

*"Official Gazette of RS", no. 135/2004, 36/2009*

Pursuant to Article 83, paragraph 3 of the Constitution of the Republic of Serbia, I hereby adopt the following

## **D E C R E E**

### **ON THE DECLARATION OF THE LAW ON THE ENVIRONMENTAL IMPACT ASSESSMENT**

The Law on the Environmental Impact Assessment, adopted by the National Assembly of the Republic of Serbia during its Sixth Session of the Second Regular Convocation of the National Assembly of the Republic of Serbia in 2004, on 14 December 2004, is hereby declared.

PR number 71  
In Belgrade, 20 December 2004

President of the Republic,  
**Boris Tadić**, duly signed

## **L A W**

### **ON THE ENVIRONMENTAL IMPACT ASSESSMENT**

#### **I. BASIC PROVISIONS**

#### ***Subject Matter of Regulation***

##### ***Article 1***

The Law hereof shall regulate the impact assessment procedure for projects that can have a significant impact on the environment, the contents of the environmental impact assessment study, participation of interested bodies and organizations and the public, cross-border notification for projects that can have a significant impact on the environment of another state, supervision, and other issues significant for the environmental impact assessment.

The provisions of the Law hereof shall not apply to projects intended for national defence.

#### ***Meaning of Terms***

## **Article 2**

Certain terms used herein shall have the following meaning:

- 1) Public shall encompass one or several natural or legal persons, their associations, organizations or groups;
- 2) Competent body shall be a body responsible for implementing the impact assessment procedure within the remit established by the Law hereof, namely:
  - The ministry competent for environmental protection affairs (hereinafter: Ministry) - for projects where consent for the construction of the project is issued by a national body;
  - Body of the autonomous province administration competent for environmental protection affairs - for projects where consent for implementation is issued by an autonomous province body;
  - Body of the local self-government unit competent for environmental protection affairs - for projects where consent for implementation is issued by a local self-government body;
- 3) Project leader shall be the party submitting the request to acquire a permit or approval for the construction or reconstruction of a facility or other interventions in nature and the natural environment, and/or the person planning to undertake or undertaking an activity within a field subject to an environmental impact assessment;
- 4) Project shall be:
  - Implementation of construction works, installation of installations, plants and equipment, their reconstruction, removal, and/or change of technology, work process technology, feedstock, raw materials, energy sources and waste;
  - Other interventions in nature and the natural environment, including works encompassing the exploitation of mineral resources;
- 5) Environmental Impact Assessment shall be a preventive measure of environmental protection based on drafting studies and implementing consultations with public participation and analyses of alternative measures, aiming to collect data and anticipate the harmful effects of certain projects on the lives and health of people, flora and fauna, soil, water, air, climate and landscape, material and cultural assets, and the interactions of such factors, as well as to identify and propose measures to prevent, mitigate or eliminate harmful effects, having in mind the feasibility of such projects (hereinafter: Impact Assessment);
- 6) Environmental Impact Assessment Study shall be a document analysing and assessing the quality of environmental factors and their sensitivity within a given area and the mutual impact of existing and planned activities, anticipating direct and indirect harmful effects of the project on environmental factors, as well as envisaging measures and conditions for preventing, mitigating and eliminating harmful effects on the environment and human health (hereinafter: Impact Assessment Study);
- 7) Interested public shall encompass the public the project has an effect on, or is likely to have an effect on, including non-governmental organizations engaged in environmental protection and registered with the competent body;

- 8) Interested bodies and organizations shall be bodies and organizations of the Republic, and/or autonomous province and local self-government, and companies, authorized for establishing the conditions and issuing permits, consent and approval for the construction of facilities, planning and regulation of space, monitoring the status of the environment, performing activities, and the protection and use of assets goods and assets produced by labour.

## ***Subject of the Impact Assessment***

### ***Article 3***

The subject of the Impact Assessment shall be projects being planned and implemented, changes of technology, reconstructions, capacity expansions, termination of work and the elimination of projects that may have a significant impact on the environment.

The subject of the Impact Assessment shall also be projects implemented without drafting an Impact Assessment Study, without having an approval for construction or being used without a use permit (hereinafter: Impact Assessment of the As-Built State).

Impact Assessments shall be undertaken for projects in the field of industry, mining, energy, transport, tourism, agriculture, forestry, water management, waste management and utility activities, as well as projects planned on protected natural assets and within the protected vicinity of an immovable cultural asset.

Projects as per paragraphs 1 and 2 of the Article hereof may be subject to an Impact Assessment if their implementation, and/or use is in accordance with the regulations on planning and construction.

## ***Projects Requiring an Impact Assessment***

### ***Article 4***

The Government of the Republic of Serbia (hereinafter: Government) shall prescribe the following:

- 1) List of projects requiring a mandatory Impact Assessment;
- 2) List of projects that may require an Impact Assessment.

The competent body shall decide on the need for an Impact Assessment for projects as per paragraph 1, item 2) of the Article hereof by applying the prescribed criteria.

The regulation as per paragraph 1 of the Article hereof shall describe projects and establish criteria for deciding on the need to draft an Impact Assessment for projects as per paragraph 1, item 2) of the Article hereof.

## ***Obligation of Obtaining Consent to the Impact Assessment***

### ***Article 5***

The leader of a project requiring a mandatory Impact Assessment and a project where the need for an impact assessment has been established may not initiate realization, i.e. the construction and implementation of the project, without the consent of the competent body for the Impact Assessment Study.

## **II. IMPACT ASSESSMENT PROCEDURE**

### ***Phases in the Impact Assessment Procedure***

#### ***Article 6***

The Impact Assessment Procedure shall consist of the following phases:

- 1) Deciding on the need for an Impact Assessment for projects as per Article 4, paragraph 1, item 2) of the Law hereof;
- 2) Establishing the scope and contents of the Impact Assessment Study;
- 3) Adopting a decision on issuing consent to the Impact Assessment Study.

### ***Collecting Data and Documentation***

#### ***Article 7***

The competent bodies and other bodies and organizations shall, at the request of the project leader, provide the required data and documentation of importance for identifying and assessing potential direct and indirect environmental impact by the project within 15 days as of the date of receiving a request.

If the body and organizations do not dispose of the required data, notices and documentation, they shall notify the project leader of this in writing within the deadline as per paragraph 1 of the Article hereof.

### **1. Deciding on the Need for an Impact Assessment**

#### ***Request for a Decision on the Need for an Impact Assessment***

#### ***Article 8***

The leader of a project where an Impact Assessment may be required shall submit a request for a decision on the need for an Impact Assessment (hereinafter: Request on the Need for an Impact Assessment) to the competent body.

The Request on the Need for an Impact Assessment shall be submitted on the prescribed form and contain the following:

- 1) Data on the project leader;
- 2) Description of the location;
- 3) Description of the characteristics of the project;
- 4) Overview of the main alternatives considered;
- 5) Description of environmental factors that may be exposed to the impact;
- 6) Description of the potential significant harmful environmental effects of the project;
- 7) Description of measures envisaged to prevent, mitigate and eliminate the significant harmful effects;
- 8) Other data and information upon request by the competent body.

The following documentation shall be submitted along with the request as per paragraph 2 of the Article hereof:

- 1) Extract from the urban plan or certified urban planning project, and/or act on urban planning conditions no older than one year;
- 2) Concept solution or concept design, and/or extract from the concept design;
- 3) Graphical overview of the micro and macro location;
- 4) Conditions and approvals by other competent bodies and organizations obtained in accordance with other laws;
- 5) Evidence of payment of the republic administrative fee;
- 6) Other evidence upon request by the competent body.

Under extraordinary circumstances, the extract from the urban plan in force, and/or other relevant urban planning document, shall not be submitted if the activity is planned within an existing facility, changing its purpose, and if the project leader reports the change of purpose confirmed by the body competent for issuing construction approvals.

The minister competent for environmental protection affairs (hereinafter: Minister) shall prescribe in further detail the contents of the Request on the Need for an Impact Assessment.

## ***Considering the Request on the Need for an Impact Assessment***

### ***Article 9***

If the Request on the Need for an Impact Assessment is not in order, the competent body shall request additional data and documentation from the project leader and establish the deadline for their submission.

Should the leader of the project fail to submit additional data, notifications and documentation on the need for an Impact Assessment within the given deadline, the competent body shall reject the request as disorderly, except under the cases as per Article 7, paragraph 2 of the Law hereof.

## ***Deciding on the Request on the Need for an Impact Assessment***

### ***Article 10***

The competent body shall notify the interested bodies and organizations and the public on the submitted Request on the Need for an Impact Assessment within ten days as of the date of receiving an orderly request.

The notification as per paragraph 1 of the Article hereof shall in particular contain data on the following:

- 1) Project leader;
- 2) Name, type and location of the project planned for implementation;
- 3) Place and time for enabling insight into the data, notifications and documentation as per the project leader's request;
- 4) Nature of the decision to be adopted based on the request submitted;
- 5) Name and address of the competent body.

Interested bodies and organizations and the interested public may submit their opinions within ten days as of the date of receiving the notice as per paragraph 1 of the Article hereof.

The competent body shall decide on the submitted request within ten days as of the date of expiry of the deadline established under paragraph 3 of the Article hereof, taking into account the specifics of the project and location, as well as submitted opinions by interested bodies and organizations, and the interested public.

The competent body may determine the scope and contents of the Impact Assessment Study by way of the decisions establishing the need for an environmental impact assessment.

The competent body may determine the minimum environmental protection conditions by way of the decision establishing the lack of a need for an environmental impact assessment for the project, in accordance with other regulations.

The competent body shall submit the decision as per paragraph 4 of the Article hereof to the project leader, notifying interested bodies and organizations, as well as the public thereof within three days as of the date of adopting the decision.

## ***Right to Appeal***

### ***Article 11***

The project leader and the interested public may file an appeal against the decision by the competent body on the request for a decision on the need for an Impact Assessment.

The appeal as per paragraph 1 of the Article hereof shall be submitted to the competent second degree body in accordance with the law regulating environmental protection.

The competent second degree body shall adopt a decision regarding the appeal within 30 days as of the date of receiving the appeal.

## **2. Establishing the Scope and Contents of the Impact Assessment Study**

### ***Request for Establishing the Scope and Contents of the Impact Assessment Study***

### ***Article 12***

The leader of a project where an Impact Assessment is mandatory and where the competent body established the obligation of an Impact Assessment shall submit a request to establish the scope and contents of the Impact Assessment Study (hereinafter: Request for Establishing the Scope and Content).

The Request for Establishing the Scope and Content shall be submitted on the prescribed form and contain the following:

- 1) Data on the project leader;
  - 1a) Description of the location;
- 2) Description of the project;
- 3) Overview of the main alternatives considered;

- 4) Description of environmental factors that may be exposed to the impact;
- 5) Description of the potential significant harmful effects of the project;
- 6) Description of measures envisaged to prevent, mitigate and eliminate the significant harmful effects;
- 7) Non-technical summary of the data listed under 2) to 6);
- 8) Data on potential difficulties encountered by the project leader in collecting data and documentation;
- 9) Other data and information upon request by the competent body.

The following documentation shall be submitted along with the request as per paragraph 2 of the Article hereof:

- 1) Extract from the urban plan or certified urban planning project, and/or act on urban planning conditions no older than one year;
- 2) Concept design, and/or extract from the concept design;
- 3) Graphical overview of the micro and macro location;
- 4) Conditions and approvals by other competent bodies and organizations obtained in accordance with separate laws;
- 5) Evidence of payment for the republic administrative fee;
- 6) Other evidence upon request by the competent body.

The Minister shall prescribe in further detail the contents of the Request for Establishing the Scope and Contents of the Impact Assessment Study

## ***Consideration of the Request for Establishing the Scope and Contents of the Impact Assessment Study***

### ***Article 13***

Upon receiving the Request for Establishing the Scope and Contents the competent body shall act as established under Article 9 of the Law hereof.

## ***Deciding upon the Request***

### ***Article 14***



The competent body shall notify interested bodies and organizations, as well as the public, on the submitted request within ten days as of the date of receiving the Request for Establishing the Scope and Contents.

Interested bodies and organizations, and the interested public, may submit their opinions on the submitted request within 15 days as of the date of receiving the notice as per paragraph 1 of the Article hereof.

The competent body shall decide on the scope and content of the Impact Assessment Study at the latest within ten days as of the date of expiry of the deadline established in paragraph 2 of the Article hereof, taking into account the specifics of the project and location, as well as submitted opinions by interested bodies and organizations, and the interested public.

The competent body shall submit the decision as per paragraph 3 of the Article hereof to the project leader, notifying the interested bodies and organizations, as well as the public thereof within three days of the date of adopting the decision.

### ***Right to Appeal against a Decision on the Request for Establishing the Scope and Contents of the Impact Assessment Study***

#### ***Article 15***

The project leader and the interested public may file an appeal against the decision by the competent body on the request for establishing the scope and content of the Impact Assessment Study.

The appeal as per paragraph 1 of the Article hereof shall be submitted to the competent second degree body in accordance with the law regulating environmental protection.

The competent second degree body shall adopt a decision regarding the appeal within 30 days as of the date of receiving the appeal.

### **3. Deciding on Issuing Consent to the Impact Assessment Study**

#### ***Request for Issuing Consent to the Impact Assessment Study***

#### ***Article 16***

The project leader shall submit a request for issuing consent to the Impact Assessment Study (hereinafter: Request for Consent) to the competent body.

The following shall be submitted along with the request as per paragraph 1 of the Article hereof:

- 1) At least three copies of the study in written and one in electronic form;
- 2) Decision by the competent body from the preceding phase of the procedure.

The project leader shall submit the Request for Consent at the latest within one year as of the date of receiving the final decision establishing the scope and contents of the Impact Assessment Study.

Should the project leader submit the Request for Consent upon the expiry of the deadline as per paragraph 3 of the Article hereof, the competent body shall decide on the submitted request depending on the circumstances of each specific case.

Upon receiving the Request for Consent the competent body shall act as established under Article 9 of the Law hereof.

## ***Contents of the Impact Assessment Study***

### ***Article 17***

The Impact Assessment Study shall contain the following:

- 1) Data on the project leader;
- 2) Description of the location where project implementation is planned;
- 3) Description of the project;
- 4) Overview of the main alternatives considered by the project leader;
- 5) Overview of the state of the environment at the location and in the near vicinity (micro and macro location);
- 6) Description of the potential significant environmental impact of the project;
- 7) Environmental impact assessment in case of accident;
- 8) Description of measures envisaged to prevent, mitigate and, where possible, eliminate any significant harmful impact on the environment;
- 9) Program of monitoring environmental impact;
- 10) Non-technical brief overview of the data listed under items 2) to 9);
- 11) Data on technical deficiencies or lack of adequate professional knowledge and skills or inability to obtain adequate data.

The Impact Assessment Study shall be accompanied by the obtained conditions and consent by other competent bodies and organizations, obtained in accordance with other laws.

The Impact Assessment Study shall also contain basic data on the persons, and/or qualification of persons participating in its drafting, the person responsible, date of drafting, signature by the responsible person and certification of the signature by the seal of the authorized organization having drafted the study.

The Minister shall prescribe in further detail the contents of the Impact Assessment Study.

### ***Obligation of Drafting an Impact Assessment Study under the Procedure of Obtaining a Permit or Approval for the Implementation of the Project***

#### ***Article 18***

The Impact Assessment Study and consent for the Impact Assessment Study, and/or the decision that an environmental impact assessment is not required are an integral part of the documentation submitted along with the request for issuing approval for construction or reporting the start of implementation of the project (construction, execution of works, change of technology, change of activity and other activities).

### ***Authorization for Drafting the Impact Assessment Study***

#### ***Article 19***

An Impact Assessment Study may be drafted by a legal person and entrepreneur if they are registered with the relevant registry for engaging in the activities of design, engineering and drafting studies and analyses.

The legal person and entrepreneur as per paragraph 1 of the Article here shall form a multidisciplinary team for drafting the Impact Assessment Study composed of persons holding evidence of qualifications for drafting an Impact Assessment Study, and/or for the fields subject matter to the study they are involved in drafting.

A person shall be qualified for drafting an Impact Assessment Study if they hold higher education qualifications from the relevant field and at least five years of experience working in the profession, or the title of responsible designer.

### ***Public Review, Presentation and Hearing of the Impact Assessment Study***

#### ***Article 20***

The competent body shall provide for the public review, organize the presentation and implement a public hearing on the Impact Assessment Study.

The competent body shall notify the project leader, interested bodies and organizations, and the public on the time and place of the public review, public presentation, as well as public hearing on the Impact Assessment Study within seven days as of the date of receiving the request for consent for the Impact Assessment Study.

The public hearing may be held at the earliest 20 days as of the date of notification of the public.

The project leader shall participate in the public presentation and public hearing of the Impact Assessment Study.

The Minister shall further prescribe the procedure for public review, presentation and hearing.

## ***Amendments to the Impact Assessment Study***

### **Article 21**

**DELETED – as of 36/2009**

## ***Technical Commission***

### **Article 22**

The competent body shall form a technical commission for the evaluation of the Impact Assessment Study at the latest within ten days as of the date of receiving the Request for Consent.

The chairman of the technical commission shall be appointed from among the employees or appointed persons within the competent body.

Persons may be appointed as members of the technical commission if holding the relevant professional qualifications in the relevant profession, and/or field and relevant professional results, from among the following:

- 1) Employees or appointed persons within the competent body;
- 2) Employees or appointed persons within interested bodies and organizations;
- 3) Independent experts.

Members of the technical commission may not be persons:

- 1) Having participated in drafting the Impact Assessment Study subject to the evaluation;

- 2) Founders of the legal person or entrepreneur having drafted the Impact Assessment Study or employees of such persons;
- 3) Founders or employees of the project leader;
- 4) Spouses, blood relations up to the fourth degree of relation and marital relatives up to the second degree of relation of persons listed under items 1) to 3);
- 4a) Employed as inspectors, and/or persons undertaking inspection supervision over the project the Impact Assessment Study is drafted for.

The competent body may form one or several technical commissions.

## ***Submitting the Impact Assessment Study to the Technical Commission***

### ***Article 22a***

The competent body shall submit the Impact Assessment Study to the technical commission within three days of its forming.

Upon the completed public review, and/or public presentation and public hearing, the competent body shall submit a report to the technical commission with an overview of the opinion of interested bodies and organizations, and the interested public, within three days.

## ***Evaluation Procedure of the Impact Assessment Study***

### ***Article 23***

The technical commission shall examine the Impact Assessment Study, consider the report with the systematized overview of the opinions of interested bodies and organizations and the interested public and assess the eligibility of the envisaged measures to prevent, mitigate and eliminate the potential harmful effects of the project on the state of the environment on location and in the near vicinity, during project implementation, the operation of the project, in case of accident and upon the termination of project operation.

The chairman of the technical commission may invite the project leader, those processing the Impact Assessment Study, as well as representatives of competent bodies and organizations having issued conditions, consent and opinions in the preceding procedure to the commission session.

At the proposal of the technical commission, the competent body may request the project leader to draft amendments to the submitted Impact Assessment Study within a given timeframe.

Should the project leader fail to act fully in accordance with the request as per paragraph 3 of the Article hereof, the competent body may, at the proposal of the technical commission, approve at most one additional deadline for amendments to the Impact Assessment Study.

The technical commission shall submit the report with the evaluation of the Impact Assessment Study and draft decision to the competent body at the latest within 30 days as of the date of receiving the Impact Assessment Study from the competent body.

The deadline as per paragraph 5 of the Article hereof shall not be running during the time provided for the project leader for amendments to the Impact Assessment Study.

The Minister shall further prescribe the method of work of the technical commission.

## ***Deciding on Issuing Consent to the Impact Assessment Study***

### ***Article 24***

The competent body shall adopt the decision on issuing consent to the Impact Assessment Study or rejecting the request for issuing consent to the Impact Assessment Study, based on the implemented procedure and report by the technical commission and submit it to the project leader within ten days as of the date of receiving the report.

The decision on issuing consent to the Impact Assessment Study shall identify in particular the conditions and measures to prevent, mitigate and eliminate harmful environmental effects.

The decision as per paragraph 1 of the Article hereof shall be submitted by the competent body to the competent environmental protection inspector.

## ***Notification of Interested Bodies and Organizations, and the Public***

### ***Article 25***

The competent body shall notify interested bodies and organizations and the public on the decision on issuing consent to the Impact Assessment Study or on rejecting the request for issuing consent to the Impact Assessment Study within ten days as of its adoption, regarding the following:

- 1) Contents of the decision;
- 2) Main reasons the decision is based on;

- 3) Key measures the project leader shall undertake to prevent, mitigate or eliminate harmful effects.

## ***Right of Initiating an Administrative Dispute***

### ***Article 26***

The decision by the competent body as per Article 24 of the Law hereof shall be final.

The party submitting the request and the interested public may initiate an administrative dispute against the decision as per paragraph 1 of the Article hereof.

## ***Providing the Documentation for Review***

### ***Article 27***

The competent body shall provide the full documentation on the implemented impact assessment procedure to interested bodies and organizations and representatives of the public, upon a request submitted in writing, within 15 days as of the date of receiving the request.

Documents protected as trade, official or state secrets shall be exempt from the obligation of providing for a review of the documentation as per paragraph 1 of the Article hereof.

Trade, official or state secrets as per paragraph 2 of the Article hereof may not protect data related to emissions, environmental status and potential negative impact and consequences, risks of accident, results of monitoring and inspection supervision.

## ***Updating the Environmental Impact Assessment Study***

### ***Article 28***

The project leader shall initiate the implementation, and/or construction and execution of the project within two years as of the date of receiving the decision on issuing consent to the Impact Assessment Study.

Upon the expiry of the deadline as per paragraph 1 of the Article hereof, on request by the project leader, the competent body may adopt a decision on drafting a new Impact Assessment Study or updating the existing Impact Assessment Study.

The competent body shall decide on updating the existing Impact Assessment Study upon request by the project leader, and if, during the construction, and/or execution of the project the project leader must deviate from the documentation used to draft the environmental impact assessment study the consent was issued for.

The request as per paragraph 3 of the Article hereof shall be submitted prior to the submission of the request for issuing consent for construction upon the amended documentation.

The request as per paragraphs 2 and 3 of the Article hereof shall contain data prescribed for the request for establishing the scope and contents of the Impact Assessment Study.

The provisions of the Law hereof regulating the establishment of the scope and contents of the Impact Assessment Study and deciding on issuing consent to the Impact Assessment Study shall be duly applied to the procedure as per paragraphs 2 and 3 of the Article hereof.

#### **4. Method for Informing the Public**

##### ***Article 29***

The competent body shall notify the public regarding their decisions as per Article 10, paragraphs 1 and 4, Article 14, paragraphs 1 and 4, Articles 20 and 25 of the Law hereof, by way of at least one local newspaper in each of the official languages published within the area to be encompassed by the impact of the planned project, and/or activity.

The competent body shall notify interested bodies and organizations in writing.

The notification as per paragraphs 1 and 2 of the Article hereof may also be implemented by way of electronic media.

#### **5. Environmental Impact Assessment of the As-Built State**

##### ***Article 30***

The leader of a project requiring an Impact Assessment as per the provisions of the Law hereof, built without approval for construction or used without approval for use, shall submit a request for the following:

- 1) Providing consent to the environmental impact assessment study of the as-built state (hereinafter: Study of the As-Built State) for projects as per Article 4, paragraph 1, item 1) of the Law hereof;
- 2) Deciding on the need for an Impact Assessment of the As-Built State for projects as per Article 4, paragraph 1, item 2) of the Law hereof.

The following shall be submitted along with the request as per paragraph 1 of the Article hereof:

- 1) Copy of the registration of the facility built without approval for construction and notice on the options for harmonizing the facility with the urban plan, and/or conditions for issuing an approval for construction;



- 2) Extract from the as-built project of the facility;
- 3) Report by an authorized organization with data on emissions and report on the results of measurements and testing of environmental factors the project impacts, no older than six months;
- 4) Graphical overview of the micro and macro location;
- 5) Evidence of payment for the republic administrative fee.

The Study of the As-Built State shall be drafted based on the as-built design of the facility, emission data and results of measurements and testing of environmental factors and shall have its contents prescribed by the Law hereof for the Impact Assessment Study.

The competent body shall decide on the need to draft a Study of the As-Built State and on providing consent or rejecting the request for providing consent to the Study of the As-Built State as per the procedure prescribed by the Law hereof.

## **6. Control of Compliance with the Conditions of the Consent for the Impact Assessment**

### ***Article 31***

The procedure of technical review for projects having received approval for the Impact Assessment Study shall determine whether the conditions from the decision on issuing consent to the Impact Assessment Study have been met, in accordance with the law regulating the construction of facilities.

The competent body that led the impact assessment procedure shall appoint a person to participate in the work of the technical review commission.

The person as per paragraph 2 of the Article hereof may be employed or appointed at the competent body, and/or other body and organization, or an independent expert having evidence of qualifications for participating in the work of the technical commission as per Article 22 of the Law hereof.

A use permit may not be issued if the person as per paragraph 2 of the Article hereof does not confirm that the conditions from the decision on issuing consent to the Impact Assessment Study have been met.

## **7. Notification on Potential Cross-Border Impact**

### ***Article 32***

If the project may have significant impact on the environment of another state, or if the state whose environment may be significantly endangered requests it, the Ministry

shall, without delay, and at the latest when it or the competent body notify their public, request an opinion from the other state notifications on the following:

- 1) Project along with all available data on its potential impact;
- 2) Nature of the decision that may be adopted;
- 3) Deadline wherein the other state may present their intent to participate in the impact assessment procedure.

The Ministry shall notify the state participating in the impact assessment procedure on the decision on issuing consent to the Impact Assessment Study or the rejection of the Request for Issuing Consent by submitting a notification on the contents of the decisions and conditions established; the main reasons the decision is based on, including reasons on the acceptance or rejection of obtained opinions by interested bodies, organizations and the interested public; if needed, the key measures the project leader shall undertake to prevent, mitigate or eliminate harmful environmental effects.

The Ministry shall notify the public on the received notifications on the cross-border impact of the proposed project.

The obtained opinions by the interested public shall be taken into consideration by the Ministry in issuing an opinion to the competent body of another state.

## **8. Expenses of the Project Leader**

### ***Article 33***

The project leader shall bear the costs of drafting, amending and updating the Impact Assessment Study, drafting the Study of the As-Built State, notification and participation of the public in the impact assessment procedure and the work of the technical commission.

The amount of costs for the work of the technical commission shall be established by the Minister.

## **9. Obligation of Keeping Records**

### ***Article 34***

The competent body shall keep records on the implemented procedures and adopted decisions as a public book.

The Minister shall prescribe the contents, form and method of keeping the public book.

## **10. Due Application of the Law**

#### **Article 34a**

The provisions of the law regulating the general administrative procedure shall duly apply to all issues of initiating, running and finalizing the impact assessment procedure not regulated by the Law hereof.

### **III. SUPERVISION**

#### **Article 35**

Supervision over the implementation of the provisions of the Law hereof and regulations adopted thereupon shall be by the Ministry.

Inspection supervision shall be implemented by the Ministry by way of environmental protection inspectors (hereinafter: Inspector) within the scope established by the Law hereof.

### ***Rights and Duties of Inspectors***

#### **Article 36**

In undertaking inspection supervision the Inspector shall have the right and duty to determine the following:

- 1) Whether the obligation of submitting a request for obtaining consent to the environmental assessment was completed for projects as per Article 4, paragraph 1, item 1) of the Law hereof;
- 2) Whether the obligation of submitting a request for deciding on the need for an environmental assessment was completed for projects as per Article 4, paragraph 1, item 2) of the Law hereof;
- 3) Whether the obligation of the project leader as per the decision on issuing consent to the Impact Assessment Study has been completed;
- 4) Whether the obligation of the leader of a completed project for submitting a request for deciding on the need for drafting an Study of the As-Built State and issuing consent or rejecting the request for issuing consent to the Study of the As-Built State has been completed;
- 5) Whether the obligation of the leader of a completed project as per the decision on consent to the Study of the As-Built State has been completed.

### ***Authorizations of the Environmental Protection Inspector***

#### **Article 37**

In undertaking inspection supervision the Inspector shall be authorized to:

- 1) Order the submission of a request to initiate the impact assessment procedure;
- 2) Order the submission of a request to initiate the as-built impact assessment procedure;
- 3) Prohibit the execution of the project and performance of activities until the consent of the competent body for the Impact Assessment Study has been obtained;
- 4) Order compliance with the requirements and implementation of measures established in the decision on issuing consent to the Impact Assessment Study and decision on issuing consent to the Study of the As-Built State, and/or decision establishing the minimum environmental protection requirements;
- 5) Prohibit the performance of activities until compliance has been achieved with the requirements and implementation of measures established in the decision on issuing consent to the Impact Assessment Study and decision on issuing consent to the Study of the As-Built State;
- 5a) Prohibit the performance of activities if the request for issuing consent to the Study of the As-Built State has been rejected;
- 6) File a report against a legal person and the responsible person within the legal person for commercial violations committed as per the provisions of the Law hereof;
- 7) File a report against a natural person and the responsible person within the legal person for misdemeanours committed as per the provisions of the Law hereof;

An appeal may be filed with the Minister against the decision of the Inspector as per paragraph 1, items 1) to 5a) within 15 days as of the date of receiving the decision.

## ***Cooperation of Competent Inspection and Other Bodies***

### ***Article 38***

If during inspection supervision the environmental protection inspector assesses that other laws have been violated, they shall notify the body competent for the implementation of such laws without delay.

## ***Entrusting Inspection Supervision***

### ***Article 39***

The autonomous province and local self-government unit shall be entrusted with inspection supervision affairs over the implementation of the provisions of the Law

hereof for projects where the autonomous province, and/or local self-government body is competent for running the impact assessment procedure.

An appeal may be filed with the Minister against the decision of the inspector as per paragraph 1 of the Article hereof within 15 days as of the date of receiving the decision.

## **IV. PENAL PROVISIONS**

### ***Commercial Violation***

#### ***Article 40***

A financial penalty of RSD 150,000 to 3,000,000 shall be levied against a legal person - project leader for a commercial violation if they:

- 1) Initiate project implementation without the consent of the competent body for the Impact Assessment Study (Article 5);
- 2) Fail to comply with the requirements or fail to implement the measures as per the decision on issuing consent to the Impact Assessment Study (Article 24, paragraph 2);
- 3) Fail to obtain consent by the competent body for the Study of the As-Built State (Article 30, paragraph 1).

The person responsible in the legal person - project leader shall also be punished for the commercial violation as per paragraph 1 of the Article hereof with a financial penalty of RSD 30,000 to 200,000.

### ***Protective Measures***

#### ***Article 41***

In addition to the prescribed financial penalty for the commercial violation as per Article 40 of the Law hereof, a legal person may be issued the measure of prohibition on engaging in a certain activity, and the responsible person may be issued the measure of prohibition on performing a certain duty for up to five years.

### ***Misdemeanour Liability of the Project Leader***

#### ***Article 42***

A financial penalty of RSD 30,000 to 1,000,000 shall be levied against a legal person - project leader for a misdemeanour if they:

- 1) Fail to submit a request for a decision on the need for an Impact Assessment (Article 8);

- 2) Fail to submit a request for consent to the Impact Assessment Study (Article 16).

The person responsible in the legal person - project leader shall also be punished for the misdemeanour as per paragraph 1 of the Article hereof with a financial penalty of RSD 10,000 to 50,000.

### ***Misdemeanour Liability of the Responsible Person in the Competent Body***

#### ***Article 43***

A financial penalty of RSD 10,000 to 50,000 shall be levied against the responsible person in the competent body for a misdemeanour if they:

- 1) Fail to adopt a decision on the need to draft an Impact Assessment Study, decision on the scope and contents of the Impact Assessment Study and decision on issuing consent to the Impact Assessment Study contrary to the provisions of the Law hereof (Art. 10, 14 and 24);
- 2) Fails to provide the documentation on the implemented impact assessment procedure for review (Article 20);
- 3) Fails to implement the cross-border notification procedure (Article 32);
- 4) Fails to keep the prescribed records (Article 34).

## **V. TRANSITIONAL AND FINAL PROVISIONS**

### ***Deadline for Submitting a Request for Obtaining Consent to the Study of the As-Built State***

#### ***Article 44***

The leader of a completed project as per Article 4, paragraph 1, item 1) of the Law hereof shall submit a request for obtaining consent to the Study of the As-Built State to the competent body within one year as of the date of the coming into force of the Law hereof.

The leader of a completed project as per Article 4, paragraph 1, item 2) of the Law hereof shall submit a request for deciding on the need to draft an Study of the As-Built State to the competent body within six months as of the date of the coming into force of the Law hereof.

## ***Resolving Requests Submitted Earlier***

### ***Article 45***

Resolving requests submitted until the date of coming into force of the Law hereof shall be finalized as per the provisions of the Law on Environmental Protection ("Official Gazette of RS", no. 66/91, 83/92, 53/93, 67/93, 48/94 and 53/95).

## ***Cessation of Validity of Regulations***

### ***Article 46***

The Rulebook on the analysis of the environmental impact of facilities and/or works ("Official Gazette of RS", no. 61/92) and the Rulebook on the conditions and criteria for drafting an environmental impact analysis of facilities and works ("Official Gazette of RS", no. 49/2001) shall apply until the adoption of the regulations as per Article 4, paragraph 1 and Article 17, paragraph 4 of the Law hereof.

## ***Final Provision***

### ***Article 47***

The Law hereof shall come into force on the eighth day as of the date of publication in the "Official Gazette of the Republic of Serbia".