accordance with the defined criteria referred to in paragraph 7 of this Article.

The responsible authority of the local self-government unit shall be obliged to obtain opinion of the Ministry on the proposal of act referred to in paragraph 2 of this Article.

The funds collected from the charge referred to in paragraph 1 of this Article shall be used, through the budget fund, for the protection and enhancement of the environment according to adopted programmes of budget fund use and/or local action plans and rehabilitation plans, in accordance with the strategic documents adopted pursuant to this Law and special laws.

The local self-government unit may not prescribe charges that are prescribed based on Articles 84, 85 and 85a of this Law.

### *Ensuring Payment of Charges*

#### **Article 88**

With regard to the payment of charges referred to in Articles 84, 85 and 87 of this Law, the provisions of the law governing taxation procedure shall apply accordingly to the calculation of penalty interest for default, enforced collection and other issues not specifically prescribed by this Law.



### **1.3. Budget and International Financial Aid Resources**

#### *Funds for Financing Environmental Protection*

##### **Article 89**

Financing environmental protection is implemented by applying the principles „user pays” , „polluter pays” and „liability“.

Funds for financing environmental protection in the Republic of Serbia shall be ensured from the budgetary funds of the Republic of Serbia, budgets of the autonomous province and local self-government units, funds from foreign states, international organisations, financing institutions and bodies, domestic and foreign legal and natural persons, European Union funds and other international funds, donations, gifts, contributions, aid, etc.

The European Union funds referred to in paragraph 2 of this Article shall be used for financing projects in accordance with the accredited system of EU funds management.

Financing infrastructure projects shall be implemented on the basis of a uniform list of priority projects in accordance with the methodology for selection and prioritization of infrastructure projects.

### **1.4. Green Fund of the Republic of Serbia**

#### *Green Fund of the Republic of Serbia*

##### **Article 90**

The Green Fund of the Republic of Serbia shall be established as budgetary fund designed to track the allocation of assets earmarked for financing the preparation, implementation and development of programmes, projects and other activities related to the protection, sustainable use and improvement of environment.

Budgetary fund shall be established for an indefinite period of time in accordance with law governing budgetary system.

Budgetary fund will be managed by the Ministry.

#### *Resources of the Green Fund of the Republic of Serbia*

##### **Article 90a**

The funds for financing activities referred to in Article 90 paragraph 1 of this Law shall be provided through:

- 1) Appropriations of the Republic of Serbia's current year budget;
- (2) Grants and loans;
- (3) Other sources of public revenue.

## *Award of Funds*

### **Article 90b**

Funds of the Green Fund of the Republic of Serbia shall be awarded to beneficiaries for the purpose of financing environmental protection and enhancement on the basis of open application procedure published by the Ministry.

Notwithstanding paragraph 1 of this Article, funds of the Green Fund of the Republic of Serbia shall be awarded to fund users without public tender procedure in case of funding of activities referred to in Article 90c point 16 of this Law.

Beneficiaries referred to in paragraph 1 of this Article are legal and natural persons registered or residing in the territory of the Republic of Serbia who fulfil the conditions for granting based on open application procedure under paragraph 1 of this Article.

The Ministry shall enter into a contract award agreement with beneficiaries.

The Ministry shall monitor, analyse and supervise the implementation of projects and the utilization of funds.

The Government shall establish the conditions required from the beneficiaries, conditions and manner of the award of funds, criteria and standards for the evaluation of applications for the distribution of funds, manner of monitoring the use of funds and contractual rights and obligations, and other important issues for the award and use of the resources of the Green Fund of the Republic of Serbia.

The Minister shall specify detailed conditions for the award and use of funds of the Green Fund of the Republic of Serbia.

## *Utilization of Funds*

### **Article 90c**

The utilization of resources of the Green Fund of the Republic of Serbia shall be performed in accordance with law, the National Environmental Protection Programme and strategic documents as well as the list of priority infrastructure projects in the field of the environment, for:

- 1) Protection, conservation and improvement of the quality of air, water, soil and forests, and for reduction of the impact of climate change and the implementation of adaptation measures, including the ozone layer;
- 2) Rehabilitation of waste disposal sites, reduction of waste production, waste reuse, treatment and/or recovery and disposal;
- 3) Programmes, projects and other investment and operational activities from the field of waste management in accordance with the Law on Waste Management;
- 4) Introduction of cleaner production for the operation of installations and performance of activities as well as adaptation to the requirements of environmental protection;

- 5) Technology and production that reduce load to the environment and pollution;
- 6) Protection and conservation of biodiversity, care of injured, sick, confiscated or seized specimens of wild flora and fauna, including active protective measures such as reintroduction, repopulation and maintenance of habitats;
- 7) Promotion of sustainable use of protected areas;
- 8) Improvement and construction of the environmental protection infrastructure, in particular for the protection against noise and for the elaboration of strategic noise maps and action plans;
- 9) Promotion of the use of renewable resources;
- 10) Promotion of environmentally friendly modes of transport;
- 11) Promotion of sustainable development except for projects of improvement of energy efficiency;
- 12) Operational work and further development of the monitoring and information system;
- 13) Improving the notification system on the state of the environment, monitoring and evaluation of the state of the environment as well as introduction of the environmental management system;
- 14) Promotion of educational, research and development studies, programmes, projects and other activities in the field of environmental protection, including demonstration activities;
- 15) Financing measures for accident prevention;
- 16) Financing emergency intervention measures in case of environmental pollution, recultivation and rehabilitation of a polluted area in accordance with Article 66 of this Law;
- 17) Removal of sources of ionizing radiation from radioactive lighting rods and care of abandoned sources of ionizing radiation from unknown owners and/or users;
- 18) Improvement and construction of infrastructure for the protection against ionizing and non-ionizing radiation;
- 19) Recultivation and rehabilitation of historical pollution (tailings ponds, industrial landfills, etc.);
- 20) Financing ecological education programmes and strengthening public awareness of the issues of environmental protection and sustainable development;
- 21) Co-financing projects financed from EU Pre-Accession Funds, international development aid and other sources of financing requiring co-financing;
- 22) Financing national contributions in accordance with ratified international conventions and protocols;
- 23) Development of public and private partnerships in activities regarding environmental protection and enhancement;

24) Financing other activities in accordance with law.

Beneficiaries shall use the funds as intended, in the manner and time frames laid down by the agreement on the use of funds.

If a beneficiary does not use funds in the manner and for purposes stipulated under the agreement, the beneficiary shall repay funds spent in an inappropriate manner into the budget of the Republic of Serbia and shall be responsible for caused damages in the manner laid down in the agreement on the use of funds and in accordance with general rules of the Law of Contract and Torts.

The resources of the Green Fund of the Republic of Serbia may be used for financing/co-financing of the programmes, projects and other activities on the territory of the Republic of Serbia for projects referred to in paragraph 1 of this Article, provided that they are organized and financed by international organisations, financing institutions and bodies and other legal persons and in so far as they are organized and financed through bilateral aid.

### *Record Keeping*

#### **Article 90d**

The Ministry is obliged to keep records of payers of all environmental protection charges.

The records referred to in paragraph 1 of this Article shall contain data on: the charge amount, maturity of the liability, calculation of interest, issued notices and debt amount, procedure of enforced collection and other data.

The payer referred to in paragraph 1 of this Article shall notify the Ministry and the Environmental Protection Agency of cessation of business, status change and/or change in activity, ownership, lease or other payer's rights, start of the operation of a new individual pollution source or data on winding up of an existing pollution source.

The payer shall submit the notification referred to in paragraph 3 of this Article within 30 days of the day of the change.

The Minister shall define the content, appearance and manner of keeping records referred to in paragraph 2 of this Article.

#### **Articles 91-99\*\***

*(Ceased to exist)*

### *Autonomous Province and Local Self-Government Unit*

#### **Article 100**

The autonomous province and local self-government unit shall open a budgetary fund in accordance with the Law on the Budgetary System.

The budgetary fund referred to in paragraph 1 of this Article shall be financed from proceeds acquired on the territory of the autonomous province and local self-government unit pursuant to Articles 85, 85a and 87 of this Law and other sources in accordance with law.

Budgetary funds shall be used for financing environmental protection and enhancement on the basis of an established programme for the use of budgetary funds adopted by the competent authority of the autonomous province and/or local self-government unit in accordance with action plans and rehabilitation plans referred to in Article 68 of this Law, upon prior consent from the Ministry to the intended use of the funds.

The autonomous province and local self-government unit shall submit to the Ministry a report on the use of the budgetary funds no later than 31 March of the current year for the previous year and/or at the request of the Ministry.

The Minister shall prescribe the format of the programme for the use of budgetary funds and reports on the use of budgetary funds, manner and deadlines for their submission.

## **1.5. Economic Incentive Measures**

### *Types of Incentive Measures*

#### **Article 101**

Taxation, customs and other relief or exemption from the payment may be determined, under the conditions and in a manner specified in special law, for legal and natural persons applying technologies, producing and placing on the market products that have more favourable effect than similar ones, i.e. using renewable energy sources (sun, wind, biogas, etc.), equipment and devices directly protecting the environment.

For consumers who, in an organized manner, return used and non used devices or parts thereof, products or their packaging, the producers of plastic carrier bags, operators of the facilities for reuse and/or recovery, collectors and other subjects in the waste management system, special incentives such as subsidies, deposits and their refund may be determined, under the terms and in the manner stipulated in this Law and special law.

For the purpose of assigning incentive payments, the Government shall determine the amount, criteria, conditions and manner of awarding the incentives as well as the classification of beneficiaries enjoying the incentives referred to in paragraph 2 of this Article, taking into account the classification of operators and other waste management entities stated in the law governing waste management.

## **VII LIABILITY FOR ENVIRONMENTAL POLLUTION**

### **Obligations of Legal and Natural Persons**

#### **Article 102**

Legal and natural persons shall be obliged to ensure environmental protection in the course of performing their activity, in particular through:

- 1) applying and implementing regulations on environmental protection;
- 2) sustainable use of natural resources, goods and energy;
- 3) introducing more energy efficient technologies and use of renewable natural resources;

- 4) using products, processes, technologies and practice less harmful to the environment;
- 5) undertaking measures for the prevention or elimination of the consequences of threat and damage to the environment;
- 6) keeping records in the prescribed manner of raw material and energy consumption, pollutants and energy release, classification, characteristics and quantities of waste as well as of other data, and their submission to the responsible authorities;
- 7) controlling the activities and operation of installations that may represent risk or that may cause danger to the environment and human health;
- 8) other measures in accordance with law.

Legal and natural persons shall implement measures of environmental protection referred to in paragraph 1 of this Article independently or through an authorized organization.

### **Liability for Pollution**

#### **Article 103**

The polluter causing environmental pollution shall be responsible for the occurred damage under the principle of objective responsibility.

Legal and natural persons that through illegal or irregular acting have enabled or allowed environmental pollution shall also be responsible for environmental pollution.

### **Obligation of the Polluter**

#### **Article 104**

The polluter causing environmental pollution by its acting or non-acting shall be obliged, without delay, to undertake measures determined in the Accident Protection Plan and Rehabilitation Plan, and/or undertake necessary measures aimed at reducing damage in the environment or eliminating further risks, hazards or rehabilitation of the damage in the environment.

If the damage made to the environment cannot be rehabilitated through the appropriate measures, the person that has caused the damage shall be responsible for payment of charge in the amount of the value of destroyed good.

### **Liability for Damage**

#### **Article 105**

The polluter shall be liable for the damage made to the environment and space and it shall bear the costs of the evaluation of damage and elimination thereof, and in particular:

- 1) costs of urgent interventions undertaken at the moment of the damage occurrence which are necessary for limiting and preventing the effects of damage to the environment,

space and health of population;

2) direct and indirect costs of rehabilitation, establishment of new state in the environment or renewal of the previous state in the environment and space as well as monitoring of effects of rehabilitation and environmental damage effects;

3) costs of prevention of the occurrence of the same or similar damage to the environment and space;

4) costs of charge to persons directly threatened by damage to the environment and space.

The polluter shall be obliged to provide financial or other types of guarantees in order to ensure the payment of the charge for costs referred to in paragraph 1 of this Article, during and after performance of the activity.

The Government shall prescribe type of guarantee referred to in paragraph 2 of this Article, the amount of funds and validity period of the guarantee provided by the polluters.

### **Insurance obligation**

#### **Article 106**

The polluter whose installation or activity represents high degree of threat to human health and the environment must be insured against liability in the case of damage made to third parties due to an accident.

### **Reimbursement of Damage**

#### **Article 107**

Any person that has suffered damage shall have the right to reimbursement.

The request for reimbursement may be submitted directly to the polluter or insurer, and/or to the financial guarantor of the polluter where the accident has occurred, if such insurer and/or financial guarantor exists.

If several polluters are responsible for the environmental damage, and it is not possible to determine share of individual polluters, the costs shall be borne jointly and severally and individually.

Statute of limitations for initiating the procedure for reimbursement shall be three years after the injured party found out about the damage and damage offender. In any case, statute of limitations for such claim shall be 20 years after the occurrence of the damage.

Procedure for reimbursement before the court shall be urgent.

The Republic of Serbia shall reserve the right to reimbursement if there are no other persons holding such right.

## **Appropriate Law Implementation**

### **Article 108**

The general rules of the Law of Contract and Torts shall be applied to the issues of liability for damage made to the environment which are not regulated by this Law.

## **VIII SUPERVISION**

### **Inspection Supervision**

#### **Article 109**

Supervision over the implementation of provisions of this Law and regulations adopted pursuant to this Law shall be carried out by the Ministry, unless otherwise prescribed by this Law.

The inspection supervision shall be performed by the Ministry through inspectors for environmental protection (hereinafter referred to as Inspectors) within competencies determined by this Law.

Autonomous province shall perform inspection supervision over the implementation of tasks delegated by this Law and regulations adopted pursuant to this Law.

Local self-government unit shall perform inspection supervision over the implementation of tasks delegated by this Law and regulations adopted pursuant to this Law.

### **Supervision Over Work**

#### **Article 109a**

The Ministry shall supervise work of the Environmental Protection Agency, authorities responsible for environmental protection in the autonomous province and responsible authorities of the local self-government unit, as well as authorized legal persons, in the performance of delegated tasks.

### **Inspector Rights and Duties**

#### **Article 110**

In performing inspection supervision, inspectors shall have the right and duty to determine the following:

- 1) whether the management, i.e. sustainable use and protection of natural resources and goods are carried out in line with strategic documents and conditions and measures determined in accordance with this Law;
- 2) whether collecting or placing on the market wild flora and fauna, their developed forms and parts are carried out in accordance with the prescribed conditions;



3) whether importation, exportation and transit of endangered and protected species of wild flora and fauna, their developed forms and parts are carried out in accordance with the prescribed conditions;

4) whether the measures and conditions of environmental protection in planning and construction are being implemented;

5) whether the requirements of environmental quality and emission are fulfilled;

6) whether the conditions for operation of installation and performance of activity are fulfilled;

Points 7 and 8 (*deleted*)

9) whether domestic or imported technologies or processes are applied and/or production and placement on the market of products, semi-finished products and raw material are carried out in accordance with the prescribed norms of environmental protection;

10) whether prescribed prohibitions of production and circulation of certain products and performance of certain activities are implemented;

11) whether the ecological label for products, processes or services is used in the prescribed manner;

12) whether imports and exports of substances depleting the ozone layer are carried out in accordance with this Law;

13) whether imports, exports and transit of waste are carried out in accordance with this Law;

14) whether hazardous materials in production, use, circulation, processing, storage and disposal are handled in accordance with the prescribed measures;

14a) whether the operator has the prescribed documents and undertakes measures for the prevention of chemical accident and limiting effect of such accident on the life and health of humans and the environment, which are specified in such documents;

15) whether the National programme, action and rehabilitation plans are implemented;

16) whether monitoring of state in the environment is being performed;

16a) whether an action plan for gradual achievement of limit values of pollutant emissions into the water with time limits for their gradual achievement has been adopted and whether the actions have been taken in accordance with the Action Plan referred to in Article 23 of this Law;

17) whether information system and the register of environment pollution sources are being kept;

18) whether the Fund resources are used for intended purposes;

19) whether the obligations from ratified international agreements in the area of environmental protection are being implemented;

19a) identity of persons subject to supervision and other persons on the basis of personal identification card, passport and other documents;

20) whether other prescribed measures and conditions for environmental protection are being implemented.

The control of importation, exportation or transit referred to in paragraph 1 of this Article shall be carried out periodically by the Republic border inspectors.

## **Powers of Inspectors**

### **Article 111**

In the course of performing their tasks referred to in Article 110 of this Law, inspectors shall be authorized to:

1) order the correction of irregularities during the implementation of measures of protection, recultivation and rehabilitation of the environment in the process of utilization of natural resources and goods, within a specified period;

2) prohibit the use of natural resources without or contrary to the consent to environmental protection and rehabilitation project during and after the use of the resources, and order rehabilitation and/or other appropriate protective measures, in accordance with Article 15 of this Law;

2a) order the elaboration of a rehabilitation and remediation project, order implementation of the rehabilitation and remediation in accordance with Article 16 of this Law;

2b) prohibit rehabilitation and remediation without obtained consent to the project;

2c) order the adoption of an action plan for gradual achievement of limit values of pollutant emissions into the water with time limits for their gradual achievement, and order that actions be taken in accordance with the action plan referred to in Article 23 of the Law;

3) prohibit the introduction and growing of flora and fauna of foreign origin for the purpose of free habitation in nature, which could threaten autochthonic species and their spreading;

4) prohibit destroying or damaging of wild flora and fauna and their habitats;

5) prohibit collecting or placing on the market wild flora and fauna, their developed forms and parts without license;

6) prohibit importation and exportation of endangered and protected species of wild flora and fauna, their developed forms and parts whose circulation is prohibited by international agreements;

7) prohibit importation and exportation of endangered and protected species of wild flora and fauna, their developed forms and parts whose circulation is permitted, if it is carried out without a license;

8) prohibit construction and use of installations/establishments and performance of activities if the prescribed requirements and norms regarding emissions and pollutant levels are not met, if they do not have appropriate and functioning equipment and devices which reduce or prevent the emission of pollutants or energy or if other measures and conditions of environmental protection have not been undertaken;

9) prohibit production and circulation of means of transportation that do not meet the conditions regarding emission for mobile sources of pollution;

10) prohibit release of polluting and hazardous materials, wastewaters or energy into air, water and soil in a manner and in quantities and/or concentrations or levels exceeding the prescribed ones;

11) *(deleted)*

12) prohibit operation, use or utilization of technology, technological processes that are not allowed according to the provisions of this Law;

13) prohibit use or utilization of products, semi-finished products or raw materials that are not allowed according to the provisions of this Law;

14) instruct that, in case of doubt, certain technologies, storing, technological processes, products, semi-finished products or raw materials be examined with respect to potential harmful effect on the environment, and to temporarily prohibit their use or utilization until the results of examination are presented;

15) suspend operation of devices until the efficiency of devices for elimination or treatment of pollutants, for which there are no prescribed limit values, has been examined;

16) prohibit placing on the market raw materials, semi-finished products or products which do not have a visible mark on the potential threat to the environment;

16a) order submission of data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency.

17) prohibit use of ecological label contrary to the provisions of this Law;

18) prohibit importation of hazardous waste in accordance with law;

19) prohibit importation, exportation and transit of waste contrary to the provisions of this Law and to order their return to the consignor;

20) prohibit operation of the Seveso installation/establishment when measures prescribed in the Accident Prevention Policy or the Report on Safety or the Accident Protection Plan are not implemented or are insufficiently implemented;

21) order preparation of the Accident Prevention Policy or the Report on Safety or the Accident Protection Plan, and undertaking appropriate preventive and other measures for the protection of the environment from hazardous materials, in accordance with this Law;

21a) order the harmonisation of the Accident Prevention Policy with Article 58a of this Law;

22) prohibit operation of the Seveso installation/establishment if the Notification, Accident Prevention Policy or the Report on Safety or the Accident Protection Plan have not been submitted within the specified period;

23) in case of an accident, order undertaking intervention measures and procedures for response to accidents, implementation of measures in accordance with the Accident Protection Plan, engaging people, resources and undertaking measures for the rehabilitation and prevention of spread of pollution caused by a chemical accident;

24) order the performance of monitoring in the prescribed manner;

25) order implementation of measures of environmental protection in accordance with this Law;

26) prohibit use of funds from the account of a legal person, entrepreneur and natural person on the basis of an enforcement conclusion;

27) take samples of soil, waters, waste, air through the authorized organization;

28) in the procedure of enforced performance of a decision, carry out sealing of premises, installations/establishments, equipment or areas that have caused or might have caused polluting or damage to the environment, in accordance with law;

29) order carrying out of other prescribed obligations within the specified period.

An appeal may be lodged against the decision of the inspector referred to in paragraph 1 of this Article, unless otherwise prescribed by this Law.

The appeal referred to in paragraph 2 of this Article shall be lodged to the responsible authority within 15 days from the date of receipt of the decision and it shall not stay the enforcement of the decision.

The decision of the inspector referred to in paragraph 1 points 6, 7, 19 and 20 of this Article shall be final.

An administrative dispute may be initiated against the decision referred to in paragraph 4 of this Article.

## **Article 112**

In the course of performing activities referred to in Articles 110 and 111 of this Law, inspectors may temporary seize objects, goods or devices whose use is not allowed or which

are obtained and/or which have been used for illegal activities.

In case the inspector has temporarily seized the goods obtained through an illegal activity, and are subject to deterioration or cannot be adequately handled or if their storage entails higher costs, the goods shall be sold in a manner prescribed by the Law, and the realized funds shall be revenue of the budget of the Republic of Serbia.

In performing the supervision over the implementation of measures for environmental protection, the inspector shall have the powers and duties determined by special law.

### **Article 113**

If, during the inspection supervision, the inspector assesses that, in addition to violation of this Law, other laws and regulations, governing issues of importance for environmental protection or its certain part, have also been violated, the inspector shall be obliged to inform other responsible authority, in addition to undertaking measures for which he/she has been authorized.

Other responsible inspection authority shall inform the inspector of the measures undertaken.

In cases when the inspector determines such law violations for which responsibilities of other inspection authorities are also prescribed, the inspector shall, without delay, inform the Minister so that the supervision may be performed and relevant measures undertaken jointly.

### **Article 114**

The Minister shall decide on the appeal against the first instance decision of the responsible municipal and/or city authority or authority of the City of Belgrade that was adopted in the course of performing delegated tasks.

The responsible authority of the autonomous province shall decide on the appeal against first instance decision of the responsible municipal and/or city authority from the territory of the autonomous province, adopted in the course of performing delegated tasks.

The Minister shall decide on the appeal against the first instance decision of the regional unit of the Ministry.

The Minister shall decide on the appeal against the first instance decision of the responsible authority of the autonomous province.

The Government shall decide on the appeal against the first instance decision of the Ministry.

### **Article 115**

The inspector shall have an official identity card, mark and appropriate equipment.

The Minister shall prescribe the format of the official identity card, the appearance and content of the mark and type of equipment.

## IX PENAL PROVISIONS

### **1. Commercial Offences**

#### **Article 116**

Legal person shall be fined in the amount ranging from 1,500,000 to 3,000,000 dinars for commercial offence if it:

- 1) uses natural resources or goods without consent of the Ministry (Article 15 (3));
- 2) does not carry out remediation or in other manner rehabilitate the degraded environment (Article 16 (1));
- 3) carries out remediation or in other manner rehabilitates the degraded environment without consent of the Ministry (Article 16 (2));
  - 3a) fails to adopt an action plan for gradually achieving limit values of pollutant emissions into water, and set time limits for their gradual achievement (Article 23 (3));
  - 3b) fails to act in accordance with action plan for gradually achieving limit values of pollutant emissions into water (Article 23 (3));
- 4) collects or places on the market certain species of wild flora and fauna, their developed forms and parts without license of the Ministry and/or contrary to the conditions determined in the license (Article 27 (4));
- 5) transboundary movement and trade in specimens of wild flora and fauna (import, export, taking in, taking out, re-export) and their developed forms and parts without a permit and/or document issued by the Ministry (Article 28 (2));
- 6) during management of hazardous materials does not undertake all the necessary preventive, protective, safety and rehabilitation measures (Article 29 (2));
- 7) constructs and uses installations/establishments and performs activities if the prescribed limit values for emission and pollutants level, conditions with respect to equipment and devices reducing or preventing the emission of pollutants or energy have not been fulfilled, as well as if other measures and activities for ensuring the prescribed conditions of environmental protection have not been undertaken (Article 40 (1));
- 8) releases polluting and hazardous materials, wastewaters or emits energy into air, water or soil in a manner and in quantities and/or concentrations or levels exceeding the prescribed ones (Article 40 (2));
- 9) applies domestic or imported technology or process and/or produces, stores and places on the market products that do not meet the requirements regarding environment and/or requirements for product quality, or the technology, process, product, semi-finished product or raw material is prohibited in the exporting country (Article 51 (1));



10) uses devices which serve for eliminating or treating the pollutants for which technical requirements have not been specified in technical regulations contrary to Article 51 (4) of this Law;

11) imports hazardous waste (Article 57 (1));

12) imports, exports or carries out transit of waste without license of the Ministry (Article 57 (3));

13) does not act in accordance with the provisions of Article 58 (1) of this Law;

14) does not act in accordance with Article 60k of this Law;

15) does not undertake the rehabilitation measures at its own cost (Article 63 (1));

16) does not prepare or implement the rehabilitation plan referred to in Article 66 (4) of this Law;

17) is not insured for the case of damage caused to third parties due to an accident (Article 106).

For the commercial offence referred to in paragraph 1 of this Article, the fine may be imposed in proportion to the level of the damage caused, unfulfilled obligation or value of goods or other items that are object of the commercial offence, but at the most up to twentyfold the amount of the damage caused, unfulfilled obligation or value of goods or other items that are object of the commercial offence.

For the commercial offence referred to in paragraph 1 of this Article, the responsible person within legal person shall also be fined in the amount ranging from 100,000 to 200,000 dinars.

## **2. Misdemeanours**

### **Article 117**

Legal person shall be fined in the amount ranging from 500,000 to 1,000,000 dinars for misdemeanour if it:

1) produces and/or places on the market means of transportation that do not meet the requirements with regard to emission for mobile pollution sources (Article 40 (3));

2) *(deleted)*

3) does not apply a warning on the product label of a raw material, semi-finished product or product about the environmental pollution and threat to human health that the raw material, semi-finished product or product and/or package thereof causes or may cause in the environment (Article 52 (1));

4) uses the ecological label contrary to the provisions of Article 53 of this Law;



- 5) fails to submit the Notification referred to in Article 59 (1) of this Law;
- 6) fails to submit the Report on Safety and the Accident Protection Plan to the Ministry with data referred to in Article 60a of this Law;
- 7) does not act in accordance with Article 60c of this Law;
- 8) does not act in accordance with Article 60k of this Law;
- 9) performs monitoring without authorization (Article 71 (1));
- 10) does not perform monitoring and observance of other effects on the state of the environment (Article 72);
- 11) fails to submit monitoring data in the prescribed manner (Article 73);
- 12) does not submit data of importance for keeping the register of environment pollution sources in the prescribed manner (Article 75 (5));
- 12a) fails to submit data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency;
- 13) does not enable the inspector to perform control and/or does not act in line with the decision of the inspector (Article 111).

For the misdemeanour referred to in paragraph 1 of this Article, the fine may be imposed in proportion to the level of the damage caused or unperformed obligation, value of goods or other item that is object of the misdemeanour, but at the most up to twentyfold the amount of these values.

For the misdemeanour referred to in paragraph 1 of this Article, the responsible person within legal person shall also be fined in the amount ranging from 25,000 to 50,000 dinars.

For the misdemeanour referred to in paragraph 1 of this Article, the protective measure of prohibiting the performance of specific activity for the period of up to three years may also be imposed, and the performance of specific tasks for the period of up to one year for a responsible person.

### **Article 117a**

An entrepreneur shall be fined in the amount ranging from 250,000 to 500,000 dinars for misdemeanour if it:

- 1) uses natural resources and goods without consent of the Ministry (Article 15 (3));
- 2) does not carry out remediation or in other manner rehabilitates the degraded environment (Article 16 (1));
- 3) carries out remediation or in other manner rehabilitates the degraded environment without consent of the Ministry (Article 16 (2));

- 3a) fails to adopt the action plan for gradually achieving limit values of pollutants emission into water, and set in it time limits for gradual achievement of limit values (Article 23 (3));
- 3b) fails to act in accordance with the action plan for gradually achieving limit values of pollutant emissions into water (Article 23 (3));
- 4) collects or places on the market certain species of wild flora and fauna, their developed forms and parts without license of the Ministry and/or contrary to the conditions determined in the license (Article 27 (4));
- 5) transboundary movement and trade in specimens of wild flora and fauna (import, export, taking in, taking out, re-export) and their developed forms and parts without a permit and/or document issued by the Ministry (Article 28 (2));
- 6) produces and/or places on the market means of transportation that do not meet the requirements with regard to emission for mobile pollution sources (Article 40 (3));
- 7) does not apply a warning on the product label of a raw material, semi-finished product or product about the environmental pollution and threat to human health that the raw material, semi-finished product or product and/or package thereof causes or may cause in the environment (Article 52 (1));
- 8) does not act in accordance with the provisions of Article 58 (1) of this Law;
- 9) fails to submit the Notification referred to in Article 59 of this Law;
- 10) fails to submit the Report on Safety and the Accident Protection Plan to the Ministry with data referred to in Article 60a of this Law;
- 11) does not act in accordance with Article 60c of this Law;
- 12) does not act in accordance with Article 60k of this Law;
- 13) performs monitoring without authorization (Article 71 (1));
- 14) does not perform monitoring and observance of other effects on the state of the environment (Article 72);
- 15) fails to submit monitoring data in the prescribed manner (Article 73);
- 16) fails to submit data of importance for keeping the register of environmental pollution sources in the prescribed manner (Article 75 (5));
- 16a) fails to submit data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency;
- 17) does not enable the inspector to perform control and/or does not act in line with the decision of the inspector (Article 111).

For the misdemeanour referred to in paragraph 1 of this Article, the protective measure of prohibiting the performance of activity for the period of up to three years may also be imposed.

### **Article 118**

Natural person shall be fined in the amount ranging from 5,000 to 50,000 dinars or punished with up to 30 days of imprisonment for the misdemeanour if it:

- 1) disturbs, maltreats, hurts and destroys wild fauna and/or destroys its habitats (Article 27 (2));
- 2) destroys, tears or in other manner devastates wild flora and/or destroys its habitats (Article 27 (3));
- 3) collects or places on the market certain species of wild flora and fauna, their developed forms and parts without license of the Ministry and/or contrary to the conditions determined in the license (Article 27 (4));
- 4) exports or imports protected species of wild flora and fauna, their developed forms and parts without license of the Ministry (Article 28 (1)).

### **Article 118a**

Parent, guardian and/or responsible person within the guardianship authority shall be fined in the amount of 5,000 dinars for misdemeanour if a minor commits misdemeanour referred to in Article 118 paragraph 1 points 1, 2 and 3 of this Law because of the failure of due supervision of the minor.

### **Article 119**

*(Deleted)*

### **Article 120\*\***

Responsible person within the administration authority or local self-government unit or organization exercising public powers shall be fined in the amount ranging from 25,000 to 50,000 dinars for misdemeanour if it:

- 1) issues approval for using natural resource or good, without consent of the Ministry (Article 15 (1));
- 2) issues consent to a rehabilitation and remediation project developed contrary to the prescribed content of the rehabilitation and remediation project, without the implementation of the prescribed procedure for issuing a consent to the project, contrary to prescribed conditions for issuing a consent to the project and without the prescribed documentation to be submitted with the application for consent (Article 16);
- 3) issues license without obtained opinion of the organization responsible for nature protection (Article 27 (4));

4) issues license without the prescribed documentation or fails to keep the register of issued licenses in the prescribed manner (Article 28);

5) prepares spatial or urban plan without conditions for ensuring environmental protection measures referred to in Article 34 of this Law;

6) does not inform the public and does not issue an act on introducing special measures in cases referred to in Article 42 (1) of this Law;

7) (*deleted*)

8) fails to keep records of issued certificates for joining the EMAS system (Article 44 (9));

9) (*deleted*)

10) does not adopt external plans referred to in Article 61 of this Law;

11) does not declare the state of endangered environment and fails to inform the public on the undertaken measures (Article 62);

11a) fails to adopt an action plan and/or rehabilitation plan (Article 68);

12) does not perform monitoring (Article 69);

13) does not submit monitoring data in the prescribed manner (Article 73);

14) does not keep the Information System for environmental protection (Article 74);

15) does not keep the register of environment pollution sources (Article 75 (2));

16) fails to act in accordance with Articles 78, 80 and 81 of this Law;

16a) fails to submit data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency;

(16b) fails to submit the report referred to in Article 100 (4) of this Law.

Points 17 and 18 (*ceased to exist*)

For the misdemeanour referred to in paragraph 1 of this Article, the protective measure of prohibiting performance of specific tasks for the period of up to one year may also be imposed to the responsible person within the administration authority or local self-government unit or organization exercising public powers, in addition to the imposed fine.

### **Article 121**

For the misdemeanour referred to in Articles 117, 117a, 118 and 118a of this Law, in addition to the penalty, a protective measure may also be imposed by seizing objects which have been used or intended to be used for committing misdemeanour, or which are derived or

obtained through committing misdemeanour.

## X TRANSITIONAL AND FINAL PROVISIONS

### **Article 122**

Legal and natural persons shall harmonize their operations with the provisions of this Law within one year from the date this Law comes into force.

### **Article 123**

Within one year from the date this Law comes into force, the National Assembly shall adopt the following:

- 1) National Strategy on the Sustainable Use of Natural Resources and Goods referred to in Article 12 of this Law;
- 2) National Environmental Protection Programme referred to in Article 64 of this Law.

### **Article 124**

The Government shall adopt, within one year from the date this Law comes into force, the act referred to in Article 43 (3) of this Law, and within two years from the date this Law comes into force the action plans referred to in Article 65 of this Law, as well as the programme referred to in Article 69 (3) of this Law.

Until the adoption of the Strategy and National Action Plans, the basis for utilization of natural resources and goods shall be the natural resources master plans (water management, forest, geological, mineral-raw material, pedological, agricultural, spatial protection and other ecological-spatial master plans) as special documents on potentials of a natural resource or good, which are prepared or innovated on the basis of determined or estimated balances and other categories in accordance with the Spatial Plan of the Republic of Serbia and other spatial and urban plans.

### **Article 125**

The Fund for Environmental Protection shall start its operations at the latest within six months from the date this Law comes into force.

### **Article 126**

The chairperson and members of the Managing and Supervisory Boards, as well as the Director of the Fund, shall be appointed by the Government within 60 days from the date this Law comes into force.

The Managing Board shall adopt the Statute of the Fund within 30 days from the day of appointing.

### **Article 127**

Provisions of laws and other regulations governing management of natural resources and

goods as well as planning and construction, which are contrary to this Law, shall not be applied.

### **Article 128**

Until the adoption of regulations on the basis of powers under this Law, the regulations adopted on the basis of the following shall be applied:

1) Law on Basic Principles of the Environmental Protection (*Official Gazette of FRY* Nos 24/98, 24/99 and 44/99);

2) Law on Environmental Protection (*Official Gazette of RS* Nos 66/91, 83/92, 53/93, 67/93, 48/94 and 53/95).

### **Article 129**

On the date this Law comes into force, the following shall cease to be in force:

1) Law on Basic Principles of the Environmental Protection (*Official Gazette of FRY* Nos 24/98, 24/99 and 44/99);

2) Law on Environmental Protection (*Official Gazette of RS* Nos 66/91, 83/92, 53/93, 67/93, 48/94 and 53/95), except for the provisions governing protection of air, protection of natural goods and protection against noise.

### **Article 130**

This Law shall come into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*.

**Independent Articles of the Law Amending  
Law on Environmental Protection**

*(Official Gazette of the Republic of Serbia Nos 36/2009 and 43/2011 - Decision of the  
Constitutional Court)*

**Article 72[s1]**

Act referred to in Article 5 (3) and Article 18 (1) of this Law shall be adopted by the Government within one year from the date of entry into force of this Law.

Act referred to in Article 51 paragraphs 2 and 3 and Article 52 (7) of this Law shall be adopted by the Government within six months from the date of entry into force of this Law.

The Government shall adopt within one year from the date of entry into force of this Law:

- 1) National Strategy on the Sustainable Use of Natural Resources and Goods;
- 2) National Environmental Protection Programme.

The Minister shall within one year from the date of entry into force of this Law issue acts referred to in Article 4 (3), Article 5 (4), Article 7 (3), Article 20 (3), Article 22 (3), Article 26 (1), Article 29 (2), Article 30 (4), Article 31 (2), Article 32 (6), Article 35 (7) and Article 42 (4) of this Law.

**Article 73\*\*\*[s1]**

Local self-government units shall do as follows:

- 1) Open a budgetary fund, in accordance with law regulating budgetary system until 31 December 2009;
- 2) Align applicable regulations on the charge for the environmental protection and enhancement until 31 December 2009.

**Article 75[s1]**

This Law shall come into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*.

***Independent Articles of the Law Amending  
Law on Environmental Protection***

*(Official Gazette of the Republic of Serbia No 14/2016)*

**Article 33[s2]**

Legal persons and/or entrepreneurs that are discharging their waste water into a recipient or public sewerage, except facilities subject to integrated permits, shall adopt an action plan referred to in Article 6 of this Law within 6 months from the date of entry into force of this Law.

The autonomous province and/or local government units shall adopt environmental protection programmes, action and/or rehabilitation plans referred to in Article 68 of the Law on Environmental Protection within a year from the date of entry into force of this Law.

**Article 34[s2]**

Regulations adopted pursuant to this Law shall be adopted within a year from the date of entry into force of this Law.

Until the adoption of regulations pursuant to this Law, regulations adopted pursuant to the Law on Environmental Protection (*Official Gazette of the Republic of Serbia* Nos 135/04, 36/09, 36/09 - other law, 72/09 - other law and 43/11 - Decision of the Constitutional Court) shall apply.

**Article 35[s2]**

This Law shall come into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*, except provisions of Articles 22 and 23 of this Law, which shall apply as of 1 January 2017.

Notes:

\* Article 57 (2) of the Law on Environmental Protection (*Official Gazette of the Republic of Serbia* No 135/2004) ceased to have effect on 23 May 2009, with effect from the date of entry into force of the Law on Waste Management (*Official Gazette of the Republic of Serbia* No 36/2009).

\*\* Provisions of Articles 91 through 99 and Article 120 (1) points 17 and 18 of the Law on Environmental Protection (*Official Gazette of the Republic of Serbia* Nos 135/2004, 36/2009 and 36/2009 - other law) ceased to have effect on 11 September 2009, with effect from the date of entry into force of the Law on the Environmental Protection Fund (*Official Gazette of the Republic of Serbia* No 72/2009).

\*\*\* Provision of Article 73 (2) of the Law amending Law on Environmental Protection (*Official Gazette of the Republic of Serbia* No 36/2009) ceased to have effect on 14 June 2011, pursuant to Decision of the Constitutional Court IUz No 198/2009 of 20 April 2011, published in *Official Gazette of the Republic of Serbia* No 43/2011 of 14 June 2011.



**LAW**

**AMENDING LAW ON ENVIRONMENTAL PROTECTION**

*(Official Gazette of the Republic of Serbia No 14/2016)*

**Article 1**

In the Law on Environmental Protection (*Official Gazette of the Republic of Serbia* Nos 135/04, 36/09, 36/09 - other law, 72/09 - other law and 43/11 - Decision of the Constitutional Court), in Article 3, point 20 is replaced by the following:

"20) waste means any substance or object defined by the law regulating waste management;"

Point 22) is replaced by the following:

"22) dangerous substance means a substance defined by EU regulations governing the control of large chemical accidents including dangerous substances;"

After point 29) a new point 29a shall be added, worded as follows:

"29a) public authority means an authority responsible for the implementation of obligations within competences laid down in this Law, as follows:

- ministry responsible for environment;
- provincial authority responsible for environment;
- competent authority in a local self-government unit;
- other public authority, authority of an autonomous territory, authority of a local self-government unit or organisation with conferred public competences;
- natural and legal persons performing public functions or exercising public competences, including specific duties, activities or services in relation to the environment, and other natural or legal persons exercising public competences or providing public services relating to the environment that are under their control;
- legal person established by a public authority, authority of an autonomous territory, authority of a local self-government unit and organisations with conferred public competences or financed entirely or mostly from budgetary funds;"

In point 33, full stop shall be replaced by semicolon.

After point 33, points 33a, 33b, 33c, 33d and 33e shall be added, worded as follows:

"33a) environmental information means all information in written, visual, aural, electronic or other material form, held by or for a public authority, on:

1) the state of environmental factors such as air and atmosphere, water, land, soil, regions and natural areas, including swamp, inshore, river and lake areas, biodiversity and its components, geodiversity and geological inheritance, genetically modified organisms, and interaction of these factors;

2) factors such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment affecting or likely to affect the elements of the environment referred to in subpoint 1 of this point;

3) measures (including administrative measures) such as public policies, strategies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in subpoints 1 and 2 of this point, and established measures or activities for the protection of these factors;

4) reports on the implementation of environmental legislation;

5) cost-benefit analysis, economic analysis and assumptions used within the framework of the measures and activities referred to in subpoint 3 of this point;

6) the state of human health and safety, including the threatened food webs, and, if necessary, conditions of human life, immovable cultural property and their protected environment, and construction facilities, in as much as they are or might be affected by the state of environmental factors referred to in subpoint 1 of this point, through such factors, the state of any factors referred to in subpoints 2 and 3 of this point;

33b) information held for a public authority means environmental information possessed by a natural or legal person that keeps this information on behalf of a public authority;

33c) sludge means processed or unprocessed residue from technological waste water treatment facilities;

33d) applicant for environmental information may be anyone in accordance with the Law on Free Access to Information of Public Importance;

33e) information concerning environmental threats or environmental protection means the information on imminent danger resulting from human activity or natural causes, including information on the emissions to the environment.”.

## **Article 2**

In Article 10 (8), word: "etc." is deleted and full stop replaced by semicolon.

After point 8, points 8a and 8b shall be added, worded as follows:

"8a) Control of the major risks of accidents involving dangerous substances;

8b) Transboundary movement and trade in wild species.”.

### **Article 3**

Article 15 is replaced by the following:

#### **"Article 15**

A competent authority may not issue an approval for the use of natural resources without a given consent to an environmental protection and rehabilitation project during and after the use of the natural resource.

The consent referred to in paragraph 1 of this Article shall not be obtained for works and activities on the use of natural resources which are, in accordance with special law, subject to the environmental impact assessment procedure and for which the environmental protection and rehabilitation measures during and after the use of the resources are laid down in the framework of the impact assessment procedure.

The consent to the project referred to in paragraph 1 of this Article is issued by the Ministry.

The Minister responsible for environmental protection (hereinafter referred to as the Minister) shall prescribe in more detail the content of the project referred to in paragraph 1 of this Article, as well as the procedure and conditions for the issuance of the consent to the project.”.

### **Article 4**

Article 16 is replaced by the following:

#### **"Article 16**

A legal or natural person degrading the environment shall perform rehabilitation and remediation of the degraded environment, in accordance with a rehabilitation and remediation project.

The Ministry shall give consent to the rehabilitation and remediation project referred to in paragraph 1 of this Article, except for rehabilitation and remediation projects for mining facilities.

The consent referred to in paragraph 2 of this Article shall be issued in the form of a decision and shall be valid for 2 years from the date of issue.

The decision referred to in paragraph 3 of this Article is final and an administrative dispute may be filed against it.

In the procedure of issuing the consent referred to in paragraph 2 of this Article, the Minister, by way of a decision, may establish a special working group in accordance with the regulations on public administration.

When the person referred to in paragraph 1 of this Article does not perform rehabilitation and/or remediation of the degraded area, the Ministry shall, at the expense of the person referred to in paragraph 1 of this Article, perform the required actions in order to rehabilitate and/or remediate the degraded area.

In case of an initiated procedure of winding up or bankruptcy of the person referred to in paragraph 1 of this Article, the rehabilitation and remediation costs shall be covered from the bankruptcy estate.

The application for consent and the rehabilitation and remediation project referred to in paragraph 1 of this Article shall be submitted in written and/or electronic form.

The minister shall prescribe in more detail the content of the rehabilitation and remediation project, procedure and conditions for provision of consent to the project, and the documentation that should be submitted with the application for provision of consent referred to in paragraph 2 of this Article.”.

#### **Article 5**

In Article 20, paragraph 3 shall be replaced by the following:

"Assembly of the local self-government unit shall adopt a special decision to regulate the general conditions of protection, the manner of establishment and maintenance, rehabilitation of degraded public green areas as well as the keeping of records concerning public green areas.”.

#### **Article 6**

In Article 23, after paragraph 2, new paragraphs 3 through 5 shall be added, worded as follows:

"A legal person and/or entrepreneur owning wastewater treatment facilities or planning to build them and who is discharging waste water into a recipient or public sewerage, except facilities subject to integrated permits, shall adopt an action plan for gradually achieving limit values of pollutant emission into the water, set time limits for their gradual achievement and act in line with the action plan in accordance with the regulation on limit values for pollutant emission into the water and time limits for their achievement.

The sludge produced in the process of communal wastewater treatment must be treated, disposed of and used in a manner that does not endanger the environment and human health, in accordance with law governing water pollution.

The sludge produced in the process of technological wastewater treatment must be treated, disposed of and used in accordance with law on waste management, with the exception of sludge which is the mining waste produced in the process of exploitation and mineral resources preparation.”.

Paragraphs 3 and 4 shall become paragraphs 6 and 7.

## Article 7

The title of the Article and Article 28 shall be replaced by the following:

### “Movement and Trade in Specimens of Wild Flora and Fauna

#### Article 28

The transboundary movement and trade in specimens of wild flora and fauna (import, export, taking in, taking out, re-export) and their developed forms and parts may be performed provided that import and/or export is not prohibited and/or that the quantity and number of specimens of wild flora and fauna subject to the transboundary movement and trade do not endanger the survival of the species, and other conditions imposed by law.

The transboundary movement and trade referred to in paragraph 1 of this Article shall be performed on the basis of a permit and/or document issued by the Ministry in the capacity of a competent public administration body for the implementation of ratified international agreements on transboundary movement and trade of protected species of wild flora and fauna.

The transit of specimens of wild flora and fauna species protected under an international agreement, their developed forms, parts and derivatives may be performed provided that the consignment is accompanied by a valid original export permit and/or certificate of re-export, issued by a competent authority in the state of export or re-export, which clearly states the final destination.

With the application for the permit and/or document referred to in paragraph 2 of this Article, the applicant shall submit:

- 1) Documentation evidencing that the specimens of wild flora and fauna were acquired in accordance with ratified international agreements and regulations on the protection of certain species in the country of export or re-export;
- 2) A statement of the importer and/or exporter on the purpose of use of the specimen;
- 3) Other required documentation.

In the procedure of issuing permits and/or documents referred to in paragraph 2 of this Article, the Ministry shall, via electronic means, forward the application and supporting documentation to an authorized scientific and professional organisation in order to obtain an expert opinion.

The scientific and professional organisations referred to in paragraph 5 of this Article shall perform expert activities relating to:

- 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;
- 9) Other expert activities relating to the implementation of ratified international agreements.

The Minister shall appoint scientific and professional organisations for the expert activities referred to in paragraph 6 of this Article, and the manner of obtaining and submitting expert opinion.

The Minister may establish a special body composed of representatives of scientific and professional organisations referred to in paragraph 5 of this Article, i.e. scientists and professionals, in order to provide the final assessment on certain issues relating to transboundary movement and trade in wild species, conditions for keeping and breeding in captivity, marking, origin of specimens, taxonomic determination and other procedures involving wild species.

The Minister shall prescribe in more detail documentation to be submitted with the application referred to in paragraph 4 of this Article, and the content and the appearance of the permit.

The Ministry shall keep a register on issued permits in a prescribed manner. "

### **Article 8**

In Article 30 (1), after the word: "transportation" words: "storage, preparation for reuse and/or recovery" shall be added.

In paragraph 2, the word: "owner" shall be replaced by words: "owner and/or other holder".

### **Article 9**

In Article 34 (1) (2a), after the words: "planning of landscape" words: "which encompass areas beyond protected natural goods" shall be deleted.

In point 3, words: "facilities for waste treatment and disposal" shall be replaced by words: "facilities for waste storage, preparation and reuse, treatment and/or recovery and disposal".

### **Article 10**

The title of Article 38 shall be replaced by the following:

"Chemical Accident Protection"

### **Article 11**

The title of the Article and Article 44 shall be replaced by the following:

## "Environmental Protection Management System

### Article 44

In the Republic of Serbia, Serbian standards for the management and certification of the environmental management system shall apply.

Legal persons, entrepreneurs, organisations and other legal entities may certify their environmental management system in accordance with standard SRPS ISO 14001.

Legal persons, entrepreneurs and organisations that have an established environmental management system may become involved in the community Eco-Management and Audit Scheme (hereinafter EMAS).

The persons referred to in paragraph 3 of this Article shall submit an application to the Ministry for the confirmation of data on official records in the field of the environmental protection (issued permits, approvals, consents, findings of the inspection authority competent for the environmental protection, etc.) in order to be included in EMAS.

The application for the confirmation referred to in paragraph 4 of this Article shall contain:

- 1) data on the legal person, entrepreneur and organisation (activity for which it is registered, number of employees and its headquarters);
- 2) a short description of the established environmental management system;
- 3) other required data in accordance with law.

With the filled in form of application referred to in paragraph 5 of this Article, the following documentation shall be submitted:

- 1) proof of registration of the activity;
- 2) copy of submitted application for EMAS registration;
- 3) other documents in accordance with this Law.

In the procedure for the issuance of the confirmation referred to in paragraph 4 of this Article, the Ministry may request additional data from other competent authorities with relevance to the environmental protection.

For the submission of the application and for the issue of the confirmation, a fee shall be paid in accordance with law on Republic Administrative Fees.

The Ministry shall keep records on confirmations issued.

The Minister shall specify:

- 1) the content and the form of the application for the confirmation, documentation submitted with the application, the content and the confirmation form;
- 2) the content, manner of keeping and the appearance of the records."

### Article 12

Articles 45 through 50 are deleted.



### **Article 13**

In Article 66, after paragraph 3, there is inserted the following new paragraph 4:

"The Government's rehabilitation plan specifies the regulations on state aid for the rehabilitation of contaminated locations and other regulations on state aid required for the enforcement of regulations on state aid for the rehabilitation of contaminated locations."

Paragraph 4 shall respectively become paragraph 5.

### **Article 14**

In Article 74 (2), after the word: "classification" there is inserted the word: "processing,".

After paragraph 4, there are inserted paragraphs 5 through 9:

"The Environmental Protection Agency shall establish and maintain the National Metaregister for Environmental Information (hereinafter referred to as the National Metaregister), which is a constituent part of the Information System.

The National Metaregister for Environmental Information is an electronic database and portal to existing databases and documents containing information from the environmental field of various authorities and organisations.

Public authorities shall update, in accordance with law, at least once a year or if necessary, at request of the Ministry, data in the National Metaregister.

The Environmental Protection Agency shall establish and maintain the means for processing environmental information.

Public authorities referred to in paragraph 7 of this Article are responsible for the accuracy of updated information provided."

Paragraph 5 shall become paragraph 10.

### **Article 15**

After Article 75, there are inserted title of Article 75a and Article 75a:

"Control of Data Submission and Accuracy of Submitted Data for the National Register of  
Pollution Sources

#### Article 75a

The Environmental Protection Agency shall, on its own or in collaboration with a competent inspection, monitor data submission for the National Register of Pollution Sources and the accuracy of submitted data.

The Agency shall initiate misdemeanour proceedings charges against persons who are obliged to report to the National Register of Pollution Sources and who have not submitted the required data or data were not submitted in the prescribed manner and within the statutory deadline and/or who have submitted inaccurate data.”.

### **Article 16**

In Article 76, paragraph 2 is replaced by the following:

"The Environmental Protection Agency shall draft the report referred to in paragraph 1 of this Article on the basis of collected and available data and information no later than 31 May of the current year.”.

### **Article 17**

In Article 78, paragraph 2 is replaced by the following:

"Access to environmental information shall be exercised in accordance with the Law on Free Access to Information of Public Importance.".

After paragraph 2, there are inserted paragraphs 3 through 5:

"When application is related to information referred to in Article 3 paragraph 1 point 33a subpoint 2 of this Law relating to measurement procedures, including analysis, sampling and sample pre-treatment, that were used for information gathering, public authority, with a notification about web page with available information, shall deliver to the applicant a notification on standard procedure used as well.

When due to technical reasons public authority is not able to deliver the environmental information in the requested form, it shall deliver it in other form or format, stating the reasons for such action.

Public authorities shall make all reasonable efforts to maintain environmental information held by or for them in forms or formats that are readily reproducible and accessible via computer telecommunications or other electronic means.”.

### **Article 18**

Article 79 is deleted.

### **Article 19**

The title of Article and Article 80 shall be replaced by the following:

"Dissemination of Environmental Information

Article 80

Public authorities shall undertake all necessary measures to ensure that environmental information which is relevant to their functions and which is held by or for them are actively and systematically disseminated to the wider public, in particular by means of computer telecommunication and/or electronic technology.

Public authorities shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunication networks.

Public authorities shall regularly update and disseminate environmental information, in particular:

- 1) International conventions, agreements and legislation on the environment or relating to it;
- 2) Strategies, plans, programmes and other documents relating to the environment;
- 3) Progress reports on the implementations of legislations on environment, including the implementation of international agreements, strategic documents, plans, programmes in the field of environment, when public authorities have prepared them or hold them in electronic form;
- 4) State of the environment reports;
- 5) Data obtained on the basis of monitoring activities affecting or likely to affect the environment;
- 6) Permits and authorisations for performing activities that have significant effect on the environment;
- 7) agreements concluded with the aim of environmental protection;
- 8) Environmental impact assessment studies and risk assessments relating to environmental factors, and decisions relating to all three phases of the impact assessment procedure.

Public authorities shall without delay inform the public, by means of public notifications or in some other appropriate manner, of an existing threat to human life and health, environment or material goods, regardless of whether the threat was caused by human activity or natural causes.

In case of a failure to act or in case of inadequate and untimely action in accordance with the previous paragraph, the public authority bodies shall be responsible under the general rules for damage compensation.”.

## **Article 20**

Article 81 is replaced by the following:

## "Article 81

In accordance with law, public and the public concerned have the right to participate in the process of decision-making on:

- 1) Strategic environmental impact assessment of plans and programmes;
- 2) Impact assessment of projects whose implementation may lead to the pollution of the environment or may present a risk for the environment and human health;
- 3) Approval of operations of new and/or existing installations;
- 4) Developing, amending, reviewing and adopting air quality plans, regional and local waste management plans, i.e. hazardous waste management plans, national waste management plan, waste prevention programmes, action plans for environmental noise prevention, and water pollution protection plan.

Public participation regarding strategic impact assessment shall be ensured within the framework of the public presentation of a spatial and urban plan and/or other plan or programme referred to in Article 35 of this Law.

Public participation in decision-making on environmental impact assessment of projects shall be enforced in the framework of public presentation of projects and public debate.

Public participation in decision-making on commissioning new and/or existing facilities shall be enforced during the issue of new permits for integrated pollution prevention and control.

The Government shall establish the public participation procedure in decision-making on developing, amending, reviewing and adopting plans and programmes referred to in paragraph 1 point 4 of this Article.”.

## **Article 21**

The title of Article and Article 89 shall be replaced by the following:

"Funds for Financing Environmental Protection

### Article 89

Financing environmental protection is implemented by applying the principles „user pays”, „polluter pays” and „liability“.

Funds for financing environmental protection in the Republic of Serbia shall be ensured from the budgetary funds of the Republic of Serbia, budgets of the autonomous province and local self-government units, funds from foreign states, international organisations, financing institutions

and bodies, domestic and foreign legal and natural persons, European Union funds and other international funds, donations, gifts, contributions, aid, etc.

The European Union funds referred to in paragraph 2 of this Article shall be used for financing projects in accordance with the accredited system of EU funds management.

Financing infrastructure projects shall be implemented on the basis of a uniform list of priority projects in accordance with the methodology for selection and prioritization of infrastructure projects.”.

## **Article 22**

In Chapter VI ECONOMIC INSTRUMENTS, Section 1 Types of Economic Instruments, title of subsection "1.4. Fund for Environmental Protection" is replaced by the following:

"1.4. Green Fund of the Republic of Serbia".

The title of Article and Article 90 shall be replaced by the following:

"Green Fund of the Republic of Serbia

## **Article 90**

The Green Fund of the Republic of Serbia shall be established as budgetary fund designed to track the allocation of assets earmarked for financing the preparation, implementation and development of programmes, projects and other activities related to the protection, sustainable use and improvement of environment.

Budgetary fund shall be established for an indefinite period of time in accordance with law governing budgetary system.

Budgetary fund will be managed by the Ministry."

## **Article 23**

After Article 90, titles of Articles and Articles 90a through 90d shall be added, worded as follows:

"Resources of the Green Fund of the Republic of Serbia

## **Article 90a**

The funds for financing activities referred to in Article 90 paragraph 1 of this Law shall be provided through:

- 1) Appropriations of the Republic of Serbia's current year budget;
- (2) Grants and loans;

(3) Other sources of public revenue.

## Award of Funds

### Article 90b

Funds of the Green Fund of the Republic of Serbia shall be awarded to beneficiaries for the purpose of financing environmental protection and enhancement on the basis of open application procedure published by the Ministry.

Notwithstanding paragraph 1 of this Article, funds of the Green Fund of the Republic of Serbia shall be awarded to fund users without public tender procedure in case of funding of activities referred to in Article 90c point 16 of this Law.

Beneficiaries referred to in paragraph 1 of this Article are legal and natural persons registered or residing in the territory of the Republic of Serbia who fulfil the conditions for granting based on open application procedure under paragraph 1 of this Article.

The Ministry shall enter into a contract award agreement with beneficiaries.

The Ministry shall monitor, analyse and supervise the implementation of projects and the utilization of funds.

The Government shall establish the conditions required from the beneficiaries, conditions and manner of the award of funds, criteria and standards for the evaluation of applications for the distribution of funds, manner of monitoring the use of funds and contractual rights and obligations, and other important issues for the award and use of the resources of the Green Fund of the Republic of Serbia.

The Minister shall specify detailed conditions for the award and use of funds of the Green Fund of the Republic of Serbia.

## Utilization of Funds

### Article 90c

The utilization of resources of the Green Fund of the Republic of Serbia shall be performed in accordance with law, the National Environmental Protection Programme and strategic documents as well as the list of priority infrastructure projects in the field of the environment, for:

- 1) Protection, conservation and improvement of the quality of air, water, soil and forests, and for reduction of the impact of climate change and the implementation of adaptation measures, including the ozone layer;
- 2) Rehabilitation of waste disposal sites, reduction of waste production, waste reuse, treatment and/or recovery and disposal;
- 3) Programmes, projects and other investment and operational activities from the field of waste management in accordance with the Law on Waste Management;

- 4) Introduction of cleaner production for the operation of installations and performance of activities as well as adaptation to the requirements of environmental protection;
- 5) Technology and production that reduce load to the environment and pollution;
- 6) Protection and conservation of biodiversity, care of injured, sick, confiscated or seized specimens of wild flora and fauna, including active protective measures such as reintroduction, repopulation and maintenance of habitats;
- 7) Promotion of sustainable use of protected areas;
- 8) Improvement and construction of the environmental protection infrastructure, in particular for the protection against noise and for the elaboration of strategic noise maps and action plans;
- 9) Promotion of the use of renewable resources;
- 10) Promotion of environmentally friendly modes of transport;
- 11) Promotion of sustainable development except for projects of improvement of energy efficiency;
- 12) Operational work and further development of the monitoring and information system;
- 13) Improving the notification system on the state of the environment, monitoring and evaluation of the state of the environment as well as introduction of the environmental management system;
- 14) Promotion of educational, research and development studies, programmes, projects and other activities in the field of environmental protection, including demonstration activities;
- 15) Financing measures for accident prevention;
- 16) Financing emergency intervention measures in case of environmental pollution, recultivation and rehabilitation of a polluted area in accordance with Article 66 of this Law;
- 17) Removal of sources of ionizing radiation from radioactive lighting rods and care of abandoned sources of ionizing radiation from unknown owners and/or users;
- 18) Improvement and construction of infrastructure for the protection against ionizing and non-ionizing radiation;
- 19) Recultivation and rehabilitation of historical pollution (tailings ponds, industrial landfills, etc.);
- 20) Financing ecological education programmes and strengthening public awareness of the issues of environmental protection and sustainable development;



21) Co-financing projects financed from EU Pre-Accession Funds, international development aid and other sources of financing requiring co-financing;

22) Financing national contributions in accordance with ratified international conventions and protocols;

23) Development of public and private partnerships in activities regarding environmental protection and enhancement;

24) Financing other activities in accordance with law.

Beneficiaries shall use the funds as intended, in the manner and time frames laid down by the agreement on the use of funds.

If a beneficiary does not use funds in the manner and for purposes stipulated under the agreement, the beneficiary shall repay funds spent in an inappropriate manner into the budget of the Republic of Serbia and shall be responsible for caused damages in the manner laid down in the agreement on the use of funds and in accordance with general rules of the Law of Contract and Torts.

The resources of the Green Fund of the Republic of Serbia may be used for financing/co-financing of the programmes, projects and other activities on the territory of the Republic of Serbia for projects referred to in paragraph 1 of this Article, provided that they are organized and financed by international organisations, financing institutions and bodies and other legal persons and in so far as they are organized and financed through bilateral aid.

## Record Keeping

### Article 90d

The Ministry is obliged to keep records of payers of all environmental protection charges.

The records referred to in paragraph 1 of this Article shall contain data on: the charge amount, maturity of the liability, calculation of interest, issued notices and debt amount, procedure of enforced collection and other data.

The payer referred to in paragraph 1 of this Article shall notify the Ministry and the Environmental Protection Agency of cessation of business, status change and/or change in activity, ownership, lease or other payer's rights, start of the operation of a new individual pollution source or data on winding up of an existing pollution source.

The payer shall submit the notification referred to in paragraph 3 of this Article within 30 days of the day of the change.

The Minister shall define the content, appearance and manner of keeping records referred to in paragraph 2 of this Article.”.

## **Article 24**

The title of the Article and Article 100 shall be replaced by the following:

“Autonomous Province and Local Self-Government Unit

### **Article 100**

The autonomous province and local self-government unit shall open a budgetary fund in accordance with the Law on the Budgetary System.

The budgetary fund referred to in paragraph 1 of this Article shall be financed from proceeds acquired on the territory of the autonomous province and local self-government unit pursuant to Articles 85, 85a and 87 of this Law and other sources in accordance with law.

Budgetary funds shall be used for financing environmental protection and enhancement on the basis of an established programme for the use of budgetary funds adopted by the competent authority of the autonomous province and/or local self-government unit in accordance with action plans and rehabilitation plans referred to in Article 68 of this Law, upon prior consent from the Ministry to the intended use of the funds.

The autonomous province and local self-government unit shall submit to the Ministry a report on the use of the budgetary funds no later than 31 March of the current year for the previous year and/or at the request of the Ministry.

The Minister shall prescribe the format of the programme for the use of budgetary funds and reports on the use of budgetary funds, manner and deadlines for their submission.”.

## **Article 25**

In Article 101, paragraph 2 shall be replaced by the following:

“For consumers who, in an organized manner, return used and non used devices or parts thereof, products or their packaging, the producers of plastic carrier bags, operators of the facilities for reuse and/or recovery, collectors and other subjects in the waste management system, special incentives such as subsidies, deposits and their refund may be determined, under the terms and in the manner stipulated in this Law and special law.”.

After paragraph 2, paragraph 3 shall be added, worded as follows:

"For the purpose of assigning incentive payments, the Government shall determine the amount, criteria, conditions and manner of awarding the incentives as well as the classification of beneficiaries enjoying the incentives referred to in paragraph 2 of this Article, taking into account the classification of operators and other waste management entities stated in the law governing waste management.”.

## **Article 26**

In Article 110 (1), points 7 and 8 are deleted.

After point 16, point 16a shall be added, worded as follows:

"16a) whether an action plan for gradual achievement of limit values of pollutant emissions into the water with time limits for their gradual achievement has been adopted and whether the actions have been taken in accordance with the Action Plan referred to in Article 23 of this Law;".

### **Article 27**

In Article 111 (1), point 2 is replaced by the following:

"2) prohibit the use of natural resources without or contrary to the consent to environmental protection and rehabilitation project during and after the use of the resources, and order rehabilitation and/or other appropriate protective measures, in accordance with Article 15 of this Law;".

After point 2, points 2a, 2b and 2c shall be added, worded as follows:

"2a) order the elaboration of a rehabilitation and remediation project, order implementation of the rehabilitation and remediation in accordance with Article 16 of this Law;

2b) prohibit rehabilitation and remediation without obtained consent to the project;

2c) order the adoption of an action plan for gradual achievement of limit values of pollutant emissions into the water with time limits for their gradual achievement, and order that actions be taken in accordance with the action plan referred to in Article 23 of the Law;".

Point 11 is deleted.

After point 16, point 16a shall be added, worded as follows:

"16a) order submission of data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency;".

In point 18, after the words: "waste", comma shall be added and the words: "of foreign origin", shall be replaced by words: "in accordance with law".

After point 21, point 21a shall be added, worded as follows:

"21a) order the harmonisation of the Accident Prevention Policy with Article 58a of this Law;".

### **Article 28**

In Article 116 (1), in point 1, words: "(Article 15 (1))" shall be replaced by words: "(Article 15 (3))";".

After point 3, points 3a and 3b shall be added, worded as follows:

"3a) fails to adopt an action plan for gradually achieving limit values of pollutant emissions into water, and set time limits for their gradual achievement (Article 23 (3));

3b) fails to act in accordance with action plan for gradually achieving limit values of pollutant emissions into water (Article 23 (3));".

Point 5 shall be replaced by the following:

"5) transboundary movement and trade in specimens of wild flora and fauna (import, export, taking in, taking out, re-export) and their developed forms and parts without a permit and/or document issued by the Ministry (Article 28 (2));".

### **Article 29**

In Article 117 (1), point 2 is deleted.

After point 12), point 12a shall be added, worded as follows:

"12a) fails to submit data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency; “.

### **Article 30**

In Article 117a (1), in point 1 words: "(Article 15 (1))" shall be replaced by words: "(Article 15 (3))";".

After point 3, points 3a and 3b shall be added, worded as follows:

"3a) fails to adopt the action plan for gradually achieving limit values of pollutants emission into water, and set in it time limits for gradual achievement of limit values (Article 23 (3));

3b) fails to act in accordance with the action plan for gradually achieving limit values of pollutant emissions into water (Article 23 (3));".

Point 5 is replaced by the following:

"5) transboundary movement and trade in specimens of wild flora and fauna (import, export, taking in, taking out, re-export) and their developed forms and parts without a permit and/or document issued by the Ministry (Article 28 (2));".

After point 16, point 16a shall be added, worded as follows:

"16a) fails to submit data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency;"

### **Article 31**

In Article 118, paragraph 2 is deleted.

### **Article 32**

In Article 120 (1), point 2 is replaced by the following:

"2) issues consent to a rehabilitation and remediation project developed contrary to the prescribed content of the rehabilitation and remediation project, without the implementation of the prescribed procedure for issuing a consent to the project, contrary to prescribed conditions for issuing a consent to the project and without the prescribed documentation to be submitted with the application for consent (Article 16);"

Point 4 shall be replaced by the following:

"4) issues license without the prescribed documentation or fails to keep the register of issued licenses in the prescribed manner (Article 28);"

Point 7 is deleted.

Point 8 is replaced by the following:

"8) fails to keep records of issued certificates for joining the EMAS system (Article 44 (9));"

Point 9 is deleted.

After point 11, point 11a shall be added, worded as follows:

"11a) fails to adopt an action plan and/or rehabilitation plan (Article 68);"

Point 16 is replaced by the following:

"16) fails to act in accordance with Articles 78, 80 and 81 of this Law;"

After point 16, points 16a and 16b shall be added, worded as follows:

"16a) fails to submit data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency;

(16b) fails to submit the report referred to in Article 100 (4) of this Law."

### Article 33

Legal persons and entrepreneurs that are discharging their waste water into a recipient or public sewerage, except facilities subject to integrated permits, shall adopt an action plan referred to in Article 6 of this Law within 6 months from the date of entry into force of this Law.

The autonomous province and/or local government units shall adopt environmental protection programmes, action and/or rehabilitation plans referred to in Article 68 of the Law on Environmental Protection within a year from the date of entry into force of this Law.

### Article 34

Regulations adopted on the basis of this Law shall be adopted within a year from the date of entry into force of this Law.

Until the adoption of regulations pursuant to this Law, regulations adopted pursuant to the Law on Environmental Protection (*Official Gazette of the Republic of Serbia* Nos 135/04, 36/09, 36/09 - other law, 72/09 - other law and 43/11 - Decision of the Constitutional Court) shall apply.

### Article 35

This Law shall come into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*, except provisions of Articles 22 and 23 of this Law, which shall apply as of 1 January 2017.

<b>Type of document:</b>	Regulation
<b>Title:</b>	<b>LAW ON ENVIRONMENTAL PROTECTION (<i>Official Gazette of the Republic of Serbia</i> Nos 135/2004, 36/2009, 36/2009 - other law, 72/2009 - other law, 43/2011 - Decision of the Constitutional Court and 14/2016)</b>
<b>Heading:</b>	VI-1 - Environmental Protection and Enhancement (Environmental Policy) / General Regulations
<b>Document level:</b>	Republic of Serbia
<b>Journal:</b>	<b><i>Official Gazette of the Republic of Serbia</i> No. 14/2016 of 22/02/2016</b>
<b>Type of regulation:</b>	Laws
<b>Regulation in force:</b>	29/12/2004 -
<b>Version in force:</b>	01/03/2016 -
<b>Commencement date:</b>	01/01/2017
<b>Decree:</b>	Pursuant to Article 112 paragraph 1 point 2 of the Constitution of the

Republic of Serbia, I hereby pass the following

DECREE  
ON THE PROCLAMATION OF LAW AMENDING LAW ON  
ENVIRONMENTAL PROTECTION

Law amending Law on Environmental Protection, adopted by the National Assembly of the Republic of Serbia at its 5th Extraordinary session in 2016, on 19 February 2016, is hereby proclaimed.

PR No. 18  
In Belgrade, 22 February 2016

President of the Republic,  
/s/ Tomislav Nikolić

**Adopted by:** National Assembly of the Republic of Serbia

**Entered in the database:** 24/02/2016

**Editor's comment:** Legal persons and entrepreneurs that are discharging their waste water into a recipient or public sewerage, except facilities subject to integrated permits, shall adopt an action plan referred to in Article 6 of the Law amending Law on Environmental Protection (*Official Gazette of the Republic of Serbia* No 14/2016 - hereinafter the Law) within six months from the date of entry into force of this Law, i.e. until 1 September 2016.  
The Law shall come into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*, i.e. 1 March 2016, except provisions of Articles 22 and 23 of the Law (Articles 90, 90a, 90b, 90c and 90d of the consolidated text) to be applied as of 1 January 2017.

For obtaining detailed information on all [versions](#) of this regulation, please activate tab "lična karta propisa" ("Regulation ID card").

**User's comment:** -

<b>Type of document:</b>	Regulation
<b>Title:</b>	<b>LAW ON ENVIRONMENTAL PROTECTION</b>
<b>Type of regulation:</b>	Laws
<b>Heading:</b>	VI-1 - Environmental Protection and Enhancement (Environmental Policy) / General Regulations
<b>Document level:</b>	Republic of Serbia

**Regulation in force:** 29/12/2004 -

**Regulation versions:**

1. [Official Gazette of the Republic of Serbia No. 135/2004 of 21/12/2004](#)
2. [Official Gazette of the Republic of Serbia No. 36/2009 of 15/05/2009](#)
3. [Official Gazette of the Republic of Serbia No. 72/2009 of 03/09/2009](#)
4. [Official Gazette of the Republic of Serbia No. 43/2011 of 14/06/2011](#)
5. [Official Gazette of the Republic of Serbia No. 14/2016 of 22/02/2016](#)

**Regulation version:** LAW ON ENVIRONMENTAL PROTECTION (*Official Gazette of the Republic of Serbia No 135/2004*)

**Journal:** *Official Gazette of the Republic of Serbia No. 135/2004 of 21/12/2004*

**Version in force:** 29/12/2004 - 22/05/2009

**Entered in the database:** 27/12/2004

**Editor's comment:** Provisions of laws and other regulations governing management of natural resources and goods as well as planning and construction, which are contrary to this Law, shall not be applied.

**User's comment:** -

**Regulation version:** LAW ON ENVIRONMENTAL PROTECTION (*Official Gazette of the Republic of Serbia Nos 135/2004, 36/2009 and 36/2009 - other law*)

**Journal:** *Official Gazette of the Republic of Serbia No 36/2009 of 15/05/2009*

**Version in force:** 23/05/2009 - 10/09/2009

**Decree:** Pursuant to Article 112 paragraph 1 point 2 of the Constitution of the Republic of Serbia, I hereby pass the following

DECREE



<b>ON THE PROCLAMATION OF LAW AMENDING LAW ON ENVIRONMENTAL PROTECTION</b>	
Law amending Law on Environmental Protection, adopted by the National Assembly of the Republic of Serbia at the 4th session of the I ordinary session in 2009, on 12 May 2009, is hereby proclaimed.	
PR No. 43 In Belgrade, 15 May 2009	President of the Republic, /s/ Boris Tadić
<b>Adopted by:</b>	National Assembly of the Republic of Serbia
<b>Entered in the database:</b>	19/05/2009
<b>Editor's comment:</b>	-
<b>User's comment:</b>	-

<b>Regulation version:</b>	<b>LAW ON ENVIRONMENTAL PROTECTION (Official Gazette of the Republic of Serbia Nos 135/2004, 36/2009, 36/2009 - other law and 72/2009 - other law)</b>
<b>Journal:</b>	<b>Official Gazette of the Republic of Serbia No. 72/2009 of 03/09/2009</b>
<b>Version in force:</b>	11/09/2009 - 13/06/2011
<b>Adopted by:</b>	National Assembly of the Republic of Serbia
<b>Entered in the database:</b>	09/09/2009
<b>Editor's comment:</b>	-
<b>User's comment:</b>	-

<b>Regulation version:</b>	<b>LAW ON ENVIRONMENTAL PROTECTION (Official Gazette of the Republic of Serbia Nos 135/2004, 36/2009, 36/2009 - other law, 72/2009 - other law and 43/2011 - Decision of the Constitutional Court)</b>
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<b>Journal:</b>	<b>Official Gazette of the Republic of Serbia No. 43/2011 of 14/06/2011</b>
<b>Version in force:</b>	14/06/2011 - 29/02/2016
<b>Entered in the database:</b>	20/06/2011
<b>Editor's comment:</b>	-
<b>User's comment:</b>	-

<b>Regulation version:</b>	<b>LAW ON ENVIRONMENTAL PROTECTION (<i>Official Gazette of the Republic of Serbia</i> Nos 135/2004, 36/2009, 36/2009 - other law, 72/2009 - other law, 43/2011 - Decision of the Constitutional Court and 14/2016)</b>		
<b>Journal:</b>	<b>Official Gazette of the Republic of Serbia, No. 14/2016 of 22/02/2016</b>		
<b>Version in force:</b>	01/03/2016 -		
<b>Commencement date:</b>	01/01/2017		
<b>Decree:</b>	<p>Pursuant to Article 112 paragraph 1 point 2 of the Constitution of the Republic of Serbia, I hereby pass the following</p> <p style="text-align: center;"><b>DECREE ON THE PROCLAMATION OF LAW AMENDING LAW ON ENVIRONMENTAL PROTECTION</b></p> <p>Law amending Law on Environmental Protection, adopted by the National Assembly of the Republic of Serbia at its 5th Extraordinary session in 2016, on 19 February 2016, is hereby proclaimed.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">PR No. 18 In Belgrade, 22 February 2016</td> <td style="width: 50%; vertical-align: top; text-align: right;">President of the Republic, /s/ Tomislav Nikolić</td> </tr> </table>	PR No. 18 In Belgrade, 22 February 2016	President of the Republic, /s/ Tomislav Nikolić
PR No. 18 In Belgrade, 22 February 2016	President of the Republic, /s/ Tomislav Nikolić		
<b>Adopted by:</b>	National Assembly of the Republic of Serbia		
<b>Entered in the database:</b>	24/02/2016		
<b>Editor's comment:</b>	Legal persons and entrepreneurs that are discharging their waste water into a recipient or public sewerage, except facilities subject to		

integrated permits, shall adopt an action plan referred to in Article 6 of the Law amending Law on Environmental Protection (*Official Gazette of the Republic of Serbia* No 14/2016 - hereinafter the Law) within six months from the date of entry into force of this Law, i.e. until 1 September 2016.

The Law shall come into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*, i.e. 1 March 2016, except provisions of Articles 22 and 23 of the Law (Articles 90, 90a, 90b, 90c and 90d of the consolidated text) to be applied as of 1 January 2017.

***User's comment:***

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