IMPLEMENTATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT IN SERBIA IN THE EU INTEGRATION CONTEXT: CURRENT STATE AND RECOMMENDATIONS

Leading partner

Stefan Šipka
Nebojša Lazarević
Miloš Đinđić
Dejan Maksimović

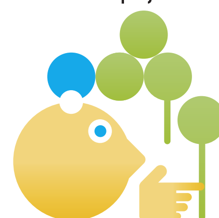
Belgrade, 2014.

Partners:

This project is financially supported by The Royal Norwegian Embassy in Belgrade

This project is co-financed by the Ministry of Agriculture and Environmental Protection of the Government of the Republic of Serbia

Research was conducted within project:



IMPLEMENTATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT IN SERBIA IN THE EU INTEGRATION CONTEXT: CURRENT STATE AND RECOMMENDATIONS

Stefan Šipka

Nebojša Lazarević

Miloš Đinđić

Dejan Maksimović

Belgrade, 2014.

SERBIA ON THE MOVE
We are building movers, not movements!

Publisher: ***Centar za evropske politike***

For publisher: ***Nebojša Lazarević***

Authors: ***Stefan Šipka, Nebojša Lazarević,***
Miloš Đinđić, Dejan Maksimović

Editorial consultant: ***Zoran Sretić***

Design&prepress: ***Marija Dobrić***

Belgrade, 2014.

ISBN 978-86-89217-04-9

CIP - Каталогизација у публикацији
Народна библиотека Србије, Београд

351.777.6(4-672EU)
502.14(497.11)

IMPLEMENTACIJA procene uticaja na životnu sredinu u Srbiji u kontekstu
evropskih integracija : trenutno stanje i preporuke / Stefan Šipka ... [et al.]. - Beograd : Centar za evropske politike, 2014 (Vršac : Tuli). - 128 str. : ilustr. ; 30 cm

“ ... sprovedeno u okviru projekta Misli-delaj-utiči: Unapređenje implementacije direktiva EU o proceni uticaja na životnu sredinu u Srbiji ...” --> prelim. str. - Tiraž 500. - Prilozi: str. 116-126. - Napomene i bibliografske reference uz tekst. - Bibliografija: str. 103-115.

ISBN 978-86-89217-04-9

1. Шипка, Стефан, 1986- [аутор]
a) Европска унија - Еколошка политика b) Животна средина - Међународна заштита - Србија

COBISS.SR-ID 211813644

About the Project Think-Act-Impact"

Research was conducted within project "Think-Act-Impact: Ensuring Improved Implementation of EU Directives on Environmental Impact Assessment in Serbia". The project aims to improve implementation of the EU directives on environmental impact assessment of projects, plans and programmes particularly with regard to institutional reforms and public participation in the pertinent procedures. The project consists of both research and practical activities, primarily directed towards improvement of citizen participation. This study is part of research activities on which other activities are mainly based upon. The project is conducted by the European Policy Centre in Belgrade as the leading organization, together with two partner organizations, Ecological Centre "Habitat" and Serbia on the Move, and is financially supported by the Royal Norwegian Embassy in Belgrade and co-financed by the Ministry of Agriculture and Environmental Protection of the Government of the Republic of Serbia.

This study was prepared with the financial support of the Royal Norwegian Embassy in Belgrade and the Ministry of Agriculture and Environmental Protection of the Republic of Serbia. European Policy Centre (CEP) is fully responsible for its content and does not in any way reflect the opinion of the Embassy and the Ministry. Authors are responsible for translation of abbreviations and phrases from English to Serbian. Terms written in grammar male gender apply both for natural male and female gender.[1]

1 Adjustment based on the formulation of *the Law on the Foundation of the Education System* (''Official Gazette RS'' number 72/2009), article 1.

Summary of the Study

The study contains a research concerning implementation of the Directive on Environmental Impact Assessment (EIA Directive) and the Directive on Strategic Environmental Assessment (SEA Directive) in Serbia. Goals of this research are: to determine the current status of the functioning of Serbia's institutions and to determine the current status of public participation in EIA/SEA procedures. Besides being focused on institutional issues, public participation and respect of EU standards, the study framework also comprises environmental assessment of projects primarily, and to a lesser extent plans and programmes. The focus on EIA is further narrowed to research of its implementation at the municipal level. Except for implementation, certain attention is given to harmonisation of the Serbia's regulation with that of the EU regarding EIA and SEA and drawing comparisons between harmonization and implementation.

Through the analysis of the collected data, respect of the minimum EU standards was mainly considered in accordance with the position taken in the National Environmental Approximation Strategy for the Republic of Serbia. However the analysis also gave attention to wider challenges in terms of EIA and SEA implementation, having in mind the importance of efficient functioning of the institutional and participatory mechanisms to ensure environmental protection *per se*, while being aware of the dynamic nature of the EU law. It is important to emphasize one limitation of the research which is that the most of it was conducted before the new amendments of the EIA Directive came into force which introduced new requirements. Nonetheless the research addressed mentioned amendments to the greatest extent possible given the previously collected data and the available research time-frame.

The research methodology consisted of: literature review (regulation, reports, articles and other written documents); survey involving 145 municipalities and 38 environmental non-governmental organisations; interviews with representatives of local governments and environmental NGOs from 10 local communities, as well as civil servants from Sweden's, Hungary's and Slovenia's public administrations.

Based on the analysis of the EIA Directive and relevant rulings of the European Court of Justice, criteria were defined, based on which it was possible to evaluate implementation of the EIA Directive in Serbia with regard to the existing institutions, capacities and public participation, in accordance with the collected data. Selected criteria are the following: existence of the EIA procedures; implementation of the EIA; adequacy of the established procedures to fulfil the goals of the EIA Directive; prevention of conflicts of interest; expertise of the competent authorities; expertise of the persons preparing the EIA report; taking into account the results of EIA during the development consent procedure; ensuring that measures are taken in order to prevent, avoid, reduce and offset adverse negative environmental effects of the proposed project; consultations with the concerned authorities; informing the public early and effectively; opportunities for early and effective public participation when all options are open; take the opinion of the public into consideration. Defined criteria are not exhaustive, nor pretend to absolute value; they are merely recognized as useful tools to analyse the collected data, while leaving the possibility open for alternative approaches and interpretations of the research results.

Concerning harmonization, research results show that Serbia's legislation is mostly in line with the EU regulation and that in certain cases surpass the minimal EU standards. However several pertinent inconsistencies were also identified. The time-frames left to file a request for deciding on the EIA report and realisation of the project following the decision on the EIA report which can decrease the temporal consistency between EIA decisions (in Directive's terminology: reasoned conclusion) and decisions pertaining to development consent. There are no guarantees that the public will have 30 days to participate in the decision-making process concerning the EIA report (a requirement of the newly amended EIA Directive). There are inconsistencies between the Law on EIA and the Law on Planning and Construction in terms of the functioning of the technical commission for review of objects, as well as general lack of reference to the Law on EIA in the Law on Planning and Construction which may lead to a lack of consideration of the EIA during the decision-making process concerning development consent. There is a lack of institutional mechanisms to prevent conflicts of interest. The decision to inform the public about results of the screening phase is not clear enough, since the provisions do not specify the obligation to give reasons for the adoption of the decision. There are no provisions on public accessibility of the decision concerning development consent and pertinent reasons for its adoption. There is no obligation to inform the public electronically. With regards to SEA, the main legal gap pertains to requirement of the SEA Directive that the competent authority should inform the public on the decision to (not) prepare the environmental report.

In terms of implementation of the EIA and SEA, standards of the EIA and SEA Directives are mainly respected, albeit usually at the minimum level. EIA and SEA institutions are established and procedures conducted. The adequacy of the established institutions is at the low level, primarily because of the small number of employed officials responsible for EIA and SEA, doubling of competences and difficulties pertaining to technical and administrative capacities. However although not being fully developed, established institutions are sufficiently adequate to be compatible with the minimum requirements of the EIA Directive. Shortcomings of the existing institutions pertaining to EIA can be linked to insufficient consultations with the local self-governments units (LSUs) and NGOs during preparation of the EIA and SEA regulation. The greatest challenge is identified in the form of conflict of interest and that is the only single criteria compared to which Serbia is not compatible even with the minimum EU standards. This situation is particularly a cause for concern in case when the local-self-government is at the same time investor, since there are not institutional solutions based on which a conflict of interest can be prevented. In terms of expertise, the persons who prepare the EIA report and those who examine it and are in charge of other phases of the procedure (screening, scoping etc.) fulfil the minimum requirements of the EIA Directive although there is additional space to improve the existing levels of expertise. Moreover the problems are identified which regard to the quality of the EIA report, methods of selection and payment of experts for their involvement in the technical commission. During research, various practices were identified regarding compatibility of the procedures and cooperation between persons responsible for EIA and development consent (in Serbia: construction and use permit) procedure. The negative examples of such cooperation largely pertain to incoherencies and inconsistencies between the Law on EIA and the Law on Planning and Construction. It is not possible to derive final conclusions to which extent the EIA results are being taken into account in the later phases of the decision-making pertaining to the given project; nonetheless it can be asserted that that the minimal standards of the EIA Directive are being respected. The criteria concerning measures to ensure that the conditions envisaged to avoid, prevent, decrease and offset adverse negative environmental effects are implemented were approached from the surveillance perspective. Although several problems were identified, such as a small number of inspectors, lack of technical capacities, and remarks on the quality of the surveillance, it is was still noticed that that the surveillance mechanisms exist, as well as the efforts of the on behalf of local inspectors to ensure that the environmental protection conditions deriving from EIA process are respected by the project developers. Therefore it can be said that in terms of this criteria, minimum requirements from the EIA Directive are

also acknowledged although it should be noted that there is definitely an additional space for improvement of the existing conditions.

Cooperation with the concerned authorities is on average level, but in accordance with the minimum requirements of the EIA Directive. Concerning public informing, it is commendable that all local self-governments conduct some kind of public informing. However the critique on behalf of civil society is that informing is formalistic in order to merely fulfil legal obligations. In most cases the informing is done through written media, around half of the local-self-governments inform the public via TV and radio, while the use of internet is very low. Data gathered from local self-governments indicate that a small number of citizens participate in public debates. The overwhelming majority of local self-governments and NGOs agree that inadequate informing is the main cause of the small participation of the public concerned. Opinions of the local self-government officials are that they mostly accept the opinion of the public concerned while the representatives of the civil society state that these are actually rare occasions. A moderate conclusion would be that the existing informing, public participation and expressed public opinions are taken into account to a sufficient extent in order of minimum requirements of the EIA Directive to be fulfilled. However additional improvements are certainly possible, especially concerning the informing of the public through electronic means.

In this study three options were considered which may have overarching influence over the future EIA implementation: retaining the existing competences with additional improvements of the current system; integrating EIA procedures with those pertaining to use permits including integration of institutions and capacities; new division of competences based on possible environmental impacts of the proposed project instead of being based on competences for issuing construction permits. By comparing three mentioned options, it can be concluded that in a short-term period, first option is the most feasible one, since it already exists for ten years and additional reform efforts would not be significantly challenging. On a long-term period the third option would be the most preferable solution, primarily since the competence for EIA would be in accordance with the scale of the potential environmental impact of project and the capacities of the competent authorities (republic, provincial and local). As for second option, it is estimated that although containing positive features, the reform efforts would be too high compared with the benefits, especially when compared with first and third option.

Key recommendations to ensure successful implementation of the minimum EU standards concerning EIA are the following:

- Temporarily shift the jurisdiction from the local to the republic and provincial level in case when the local self-government is simultaneously the competent authority and the developer;
- Adjust the Law on Planning and Construction to the Law on EIA particularly regarding the functioning of technical commission for review of objects, but also general mutual adjustments regarding use permits. Respect for EU standards would be additionally ensured by referencing towards the Law on EIA in the Law on Planning and Construction within provisions pertaining to issuing construction permits and location permit;
- In Law on planning and construction and/or the Law on EIA, it is important to establish an obligation to inform the public on the decisions to give or reject approval for realisation of the proposed project, including provision of reasons on how public consultations were taken into account in the development consent procedure;
- Shorten the time-frame to file the request for consent on the EIA report as well as the deadlines for commencing the project realisation;
- Define the obligation to set at least 30 days for consultations with the public

concerned (submitting opinions, review of the documents and public debate);

- Define an obligation in the Law on EIA that the public should be informed about the reason for the EIA screening decision;
- Introduce the legal obligation to inform the public by electronic means and make the relevant information accessible electronically;
- Introduce the legal obligation to inform the public about the decision to prepare or not prepare the SEA environmental report for plans and programmes where such possibility exists.

Except for stated recommendations for respect of the minimum EU standards, following recommendations can also be made for general improvement of EIA and SEA implementation in Serbia:

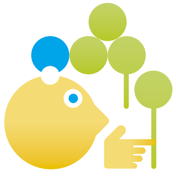
Concerning institutional mechanism and capacities, following recommendations could be made:

- Improve the existing process of policy making in the field of environment which would imply wider scope of consultations with the stakeholders (local self-governments, environmental NGOs etc.);
- Consider the introduction of institutional measures which would leave the competent authority more options to fulfil its obligations in terms of EIA and SEA procedure based on Serbia's regulations pertaining to internal revision;
- Determine the obligation that the competent local and provincial authority reports to the ministry responsible for environment on their work regarding EIA and SEA and that the ministry should collect and analyse the received data;
- Government should adopt an official guideline for EIA implementation concerning *inter alia* the EIA implementation at local level;
- It has to be legally defined that in case the developer participates in the work of the technical commission, the same should apply for the representatives of the public concerned who participated in previous consultations;
- Determine the specific number of concerned organs and organizations who would always be invited to participate in the decision-making procedure pertaining to EIA/SEA;
- It is important to introduce an obligation in the Law on EIA, that the duties of managing the EIA procedure and conducting surveillance on the given matter are conducted by separate persons;
- It is important to introduce an obligation to acquire previous consent from the authority responsible for environmental protection on the decision if the SEA environmental report is needed for certain plans and programmes;
- It is important to improve the recruitment of civil servants and of the persons responsible for EIA and SEA reports. In that regard, it is important to consider introducing special licensing systems for conducting such activities;
- Financial penalties should be significantly higher in case civil servants and investors do not fulfil their obligations in accordance with the EIA and SEA;
- The government should determine guidelines for setting local fees for developers for conducting EIA procedure;
- The government should identify local self-governments with stronger capacities and facilitate their personal and technical cooperation with the local self-governments with weaker capacities;

- Additional efforts should be invested in order to improve the work of the local inspection services i.e. increasing the number of available civil servants, organising capacity-building trainings and further investments in technical capacities;
- Judicial capacities should further be strengthened; in the long-term period a possibility should be considered to establish special judicial departments for environmental issues;

With regard to public participation, the following recommendations could be given:

- Ensure the participation of the representatives of local self-governments and non-governmental organisations during further amendments of laws and by-laws on EIA and SEA and other relevant regulation;
- Extend the time limits for public to participate in first (screening) and second (scoping) phase of the EIA procedure;
- Define special time-frames that would be adapted to practical possibilities of the public concerned to be present at public debates, given the standard working hours;
- Specify time-frames for public participation in the SEA procedure;
- Provide additional opportunities for public participation in the EIA procedure particularly for situations when the developer amends the EIA study;
- Ensure participation of the public in the first phase (screening) of the SEA procedure as well during the preparation of the SEA environmental report;
- Consider introducing (potentially legally obligatory for competent authority) possibility of having public debates via internet;
- Introduce obligatory provisions of informing via internet and consider the obligation to form specific internet portals of local self-governments for EIA and SEA;
- Determine the obligation to post notifications based on local customs (public announcements, notifications in public squares etc.) and also introducing innovative ways of informing e.g. online social networks or fluorescent posters;
- Adopt and implement local citizen animation plans for improved public participation in the EIA and SEA procedures and decision-making in general pertaining to environmental protection;
- Strengthen cooperation between local self-governments with public concerned by organizing consultative meetings including the establishment of the local councils for environmental protection (so-called „green councils“);
- Consider additional forms of public participation e.g. sending questionnaires to citizens if they want realisation of the specific project or if they approve the specific plan or programme in their community;
- Introduce legal obligation to register public concerned or inform the public on its possibility to be registered as public concerned, and
- Consider more detailed explanation on the way in which the opinion of the public concerned were taken into account in the EIA and SEA procedures.



Contents

Table of Contents

Summary of the Study | 5
List of Figures | 12
List of Tables | 13
List of abbreviations | 14
1. Introduction | 15
   1.1. Context | 15
   1.2. Research framework | 19
   1.3. Data Collection Methods | 20
   1.4. Outline of the Study | 22
2. The European Union and the Environmental Impact Assessment | 23
   2.1. Overview of the EU Environmental Policy | 23
   2.2. The EIA Directive | 24
   2.3. The SEA Directive | 30
   2.4. Implementation of EIA and the SEA Directives in the Member States | 32
   2.5. Key Criteria for Assessing the Implementation of the EIA Directive | 36
3. EIA/SEA Legislation in Serbia | 39
   3.1. Overview of Policies with regard to EIA/SEA | 39
   3.2. Environmental Impact Assessment | 40
   3.2.1. Institutional Setting | 42
   3.2.2. Participation of the Public, Organs and Organisations Concerned | 49
   3.3. Strategic Environmental Assessment | 54
4. Analysis of the EIA and SEA Implementation in Serbia | 59
   4.1. Previous Research | 59
   4.2. Institutions | 59
   4.2.1. Existence and Implementation of EIA/SEA | 59
   4.2.2. Policy-Making concerning EIA/SEA | 62
   4.2.3. Adequacy of the Established Institutions | 64
   4.2.4. Objectivity in Work and Prevention of Conflicts of Interest | 66
   4.2.5. Expertise of the Civil Servants and Persons who Prepare the EIA Study | 68
   4.2.6. Taking the Environmental Assessment into Account in the Development Consent Procedure | 71
   4.2.7. Ensuring Implementation of the Environmental Protection Measures | 73
   4.2.8. Consultations of the Competent Authority with Concerned Organs and Organizations | 74
   4.3. Public Informing and Participation | 75
   4.3.1. Public Informing | 75
   4.3.2. Participation of the Public Concerned | 80
   4.3.3. Taking Opinion of the Public Concerned into Account | 86
   4.4. Evaluation of the Criteria concerning Implementation of the EIA Directive | 88
5. Options for Further Institutional Development of the EIA | 90
   5.1. Option 1 – Improved Current State | 91
   5.2. Option 2 – Integrated Model | 92
   5.3. Option 3 – New Allocation of Competences | 93
6. Conclusions and Recommendations | 96
   6.1. Overview of the Conducted Research | 96
   6.2. Recommendations | 100
Bibliography | 107
Annexes | 125

List of Figures

Figure 1-1 Policy-making cycle | 18
Figure 4-1 LSU participation in preparation of the laws on EIA and SEA | 64
Figure 4-2 Participation of environmental NGOs in preparation of the laws on EIA and SEA. | 64
Figure 4-3 Number of LSUs which have experts associates for environmental protection. | 67
Figure 4-4 Number of LSUs which have environmental inspectors. | 68
Figure 4-5 Number of civil servants who have more than one function. | 68
Figure 4-6 Engagement of experts in the EIA at the local level | 70
Figure 4-7 Structure of the technical commission for EIA at the local level. | 71
Figure 4-8 LSU organizational units responsible for EIA. | 73
Figure 4-9 Percentage of LSUs that inform the public regarding EIA procedures. | 75
Figure 4-10 Ways in which LSUs inform the public. | 76
Figure 4-11 Keeping registries on environmental NGOs by LSUs. | 78
Figure 4-12 Percentage of LSUs that send direct notifications to environmental NGOs. | 79
Figure 4-13 Awareness among environmental NGOs about their rights pertaining to EIA/SEA. | 79
Figure 4-14 Existence of databases based on main log books on official websites of the LSUs pertaining to finalized EIA procedures. | 79
Figure 4-15 NGO participation in the decision-making process pertaining to EIA. | 82
Figure 4-16 Number of cases in which CSOs participated in decision-making pertaining to EIA, SEA and IPPC – from 2009-2012. | 82
Figure 4-17 Percentage of NGOs that know they are recognized as public concerned under the law in the EIA/SEA procedure. | 82
Figure 4-18 Evaluation by NGOs of the current state of public participation in the EIA procedure. | 85
Figure 4-19 Evaluation by LSUs of the current state of public participation pertaining to the EIA procedure. | 85
Figure 4-20 Causes of insufficient public participation according to LSU officials. | 86
Figure 4-21 Causes of insufficient public participation according to NGO representatives. | 86
Figure 4-22 Opinion of the LSU officials concerning the extent to which LSUs accept public opinion. | 87
Figure 4-23 Standpoint of the NGO representatives concerning the extent to which LSUs accept public opinions. | 88
Figure 4-24 Percentage of NGOs which submit remarks, suggestions and opinions on the content of the EIA studies. | 88

List of Tables

Table 2-1 Criteria for assessing the implementation of the standards set out in the EIA Directive | 37

Table 3-1 Opportunities for public participation in the EIA procedure. | 50

Table 3-2 Opportunities for public participation in the SEA procedure. | 57

Table 4-1 Basic data on EIA and SEA procedures for 2012 and 2013. | 61

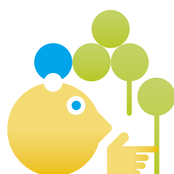
Table 4-2 Number of civil servants in LSUs responsible for environmental protection. | 66

Table 4-3 Surveillance in terms of implementation of measures envisaged by EIA decisions. | 74

Table 4-4 Number of public debates and presentations held in LSUs in the decision-making process pertaining to EIA study. | 81

Table 4-5 Evaluation of the implementation of the EIA Directive at the local level. | 89

Table 5-1 Comparing the options for improved EIA implementation at the local level | 90



CONTENTS

List of abbreviations

AP	– Autonomous Province
CAB	– County Administrative Board (Kingdom of Sweden)
EIA	Environmental Impact Assessment
EU	– European Union
EEC	– European Economic Community
GIS	– Geographical information system
IMPEL	– EU Network for the Implementation and Enforcement of Environmental Law
IPPC	– Integrated Pollution Prevention and Control
LSU	– Local self-government unit
NEPA	– National Environmental Protection Agency (Kingdom of Sweden)
NEPA	– National Environmental Protection Act (United States of America)
CSO	– Civil society organisation
OECD	– Organisation for Economic Cooperation and Development
RS	– Republic of Serbia
SEA	– Strategic Environmental Assessment
SCTM	– Standing Conference of Towns and Municipalities
UN	– United Nations
UNECE	– United Nations Economic Commission for Europe
UNEP	– United Nations Environment Programme
LPC	- Law on planning and construction
LEP	– Law on environmental protection

Key words: environment, local self-government, environmental impact assessment, European Union

1. Introduction

1.1. Context

Environmental impact assessment (EIA) and Strategic environmental assessment (SEA) are one of the basic measures of environmental policies and instruments of spatial planning. Through them potential environmental impacts, risks and dangers of proposed projects, strategic documents and policies are taken into consideration in a defined decision-making procedure which comes prior to consent for their implementation. Bearing in mind the significant environmental degradation in the 20th century resulting from urbanisation and industrialisation, EIA and SEA were established, so that development and planning decisions are made by informed authorities who have access to all relevant data during the procedure.[2] At the same time, the purpose of these procedures is to allow the public to supervise the preparation of development activities and enable "democratic participation" of citizens in these procedures.[3] EIA and SEA create conditions for evidence-based decision-making. Consent is given only after relevant information concerning the environmental impact of proposed project or planning document are gathered from the applicant. This information is supplemented by the consultation process with relevant public authorities and entities and concerned persons, including citizens whose environment and interests can be affected by the proposed project or planning document. Therefore, EIA and SEA procedures create the possibility for combining expert with local knowledge of the public.[4]

Based on forth-mentioned, well informed decision-makers can achieve better review of different aspects and wider development context of the proposed projects or planning documents. Based on the collected data, they are placed in a better position to support economically, socially and environmentally sustainable projects. Furthermore, they can prevent, offset or reduce adverse effects and risks on environment, health and limited natural resources of the generally acceptable development initiatives. Moreover based on acquired information, complainants of the public concerned and already collected data through previous decision-making cycles, they can improve economic, social and environmental outcome of the proposed policy or project. Finally, based on available information, decision makers can prevent and reject projects and policies that involve high risks and can cause damage to the environment, health and natural resources of the community and are not economically sustainable in the short, mid or long-term period. In addition EIA and SEA contribute to creation of a culture of an open and accountable development policy-making which facilitates citizens' participation in decision-making process and more rational use of the available administrative capacities on different governmental levels. As a feedback, these instruments can raise expectations pertaining to the quality standards of projects and policies that are taken into consideration in context of Serbia's sustainable development.

2 Harwood R. & Wald R. *Environmental Impact Assessment*. 39 Essex Street, London 2006, page 1.
3 *Ibid.*
4 Garb Y. Manon M. Peters D. Environmental Impact Assessment: Between Bureaucratic Process and Social Learning, *Handbook on Public Policy Analysis; Theory, Politics and Methods*. CRC Press, 2006, page 486.

EIA/SEA are predominately procedural measures.[5] They consist of a set of procedural steps that are required in order to determine existence of potential significant environmental impacts of projects as well as steps to identify, describe and assess environmental risks and effects. These measures also include developing proposals and passing measures in order to prevent or reduce negative environmental effects. EIA and SEA therefore do not pre-determine final decision on the proposed project or strategic document, but rather affect one.

If two procedures are compared, the EIA is directed towards narrower project activities, while the SEA is used for wider strategic documents (policies, plans, programmes). Besides that, the SEA is less rigorous and requires less quantitate data compared to the EIA. Conversely the SEA requires comprehensive and systematic approach to the prevention, reduction or removal of negative effects of the human activities that would otherwise have *ad hoc* character.[6] Structure of the EIA procedure depends from concrete legal and institutional schemes. However it can generally be said that it consists of six phases: screening (determining the need for further EIA), scoping, EIA study/report, decision on the study, implementation and monitoring.[7] Although the SEA was firstly based on similar logic as the EIA[8], during time, the SEA started to develop as a separate procedure which methodology depends on concrete legal and institutional frameworks.[9]

European Union (EU) started to develop its rules pertaining to EIA/SEA back in 1980s within context of increased international efforts in this area.[10] EU regulated the EIA procedure with Directive 2011/92/EU (EIA Directive)[11] while SEA is regulated in Directive 2001/42/EC (SEA Directive). This implies that these EIA and SEA measures are legally binding for all EU Member States. Both Directives prescribe binding goals that need to be accomplished by the Member States. However both directives leave space for Member States to choose concrete legal instruments for their transposition and establish administrative schemes and capacities for their implementation. That space is limited by the purpose of directives themselves.

Serbia generally faces significant challenges in the area of environment protection, which also involves the implementation of the EIA/SEA. These challenges are particularly un-

5 *Directive 2011/92/EU*, Recital 7; Bell S. McGillivray D. *Environmental Law*. Oxford University Press, 2006, page 509; Stookes P. *A Practical Approach to Environmental Law*. Oxford University Press, 2009, pages 559-560; Wolf S. Stanley N. *Wolf and Stanley on Environmental Law*. Routledge, 2014, page 464.
6 Partidário M. R. *Strategic Environmental Assessment (SEA): Current Practices, Future Demands and Capacity-Building Needs*. Course Manual. International Association for Impact Assessment. IAIA training Course. Portugal, 2007, page 20. Available at: http://www.commdev.org/files/1725_file_SEAManual.pdf.
7 Garb Y. Manon M. Peters D. Environmental Impact Assessment: Between Bureaucratic Process and Social Learning, *Handbook on Public Policy Analysis; Theory, Politics and Methods*. CRC Press, 2006, page 483.
8 Mitrović I. Improving Implementation of the Strategic Environmental Assessment in Serbia. *Proceedings of Geographical Institute „Jovan Cvijić", SANU*. Number 57, pg. 347-356, 2007, page 349. Available at: http://scindeks.ceon.rs/article.aspx?query=RELAKW%26and%26strategic%2Benvironmental%2Bassessment&page=4&sort=1&stype=0&backurl=%2FRelated.aspx%3Fartak%3Dstrategic%2Benvironmental%2Bassessment.
9 Partidário M. R. Strategic Environmental Assessment: Key Issues Emerging from Recent Practice. *Environmental Impact Assessment Review,* number 16, pages 31-55, 1996.
10 The beginning of the legally binding EIA dates back to the year 1969, when the National Environmental Policy Act (NEPA) was adopted in the USA (Patricia Birnie *et al*, *International Law & Environment*. OUP, 2009, page 165). Taking USA as a model, other states also started to adopt legislation concerning EIA: Australia (1974), Thailand (1975), France (1976), Philippines (1978), Israel(1981), Pakistan (1983) - https://www.env.go.jp/earth/coop/coop/document/10-eiae/10-eiae-2.pdf. In a more narrow international context, following documents should be highlighted: OECD. *Declaration on Environment Policy* (1974) - http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=66&InstrumentPID=63&Lang=en&Book; UN. *World Charter for Nature* (1982) - http://www.un.org/documents/ga/res/37/a37r007.htm; UNECE. *Convention on Environmental Impact Assessment in a Transboundary Context* (Espoo Convention) (1991) - http://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/conventiontextenglish.pdf and *Kyiv Protocol on Strategic Environmental Assessment* (2003) - http://www.unece.org/env/eia/sea_protocol.html that are related to cross-border cooperation; and UNEP. *Rio Declaration on Environment and Development* (1992) - http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm.
11 Consolidated version. First EIA Directive was adopted in 1985 while in 2014 the European Parliament adopted new amendments. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN.

der the spotlight at this moment due to ongoing EU accession negotiations while bearing in mind insufficient performance of the environmental policies in Serbia. In order to further develop its environmental policy and successfully cope with the arising challenges of the EU accession process, Serbia's Government adopted laws and bylaws in order to transpose EIA/SEA directives. Nonetheless quality of the conducted harmonisation is debatable and particularly implementation of the goals set in forth-mentioned directives. With regard to that, National Programme for Environmental Protection identified key problems in the area of environmental protection that also apply for EIA/SEA: 1) lack of strategic documents in the area of environmental protection 2) insufficient institutional capacities 3) ineffective monitoring and reporting system 4) ineffective implementation of environmental legislation caused by incomplete legal system, insufficient institutional capacities, ineffective supervision and slow judiciary; 5) ineffective system of financing environment protection and lack of economic incentives; 6) low level of environmental awareness, insufficient environmental education and inadequate public participation in decision-making process.[12] Previously mentioned problems pertaining to institutions, administrative capacities and public participation are recognized in the National Program for EU Integration[13] and the National Programme for the Adoption of the Acquis for 2013-2016[14] with special emphasis on the local level. Although these criticisms are related to the environmental policy in general, EIA/SEA procedures need to be perceived within this context, bearing in mind the horizontal character of the procedure. Furthermore, National Environmental Approximation Strategy also indicates towards problems in relation to EIA/SPU:

> *There are legal and implementation gaps in the EIA and SEA laws that have to be rectified, to ensure these processes fit into the overall environmental planning framework.*[15]

Problems that were identified by the Serbian institutions correlates with the stance of the European Commission (EC) that has, in its Opinion on Serbia's application for membership of the European Union identified environment as an area in which Serbia needs to put more efforts as part of the EU integration process, including strengthening the administrative capacities and efficient implementation of the legislation.[16] In Serbia 2013 Progress Report, EC indicated that improvement in implementation of the existing legislation, strengthening of administrative capacities, improvement of inter-institutional cooperation and raising environmental awareness is required.[17] Further on, EC has indicated that ''implementation of the Environmental Impact Assessment Directive needs to be improved, as regards particularly the public consultation process''.[18] Besides that, importance of the adequate institutions, capacities and effective public participation is also evident from questions pertaining to the administrative capacities and public participation from the questionnaire the EC has submitted to Serbia in order to prepare opinion on the Serbia's request for the EU membership.[19]

Forth-mentioned documents, both domestic and those of the EU, point out the topicality of the environmental policy implementation and more specifically implementation

---

12 *National Environmental Protection Programme* ("Official Gazette RS", Number 353-459/2010-1), pages 49-50.

13 *Amended National Program for Integration of the Republic of Serbia into the European Union*. Belgrade, 2009, page 573. Available at: http://www.seio.gov.rs/upload/documents/NPI/npi_2009-10_incl_annexes_eng.pdf.

14 *National Programme for the Adoption of the EU Acquis (2013-2016)*. February, 2013., page 498. Available at: http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_eng__2014_2018.pdf.

15 *National Environmental Approximation Strategy for the Republic of Serbia*. December, 2011, Page 59. Available at: Available at: http://www.misp-serbia.rs/wp-content/uploads/2010/05/EAS-Strategija-ENG-FINAL.pdf.

16 *Communication of the European Commission to the European Parliament and the Council. Commission Opinion on Serbia's Application for Membership of the European Union*, 2011, page 11. Available at: http://www.seio.gov.rs/upload/documents/eu_dokumenta/misljenje_kandidatura/sr_rapport_2011_en.pdf.

17 European Commission, *Serbia 2013 Progress Report*, page 56. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf.

18 *Ibid.*, page 54.

19 Questionnaire. *Information Requested by the European Commission to the Government of Serbia for the Preparation of the Opinion on the Application of Serbia for Membership of the European Union*. 2010. Available at: http://www.seio.gov.rs/upload/documents/upitnik/srb_questionnnaire_engl.pdf.

of the EIA/SEA in Serbia in the EU integration context.[20] In accordance with that, **implementation of the EU directives concerning EIA/SEA in Serbia was identified as a research problem in this study.** In order to secure successful implementation of the EU law, one of the key preconditions is existence of the developed public administration capacities. However it is important to actually consider if the institutional framework *per se* was adequately conceived, since it precedes and with its wider scope overarches the issue of capacity building. One more component that needs to be carefully addressed is public participation in the EIA/SEA procedures. The importance of public participation is that it ensures wider transparency, openness, accountability and legitimacy in the work the public administration with regard to EIA/SEA. Furthermore its importance is in the improvement of the quality of information available in the procedure. Therefore in accordance with the forth-mentioned positions and previously determined research problem, two separate research goals were defined: first, **to determine the existing conditions of the functioning of the institutions in terms of the EIA/SEA** and second, **to determine the existing conditions in terms of public participation in the EIA/SEA procedures.** Analysis was conducted based on previously identified key requirements of the EIA/SEA directives in terms of institutions and public participation that both the EU Member States and candidate countries need to comply with. These criteria will be brought forth following the overview and analysis of the EIA/SEA directives (see Chapter 2). Moreover partial analysis of the harmonisation of the Serbian legislation with the EU law concerning EIA/SEA was conducted in order to identify linkages between legal provisions and implementation of the EU standards in Serbia. Both research goals are followed by recommendations for the improvement of the EIA/SEA implementation.

From the perspective of the policy making cycle, it can be said that the study itself is located within the policy learning phase. In this phase, previously formulated and realized (via chosen policy option, e.g. law) policies is implemented while at the same monitored and evaluated. Through monitoring of the implementation, new opportunities are created for the improvement of the EIA/SEA implementation in a new policy cycle, including consideration of the new legal and institutional solutions. Such improvements would give an additional guaranty that the EU standards will be successfully implemented. Results of the research can positively affect other public policy sectors through spill over effect, especially where harmonization process with the EU law is still ongoing.

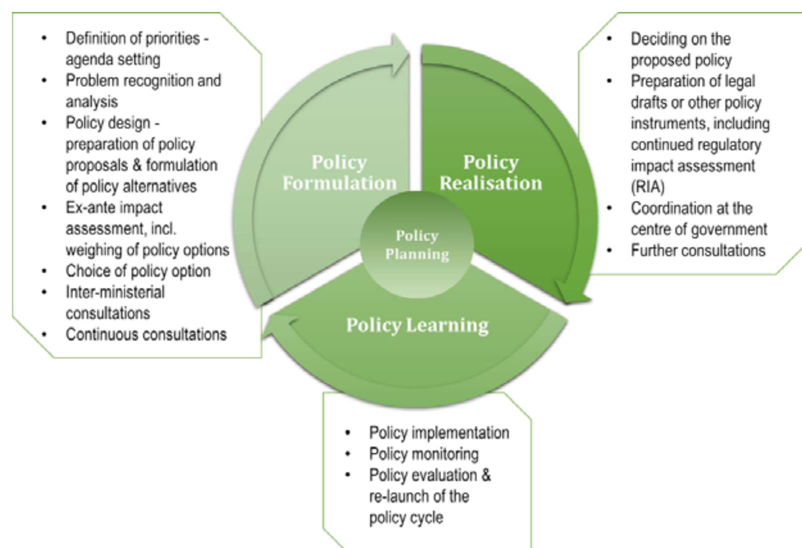


Figure 1-1 Policy-making cycle [21]

20 Serbia is already obliged to harmonize its legislation with the EU acquis. Such obligation is based on the article 72 of the *Stabilisation and Association Agreement between the European Communities and their Member States of the One Part, and the Republic of Serbia, of the Other Part*, 2008. Available at: http://www.seio.gov.rs/documents/agreements-with-eu.216.html.

21 This illustration is a model of the policy cycle developed by Lazarević, M., Marić, S., Orza, A. in a study

1.2. **Research framework**

Research of the EIA/SEA implementation in Serbia was conducted primarily with regard to minimum conditions Serbia needs to fulfil in the accession process in accordance with the approach taken in the National Environmental Approximation Strategy which states that ''Serbian legislation should mirror the EU Acquis – no less, no more''.[22] However, besides this basic approach, study will also point out general problems in the EIA/SEA implementation in Serbia and further give recommendations for possible improvements, even if the minimum EU standards are met. Reason for such decision was, on the one hand, a general intention of the research team to contribute to the improvement of the EIA/SEA policies and environment in Serbia as a whole. On the other hand, it was important to point out potential problems and solutions that Serbia's decision-makers should consider, especially with regard to dynamic nature of the EU law, out of which new obligations for Serbia, as a candidate and a future Member State, will arise.

Research was concentrated on institutional mechanisms and public participation in the EIA/SEA procedure. Therefore, research did not include analysis in terms of natural and technical aspects of EIA/SEA or pertinent projects, plans and programmes. Furthermore, research was focused on public administration and the EIA/SEA implementation in Serbia. Therefore, issues related to the judiciary and transboundary cooperation were not analysed in detail. Although research addresses both EIA and SEA, emphasis was primarily put on EIA, due to the wide scope of both topics (which does not diminish the importance of the SEA). The focus on EIA resulted from the intention to use limited time resources and capacities in the most optimal way, while paying attention to both procedures to the greatest extent possible.

The main part of the research was conducted before new amendments of the EIA Directive entered into force on May 15th 2014. Although research included topics that are relevant for forth-mentioned amendments, research focus was mainly on the consolidated version of the EIA Directive from 2011. At the same time, additional research efforts were made in order to collect the relevant data in a newly created situation, although the main part of research was conducted prior to May 15th 2014.

The research referred to authorities on the level of Republic (national level), Autonomous Province and local self-government. However, focus of the research was mainly on the EIA/SEA implementation at the local level. The importance of the local level is that prevailing share of responsibilities for EIA/SEA pertains to cities and municipalities (two unit types of local self-government). That was confirmed in a conversation with the representatives of the ministry responsible for the environmental protection. Moreover within context of the EU accession negotiations, effectiveness of the implementation of directives has to be observed for a whole instead of separately for specific competent authority. Bearing that in mind, it was important to conduct a research of the EIA/SEA implementation at the local level, firstly due to their abundance and diversity, but also because of the different practices in the EIA/SEA implementation, hence increasing the complexity in terms of transparency and monitoring of EIA/SEA implementation. Finally study took into consideration goals in terms of the institutional reforms envisaged by the National Environmental Approximation Strategy. The Strategy determines that the first period from 2011-2014 is reserved for

---

''Policy making and EU accession negotiations: Getting results for Serbia''. Belgrade, 2013, page 15. Available at: http://www.europeanpolicy.org/dokumentacioni-centar/cep-izdanja/384-kreiranje-politike-i-pregovori-za-pristupanje-eu-kako-do-rezultata-za-srbiju.html. However there are other noteworthy concepts and designs of policy making cycles which should deserve attention, most notably Young. E. Quinn. L. *Writing Effective Public Policy Papers: A Guide for Policy Advisors in Central and Eastern Europe*. Open Society Institute: Budapest. 2002.; and policy cycle developed in SIGMA papers - Ben-Gera M. *The Role of Ministries in the Policy System: Policy Development, Monitoring and Evaluation*. Sigma Paper No. 39. March, 2007. Available at: http://www.oecd-ilibrary.org/docserver/download/5kml60qkg9g7.pdf?expires=1420047948&id=id&accname=guest&checksum=76C7B29B3BA68327D810F92488FD148E.

22 *National Environmental Approximation Strategy for the Republic of Serbia*. December, 2011, page 33.

short-term goals focusing on the ministry competent for environmental protection, inter-ministry coordination and cooperation of central authorities with the Autonomous Province of Vojvodina. Second period covers the mid-term period 2015-2019 and is reserved for the institutional reform focused on the local level.[23] Therefore it was important to provide recommendations in terms of the EIA/SEA implementation before mid-term institutional reform begins.

1.3. Data Collection Methods

The target audience of the study were the decision-makers and their associates on the national, provincial and local level. The study can also be of use to non-governmental organizations (NGO's) and other civil society organizations (CSO's) which field of work includes environmental protection, EU integration and research. The study results can be of use to other public administration and civil society sectors, because institutional reforms in terms of the EIA/SEA implementation contain similarities with the reform processes with regard to other policies. At the same time, research results can also be useful for the relevant international stakeholders, especially in order for them to track the performance of Serbia's reform efforts within the EU integration context.

In order to accomplish the research goals, qualitative and quantitative research methods were applied. Quantitative methods enabled the approach based on the exact data collection from the wider representative sample while the qualitative methods enabled deeper insight into the research problem. Combined use of the quantitative and qualitative research methods led to greater extent and deeper insights of the research results. Concrete data collection methods used during research will be explained in the following.

The review and analysis of documents included primary sources such as legal documents and strategic documents of Serbia, EU and its Member States and also work reports of the LSUs in Serbia. With regard to secondary data sources, official reports and academic papers pertaining to the EIA/SEA implementation in Serbia, EU and its Member States were included. Domestic data enabled insights into the EIA/SEA implementation in Serbia. Conversely documents related to the EU and some of her Member States enabled insights into their legal and institutional solutions, as well as examples of good practice.

Work reports of the LSUs were mainly used in order to check the data indicated in questionnaires (which will be presented later in this chapter). However, in many cases, work reports only offered general[24] or incomplete information concerning EIA/SEA implementation in the given LSU. Generalized and incomplete reports can be considered as a starting point for criticism of the LSU work. The quality of these reports decreases access to information and cannot ensure adequate monitoring of the EIA/SEA implementation with regard to the functioning of institutions. Work reports of the LSUs became available, following the submission of written request to LSUs for the delivery of information of the public importance. Requests were sent to 145 LSU. However only 94 of them (64%) sent requested reports. One fifth of LSUs sent their reports only after the Commissioner for Information of Public Importance and Personal Data Protection was contacted. It can be observed that majority of the LSU delivered requested reports. This indicates a positive trend in terms of the possibility to achieve to access information of the public importance. However the fact is that one third of LSUs did not deliver requested reports, as well as that some of them did only after do so after the Commissioner was contacted. This implies that there is a need to invest further effort in raising awareness within the local administration concerning the importance and their obligations to ensure access to information of public importance.

23 *National Environmental Approximation Strategy for the Republic of Serbia*. December, 2011, pages 52-53.
24 For example data concerning the total number of the EIA procedures was indicated, without referring to concrete phase and outcome of the decision-making process.

The main quantitative method of data collection used in this study was a survey of the LSU and environmental NGOs representatives regarding EIA/SEA implementation. Together with request to receive the work reports, the research team sent questionnaires in the written form to 145 LSUs. The number of 145 was determined because there are 145 LSU in Serbia (excluding 29 LSUs on Kosovo[25]). Unlike work reports, all 145 LSU sent questionnaires back before the completion of this study. It should also be stated that 23 LSU sent their replies only after the Commissioner for Information of Public Importance was contacted by the research team. Regardless of the forthmentioned, the fact that all LSUs sent back filled questionnaires is a significant success in terms of the quality of the collected data and credibility of the research results. Besides, actions of the local self-governments reveal increased openness of the public administration in terms of possibilities to achieve access to information of public importance, which is a right guaranteed under law. Questionnaires for the environmental NGOs were sent via e-mails using online database created by the Environmental Movement Odžaci. Unfortunately, only 38 NGOs send completed questionnaires. That is perhaps the largest limitation of this study. However although the number of the questionnaires delivered by the NGOs is relatively small compared to the number of questionnaires delivered by the LSUs, received answers still offered valuable data and sufficient sample to be worthy for statistical analysis. Therefore these data deserved to be included in the study. Additional information concerning realized questionnaires are available in Annex 2.

During research, deep semi-structured interviews were conducted with the officials within national, provincial and local authorities, representatives from the NGO's, academia, law and one firm specialised in preparation of the EIA studies. Interviews were conducted with 10 representatives of the LSU. These were selected based on the following criteria:

a. The need for project realization (LSUs that often receive requests for the EIA);

b. Level of the economic development (priority was given to the least developed LSUs);

c. Geographical distribution (different parts of Serbia);

d. Level of developed NGO sector;

e. Previous experiences with the local authorities and NGOs.

By applying mentioned criteria, representatives of the following LSUs and pertinent NGOs were chosen for the interview: Sremska Mitrovica, Pančevo, Žitište, Odžaci, Sjenica, Vršac, Ljubovija, Užice, Knjaževac and Smederevo. For the purpose of the interview, questionnaires previously sent to the LSUs via Internet were used. In the period between January 15th and April 22nd 2014 18 interviews with 45 persons were conducted. Numbers portray both interviews with the public, private and civil sector (including all levels of governance). Questionnaires had an orientation purpose, hence the flexibility of the interviews was not harmed. Additional data concerning actors with whom interviews were conducted are available in Annex 1.

Analysis of the documents and interviews was conducted by using a mixture of intentional technics for choosing documents and interlocutors and snowball technique for further selection of data based on the previously collected ones. This approach enabled examination of relevant topics in an organized way while also leaving the possibility for collection of additional information, starting from already available data.

Round tables were organized in Novi Sad (May 14th), Belgrade (May 15th) and Užice (May 16th). Round tables gathered 87 representatives of civil and public sector: national, provincial and local level of governance, public institutions (such as Provincial Institute for Nature Conservation), public utility companies (such as landfill "Duboko"), NGOs and educational institutions. During round tables, preliminary research results

25 This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

were presented. Moreover additional opinions on the EIA/SEA implementation were given on behalf of the participants. Some of them were subsequently integrated into the study.

Finally research included EIA/SEA implementation in the EU Member States in order to identify examples of good practice and portray in general terms the way in which EIA/SEA procedure is implemented in the EU. Besides literature review, answers in a written form and via interviews were provided by officials from the Hungarian Ministry of Agriculture (at the same time responsible for environment), Swedish Environmental Protection Agency (separate interview via Skype was conducted with one of its officials) and Slovenian Ministry of Agriculture and Environmental Protection. Data collected through questionnaires and interviews, together with the review of the relevant legislation and reports, served as a basis for analysis of the institutional solutions in these countries. These in return facilitated preparation of the study recommendations. Additional data concerning questionnaires that were sent to the EU Member States are available in Annex 2.

During the preparation of this study, data received through various methods were compiled in order to achieve complete and credible findings and recommendations. Received data also served as a basis to derive final conclusions and recommendations for the improvement of the EIA/SEA implementation.

1.4. Outline of the Study

Following the introduction, the following will be presented in the study: current EU legislation pertaining to EIA/SEA, its implementation in the EU Member States and determined criteria for the assessment of the EIA/SEA implementation; legal and institutional framework in Serbia in terms of the EIA/SEA and its harmonization with the EU standards; research results of the implementation of the EU standards in terms of EIA/SEA in Serbia (primarily at the local level); deliberation of options for improvement of the institutional mechanisms in terms of the EIA/SEA implementation in Serbia; conclusions and recommendations.

2. The European Union and the Environmental Impact Assessment

2.1. Overview of the EU Environmental Policy

During the 1970s of the 20th century the first steps were made towards the development of environmental policies in the European Community, initially in the context of the single market, and later as a separate and fully developed area of public policy.[26] In this policy area the EU operates under the authority transferred to it by the Member States in the Treaty of the European Union.[27] Today, the environment is a policy area of shared competence between the EU and the Member States. This means that Member States cannot act independently in the field of environmental protection, but only in the realms of the extent to which the EU have not adopted binding regulations.[28] On the other hand, the EU must take into account the respect of the principle of subsidiarity. In other words, the EU does not enjoy full freedom of action on the basis of devolved powers in the Treaties, but may adopt binding regulations to the extent to which specific objectives can be achieved more effectively at the EU level.[29] Key strategic documents that determine the development of EU policy in the area of enviroment are environment action programmes.[30]

The division of responsibilities in the field of environment is established in the Treaty on the Functioning of the EU.[31] Article 191 of this agreement sets out objectives and procedures in the field of environment protection:

- Preserving, protecting and improving the quality of the environment;
- Protection of human health;
- Prudent and rational utilization of natural resources, and
- Promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

EU policy in the field of environment is based on several key principles. Article 191

26 Ateljević V. Sretić Z. Mitrović S. Plavšić P. *EU Integration Challenges in the Field of Environmental Protection and Local Communities*. PALGO Centre. Belgrade, 2011, pages 16-17 and page 27. Available at: http://www.palgo.org/files/evropske_integracuje_u_oblasti_zivotne_sredine.pdf.

27 *Consolidated Version of the Treaty of the European Union*, 1992, consolidated in 2012, article 5(2). Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012M/TXT&from=EN.

28 *Consolidated Version of the Treaty on the Functioning of the European Union*, 2007, consolidated in 2012, article 2(2). Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=en.

29 *Consolidated Version of the Treaty of the European Union*, 1992, consolidated in 2012, article 5(3).

30 So far, there have been six environment action programmes and the focus of the seventh is on resource efficiency with the goals set until 2020 and a vision of further development until 2050 - *Decision No 1386/2013/EC of the European Parliament and of the Council of November 2013 on General Union Environment Action Programme to 2020 "Living Well, within the Limits of Our Planet."* Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013D1386&from=EN.

31 *Consolidated Version of the Treaty on the Functioning of the European Union*, 2007, consolidated in 2012, article 4(2).

TFEU stipulates that the EU policy in the field of environment is based on the principle of precaution, prevention, rectification of environmental damage at source, and the "polluter pays" principle. EU must also take into account the specific characteristics of its various regions.[32] In order to achieve that, the principle of integrity is separately set out in Article 11 of the Treaty, which reads: „Environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development..“[33] The aforementioned principles constitute the basis of the EU regulations in the field of EIA[34]/SEA[35]. The principle of integrity is especially important in terms of EIA/SEA, as these procedures presume integration of the information relevant for the environment into the decision-making process and therefore are an expression of that principle. Also, the precautionary principle, the principle of prevention and rectifying environmental damage at source is relevant for the EIA/ SEA, because these procedures reduce the possibility of potentially significant adverse effects on the environment, rather than conducting *ex post* remediation. Furthermore, EIA expenses are usually covered by the developer[36], so for these proceedings the principle of "polluter pays" is relevant. Finally, EU[37]is a signatory of the Convention of the United Nations Economic Commission for Europe (UNECE), signed in 1998 (Aarhus Convention), which establishes principles [38] and rules for the access to information, public participation in decision-making and legal protection in environmental matters.[39] The provisions of the Aarhus Convention are contained in the directives on EIA and SEA, while the EU has also passed special legislation for their implementation.[40]

2.2. The EIA Directive

Directive on the assessment of the effects of certain public and private projects (the EIA Directive) was adopted in 1985. Since then, the EIA Directive was modified three times before its codification in 2011. Purpose of previous amendments was to align the Directive with the Espoo Convention and the Aarhus Convention, extend the list of projects in Annex I and Annex II and introduce additional criteria for establishing the

---

32 *Consolidated Version of the Treaty on the Functioning of the European Union, 2007, consolidated in 2012*, article 191(2).

33 *Consolidated Version of the Treaty on the Functioning of the European Union, 2007, consolidated in 2012*, article 11.

34 *Directive 2011/92/EU of the European Parliament and of the Council of December 2013 on the Assessment of the Effects of Certain Public and Private Projects on the Environment (codification)*, recital 2.

35 *Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment*, recital 1.

36 Oosterhius Frans. *Costs and Benefits of the EIA Directive*. Final Report for DG Environment under Specific Agreement no. 07010401/2006/447175/FRA/G1. Institute for Environmental Studies, Vrije Universiteit, Amsterdam. May 2007, page 2. Available at: http://ec.europa.eu/environment/eia/pdf/Costs%20and%20benefits%20of%20the%20EIA%20Directive.pdf

37 It should also be noted that greater efforts of the EU to increase public participation and develop democratic procedures is a relatively recent phenomenon. For more details, see: Lee M. EU *Environmental Law. Challenges, Change and Decision-Making.* Hart Publishing: Oxford and Portland, Oregon, 2005, page 117.

38 Principles of the Aarhus Convention have their origins in principle 10 of the UN *Rio Declaration on Environment and Development* in 1992. In terms of citizen participation principle is that "environmental issues are best handled with the participation of all concerned citizens..." Available at: http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=78&ArticleID=1163.

39 UNECE. *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*. Adopted at the Fourth Ministerial Conference in the 'Environment for Europe' process. Aarhus, 25th June 1998. Available at: http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf.

40 The European Union adopted *Directive 2003/4/EC on public access to environmental information* and *Directive 2003/35/EC on public participation in the preparation of certain plans and programmes*, on basis of which the EIA Directive was amended in 2003.

need for EIA (*screening*).[41] Most recent amendments were made in 2014[42] „in order to strengthen of the environmental impact assessment procedure, align the procedure with the principles of smart regulation and enhance coherence and synergies with other Union legislation and policies, as well as strategies and policies developed by Member States in areas of national competence."[43] The amendments must be transposed by Member States until 16 May 2017.

This directive is the basis of EU policy on EIA. Member States and candidate countries are obliged to perform harmonization, implementation and enforcement of EU law, including directives.

The EIA Directive identifies several subjects:

- The competent authority or authorities that Member States should designate as responsible in order to implement the obligations of the Directive, which may include regional and local authorities within the Member States;[44]
- The public concerned is defined as "the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures" while the "non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest." This definition is otherwise identical to the definition of the public concerned in the Aarhus Convention;[45]
- The public is defined as "one or more natural or legal persons and, in accordance with national legislation and practice, their associations, organizations and groups";[46]
- Developer is defined as "an applicant for authorisation for a private project or the public authority which initiates a project";[47]
- Competent authority or authorities who may be interested in the project due to its special competences in relation to the environment or local and regional competences[48], and
- Neighbouring states as possible stakeholders, if the projects may have transboundary environmental effects.[49]

The EIA Directive refers to projects that are likely to have significant environmental effects. The project is defined as: the execution of construction works as well as other installations and schemes; and other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.[50] Amendments of the EIA Directive from 2014 included amendment of the Article 1 - which defines that the EIA procedure needs to comprise the following elements: preparation of the EIA report (a newly introduced concept) by the developer; conducting

41 European Commission website: http://ec.europa.eu/environment/eia/eia-legalcontext.htm.

42 In this moment, there is no official consolidated version of the EIA Directive. Instead, there is consolidated version from 2011 and separate document with amendments from 2014. The following text will hence refer to consolidated version from 2011 where there were no amendments and to the document from 2014 in case of the most recent amendments.

43 *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the Effects of certain Public and Private Projects on the Environment*, recital 3.

44 *Directive 2011/92/EU of the European Parliament and of the Council of December 2013 on the Assessment of the Effects of Certain Public and Private Projects on the Environment (codification)*, article 1(2).

45 *Ibid.*, article 1(2).

46 *Ibid.*

47 *Ibid.*

48 *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the Effects of certain Public and Private Projects on the Environment*, amended article 6(1).

49 *Directive 2011/92/EU of the European Parliament and of the Council of December 2013 on the Assessment of the Effects of Certain Public and Private Projects on the Environment (codification)*, article 7(1).

50 *Ibid.*, article 1(2).

consultations with the authorities, the public and the countries concerned with the environmental effects of the project proposal; examination of the information submitted in the EIA report, the additional information submitted by the developer and the information obtained in the course of consultations; reasoned conclusion (a newly introduced concept) by the competent authority of significant environmental effects of the project, taking into account the considerations of the previous items and, where necessary, additional considerations by the competent authority; integration of the reasoned opinion into the decision concerning development consent.

The EIA Directive requires Member States to "adopt all measures necessary to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment."[51] In other words, EIA is a mandatory procedural step in the EU that precedes the approval for the realisation of projects which according to the criteria of the Directive are likely to have significant environmental effects. In addition, the scope of the development consent concept is defined in EU law or jurisprudence of the Court of Justice of the EU, not national law.[52] From the perspective of EU law, each individual act, regardless of its form, name or phase of the procedure can be regarded as development consent, if the opportunity is given to the applicant to commence the construction or realisation of the project.[53]

Article 3 of the EIA Directive in particular states that EIA shall identify, describe and assess "in an appropriate manner, in the light of each individual case" the direct and indirect effects of the project on the following factors: population and human health; biodiversity; land, soil, water, air, climate; material assets, cultural heritage and landscape; and interaction between previously mentioned factors. The amendments of the EIA Directive in 2014 determined that previously mentioned factors shall include the assessment in terms of vulnerability of projects to risks of major accidents and/or disasters.[54]

The EIA Directive (article 2) gives Member States the possibility to determine if the EIA will be integrated into the existing procedures for development consent for projects or in other or new procedures. In addition amendments to the Directive from 2014 determine the possibility for joint or coordinated procedures for projects for which the assessment is necessary, not only on the basis of the EIA Directive, but in relation to the requirements in other directives: Industrial Emissions Directive (2010/75/EU), Water Framework Directive (2000/60/EC), Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC). It is therefore evident that the Member States are allowed considerable degree of discretion in terms of determining procedures for transposition of the EIA Directive.

Article 4 of the EIA Directive introduces a distinction between projects for which the EIA is mandatory (Annex I of the Directive) and projects (Annex II of the Directive) for which Member State must determine if EIA is necessary (screening phase) prior to decision on development consent in accordance with the criteria defined by the Directive. The assumption is that the first group of projects include significant environmental effects. In the second group, the existence of such state is yet to be determined, which is achieved either by examination on case-by-case basis or by applying criteria or threshold values, defined in advance by the Member States, or a combination of these methods.[55] In all three cases, Member States must take into account the criteria

51 *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the Effects of certain Public and Private Projects on the Environment*, amended article 2(2).
52 C - 290/03, Barker - Crystal Palace, opinions 40 – 41. Available at: http://curia.europa.eu/juris/liste.jsf?language=en&num=c-290/03.
53 V. Case C-435/97, opinions 58 - 59. Available at: http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=C-435/97&td=ALL.
54 *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the Effects of certain Public and Private Projects on the Environment*, amended article 3.
55 *Directive 2011/92/EU of the European Parliament and of the Council of December 2013 on the Assess-*

prescribed by the EIA Directive (Annex III of the Directive). Amendments of the Directive in 2014 further established the possibility for Member States to determine which projects listed in Annex II should always require or not require EIA. Moreover if the Member State decides that EIA is mandatory for Annex II projects, the applicant submits information on the characteristics of the project and possible significant environmental effects (Annex IIa in amended EIA Directive). The competent authority shall decide on the need for EIA based on the information submitted by the developer and, where relevant, based on the results of procedures pertaining to the environmental assessment defined by EU legislation other than the EIA Directive. The competent authority must make the EIA screening decision in no later than 90 days[56] starting from the date when the developer submitted the required information. In doing so, the decision of the competent authority shall be made available to the public, including reasons for making such decision.[57]

Amended article 5(1) of the EIA Directive determines that in the case EIA is required, Member States must ensure that the developer submits the EIA report with relevant information.[58] Before the latest amendments, it was only necessary to enclose information, therefore, the obligation to prepare EIA report is an innovation from 2014.

The amended article 5(2) of the EIA Directive determines that on developer's request, the competent authority shall determine the scope and content of information that developer needs to submit in the EIA report. In this case, the study is based on the scope and content determined by the competent authority in accordance with article 5(1). Therefore the scoping, as a general EIA phase[59], occurs, except that in case of the EIA Directive, it does not necessarily exist, because it depends on whether the developer will request the scoping. However the EIA Directive in article 5(2) also leaves the possibility for Member States to establish an obligation to determine the scope and content of the EIA report, regardless if developer so requests.

The amended article 5(3) of the EIA Directive prescribes additional conditions to be met in order to ensure the quality of the EIA report:

1. The developer must ensure that the EIA report is prepared by competent experts;

2. The competent authority must possess or have access to "sufficient expertise" to assess the EIA report;

3. Where necessary, the competent authority shall request additional information from the developer in accordance with Annex IV of the EIA Directive.

The amended article 6(1) requires Member States to ensure that authorities likely to be concerned by project, due to their special responsibilities in relation to the environment or their responsibilities at the local or the regional level, are given the information provided by the developer and the possibility to submit their opinions. Member States, in general terms or on a case-by-case basis determine which authorities shall be consulted.[60]

---

ment of the Effects of Certain Public and Private Projects on the Environment (codification), article 4.

56 In exceptional cases, the deadline may be extended, and then the competent authority has to justify that decision to the developer.

57 *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the Effects of certain Public and Private Projects on the Environment*, amended article 4(6).

58 Description of the project; description of the likely significant effects of the project on the environment; a description of measures to avoid, prevent, reduce and where possible offset significant adverse effects of the project on the environment; description of reasonable alternatives, which the project developer; non-technical summary of the information provided herein, and additional information (Annex IV of the Directive).

59 Garb Y. Manon M. Peters D. Environmental Impact Assessment: Between Bureaucratic Process and Social Learning, *Handbook on Public Policy Analysis; Theory, Politics and Methods*. CRC Press, 2006, page 486.

60 Directive *2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the Effects of certain Public and Private Projects on the Environment*, amended article 6(1).

According to the amended article 6(2) of the EIA Directive "in order to ensure the effective participation of the public concerned in the decision-making procedures, the public shall be informed electronically and by public notices or other appropriate means" early in the decision-making procedures (or as soon as the information can be provided) of the following: the request for development consent; the fact that the project is subject to an environmental impact assessment procedure; details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions; the nature of possible decisions or, where there is one, the draft decision; an indication of the availability of information gathered by the developer; an indication of times and places at which, and the means by which, the relevant information will be made available; and details of the arrangements for public participation.

The EIA Directive also contains detailed provisions on informing the public concerned. Specifically article 6(3) stipulates that "in reasonable time-frames" Member States must provide the public concerned access to any information in connection with the information submitted by developer or competent authority in accordance with article 5 (EIA report), as well as additional information.[61]

The amended article 6(5) requires Member States to prepare "detailed arrangements" on the basis of which the public will be informed (e.g. placing public notices or via local press) and consulted (e.g. written submissions or public inquiry). As it was previously mentioned, amended article 6(2) of the EIA Directive establishes obligation to keep the public informed "electronically and by public notices or by other appropriate means" and article 6(5) provides that the Member States shall ensure that "relevant information" will be made available electronically "through at least a central portal or easily accessible points of access, at the appropriate administrative level".

Article 6(4) of the EIA Directive prescribes that the public concerned must receive an "early and effective" opportunities to participate in environmental decision-making procedures in accordance with article 2(2), including an opportunity to express comments and opinions "when all options are open" and "before the decision on the request for development consent is taken". EIA Directive does not specify what is meant under "early and effective opportunities" for public participation (except that the opportunity shall exist when all options are open).

According to article 6(6), Member States must provide "reasonable time-frames" in different phases of the procedure and ensure "sufficient time" to inform the public and concerned authorities and for concerned authorities and the public concerned to "effectively" participate in the environmental decision-making. Article 6(7) determines that time-frame for public consultation in regard to the EIA report must not be shorter than 30 days.

Article 7 of the EIA determines the obligations of Member States in respect of transboundary consultations for projects likely to have significant environmental effects on other Member States.

Article 8 of the EIA Directive determines that the information provided by the developer (article 5), the public concerned and authorities concerned (article 6), as well as information in the context of transboundary consultations (article 7) must be "taken into consideration" in the development consent procedure.[62] Amendments of the EIA Directive in 2014 add to the previous provisions an obligation that the opinions and information shall be "duly taken into account". Hence additional attention is drawn to

61 In accordance with national legislation, the main reports and advice issued to the competent authority or authorities when the public concerned is informed in accordance with article 6(2); in accordance with the provisions of Directive on public access to environmental information and in addition to information indicated in article 6(2) of the EIA Directive, information that is relevant for decision-making in accordance with article 8 of the EIA Directive and which becomes available after the public concerned is informed in accordance with article 6(2).
62 *Ibid.*, amended article 8.

how the information is going to be addressed. Nonetheless here the general feature of EIA comes to attention (see Chapter 1), which is that its outcome affects the final decision for the proposed project, but it does not determine whether the final decision for the proposed project will be positive or negative.[63]

Amendments of the EIA Directive from 2014 introduced an additional article 8a which specifies ways in which the results of EIA procedure shall be taken into account. Paragraph 1 of article 8a determines that the decision to give development consent shall contain a reasoned conclusion and other requirements – attached environmental conditions, description of project characteristics and/or measures to avoid, prevent, reduce and offset significant adverse environmental effects, as well as monitoring measures. The decision not to give development consent should also contain reasons for it (paragraph 2). In terms of article 8a, paragraph 4 should be pointed out, on the basis of which the Member States need to "ensure that the features of the project and/or measures envisaged to avoid, prevent, reduce or offset significant adverse effects on the environment are implemented by the developer, and shall determine procedures regarding the monitoring of significant adverse effects on the environment".

Amended article 8a of the EIA Directive (paragraph 5 and 6) requires Member States to ensure that all decisions concerning development consent shall be taken "in a reasonable period of time," and that a reasoned conclusion is "up to date" when making a decision on development consent (i.e. that the opinion is not obsolete at the time of the final decision). Here it should be shortly noted that article 8a significantly amended the original EIA Directive, because in addition to the original provisions of article 8 on taking the results of the EIA Procedure into consideration, the newly inserted article 8a prescribes additional specifications on how the results of the procedure shall be taken into account.

The amended article 9 of the EIA Directive provides that, when making a decision on development consent, the competent authority or authorities of a Member State shall inform the public and especially enable the information available on the contents of the decision and attached conditions, as well as the main reasons on the basis of which the decision was made, including information about the public participation process.[64] Amendments of the EIA Directive introduce an important new article 9a on preventing the conflict of interest during the EIA procedure. Specifically, article 9a(1) defines the obligations of Member States to ensure that the competent authorities carries out obligations under this directive without being in a situation that would giving rise to a conflict of interest. In addition, paragraph 2 of the mentioned article specifies that in case the competent authority is simultaneously the developer, Member States must at least implement "within their organization of administrative competences, an appropriate separation between conflicting functions when performing the duties arising from this Directive".

It is important to mention the amended article 10a of the EIA Directive which establishes an obligation for Member States to impose penalties for violations of national legislation pertaining to this directive. The penalties must be effective, proportionate and dissuasive.[65] Article 11 of the Directive establishes the obligation for the Member States to provide access to justice for the representatives of the public concerned. In accordance with this, NGOs meeting requirements (article 1, paragraph 2) to be considered as public concerned, shall be deemed to have sufficient interest to have access to a review of procedure before a court of law.

As it was forth-mentioned, the Directive on EIA gives a considerable level of discretion to Member States to adapt their administrative procedures to their administrative system and culture, without prejudice to the basic principles of the Directive, particularly with regard to the article 2. The EIA Directive also does not determine which

63 European Environmental Bureau. *EU Environmental Policy Handbook. A Critical Analysis of EU Environmental Legislation. Making it Accessible to Environmentalists and Decision Makers.* Brussels, September, 2005, page 230. Available at: http://www.eeb.org/?LinkServID=3E1E422E-AAB4-A68D-221A63343325A81B.
64 *Ibid.*, amended article 9.
65 *Ibid.*, amended article 10a.

authority is responsible for approval of the EIA and deciding on development consent. These questions are left to the Member States, as long as they respect the goals of the EIA Directive. It should also be reiterated that this directive does not require Member States to establish a special scoping phase. Instead the competent authority must on the developer's request provide an opinion on what information the developer must submit. The Member States are still expected to carry out the screening process, as well as the procedure to evaluate the environmental effects of a given project.

2.3. The SEA Directive

Directive on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) was adopted in 2001 with the aim to "provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development."[66] It therefore represents a broader framework in comparison with the EIA Directive which focuses on the environment. Under "plans and programmes" is being referred to plans and programmes which are: prepared and/or adopted by the competent authority through the legislative process in the Parliament or the Government; and that are required under legislative, regulatory or administrative provisions.[67]

Environmental assessment (i.e. SEA) comprises: the preparation of the environmental report, consultations, taking into account the environmental report and the results of consultation when making decisions with respect to such plan or programme, as well as the availability of information about the decision.[68]

Article 3(2) of the Directive states that SEA must[69] be carried out for plans and programmes:

(a) which are prepared for agriculture, forestry, fisheries, energy, transport, waste management, water management, telecommunications, tourism, planning at the city or the country or land use and establish the framework for future obtaining approval for the execution of the projects listed in the Annex I and II of the 85/337/EC (EIA Directive) or

(b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to article 6 or 7 of Directive 92/43/EEC (Habitats Directive).

Article 3(3) also provides that for the above mentioned plans and programmes "that determine the use of small areas at local level" and "minor modifications" of plans and programmes should require SEA "only where Member States determine that it will probably have significant environmental effects" (SEA screening). It is for Member States to determine if other, unspecified plans and programmes which establish the framework for future development consent of projects, are likely to have a significant environmental effect.[70] Moreover the Directive establishes criteria (Annex II of the SEA Directive) under which Member States should conduct SEA screening. Member States make such determination through an assessment on a case-by-case basis, specifying types of plans and programmes or combined approach.[71]

66 *Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment*, article 1.
67 *Ibid.*, article 2(1).
68 *Ibid.*, article 2(2).
69 SEA Directive (article 3, paragraph 8) also provides that certain plans and programmes do not fall within its frame. These are: plans and programmes for the sole purposes of national defence and civil emergency; financial or budget plans and programmes; plans and programmes co-financed within the existing programming period for the Council Regulation no. 1260/1999 and (EC) no. 1257/1999.
70 *Ibid.*, article 3(4).
71 *Ibid.*, article 3(6).

Article 3(6) of the Directive provides that during SEA screening, Member States shall consult with the concerned authorities (which operate in the field of environment or have a special interest in this area) which Member States must previously define. Member States also must ensure that their SEA screening conclusions, including an explanation when an impact assessment is not required, are made available to the public.[72]

Artikle 4(1) of the SEA Directive requires that the SEA is performed during the preparation of the plan or program and before its adoption or submission to the legislative process. This creates conditions for environmental protection measures contained in the strategic assessment to be considered in the decision-making process concerning proposed plans and programmes and in accordance with the principle of integrity. Pursuant to article 4(2), the requirements contained in the Directive may be integrated into the existing procedures of the Member States for the adoption of plans and programmes, or in procedures established in order to comply with this Directive. As with the EIA Directive, the SEA Directive allows the Member States to adapt SEA to its administrative system and culture. The SEA Directive (article 4, paragraph 3) also addresses the hierarchy of plans and programmes of different levels. In this sense, the Directive requires Member States shall conduct the assessment of plans and programmes, while avoiding its duplication at different levels of the hierarchy.

The article 5(1) of the SEA Directive requires the preparation of environmental report reports. It identifies the likely significant environmental effects during implementation of the plan or program, as well as "reasonable" alternatives taking into account the objectives and the geographical scope of plan or program. The Directive contains a detailed list of information required for the preparation of the report (Annex I of the Directive). Concerned authorities have to be consulted when deciding on the scope and content of information to be included in the report.[73]

Article 6(1) determines that the authorities and the public concerned shall have access to the draft plan or program and the environmental report. Concerned authorities and the public must be given "early and effective" chance within "appropriate time-frame" to express their opinions on the draft plan or programme and the environmental report, before the plan or programme are forwarded for further proceedings.[74] It is notable that the wording of this provision leaves plenty of room for Member States to identify more specific time-frames, as well as the exact ways in which the interested public can express their opinion.

Article 6(3) of the Directive provides that Member States shall designate the authorities to carry out consultations with, which, due to their specific competencies in the field of the environment are likely to be concerned in the environmental effects of implementing the plan or program. Member States shall also identify the public, which would be affected or curriculum or who is interested in making decisions, and enable them to "early and effectively express their opinion on the draft plan or programme, or a report on the environment in the appropriate time-frame, before the adoption of the plan or program, or sending it into the legislative process". In this regard, the SEA Directive specifically states that NGOs concerned over environmental issues should have the opportunity for early and effective delivery of opinions on the above mentioned issues.[75] Detailed arrangements for informing and consulting the authorities and the public are left to be determined by the Member States.[76] Article 7 regulates issues concerning transboundary consultations between Member States and other countries which can be significantly affected by the proposed plans or programmes.

The Directive stipulates that the environmental report, presented attitudes and results of transboundary consultations shall be taken into account during the preparation of

72 *Ibid.*, article 3(7).
73 *Ibid.*, article 5(4).
74 *Ibid.*, article 6(2).
75 *Ibid.,* article 6(4)
76 *Ibid.*, article 6(5).

the plan or programme, before submitting it to further procedure.[77] Therefore as in the case of the EIA Directive, the outcome SEA procedure affects the final decision on approval of the proposed plan or program, but does not determine whether the decision will be positive or negative.

Pursuant to article 9 of SEA Directive, the Member States must ensure that following the adoption of the plan or programme concerned authorities, public and countries have access to: 1) information about the adopted plan or program; 2) a statement that briefly describes how environmental conditions have been integrated into the plan or program, how environmental report, prepared in consultations with concerned authorities, public and countries has been taken into account, as well as the reasons for choosing the plan or program, bearing in mind possible alternatives; 3) measures decided with regard to monitoring. Last provision is in conjunction with article 10, requiring Member States to ensure the monitoring of significant environmental effects during implementation of the plan/programme.

2.4. Implementation of EIA and the SEA Directives in the Member States

The European Commission, in its report on the implementation and effectiveness of the Directive on the EIA in 2009, estimated that the Directive EIA made a positive contribution (see example[78] in the text box), primarily in two ways. First, the Directive ensures that the issues related to the environment are taken early in the consideration in the decision-making process. Then, the Directive guarantees public involvement in the process increasing the transparency of decision-making in relation to the environment and the legitimacy of the decisions made. According to the European Commission, the Member States have transposed and implemented Directive EIA "largely in line with the Directive's objectives and requirements".[79]

However, the report points out several problems regarding the implementation of the EIA Directive due to which there was an amendment of the Directive in 2014. First, the criteria set out in Annex III of the Directive on the EIA, applied under screening for projects under Annex II of the Directive should be further specified. Secondly, Member States have reported problems regarding the quality of information that project developers submit during the procedure and the time-frame for submission of such information. Such condition is associated with a lack of provisions in the EIA Directive (the version of the Directive from 2009) pertaining to qualifications of persons to undertake the EIA work, review of submitted information by external experts, the use of guidelines for certain types of projects and introduction of the compulsory scoping phase. Additional problem related to the EIA Directive has been identified in terms of the lack of provisions for monitoring the implementation of the EIA in the Member States.[80] Third, the vagueness of the Directive in respect of public participation can lead to reduced public participation in decision-making due to different interpretations of Member States which may be more or less restrictive in terms of public participation. It is estimated in the Report that majority of the Member States include the public in the proceedings, only at the stage defined in article 5 in which the project owner needs to submit information

77 *Ibid.*, article 8.

78 Source: European Environmental Bureau. *EU Environmental Policy Handbook. A Critical Analysis of EU Environmental Legislation. Making it Accessible to Environmentalists and Decision Makers*. Brussels, September, 2005, page 230.

79 *Report from the Commission to the Council, The European Parliament, the European Social and Economic Committee and the Committees of the Regions on the Application and Effectiveness of the EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC)*, page 4. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009DC0378&from=EN.

80 *Report from the Commission to the Council, The European Parliament, the European Social and Economic Committee and the Committees of the Regions on the Application and Effectiveness of the EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC)*, page 6.

regarding the impact assessment (i.e. EIA reports as defined in the 2014 amendments of the EIA Directive), but not in the earlier stages, i.e. screening and scoping phases. Finally, the EIA Directive does not guarantee the coordination between EIA procedure and environmental quality standards defined in sectorial EU regulations (climate change[81], protection of biodiversity, obligations in terms of the IPPC).[82] From these remarks, it can be seen that some identified remarks on the implementation of the EIA addressed by the 2014 amendments to the EIA Directive. However not all these objections were adopted, as evidenced by the absence obligatory scoping phase or the absence of mandatory coordination and integration of different methods (e.g. EIA and IPPC).

EC report on the effectiveness of the SEA Directive does not provide definitive conclusions about its effects since not enough time has passed since the beginning of its implementation in the Member States.[83] The report adds that in general the Member States have positively assessed the impact of the SEA Directive on the planning process.[84] In addition, similar to the EIA Directive, much of the observed deficiencies and opportunities for improvement of the SEA Directive refer to the imprecision of the existing provisions, e.g. in terms of the time-frame for public participation, public informing, screening criteria etc.

An example of the positive contributions of EIA – extension project of the airport Billund in Denmark

EIA contributed to increase the capacity of the airport without building additional runways, reduce the effect of noise on nearby households (from 1,290 to 328 households), preserved the old Danish forests, as well as 350 hectares of arable land with a saving of about 300 million Danish kroner (about EUR 40 million).

When transposing the EIA Directive, Member States had different ways to determine competences for EIA. Generally, two tendencies can be observed: centralized (national authority) and decentralized (regional or local authority) responsibility which depends “mainly on the existing institutional arrangements for granting development consents“.[85] Based on research conducted by the European Union Network for the Implementation and Enforcement of European Law (IMPEL)[86] as well as comparing the responses of the Member States to the questionnaires of the United Nations Economic Commission for Europe (UNECE) regarding the implementation of the Espoo Convention[87], it can be concluded that the majority of Member States opted for a regional responsibility for EIA and the existence of certain competences at the national level (e.g. construction of motorways). In Slovenia, competent authority for EIA is the Environmental Protection Agency, which operates within the ministry responsible for

81 Before 2014 amendments, the EIA Directive explicitly mentioned flora and fauna in article 3, but not the climate, which could have led to marginalisation of this issue.

82 *Report from the Commission to the Council, The European Parliament, the European Social and Economic Committee and the Committees of the Regions on the Application and Effectiveness of the EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC)*, page 9-10.

83 Although the deadline for transposition of the SEA Directive was 21 July 2004, only 9 Member States fulfilled their obligation while cases were filed against 15 Member States at the European Court of Justice. Until 2009 all Member States transposed the SEA Directive.

84 *Report from the Commission to the Council, the European Parliament, the European Social and Economic Committee and the Committees of the Regions on the Application and Effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC)*, page 9. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN.

85 REC. *Handbook on the Implementation of EC Environmental Legislation*. 2008, page 66. Available at: http://ec.europa.eu/environment/archives/enlarg/handbook/handbook.htm.

86 It should be noted that the study was restricted to certain types of projects. European Union Network for the Implementation and Enforcement of Environmental Law. *The Implementation of the Environmental Impact Assessment on the Basis of Precise Examples*, Final Report. 2012, page 7. Available at: http://ec.europa.eu/environment/eia/pdf/IMPEL-EIA-Report-final.pdf.

87 Replies of the signatory states, including EU Member States are available at: http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/areas-of-work/enveiaimplementationreview-implementation/review-of-implementation-2013.html.

the environment.[88] The respondents from the ministry stated that the reason for this institutional solution lies in the territorial and demographic size, but also in the lack of capacities. In Croatia, for projects that require EIA the competent authority is the ministry responsible for the environment, while the responsibility for projects which should be subjected to EIA screening is divided between the ministry responsible for the environment, counties (regional level of governance) and the City of Zagreb, as a separate level of governance.[89] It should be noted that both Montenegro and Macedonia chose bodies that the competent authority will be at the national level, the EIA competence in Bosnia and Herzegovina is at the level the entities and in Albania at the ministry level and agencies responsible for the environment.[90]

There are also differences in how the procedure is established. Austria is cited as a good example of a country that has integrated EIA in development consent procedure for projects so far there is the same procedure for EIA and for obtaining all other permits for carrying out the project (one stop shop).[91] Conversely, there is an example of Portugal, where the responsible Directorate (for energy, transport, etc.) is responsible for approval, but sends the proposal and EIA report to the Ministry responsible for the environment to make a decision.[92]

Portugal is offers examples of good practice in terms of the implementation of trainings and preparation of guidelines. Following the adoption of relevant EIA legislation, the competent Ministry's Directorate-General for the Environment organized a round table for the concerned parties regarding EIA to explain them the new regulations. The Directorate also issued guidelines for different public administration sectors and for the investors, and quarterly publishes an information sheet on the EIA-associated activities.[93]

Sweden is a good example with regard the classification of projects and allocation of competences in relation to the risks that the project may pose to the environment.[94] By that logic, the projects that are considered the most dangerous from the environmental protection standpoint are classified under group A and placed under the jurisdiction of special environmental courts.[95] Projects that are less dangerous, but can still have significant environmental impacts are classified under group B and assigned to the county administrative boards (CAB).[96]

With regard to SEA, Austria, Hungary and Estonia offer examples of good practice by the fact that their SEA regulations clearly state that the environmental report together with the opinions received in the consultation process are to be taken into account when deciding on plans and programmes, as it is stated in the SEA Directive. However, as experts' network "Justice and Environment"[97] noticed, implementation may still be

88 More information available on the official website of the Slovenian Environmental Agency: http://www.arso.gov.si/en/environmental%20protection/environmental%20impact%20assessment.
89 *Regulation on the Environmental Impact Assessment* ("Official Gazette" 61/14. 2014), article 5 and 6. Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2014_05_61_1138.html.
90 Replies of the signatory states, including EU Member States, are available at: http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/areas-of-work/enveiaimplementationreview-implementation/review-of-implementation-2013.html.
91 Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*, page 8. Available at: http://www.justiceandenvironment.org/_files/file/2009/06/eia-sea_good_examples.pdf. European Union Network for the Implementation and Enforcement of Environmental Law. *The Implementation of the Environmental Impact Assessment on the Basis of Precise Examples*, Final Report, 2012, page 7. Available at: http://ec.europa.eu/environment/eia/pdf/IMPEL-EIA-Report-final.pdf.
92 REC. *Handbook on the Implementation of EC Environmental Legislation*. 2008, page 69.
93 *Ibid.*, page 72.
94 *Miljöprövningsförordning* (SFS 2013:251) [*Environmental Regulation* (Swedish Constituttion 2013:251)] Available at: http://rkrattsdb.gov.se/SFSdoc/13/130251.PDF.
95 According to the interviewed official of the Swedish Environmental Protection Agency, these are independent judicial authorities specialized in environmental protection. There are six environmental court in total and one of them is a second-instance i.e. appellate environmental court.
96 Professional bodies of the Central Government at the county level. Source: www.regeringen.se.
97 European network of organizations focused on environmental law. More information available at: http://www.justiceandenvironment.org.

problematic: e.g. in the Austria's system, it is not clear what actually constitutes a "decision", in the Czech case SEA results are taken into account in general and imprecise manner, while in Hungary planning document is not altered under the SEA influence.[98] As an example of good practice, it should be mentioned that Hungary, Austria and Slovenia in public informing about the decision regarding proposed planning document are expressly obliged to provide information on how the environmental issues and opinions submitted during the consultation process are integrated into the plan and programme, as well as the reasons for the adoption of a planning document, given the alternatives considered.[99]

Concerning SEA, Partidário[100] points out the examples of the Netherlands and Denmark where environmental assessment of is also carried out for public policies and legislative proposals, though not in the same way that it has been established by the SEA Directive which considers plans and programmes. However these examples may be useful in the long-term period considering further development of the policy-making processes, as they provide coherence and consistency of actions, ranging from policy formulation through the development of policy options, plans and programmes, and finally to the project preparation and implementation.

In terms of cooperation with interested agencies and organizations, the example of Hungary and Portugal should be noted. In Hungary, during the EIA scoping phase and deciding on EIA report, national and regional inspectorates (organs of the ministry responsible for the environment), must consult the special directorates for nature protection and national parks, the competent district institute of the Department of Public Health and other professional bodies defined by special regulations.[101] In Portugal, for projects where ministry (Directorate-General for Environment) is the competent authority, in the work of the evaluation committee, besides ministry, representatives of the Institute for Nature Conservation, the National Institute for Water and the Institute Environmental Protection are also involved. The Institute for Environmental Promotion is responsible for organising public consultations, although it is not competent to decide on the EIA report.[102]

Hungary is an example of the Member State in which it is precisely regulated how and under what conditions the public can participate. In Hungary, means of public informing are also precisely defined. These are notification boards, both of the inspectorates and local governments, notifications in accordance with local customs and informing through the website of the inspectorate.[103] Hungarian regulations define a large time-frame for the public to express their opinions in the EIA screening process, as well as part of the EIA procedure. Hence the competent authority shall announce on its website and on the bulletin board that within 21 days the public can submit an opinion with regard to EIA screening decisions. Within five days of availability of the screening documentation (including decision of the competent authority), local self-governments must ensure that documentation is made publicly available in accordance with local customs, regardless of the fact that inspectorates of the Ministry of Agriculture are generally competent for the EIA procedure. As for the main phase of the EIA procedure (EIA report), the public has 30 days for public review and submission of opinions on the EIA documentation submitted by the developer. Amendments of the EIA Directive from 2014 now make time-frame of 30 days for public participation

98 However, these results date back to 2008 and therefore a possibility should not be excluded that there have been improvements in the meantime. Source: Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*. 2008, page 16.

99 Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*. 2008, page 19-20.

100 Partidário M. R. *Strategic Environmental Assessment (SEA): Current Practices, Future Demands and Capacity-Building Needs. Course Manual*. International Association for Impact Assessment. IAIA training Course. Portugal, 2007, page 28-34. Available at: http://www.commdev.org/files/1725_file_SEAManual.pdf.

101 *Act LIII of 1995 on the General Rules of Environmental Protection*, article 70. Available at: http://faolex.fao.org/docs/html/hun6567E.htm.

102 REC. *Handbook on the Implementation of EC Environmental Legislation*. 2008, page 71.

103 Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*. 2008, page 13.

mandatory starting from 2017, but Hungary introduced this rule before these amendments. In the case of the EIA phase, local officials provide documentation that will be made publicly available within 5 days in accordance with local customs.[104] In terms of public informing, the United Kingdom uses innovative technology to inform the public using fluorescent posters that attract the attention of citizens.[105] In Poland, a public notices concerning opportunities for public participation must be positioned near a specific location of the planned project and prominent locations in general (churches, bus stations, retail stores).[106] Estonia also offers a good example where a legal obligation is established that entire EIA documentation on screening and EIA study must be published on its website. Estonia also has a rule that environmental NGOs, or at least their general association, must be informed on the issues pertaining to EIA.[107]

Finally, Hungary also offers a good example concerning consideration of public opinion by the competent authority. The reasoning for the EIA screening, scoping and the final EIA decision must contain a detailed assessment of the submitted opinions of the concerned authorities and the public, which consists of three parts: factual, professional and legal assessment. The above reasoning must be available to the public concerned. This evaluation method for submitted opinions is required even when the competent authority does not share the views presented by the public concerned. This ensures that submitted reviews are properly taken into account and judicial proceedings become simpler and more cost-effective.[108]

In terms of SEA, Estonia is an example of good practice given the fact that the public is consulted in the preparation phase, i.e. before the completion of the environmental report, which is not binding under SEA Directive (consultations are required after the completion of the report - article 6 of the Directive). Hungary gives the public 30 days to submit its opinion on environmental report and the proposed planning document. In addition, information about the plan/programme, environmental report and the manner of conducting public consultations are provided in the local newspapers, the internet and in accordance with the local custom.[109]

2.5. Key Criteria for Assessing the Implementation of the EIA Directive

From the analysis of the EIA Directive (see section 2.2) key elements can be extracted in terms of institutional issues and public participation which Member States must meet in order to ensure the minimum criteria of the European Union are met with regard to EIA (Table 2-1). Therefore they will serve as the key criteria for assessing the implementation of the EIA Directive in Serbia at the local level. The criteria are primarily related to the EIA; although during further analysis, certain attention will also be paid to the implementation of the SEA, but the main focus will be placed on the EIA at the local level. Therefore, the data on the SEA is to provide basic insights regarding the implementation of the procedure and provide guidance for future research that will have to focus on the SEA implementation. In accordance with the established research framework (see section 1.2), focus is primarily given to the implementation of the EIA Directive and to a certain extent new 2014 amendments of the EIA Directive, but certainly not in an exhaustive way since by that time most of the research was already completed. Monitoring measures, as well as deadlines for public participation

104 Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*. 2008, page 11.
105 REC. *Handbook on the Implementation of EC Environmental Legislation*. 2008, page 74.
106 *Ibid.*, page 75.
107 Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*. 2008, page 12.
108 REC. *Handbook on the Implementation of EC Environmental Legislation*. 2008, page 69.
109 Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*. 2008, page 15-16.

or the duration of the procedure provided in the 2014 amendments of the EIA Directive are not considered in full detail, since the research is mainly carried out prior to the entry of these amendments into force. Conversely issues with regard to ensuring of the implementation of measures for the avoidance, prevention, reduction and offsetting major adverse effects (amended article 8a, paragraph 4 of the directive EIA), will be considered within the context of the Serbia's surveillance mechanisms, since the research included these issues, although EIA enforcement is not the focus of this research.

Table 2-1 also includes the evaluation method for the mentioned criteria. In the worst case estimates, it is assumed that the implementation of the EIA Directive requirements is not on sufficient level. Some of the criteria are based on the less ambiguous requirements (e.g. the obligation to inform by electronic means), while others require certain interpretations (e.g. what constitutes effective public participation). In addition, there is always inter-connections between these criteria. "Appropriateness of the established procedures" can refer to the expertise of authorities, or method of informing the public. However the appropriateness of the procedures here should be understood in terms of how the competences are distributed and state in terms of capacities that are not explicitly mentioned in other requirements of the EIA Directive (e.g. number of relevant civil servants in the competent authority). Although research has relied on quantitative and qualitative methods (see section 1.3), for the sake of obtaining more objective picture of the implementation of EIA Directive in Serbia, certain extent of subjectivity is certainly inevitable, especially in the analysis of data collected in the context of the evaluation criteria presented above. Following the presentation of Serbian legislation and partial analysis of harmonisation with the EU standards (see Chapter 3) and analysis of the implementation of these standards (Chapter 4), evaluation of the EIA Directive implementation in Serbia at the local level will be conducted.

Table 2-1 Criteria for assessing the implementation of the standards set out in the EIA Directive

Criteria for assessing the implementation of EIA and SEA Directives	**Criteria source**	**Evaluation method: 1 (lowest) – 5 (highest)**
Existence of the EIA procedure	Article 2 EIA Directive	Exists/doesn't exist
Implementation of the EIA procedure	Article 2 EIA Directive	Exists/doesn't exist
Appropriateness of the established procedures to comply with the goals of the EIA Directive	Article 3 EIA Directive	Level: 1(lowest) – 5 (highest)
Prevention of conflicts of interest	Amended article 9a EIA Directive	Level: 1(lowest) – 5 (highest)
Expertise of the competent authorities	Amended article 5 EIA Directive	Level: 1(lowest) – 5 (highest))
Expertise of the persons preparing the EIA report	Amended article 5 EIA Directive	Level: 1(lowest) – 5 (highest)
Taking EIA into account in the development consent procedure	Article 8 EIA Directive	Level: 1(lowest) – 5 (highest)

Ensuring that measures are taken in order to avoid, prevent, reduce and offset significant adverse environmental effects	Amended article 8a EIA Directive	Level: 1(lowest) – 5 (highest)
Consultations with the concerned authorities	Article 6 EIA Directive	Level: 1(lowest) – 5 (highest)
Early and effective informing of the public	Article 6 EIA Directive	Level: 1(lowest) – 5 (highest)
Informing and accessibility of information to the public by electronic means	Amended article 6 EIA Directive	Level: 1(lowest) – 5 (highest)
Opportunities for early and effective public participation when all options are open	Article 6 EIA Directive	Level: 1(lowest) – 5 (highest)
Taking public opinion into account	Article 8 EIA Directive	Level: 1(lowest) – 5 (highest)

3. EIA/SEA Legislation in Serbia

3.1. Overview of Policies with regard to EIA/SEA

Starting from 2004 horizontal legislation that regulates EIA/SEA was adopted in Serbia.[110] Firstly the Law on Environmental Protection (LEP) needs to be emphasized, as a systemic law which regulates integrated environmental protection system, ensures rights to life and development in a healthy environment and balanced relationship between economic development and environment in the Republic of Serbia. Within article 9 of this law principles in terms of the environmental protection were adopted. Among them principles of integrity, prevention, precaution and ''polluter pays'' need to be emphasized.

The LEP defines principle of integrity as the principle through which public authorities secure ''integration of the environmental protection and improvement in all policy areas through implementation of mutually coordinated plans and programmes, as well as through the implementation of regulations via system of licenses, technical and other standards and norms, through financing, incentives and other environmental protection measures.'' Prevention and precaution principles are defined together so that ''each activity shall be planed and implemented in a way that: causes least possible alterations in the environment; presents low risk to environment and human health; decreases the burdening of space and consumption of the row materials and energy in the construction, production, distribution and utilization processes; includes recycling possibilities; prevents or limits environmental impact at its source.'' For the precaution principle, it is particularly emphasized that it is achieved through the ''environmental impact assessment''.[111] The principle "polluter pays'' is established *inter alia* so that ''polluter pays all the expanses for measures taken to prevent or reduce pollution.''[112] From for the presented provisions, logical and legal connection between mentioned principles and environmental assessment of projects, plans and programmes can be observed. The EU policy in the EIA/SEA is generally based on the principles of integrity, prevention, precaution and ''polluter pays'' (see Chapter 2.1). Through further analysis, this relation will be further highlighted. Special emphasis will be given to the principle of integrity and its importance for the EIA/SEA.

It also needs to be emphasized that LEP recognizes principle of public informing and public participation. This principle means that everyone has a right to be informed about the environmental conditions and participate in the decision-making process pertaining to environment.[113] General provisions in terms of informing and public participation in decision-making process (including EIA/SEA), as well as obligations

110 In 2004 comprehensive regulatory reform commenced in order to arrange complete environmental protection area through horizontal and sectorial prescriptions.

111 In the LEP it can be seen that rectification of the environmental damage at source is not recognized as the specific principle; it is subsumed under the joint definition of the prevention and precaution principle. In this segment, LEP differs from the EU law, especially article 191 of the TFEU.

112 *Law on the Environmental Protection* (''Official Gazette RS'' number 135/04), article 9.

113 *Ibid.*, article 9.

of the competent authority are regulated by articles 78-82. Mentioned legal provisions need to be perceived in the context of the Aarhus Convention. Serbia, like EU, is one of the signatories of the Aarhus Convention. After the Aarhus Convention was signed, Serbia adopted specific legislation concerning ratification of the Convention.[114] As it was already mentioned in Chapter 1 and 2, public participation is the key component of the EIA/SEA procedure.

LEP specifically mentions EIA/SEA in articles 35 and 36. However general provisions of this articles are elaborated in details in specific legislation. More about them will be written later on. The Law on environmental impact assessment[115] and the Law on strategic environmental assessment[116] were adopted in 2004 and later on amended in 2009. Mentioned laws along with relevant bylaws[117] are the basis of Serbia's efforts to harmonize her own legal system with the EU acquis in terms of the EIA/SEA. Laws and complemented bylaws were mainly composed by taking into consideration provisions from the EIA/SEA directives. However, it needs to be mentioned that the Law on EIA along with its amendments was adopted before new amendments on the EIA directive were adopted in 2014. Therefore although this study is concentrated on the EIA implementation, there is a need to go through partial analysis of the harmonization of Serbia's legislation with the EU acquis (while respecting the research frame of the study – see Chapter 1.2). Such analysis is important not only because EIA directive was recently amended, but also in order to clarify relations between EU law, Serbia's legislation and EIA/SEA implementation in Serbia. Finally the Law on Planning and Construction (LPC)[118] needs to be mentioned, as it regulates spatial planning, arrangement and use of construction areas, as well as construction of the objects. This law thereby is connected with the EIA procedure applied to development projects, but also to the SEA procedure since it regulates spatial planning. Therefore, it will also be important for further analysis.

3.2. Environmental Impact Assessment

The Law on EIA regulates issues pertaining to the EIA in more detail. Article 2 of the law provides key definitions that need to be presented especially in order to compare it with the provisions of the EIA Directive.

In the Law, EIA is determined as ''the preventive measure of the environmental protection based on development of studies, public consultations and analysis of the alternatives in order to gather data and predict adverse impacts (or "effects" – authors' note)

114 Serbia has adopted the *Law on Confirming the Convention on Access to Information, Public Participation, in Decision-Making and Access to Justice in Environmental Matters* ("Official Gazette RS – International Agreements", number 38/09). *Law on Free Access to Information of Public Importance* ("Official Gazette RS", number 120/04), is also the result of harmonization of the domestic legislation with the requirements of the Aarhus Convention.
115 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009).
116 *Law on Strategic Environmental Assessment* (''Official Gazette RS'' number 135/2004 and 88/2009).
117 *Rulebook on Public Review, Public Presentation and Public Debate concerning the Study on Environmental Impact Assessment* („Official Gazette RS", number 69/2005); *Rulebook on the Rules of Conduct of the Technical Commission for the Evaluation of the Environmental Impact Assessment* ("Official Gazette RS", number 69/2005); *Rulebook on the Content, Appearance and Method of Managing Public Log Books on Conducted Procedures and Given Decisions concerning Environmental Impact Assessment* ("Official Gazette RS", number 69/2005); *Rulebook on the Content of the Environemntal Impact Assessment Study* ("Official Gazette RS", number 69/2005); *Rulebook on the Content of the Screening and Scoping Procedure concerning Environmental Impact Assessment Study* ("Official Gazette RS", number 69/2005); *The Regulation on the Determination of the List of Projects for which the Environmental Impact Assessment is Mandatory and the List of Projects for which the Environmental Impact Assessment may be Requested* ("Official Gazette RS", number 114/2008).
118 *Law on Planning and Construction.* („Official Gazette RS", number 72/2009, 81/2009 – amendments, 64/2010 – decision of the Constitutional Court, 24/2011, 121/2012, 42/2013 – decision of the Constitutional Court, 50/2013 – decision of the Constitutional Court and 98/2013 – decision of the Constitutional Court). During writing of this study mentioned law is still in power. However the new law on planning and construction is currently being developed.

of certain projects on life and health of people, flora and fauna, land, water, air, climate, landscape, material and cultural values, as well as interaction of these factors, and to determine and propose measures that can prevent, reduce or offset adverse impacts while taking into account feasibility of the projects.''[119] EIA definition in the Serbian legislation shares similarity with the definition that is provided by the EIA Directive (article 1), since both of them mention study/report and consultation phase. However, key differences are in that that definition from the law does not mention ''reasoned conclusion'' nor integration of ''reasoned opinion'' in the development consent decisions.

EIA definition in the Law on EIA can also be related to article 3 of the EIA Directive. The Law determines EIA as the procedure required for the assessment of "adverse" impacts of projects on above mentioned factors. Conversely EIA Directive in article 3 mentions a broader term ''significant" effect. At the same time, the Law on EIA prescribes measures to prevent, reduce and offset adverse environmental effects, which is in accordance with requirements of the new 2014 amendments of the EIA Directive that measures to avoid, prevent, reduce and offset significant adverse environmental effects have to be determined (article 8a, parapraph 1). By defining EIA, the Law on EIA determines key factors on which proposed project can exert its influence. On this matter, the Law is harmonized with the EIA Directive from 2011. However, the Law is not fully harmonized with the amended EIA Directive which has introduced obligatory EIA of the proposed project in terms of the additional factors – biodiversity and great accidents/natural catastrophes. However, the Law on EIA in article 17 defines that the EIA study shall include information pertaining to accidents. Therefore an overall conclusion is that harmonization of the Law on EIA with the EIA Directive in terms of the article 3 can be improved.

The project is proposed by the "project carrier" (which is a term that corresponds to the term developer from article 1(2) of the EIA Directive") that is defined by the Law as the ''submitter of a request for the consent or construction permit or reconstruction of the object or other interventions in the nature and natural surroundings, as well as person who plans to perform or performs activity in the area which is a subject to the EIA.''[120] Compared to the EIA Directive (article 1, paragraph 2), the Law on EIA offers broader definition of the project, harmonized with the EIA Directive:

- Performing construction works, embedding installations, facilities and equipment, their reconstruction, removal and/or change of technology, working processes, raw materials, energy sources and waste.
- Other interventions in the nature and nature surroundings including works that comprehend exploitation of the raw materials.[121]

The Law defines EIA study as ''a document in which quality of elements present in environment and their sensibility in the certain space, as well as mutual impact of the existing and planned activities are analysed and assessed. Furthermore, direct and indirect adverse impacts of the project on environmental factors and people's health, as well as measures and conditions for their prevention, reduction and offsetting which can be envisaged.''[122] When the law was adopted in 2004, the EIA Directive did not require existence of the EIA report/study. However after amendments on Directive were adopted in 2014, an obligation to prepare the EIA study was introduced in the amended article 5(1). Therefore it can be concluded that Serbia's EIA legislation is harmonized with the requirements from the amended Directive concerning obligation to prepare the EIA study.

Concerned organs and organizations are defined as ''authorities and organizations of the Republic, Autonomous Province and local self-governments, as well as enterprises authorized to determine conditions and issue licenses, approvals and consents for

119 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 2(5).
120 *Ibid.*, article 2(3).
121 *Ibid.*, article 2(4).
122 *Ibid.*, article 2(6).

object construction, planning and spatial arrangements, environmental monitoring, performing activities, protecting and using natural and man-made values.''[123] Certain similarities exist between mentioned concept and the concept of concerned authorities that have specific environmental responsibilities or local and regional competences (article 6, paragraph 1 of the amended EIA Directive). Only difference is that the concept used in the Law on EIA is more comprehensive. At the same time, the Law on EIA does not determine concrete organs and organizations that need to be consulted. Competent authority decides on that, which is provided as a possibility under article 6(1) of the EIA Directive.

The Law on EIA defines public concerned as ''a public which is affected or will be affected by the project, including non-governmental organizations focused on the environmental protection and that are registered by the competent authority.''[124] Compared to the definition of the public concerned in the EIA Directive, definition determined in the Law contains additional request. That request is that NGO's need to be registered by the competent authority in order to be considered as public concerned. However definitions like this should not be interpreted strictly, but rather ''in a spirit of the Aarhus Convention that is actually implemented through the Law on EIA''.[125]

Public is determined by the Law as ''one or more natural and legal persons, their associations, organizations and groups.''[126] Definition is practically identical to the definition from the EIA Directive.

3.2.1. Institutional Setting

In accordance with the obligation to define competent authority from the article 1(2) of the EIA Directive, the Law on EIA determines in article 2(2) three competent authorities for the EIA:

1. Ministry competent for environmental protection on the level of Republic (national level);
2. Organ of the Autonomous Province competent for environmental protection on the provincial level, and
3. Organ of the local self-government units competent for environmental protection at the local level.

If the division of the competences is compared to previously mentioned examples of Western Balkan countries (see Chapter 2.4) it can be noticed that Serbia is the only country that has introduced EIA competence at the local level. In the neighbouring countries competence is limited to the national and/or regional level and to the entities in case of BiH.

Division of EIA competences between three authorities is based on the competence each authority has in terms of issuing construction permit.[127] Competence for issuing construction projects is based on articles 133 and 134 of the Law on Planning and Construction.[128] Therefore based on article 133 of the LPC, EIA competence of the

123 *Ibid.*, article 2(8).
124 *Ibid.*, article 2(7).
125 Ateljević V. Sretić Z. Mitrović S. Plavšić P. *EU Integration Challenges in the Field of Environmental Protection and Local Communities*. PALGO Centre. Belgrade, 2011, page 41.
126 Ibid., article 2(1).
127 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 2(2).
128 *Law on Planning and Construction* (''Official Gazette RS'' number 72/2009, 81/2009 – change, 64/2010 – Constitutional Court decision, 24/2011, 121/2012, 42/2013 - Constitutional Court decision, 50/2013 - Constitutional Court decision and 98/2013 - Constitutional Court decision). Here it should be mentioned that in respect to the LPC, subject of EIA is conceptual design (defined in article 119 of the LPC). Based on the Law on EIA, one of the information that the project carrier needs to enclose in the EIA screening (article 8) and scoping (article 12) phase is documentation pertaining to the project

ministry responsible for environmental protection is determined, since in the mentioned article, list of projects is determined for which construction permit is issued on the national level (by the ministry responsible for construction). By applying the same logic, in article 134 competences on the provincial and local level were determined with a difference that this is delegated competence. Organ of the AP responsible for environmental protection is competent for the EIA in terms of projects for which construction permit is issued by the AP (without determining concrete authority); organ of the LSU responsible for environmental protection is competent for the EIA in terms of projects for which construction permit is issued by the LSU (again without determining concrete authority), and those are objects which ''are not determined in the article 133 (of the LPC – authors' note)''. Due to the fact that in the previously mentioned provisions, but also in others, there are no additional provisions that precisely determine the competence for the EIA and/or issuing of the construction permit, in practice competence can be determined in different organs/organizational units or even in one organ/organizational unit depending on how responsibilities on national, provincial and local level are determined.

In terms of competences and bearing in mind goals set by the EIA Directive, an important issue is if the logic used to determine EIA competences was adequate. Competence for issuing construction permit is used for the determination of EIA competence, without taking into consideration impacts of projects due to their nature, size and location, nor taking into consideration capacities of the authorities to which EIA competence was assigned in accordance with articles 133 and 134 of the LPC. As an example of different approach taken in allocation of competences, Sweden (see Chapter 2.4) defined its EIA competences according to the scale of possible environmental impacts that projects might have. Although EIA Directive does not determine how competences within Member States or candidate countries will be defined, it still defines certain conditions in terms of procedure (see Chapter 2.2). Namely, existing or new EIA procedures need to be in accordance with the goals of the EIA Directive (article 2, paragraph 2) which are *inter alia* "to identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project'' (article 3).

The Law does not envisage measures through which transposition of requests from the new article 9a of the amended EIA Directive could be achieved. As it was mentioned in Chapter 2.2, with new article 9a, it is requested from Member States to ensure that the competent authorities do not come into a situation giving rise to a conflict of interest and that in accordance with that conflict functions should be separated in case competent authority is also at the same time the project carrier.

The LPC and the Law on EIA determine separate procedures for issuing construction permit/EIA. Therefore, it can be said that Serbia has decided to introduce new procedure in terms of EIA, instead of integrating it into already existing ones, i.e. procedures for issuing construction and use permit - which is allowed under article 2(2) of the EIA Directive.

Article 3 of the Law on EIA defines what the subject of the EIA is, as well as in which areas shall environmental assessment of projects be conducted. Subject of the EIA are projects ''that are planned and performed, technology changes, reconstructions, capacity buildings, cessation of the work and removal of the projects that can have significant impact on the environment''. Projects that are implemented without construction or use permit also belong here.[129] The EIA is performed for projects from the ''industry, mining, energy, transportation, tourism, agriculture, forestry, water, waste management and communal services, as well as for projects that are planned in the protected habitats or in the protected area near the immobile culture heritage''.

In order to determine for which projects the EIA should be conducted, the Law in article 4 recognizes projects for which EIA is mandatory and projects for which EIA may

---

conceptual design or conceptual solution or excerpt of the conceptual project design which prcedes the main project design.
129 Which is not required by the EIA Directive.

be requested based on the prescribed criteria (screening).[130] Legislator has decided to determine general criteria for the EIA screening, based on which decision on the concrete project proposal can be made. Such a choice is in accordance with the article 4 of the EIA Directive that provides options for the Member States and candidate countries to define screening rules. Serbia's Regulation on establishing the list of projects for which EIA is mandatory and the list of projects for which EIA may be required determines list I – projects for which EIA is mandatory and list II- projects for which EIA can be required, as well as criteria for the screening criteria for projects from the second list.[131]

Article 5 of the Law on EIA prescribes that in case when the EIA is mandatory or in case when EIA is needed, project carrier needs to obtain consent from the authority competent for the EIA study prior to project implementation.[132] At the same time, LPC determines an obligation for obtaining of the construction (article 110) and use (article 158) permit prior to the project implementation. In that way, provision from the article 2 of the EIA Directive is transposed. According to the article 2 of the Directive Member States shall ensure that "before development consent is given, projects likely to have significant effects on the environment… are made subject to a requirement for development consent and an assessment with regard to their effects on the environment".

The Law on EIA defines three phases of the EIA procedure:

1. Decision on a need for the EIA for the list of projects for which EIA is required (screening);
2. Decision on the scope and content of the EIA study (scoping);
3. Decision on granting consent for the EIA study.[133]

Each of the three phases consists of requirements for information that are regulated in details in articles 8 (first phase), 12 (second phase) and 17 (third phase) of the Law.[134] Article 7 defines that on the request of the project carrier on EIA the competent authority needs to secure information of importance for the EIA in 15 days starting from the day when the project carrier filed such request. If the competent authority does not possesses such information, it needs to inform project carrier (in a written form) about that fact in the same time-frame. In this case, article 5(4) of the EIA Directive was transposed since in the mentioned article previously mentioned obligation is determined for the competent authorities of the Member States.

Article 10(4) of the Law on EIA determines that the competent authority decides on the request for EIA screening decision ''taking into account specifics of the project and location, as well as delivered opinions of the concerned organs and organizations and public concerned.''. Competent authority also delivers final decision to the project carrier. Maximum time-frame[135] allowed for the completion of the screening phase is 30 days under article 5 of the Law. Thereby is the time-frame for screening decision in line with the requirements of the amended EIA Directive (2014) which article 5(6) sets the maximum time-frame of 90 days for the completion of this phase.

EIA scoping phase is implemented for projects for which EIA is mandatory, as well as

---

130 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 4.
131 *Regulation on the Determination of the List of Projects for which the Environmental Impact Assessment is Mandatory and the List of Projects for which the Environmental Impact Assessment may be Requested* ("Official Gazette RS", number 114/2008).
132 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 5.
133 *Ibid.*, article 6.
134 In accordance with the research framework (see Chapter 1.2) study will not address the harmonization of Serbia's law with the EIA Directive in terms of information that developer needs to deliver. Specification of the content of the request for screening and scoping decision is prescribed by the Rulebook on the content of the screening and scoping procedure concerning environmental impact assessment study. Content of the EIA study is closely determined by the Rulebook on the content of the environemntal impact assessment study.
135 Ten days for public informing, ten days for the public, organs and organizations concerned to submit their opinions and ten days for the competent authorities to make the decision.

for projects for which EIA is needed based on the screening decision. This phase comes prior to the decision on the EIA study. Obligation for the establishment of this phase, defined under law, goes beyond the minimum requirements set in the EIA Directive, since in the Directive's article 5(2) obligation of the competent authority to determine scope and content is relevant only in case when developer/project carrier files such request. For projects for which screening is required, the Law does not prescribe a deadline for the submission of the request for scoping of the EIA study. Amended Law on EIA from year 2009 introduced new article based on which competent authority can at the same time decide that EIA is needed and determine the scope of the EIA study.[136] The competent authority decides on the scope and content of the EIA study in maximum 10 days following public consultation (more about this in section 3.2.2) ''taking into account specifics of the project and location, as well as delivered opinions of the concerned organs and organizations and public concerned.''[137]

Based on the article 16(1,3) of the Law on EIA, project carrier is obligated to submit the request for consent on the EIA study within one year starting from the day when the scoping decision was received.[138] In case the request is submitted after the deadline had expired, competent authority decides depending on the concrete case.[139] It has to be emphasized that this time-frame is very long. This is connected with another mentioned feature of the Law on EIA that a time period for the submission of the request for scoping is not determined. Thereby overall duration of the procedure can be additionally prolonged. Long time-frame therefore can effect quality of the study especially since potential regulatory reforms can make the scoping or the study decision obsolete. In terms of harmonization with the EIA Directive, provision on the one year time scale can be related to the article 8a, paragraphs 5 and 6 of the amended Directive. This is because forth-mentioned paragraphs of the article 8a define obligation for competent authority to adopt the reasoned conclusion and environmental conditions "within a reasonable period of time'' and "up to date when taking a decision to grant development consent". Respect of these provisions may be brought into question by the long time period available for the submission of a request for consent on the EIA study.

Article 19 of the Law on EIA determines that the EIA study can be developed by legal person and entrepreneur if registered in the appropriate register for activities such as project design, engineering and study analysis/development. Legal person and entrepreneur are obligated to establish a multidisciplinary team of experts in order to prepare the EIA study. Qualifications needed for the EIA study preparation are a proper university degree and at least five years of professional work or holding a licence of the authorized project designer.[140] Provisions of the article 19 are in accordance with the minimum requests of the amended EIA Directive, namely article 5(3). According to the mentioned article, developer needs to ensure that the EIA study ''is prepared by competent experts''. However, it can be noticed that necessary qualifications for the EIA study development are not regulated precisely enough (such as determination of rules for the specific licenses for the EIA study preparation) to secure the optimal quality of the study.

In the decision-making procedure on the EIA study, the Law on EIA (article 22, paragraph 1) envisages formation of the technical commission (one or more) for the evaluation of the EIA study. Technical commission is a specific expert body which opinion comes prior to the final decision of the competent authority on giving or rejecting consent for the EIA study. Technical commission is formed in a ten-day period after the request for consent on the EIA study was filed. President of the technical commission needs to be employed or appointed person within the competent authority. Conversely members of the tech-

136 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 10(5).
137 *Ibid.*, article 14(3).
138 Rulebook on the content of the screening and scoping procedure concerning environmental impact assessment study prescribes in details determination of the content for the decision on a need for the EIA as well as determination of scope and content of the EIA study.
139 *Ibid.*, article 16(4).
140 *Ibid.*, article 19.

nical commission can be: employed or appointed persons in the competent authority, employed or appointed persons in concerned organs and organisations; independent experts.[141] Article 22(3) defines that common conditions for members of the technical commission are that they have to be ''persons with the appropriate university degree or with the appropriate professional results''.[142] As in case of article 19, provisions of the article 22 of the Law on EIA are also in accordance with the minimum requirements of the amended EIA Directive which in article 5(3) determines that the competent authority should have access to sufficient expertise during the study assessment. In this area, it is also possible to argue for further improvements such as more concrete definition of the expert qualifications for participation in the work of the technical commission (university degree, experience, license etc.).

In article 22a it is determined that the competent authority delivers the EIA study to technical commission three days following its establishment. After consultations with the representatives of the public concerned are finalised, the competent authority is obligated to deliver the report to technical commission within three days. Report has to include the review of the opinions of the concerned authorities, organizations and public. According to the article 23(1) of the Law, the technical commission ''examines the EIA study, considers the report with systematized overview of the opinions delivered by the concerned organs, organizations and public and further assesses the suitability of the envisaged measures for prevention, reduction and to offset possible adverse impacts of the project on the environment in location of the project and its surroundings, during project implementation, work, in case of an accident and after completion of the project.'' Mentioned provision of the article 23 is in accordance with the requirement of the amended EIA Directive to include examination of information that were delivered by the developer and consulted stakeholders (recognized in the Law on EIA as concerned public, organs and organizations) in the EIA procedure.

Technical commission is obligated to deliver its report containing the evaluation of EIA study and decision proposal to the competent authority within 30 days after it received the study.[143] Report of the technical commission provides a basis on which the competent authority makes its decision – either by approving or rejecting consent on the proposed EIA study. In such decision ''conditions and measures to prevent, reduce and offset adverse impacts on the environment'' are determined.[144] Thereby new requirements under the article 8a, paragraphs 1 and 2 of the amended EIA directive are transposed, regardless of the fact that decision on the EIA study does not present development consent decision. This is because the amended article 8a of the Directive, based on article 3, allows that information on reasoned conclusion and conditions to avoid, prevent, reduce and offset significant adverse effects on the environment to be provided within separate EIA procedure in accordance with the article 2(2) of the EIA Directive. Therefore it is important that procedure meets the goals of the Directive, as well as that additional conditions from the article 8a(3) are fulfilled. Additional condition from the forth-mentioned article is that reasoned conclusion needs to be up to date with the development consent decision. Here a potential problem can be traced in terms of article 28 of the Law on EIA which determines that project carrier can within two years, after consent on the EIA study was given, implement the project. This is quite a long period of time from the moment when the reasoned conclusion was received.

Report of the technical commission and decision of the competent authority can be brought into connection with the concept of ''reasoned conclusion''. The term is a novelty introduced with the latest amendments to the EIA directive in 2014. As it was mentioned back in Chapter 2.2., reasoned conclusion of the competent authority is

---

141 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 22(2).
142 On the other hand, law also prescribes persons that cannot participate in the commission. Those are persons that are affiliated with the developer, study writer, inspection, relatives etc.
143 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 23(5).
144 *Ibid.*, article 24(2).

based on the examination of the collected information and thereby represents integral part of the EIA procedure. Although not in the identical form as in the EIA Directive, it can be concluded that the report of the technical commission is in accordance with the requirements of the amended EIA Directive in terms of existence of the reasoned conclusion.

In article 32 of the law, obligations from the article 7 of the EIA Directive in terms of transboundary cooperation are transposed.

As it was mentioned before, project carrier is obligated to begin with project implementation within two years starting from the day when the consent decision on the EIA study was delivered. After the mentioned period expires, competent authority can make a decision to develop a new EIA study or update the existing one.[145] Once again, it is important to emphasize that the two year time-frame seems to be too long to ensure successful harmonisation of the amended EIA Directive from 2014. This is because, according to the article 8a(6), reasoned conclusion needs to be up to date with the moment when development consent decision is taken. In other words, study should not become obsolete due to e.g. changes in a given location or of relevant regulation.

In accordance with ''polluter pays'' principle, the law on EIA in article 33(1) prescribes that project carrier bears the costs of the EIA procedure. More precisely – costs of preparation, amendments and updates of the EIA study; costs of preparation of the EIA study of the existing state; costs of public informing and public participation in the EIA procedure; and costs of work of the technical commission.

Article 18 of the Law on EIA prescribes that the EIA study and decision on the study constitute ''an integral part of the documentation that needs to be enclosed with the request for issuing construction or use permit''. The article 158(4) of the LPC prescribes that the use permit can be issued after the object is determined as ''suitable for use''. Object is declared as suitable for use, if it is constructed in accordance with the technical documentation based on which the object was originally built (paragraph 5 of the mentioned article). In the article 31(1) of the Law on EIA, it is defined that for projects for which the consent on the EIA study was given, technical review of objects needs to be executed. The examination needs to determine if conditions from the consent decision on the EIA study are fulfilled. Mentioned provisions are of a great importance, because via them, requirements of the article 8 of the EIA Directive were transposed. In accordance with the integrity principle, EIA results need to be taken into account in the development consent procedure, which is in this concrete case use permit (regulated in detail in the LPC – articles 154-160). Since EIA is implemented prior to the procedure for issuing construction and use permits (on the level of conceptual design, as part of the main project proposal), technical commission for review of objects assesses fulfilment of the conditions for both phases of the project implementation.

Article 31(2,3) of the Law on EIA contains important provisions which enable competent authority for the EIA procedure to appoint a qualified person to participate in the work of the technical commission for review of objects. This person can be from the competent authority, other organ or organisation or independent expert. Use permit cannot be issued unless person appointed by the authority competent for the EIA ''confirms fulfilment of conditions from the consent decision on the EIA study", which thereby improves interconnection of these procedures.[146]

However, further comparison between the two laws reveals lack of coherence and consistency between article 31 of the Law on EIA and article 156 of the LPC which regulate the work of the technical commission for review of objects. In article 156 of the LPC it is prescribed that only person who possesses licence for the authorised project designer can participate in the technical commission for review of objects. The

145 *Ibid.*, article 28(2).
146 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 31(4).

Law on EIA prescribes that person who participates in the work of technical commission for review of objects only needs to fulfil qualifications for participation in the EIA technical commission which does not include obligation to have the authorised project designer licence. Therefore, participation of the person appointed by the authority competent for EIA in the work of the commission can be limited or impossible, depending on whether such a person possesses the authorised project designer licence. Moreover in article 156 obligation of the authority competent to issue the use permit to notify the authority competent for the EIA in order to appoint a person to take part in the technical commission for review of objects is not mentioned. In a situation like that, the risk occurs that in case of absence of the person which should be appointed by the authority competent for the EIA, the results of the EIA will not be taken into account or that they will be treated only as formality by the technical commission for review of objects.

General remark with regard to the LPC is almost complete absence of references towards the Law on EIA. The Law does not mention EIA in provisions that regulate issuance of the location permit (article 54-57). Mentioned articles create possibility for project carrier to immediately proceed with the procedure concerning the construction permit, right after obtaining the location permit and without necessary entering the EIA procedure when it is actually required. That does not mean that project carrier is excluded from accountability in this case. It only means that better referencing between the two laws would reduce the risk of not performing EIA or performing EIA only afterwards. In addition fulfilment of the conditions from the EIA study and decision on this study are reviewed before use permit is issued (by the technical commission for review of objects). Nonetheless integration of the EIA into the development consent procedure would be improved, if in the procedure for issuing construction permit (articles 135-137 of the LPC), results of the EIA procedure would be taken into account. In that way, risk that project carrier ignores the EIA results during construction of the project and that this issue has to be addressed subsequently during the procedure concerning the use permit, would be lowered. Exceptions from the absence of references to the Law on EIA in the LPC exist; these are provisions in terms of work of the technical commission for review of objects and reference towards the EIA in the article 117 pertaining to general project type. However, article 117 is contradictory since general project comes prior to both main as well as conceptual project and therefore is not relevant for the EIA. Although references are generally absent, that does not mean that provisions of the Law on EIA provisions should not be respected. However it is still an indicator of the insufficient appreciation of the integrity principle. Furthermore due to the fact that harmonization between two laws is not on a satisfactory level, possibility of these separate procedures to fulfil the goals of the EIA Directive can be brought into question. Possibility to fulfil the goals of the EIA Directive is condition under article 2(2) of the EIA Directive for the existence of separate procedures, instead of having an integrated procedure. Compared to the LPC, the Law on Protection against Ionizing Radiation and Nuclear Safety[147] offers an example of more adequate referencing. In article 48 it is clearly stated that the nuclear object can only be built in accordance with the "legislation that regulates EIA procedure".

In accordance with the Law on EIA, against the screening (article 11) and scoping decision (article 15) project carrier and public concerned have the right to a review procedure. Appeal can be filed to the competent second instance authority. Thereby in accordance with the Law on General Administrative Procedure,[148] administrative procedure is initiated. Decision of the competent authority in terms of the EIA study is final. Therefore against it project carrier and public concerned can only initiate administrative dispute (article 26) in accordance with the Law on Administrative Disputes.[149]

147 *Law on Protection from Ionising Radiation and Nuclear Safety* ("Official Gazette RS" number 36/2009 i 93/2012).
148 *Law on General Administrative Procedure* ("Official Gazette FRY" number 33/97 and 31/2001 and "Official Gazette RS" number 30/2010).
149 *Law on Administrative Disputes* ("Official Gazette RS" number 111/2009).

Supervision of the implementation of the Law on EIA is done by the ministry competent for environment. Furthermore the ministry performs inspection through environmental inspector.[150] Against inspector's decision complaint can be filed to the competent minister within 15 days after the decision was made.[151] In the Law on EIA inspectional surveillance over the implementation of the provisions of this Law is delegated to the provincial and local authorities concerning projects for which they are competent. Complaint against the decision of the inspector with the delegated competence can be filed to the competent minister within 15 days after the decision was delivered.[152] Mentioned surveillance mechanisms can be considered to be harmonized with the new article 8a(4) of the amended EIA Directive from 2014. This article prescribes that Member States are obligated to ensure that developer implements measures envisaged avoiding, preventing, reducing or offsetting significant adverse effects on the environment. Same article of the amended EIA Directive prescribes establishment of the procedure for the monitoring of the significant adverse effects on the environment.

The Law on EIA[153] prescribes penalties for project carrier (legal person), responsible natural person affiliated with the project carrier and the responsible person within the competent authority in case obligations prescribed under the law are not fulfilled. The fine for economic offense of the legal person – project carrier is between 150.000 and 3.000.000 RSD.[154] The Law provides that activities of the project carrier may be prohibited and the activities of the pertinent responsible person to be prohibited during a 5 years period.[155] For offense committed by the legal person, the fine is between 30.000 - 1.000.000 RSD.[156] For offense committed by the responsible person within the competent authority, the fine ranges from 10.000 - 50.000 RSD.[157] These provisions can be linked to the new requirements of the amended EIA directive (amended article 10a). According to the new requirements[158], Member States need to ensure the existence of penalties concerning infringements of the national provisions adopted in order to comply with the goals of the EIA Directive. Such penalties need to be ''effective, proportional and dissuasive''. In terms of the existence of penalties, it can be stated that Serbia's provisions are harmonized with the EU law (EIA Directive). However, it is debatable if the prescribed penalties are ''effective, proportional and dissuasive'', especially with regard to the size of the prescribed penalty for the officials within the competent authority (10.000 - 50.000 RSD).

3.2.2. Participation of the Public, Organs and Organisations Concerned

The Law on EIA envisages the opportunities for public participation in all three phases of the procedure (Table 3-1). Such legislative solution needs to be commended since

150 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), articles 35-37. During inspection, the inspector has, *inter alia*, right and duty to determine: whether obligations concerning request for EIA decision were fulfilled; whether request concerning EIA screening decision were fulfilled; whether obligations of the project carrier pertaining to the decision on EIA study were fulfilled. During his or her work, inspector is authorized to: request submission of the request for initiation of the EIA procedure; prohibit project implementation and performance of the activities until consent of the competent authority on the EIA study is received; request fulfilment of the conditions and implementation of the measures determined in the decision to dive consent for the EIA study; prohibit performance of the activities until conditions are fulfilled and measures implemented which were detrmined in the decision to give consent for the EIA study; file a complaint against a legal person and responsible person within the legal person for committing economic offense in accordance with the provisions of this law; file a complaint against the natural person and responsible person within the legal person for misdemeanour in accordance with the provisions of this law.

151 *Ibid.*, article 37.

152 *Ibid*., article 39.

153 *Ibid.*, articles 40-43.

154 *Ibid*., article 40(1).

155 *Ibid*., article 41.

156 *Ibid*., article 42(1)

157 *Ibid*., article 43(1)

158 Penalties were not mentioned in the previous versions of the EIA Directive.

it secures continuous public participation and supplies decision makers with potentially valuable information. In article 10(1) it is prescribed that the competent authority is obligated to notify all concerned organs and organizations and public concerned about submitted request for EIA screening within ten days after the request was submitted.[159] The content of notification is in accordance with the article 6(3) of the EIA Directive which determines the content of information on which public needs to be notified. Concerned organs and organizations and public concerned can submit their opinion on the pertinent request within ten days following delivery of the notification.[160] Article 10 of the Law on EIA determines that competent authority notifies concerned organs and organizations and public concerned about the screening decision within three days after the decision was made.[161] However article 10 is not fully compatible with the requirements of the article 4(5) of the amended EIA Directive. This is because 2014 amendments of the EIA Directive require from the competent authority not only to inform the public about its decision, but also to provide reasons for such decision which is not specified under the Law.

Table 3-1 Opportunities for public participation in the EIA procedure.

Stage	Opportunities
Screening	• Submitting oppinion, public review (art. 10) • Access to justice (art. 11)
Scoping	• Public participation – submitting opinion (art. 14) • Access to justice (art. 15)
EIA Study Decision-Making	• Public review, presentation and public debate (art. 20) • Access to justice (art. 26)

Based on article 14(1) of the Law EIA, competent authority, within 10 days after the request for scoping of the EIA study is submitted, informs concerned organs and organizations and public concerned on the submitted request. Concerned organs and organisations and public concerned can provide their opinions on the submitted request within 15 days[162] after being notified.[163] The competent authority delivers its decision to the project carrier and informs concerned organs and organizations and public concerned about it within three days after it was made.[164]

During decision-making on the EIA study, the Law on EIA in article 20(1) prescribes an obligation of the competent authority to ensure public review of the study, organize presentation and public debate with the relevant stakeholders. Within 7 days after request for consent on the EIA study was submitted, the competent authority informs the project carrier, concerned organs and organisations and public concerned about location and time pertaining to public review, public presentation and public debate on the EIA study.[165] Public debate can be held following earliest 20 days after the public was informed.[166] Rulebook on public review, public presentation and public debate

159 Notification contains the following data: name, type and location of the project which implementation is planned; available location and time for possible public review of data and documentation submitted by the project carrier; nature of the decision that will be adopted based on the submitted request; name and address of the competent authority.
160 *Ibid.*, article 10(3).
161 *Ibid.*, article 10(4).
162 Before the law was amended, period of 20 days was determined.
163 *Ibid.*, article 14(2).
164 *Ibid.*, article 14(4).
165 *Ibid.*, article 20(2).
166 *Ibid.*, article 20(3).

concerning the Study on Environmental Impact Assessment, regulates in full detail the public participation procedure concerning the EIA study decision-making process.[167] Article 2(3) of the Rulebook prescribes that public review needs to be enabled for a minimum period of 20 days after the public was informed. Information on the accessibility of the study is published[168] in daily and local newspapers on the territory where the project implementation is planned. This provision needs to be brought into connection with the forth-mentioned provision of the article 20 of the Law on EIA. According to article 20, public debates can be held earliest 20 days after the public was informed. Therefore based on the Serbia's EIA regulation, it can be concluded that at least 20 days is left for public participation in the decision-making process concerning the EIA study. Amended EIA Directive from 2014 in article 6(7) determines time time-frame for public consultations with regard to the EIA study. This time-frame should not be shorter than 30 days. Although the Law and the Rulebook do not mention any time constraints[169], there are no guarantees that at least 30 days will be left for public consultations. Therefore additional efforts need to be invested in order to fully adjust national provisions to the new provision of the article 6(7) of the EIA Directive.

Article 3(1) of the Rulebook determines that the public review of the EIA study is performed at the premises of the competent authority or in other specific premises determined for that purpose. Such provision is in accordance with the article 6 paragraphs 1 and 3 of the EIA Directive. Mentioned article prescribes an obligation for the Member States to enable access to information on environmental impact assessment or EIA report (2014 amendments of the article 5 of the EIA Directive). If the ministry or the autonomous province is the competent authority, public review needs to be performed at the premises of local self-government where project implementation is planned.[170] Article 4(1) defines that during public review competent authority has a duty to assist all concerned organs and organizations and public concerned and provide relevant information. Remarks and opinions on the reviewed study are submitted in a written form to the competent authority which has an obligation to keep records about them (official log book, minutes). These records are integral part of the documentation on the performed public review.[171] With regard to public debates, article 5(4) of the Rulebook determines that all present legal and natural persons ''who have submitted remarks in a written form on the EIA study can elaborate their remarks in front of the competent authority and project carrier.'' Condition for the submission of remarks is that these were already submitted in a written form, which is a logically sound request in order to secure meaningful consultations. Project carrier is obligated to express his or her opinion on each of the stated remarks. Competent authority ensures the keeping of records during public debates, in which all the remarks, proposals and opinions are inscribed.[172] Based on the article 7(1) of the Rulebook, af-

167 *Rulebook on Public Review, Public Presentation and Public Debate concerning the Study on Environmental Impact Assessment* („Official Gazette RS", number 69/2005).

168 Elements of public notification on the EIA study public review are: full name of the authority, name of the EIA study, location and time of holding a public review, location and time of the public presentation and public debate, ways in which public, organs and organizations conecerned can obtain information on the EIA study and deliver remarks, as well as other significant information.

169 Except indirectly. Article 23 of the Law on EIA determines that technical commission is obligated to deliver report with the evaluation of the EIA study (including review of the public opinion) to the competent authority within 30 days after it received the EIA study (except in case of the study amendment - article 23, paragraph 6). Therefore within the same time-period, public consultations need to be completed. Based on article 22a of the law, the competent authority is obligated to deliver the study to the technical commission in three days after its establishment. Time-frame for the establishment of the technical commission is ten days starting from day when the project carrier submitted the EIA study to the competent authority (article 22). This implies that time-frame for the technical commission to deliver its report to the competent authority is 43 days starting from day when the project carrier submitted the request for decision on the EIA study. Since public review starts 7 days the latest after request for decision on the EIA study was submitted (article 20), it can be concluded that the potential time-frame for public participation is limited to 36-43 days.

170 *Rulebook on Public Review, Public Presentation and Public Debate concerning the Study on Environmental Impact Assessment* („Official Gazette RS", number 69/2005), article 3(2).

171 *Ibid.*, article 4(3).

172 *Ibid.*, article 5(1).

ter the public debate is over, competent authority delivers the overview of opinions to the project carrier along with proposals concerning potential study amendments. In case of the study amendments, the competent authority delivers the study to the technical commission ''together with the systematic overview of the opinions from concerned organs and organisations and public concerned and report on the performed EIA procedure.''[173]

Summarizing forth-mentioned possibilities for public participation in the EIA, it can be said that minimum conditions set in the article 6(4) of the EIA Directive are met. To reiterate, article 6(4) of the Directive determines that public concerned shall be given ''early and effective'' opportunities to participate in the environmental decision-making process "when all options are opened" and before the decision on the request for development consent is taken".

However it should be pointed out that certain parts of the law require further improvements in order to improve harmonization with the article 6(4) of the Directive. Article 23(2) of the Law on EIA determines that president of the technical commission can invite ''developer, person who prepares the EIA study, as well as representatives of the competent organs and organizations that have issued opinions and consents in the previous procedure'' to take part in the work of the commission. It can be observed that this provision does not refer to representatives of the public concerned. Since other opportunities for public participation are determined under the law, absence of public concerned in the work of the technical commission would not pose a problem. However, due to the fact that project carrier can participate in the commission's work, a possibility is opened for possible abuses, since invited project carrier can potentially influence commission's work in the absence of the public concerned.

Article 23(3) of the Law on EIA further determines that ''competent authority, based on the proposal of the technical commission, can further request from the project carrier to amend the delivered EIA study within a certain period of time.'' The Law does not envisage public participation in deliberation of the amended study, as is the case with the first draft study. This can affect the quality of the final version of the EIA study and final decision on the study which can especially become problematic in case of larger amendments. At the same time, article 6(4) of the EIA Directive determines that public concerned shall have ''early and effective'' opportunities to participate in environmental decision-making process "when all options are opened" and before the decision on the request for development consent is taken". In that sense, it is debatable to what extent nonexistence of the opportunity for public participation in the procedure after the EIA study was amended affects the effectiveness of public participation and is it in accordance with the EIA Directive that requires the existence of such opportunity "when all options are opened".

The Law on EIA in article 29 determines ways to inform the public pertaining to decisions made in the EIA procedure. Competent authority is obligated to inform the public about its decisions in the EIA procedure via at least one local newspaper that is published in the area which will be impacted by the project. Competent authority has a special obligation to notify all concerned organs and organizations in a written form. Possibility to inform the concerned parties by electronic means is also envisaged. At the same time, the Rulebook on the procedure for public review, presentation and public debate on the environmental impact assessment study prescribes in article 3 an obligation to place notification in a visible place (entrance, hall etc.) within the building (premises of the competent authority or special premises) in which EIA study will be available for public review. Competent authority is obligated to keep the record of performed procedures and made decisions. Records must be kept in a form of the public log book.[174]

The Law on EIA (article 24, paragraph 1) determines that the competent authority delivers the decision on the EIA study to the project carrier and the environmental

173 Ibid., article 7(3).
174 *Ibid*., article 34.

inspector. Furthermore, competent authority needs to notify concerned organs and organizations and public concerned within 10 days after the decision on the study was made (article 25).[175] Competent authority is obligated to make complete documentation concerning performed EIA procedure[176] available to the concerned organs and organizations and public concerned upon the written request.[177]

In the Rulebook on the content, appearance and method of managing public log books on conducted procedures and given decisions concerning environmental impact assessment[178], record keeping is regulated in details. In accordance with article 2(2) of the Rulebook, electronic databases with the elements of the main log book[179] are publicly available via Internet. The main log book data contains information on conducted procedures, including public consultations.[180]

Mentioned provisions concerning ways of informing were in line with the provisions of the article 6 of the EIA Directive, until recent amendments to Directive came into force in 2014. Amendments to the EIA Directive determined, in article 6(2), obligation to inform the public by electronic means. However in the Law on EIA informing by electronic means is left only as an option. Moreover article 6(5) determines obligation for Member States to make ''relevant'' information accessible to the public electronically, "through at least a central portal''. As it was mentioned before, in Serbia the main log book has to be available via internet. However it cannot be said that in this way requirements of the EIA Directive are fulfilled because information in the main log book pertains to informing after the completion of the procedure. Conversely provisions of the article 6(2) and 6(3) of the EIA Directive pertains to informing when the EIA procedure is still ongoing.

As it was previously mentioned, EIA screening and scoping decisions are made while ''taking into account specific features of the project and location, as well as submitted opinions of the concerned organs and organizations and the public concerned.''[181] Technical commission, besides EIA study examination, ''examines the report with submitted opinions of the concerned organs and organizations and public concerned'' on which the record was previously kept.[182] Mentioned provisions can be brought into connection with the article 8 of the EIA Directive (2014 amendments). Article 8 determines that public consultations need to be duly taken into account in the development consent procedure. However, here the complexity of the domestic EIA legislation comes under the spotlight. As it was previously stated, EIA is regulated by the Law on EIA and pertinent bylaws. At the same time, project implementation procedure (construction and use permit) are regulated by the Law on Planning and Construction. Since development consent in Serbia's legislation is equal to the issuance of use permit, results of public consultations within the EIA procedure should be taken into account. However neither in the Law on EIA nor the LPC is this stated. Thereby negligence of the conducted public consultations in the final project decision-making process is possible. This is connected with the fact there is neither in the LPC nor in the Law on EIA a provision concerning public informing on the development consent

175 Notification contains the following information: content of the decision; main reasons on which the decision is based; and the most important measures which project carrier is obligated to take in order to prevent, reduce or offset adverse environmental impacts.

176 From this obligation documents protected as a commercial, official and state secret are excluded with the difference that data pertaining to the ''emission, state of the environment, possible negative impacts and effects, risks of accidents, monitoring results and surveillance'' cannot be protected.

177 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 27(1).

178 *Rulebook on the Content, Appearance and Method of Managing Public Log Books on Conducted Procedures and Given Decisions concerning Environmental Impact Assessment* ("Official Gazette RS", number 69/2005).

179 According to the Rulebook (article 2), public log book consists of the main book with the collection of other documents.

180 *Rulebook on the Content, Appearance and Method of Managing Public Log Books on Conducted Procedures and Given Decisions concerning Environmental Impact Assessment* ("Official Gazette RS", number 69/2005), article 3.

181 *Law on Environmental Impact Assessment* (''Official Gazette RS'' number 135/2004 and 36/2009), article 10(4) and 14(3).

182 *Ibid.*, article 23(1).

decision (use permit) on the proposed project. This is contrary to the article 9 of the EIA Directive (with 2014 amendments). Conclusion like this applies regardless of the article 25 of the Law on EIA which determines rule on the public notification on the decision concerning EIA study, since mentioned article pertains to the study, but not to the development consent decision. At the same time, article 25 is not regulated in detail, since it does not mention obligation to inform the public on how results of the public consultations were taken into account. Compared to the mentioned legislative solution, hereby is useful to again mention good example of Hungary. In that country, the competent authority is obligated to elaborate (in a legal, professional and factual way) on how public opinion was taken into account and make such elaboration available to the public.

3.3. Strategic Environmental Assessment

With the Law on Strategic Environmental Assessment Serbia has transposed SEA Directive. Article 1 determines that the Law defines ''conditions, ways and procedures to conduct the impact assessment of certain environmental plans and programmes with a goal of securing environmental protection and improving sustainable development by integrating basic principles of environmental protection in the procedure for implementation and adoption of plans and programmes''.[183] Thereby principle of integrity is recognized and harmonization with the goals of the SEA Directive (article 1) attained. Article 3 describes key concepts of the Law which will be presented briefly.

Plans and programmes are defined as: ''all developmental or other plans and programmes, bases, strategies, including their amendments, that are prepared and/or adopted by the Republic, provincial or local authority or that are prepared by the competent authority for adequate adoption procedure in the National Assembly of the Republic of Serbia or Government of the Republic of Serbia or by the Assembly or executive authority of the Autonomous Province, as well as plans and programmes adopted on basis of regulations.''[184]

Public concerned is defined as ''a public that is affected or can be affect plan or programme and/or expressed concern in the decision-making process concerning the environmental protection, including non-governmental organizations dealing with the environmental protection and which are registered by the competent authority.''[185]

Concerned organs and organizations are determined as "organs and organizations of the Republic, Autonomous Province and local self-government that, in accordance with their competences, have interest in decision-making process pertaining to the environmental protection.''[186]

Public is defined as ''one or more natural and legal persons, their associations, organizations and groups''.[187] This definition practically identical with the existing definition from the SEA Directive.

The Law prescribes that SEA consists of: preparation of the SEA report; carrying out the consultation process; consideration of reports and results of consultations in decision-making process including adoption of certain plans and programmes; providing information and data on made decisions.[188] Therefore the SEA definition is practically identical to definition from the article 2 of the SEA Directive.

183 *Law on Strategic Environmental Assessment* (''Official Gazette RS'' number 135/2004 and 88/2009), article 1.
184 *Ibid.*, article 3(1).
185 *Ibid.*, article 3(6).
186 *Ibid.*, article 3(4).
187 *Ibid.*, article 3(5).
188 *Ibid.*, article 3(2).

The SEA Report is defined as ''part of documentation that is attached to plan or programme and contains identification, description and evaluation of the possible significant impacts on the environment due to realization of plans and programmes, as well as alternatives considered and adopted on the basis of goals and spatial scope of plans and programmes.''[189] Through this definition, provisions of the article 1 of the SEA Directive were transposed in terms of mandatory assessment significant impacts of plans and programmes on the environment. Moreover a concept of SEA report is defined which is in accordance with article 2 of the SEA Directive ("environmental report"). Article 12(1) of the Law offers further determination of the SEA report defining to it as a ''document in which possible significant impacts on the environment which can occur during implementation of plans and programmes are described, assessed and evaluated, and measures for reduction of adverse environmental effects determined.''

With the Law on SEA, separate SEA procedure was established which is in accordance with the article 4(2) of the SEA Directive. This directive leaves Member States the possibility for SEA to be integrated into existing decision-making processes pertaining to plans and programmes, as well as for new procedures to be established. The Law determines areas in which SEA has to be performed for the planning documents and cases where screening is required in order to determine if there is a need for the SEA. In the article 5(2) mandatory SEA is determined for plans and programmes within the following areas: spatial and urban planning, land use, agriculture, forestry, fishery, hunting, energy, industry, transportation, waste management, water, telecommunications, tourism, conservation of natural habitats and wild flora and fauna and those establishing framework for the approval of future developmental projects defined under EIA regulation. Furthermore the Law in its article 5(2) defines plans and programmes for which SEA may be required, but necessity for its performance needs to be determined first. Those are plans and programmes for areas in which SEA is needed and for which is envisaged (as it is in the article 3, paragraph 3 of the SEA Directive) ''the use of smaller areas at local level and minor modifications to plans and programmes''. Forth-mentioned also applies to other plans and programmes which do not fall under the list of plans and programmes for which SEA is mandatory. For all of these plans and programmes, competent authority needs to determine if they are likely to have significant environmental impacts. In case such possibility exists, SEA needs to be conducted. In order to determine the existence of likely significant environmental impacts, the Law on SEA (following the SEA Directive) envisages the list of criteria based on which impacts of plans and programmes need to be assessed (Annex I of the Law).

In case plans or programmes are part of the hierarchical structure, the Law on SEA in article 7 predicts that the SEA shall be developed in accordance with the guidelines of the SEA plan or programme of the higher rank. Forth-mentioned ensures coherence and consistency between strategic documents of different ranks (e.g. between spatial plan of the Republic and regional spatial plans). Through article 7 of the Law, requirements under article 4(3) of the SEA Directive are transposed.

Article 8 of the Law on SEA determines the SEA procedure. It consists of three phases: (1) preparatory phase (2) SEA report[190] and (3) decision-making procedure.

In article 9, SEA preparatory phase is defined. This phase begins with the decision to conduct the SEA for which authority competent for the preparation of plans and

189 *Ibid.*, article 3(3).

190 Based on the article 12 of the Law on SEA, environmental report needs to contain: baselines of the SEA; general and particular goals of the SEA and the choice of indicators; assessment of the possible impacts with description of the measures envisaged for the reduction of negative impacts on environment; guidelines to conduct SEA on the lower ranks and EIA; programme to monitor the environmental conditions during the implementation of plans and programmes; review of the applied methodology and difficulties in the preparation of SEA; review of the decision-making process, description of reasons for choosing certain plan or programme with regard to considered alternatives and review in which ways environmental issuess where included in a plan or programme; conclusions of the SEA report, presented in a way that they can be understandable for the public; and other data important for the SEA. Detailed content of the mentioned elements is defined in articles 13-17 of the Law.

programmes is competent.[191] During preparation of the decision on the SEA development, authority competent for preparation of plan and programme is obligated to request opinion (and attach decision proposal) from the authorities competent for the environment, but from other organs and organizations as well.[192] Opinion needs to be submitted in a 15 days period, starting from day the request for opinion was submitted.[193] It needs to be emphasized that the ''opinion'' of the competent authority for the environment and other concerned organs and organizations is not binding for the authority competent for preparation of plan and programme. Consultations with concerned organs and organizations come as a result of the harmonization with the article 5(4) of the SEA Directive which determines the same obligation. The Law on SEA does not determine who the concerned organs and organizations are. That means that the authority competent for the preparation of plan and programme needs to identify them or organs and organizations need to express their interest. In SEA Directive such opportunity is prescribed by the article 6(3). Following the SEA screening decision, authority competent for plan and programme decides on the choice of the person who will prepare the SEA report based on the criteria[194] set in the article 10 of the Law. It also needs to be emphasized that Law on SEA does not transpose requirement from the article 3(7) of the SEA Directive which determines that information on SEA screening decision and reasons for such decision, need to be publicly available.

Decision-making phase follows SEA report development. Article 18(1) of the Law on SEA requires from the authority competent for the preparation of plans and programmes to deliver SEA report to the authority competent for environmental protection and concerned organs and organizations in order to receive opinion. Concerned organs and organizations have to deliver their opinion within 30 days starting from day they received such request.[195] Article 19(1) determines that, prior to giving consent on the SEA report, authority competent for preparation of plans and programmes ensures public participation in SEA report deliberation. Public considers the report via public review and public debate. Authority competent for the preparation of plans and programmes informs the public about ways and terms for the public overview, as well as time and location of the public debate in accordance with concrete law that regulates procedure for adoption of certain plan and programme.[196] It can be said that provisions of the article 19 fulfil minimum conditions of the article 6 of the SEA Directive pertaining to participation of the public, authorities and organizations concerned in decision-making procedure on the environmental report. Although article 19 does not mention NGO's, they could be subsumed under definition of the public concerned in the article 3 of the Law. Therefore it can be stated that the transposition of the article 6 of the SEA Directive was successfully accomplished. Table 3-2 offers review of the possibilities for public participation in the SEA procedure.

---

191 *Law on Strategic Environmental Assessment* (''Official Gazette RS'' number 135/2004 and 88/2009), article 11(1). Paragraph 2 prescribes that decision to prepare the SEA contains: reasons to prepare the SEA (based on the prescribed criteria); review of questions and issues pertaining to environment in plans and programmes (that will be considered in the SEA); reasons for exclusion of specific questions and issues pertaining to environment in plans and programmes; elements of the SEA report; choice and obligations of persons designated to prepare the SEA report; ways of participation of the concerned authorities, organizations and public in the SEA report preparation and review; and other data of importance for the SEA development.

192 Ibid., article 11(3).

193 *Law on Strategic Environmental Assessment* (''Official Gazette RS'' number 135/2004 and 88/2009) article 11(3).

194 Person who is entitled to prepare the SEA report can be either legal or natural person that is registered in a certain register for performance of activities pertaining to spatial planning, development of strategic documents or urban planning; in order to prepare the SEA report, legal or natural person can establish a multidisciplinary team of experts. This expert is qualified fo development of the report if he or she has relevant university degree and at least five years of professional experience in the relevant field, professional results or if he or she has participated in development of at least two plans and programmes which were implemented.

195 *Law on Strategic Environmental Assessment* (''Official Gazette RS'' number 135/2004 and 88/2009), article 18(2).

196 *Ibid.*, article 19(3).

Compared to the EIA procedure (Table 3-1), the Law SEA offers modest opportunities for public participation in the procedure. However, that does not neglect the fact that minimum requests of the article 6 of the SEA Directive are fulfilled. Nonetheless examples of good practice going beyond minimum standards need to be emphasized. As it was mentioned in Chapter 2.4, in Hungary the public has 30 days to submit its opinion on the environmental report. Public is informed about the SEA procedure via printed media, internet and in accordance with the local customs. Interesting example is also Estonia, where public has the opportunity to participate in the SEA report development phase and not only in phases that follow it.

Table 3-2 Opportunities for public participation in the SEA procedure.

Phase	Opportunities
Screening	• Public does not have a right to participate • Access to justice not available
SEA Report Development	• Public does not have a right to participate • Access to justice not available
SEA Report Decision-Making	• Public has a right to participate (article 19) • Access to justice not available

Consultations with other countries in terms of transboundary cooperation of environmental plans and programmes are performed by the ministry competent for the environmental in accordance with the article 23 (which is in accordance with the article 7 of the SEA Directive).

Article 20(2) of the Law on SEA prescribes 30 days period following public consultations for the authority competent for preparation of plan and programme to develop a report on the participation of the public, organs and organizations concerned. The report needs to contain justification of all accepted and refuted opinions.[197] In accordance with article 21(1) authority competent for the preparation of plan and programme submits to the authority competent for the environment the SEA report to receive consent, along with report on the participation of organs, organizations and public concerned. Authority competent for environmental protection assesses the SEA report based on the criteria under the article 21 and Annex II of the law. In accordance with article 22(1) of the Law and based on the SEA report assessment, authority competent for environment grants or refuses to grant consent for the SEA report. Decision on the SEA report consent needs to be made in a period of 30 days starting from the day of the request submitted by the authority competent for the preparation of plans and programmes.[198]

The Law on SEA (article 22, paragraph 4) prescribes that the competent authority cannot forward plan or programme to the decision-making procedure without adoption of the SEA report by the authority competent for the environment. Thereby the law is harmonized with the SEA Directive since in article 4(1) of the Directive, same request is defined – SEA will be prepared during plan or programme preparation and before its adoption.

The Law on SEA (article 24, paragraph 1) determines that SEA report, results of the public consultations as well as results of the consultations with other countries in case of transboundary impacts are part of the documentary basis of plans and programmes. The authority competent for the preparation of plans and programmes is obligated to make those data publicly available.[199] Forth-mentioned article does not contains additional provisions about data submission and taking into consideration the SEA results in comparison for example to legal solutions in Hungary, Slovenia,

197 *Ibid.*, article 20(1).
198 *Ibid.*, article 22(2).
199 *Ibid.*, article 24(2).

Austria and Estonia (see Chapter 2.4). However, it can still be concluded that the article 24 is in line with the article 8 and 9 of the SEA Directive.[200]

Article 24a of the Law on SEA determines that Ministry competent for the environment is in charge of the monitoring of the law implementation. In accordance with the principle ''polluter pays'', article 25(1) prescribes fines ranging from 5000 to 20000 RSD for offenses committed by the authority competent for the preparation of plans and programmes/authority competent for the environmental protection are prescribed. Compared to the new amendments to the EIA Directive, SEA Directive does not have requests in terms of penalties. However, as in the case of the Law on EIA, it is highly debatable if fines for offenses committed by the authorities competent for the environmental procedure are adequate.

200 Obligation to make available to the public the report about how environmental protection issues were integrated into the plan or programme including, *inter alia*, the results of public consultations and how these were taken into account during preparation of the plan or programme.

4. Analysis of the EIA and SEA Implementation in Serbia

4.1. Previous Research

There are few researches conducted with regard to environment and which partially or completely encompass the issue of EIA/SEA implementation at the local level. Neither of these researches had the goal to draw comparisons the EIA/SEA implementation and the EU standards, but instead to generally determine the current state pertaining to environmental policy. Ecological Centre "Habitat" researched EIA as a part of broader research concerning environmental policies in Serbia in 2011, by conducting survey on 110 local self-governments.[201] Research conducted by Todić *et al.*[202] also pertained to the general area of environmental policy in terms of legal scope, competences of the LSUs, role of the commercial sector and public participation. Therefore forth-mentioned research is partially relevant for the actual research which deals explicitly with EIA/SEA implementation. Kroiss *et al.* conducted two researches on implementation of the Law on EIA[203] and the Law on SEA[204] in Serbia. Researches were conducted for the period 2004-2007 (before amendments of the two laws) based on questionnaires sent to 10 selected LSUs[205]. Therefore it can be concluded that these researches were conducted in the initial stage of the implementation of the EIA/SEA legislation on a relatively small sample of LSUs; therefore a more careful approach should be taken when addressing results of these researches. Conversely they can offer valuable information and commentaries from 10 LSUs especially since researches comprised large local self-governments e.g. the City of Belgrade. Moreover data collected in the initial stage of the EIA/SEA implementation can be valuable to derive certain comparisons with the current situation. During analysis in this research relevant data from previous researches will be compared with the research results where needed in order to make comparisons and if possible identify certain tendencies for future development of EIA/SEA implementation in Serbia.

4.2. Institutions

4.2.1. Existence and Implementation of EIA/SEA

Based on conducted survey of 145 LSUs, Table 4-1 provides an overview of basic data

201 Ecological Centre "Habitat". *Reform of the Local Environmental Policies in Serbia and EU Integrations*. Vršac, 2013, page 82-84.

202 Todić D. Ignjatović M. Katić M. Plavšić P. *The Analysis of the Local Actors' Capacity in Implementing Environmental Policy in Accordance with the European Standards*. Belgrade: European Movement in Serbia, 2012.

203 Kroiss Fritz, Todić Dragoljub, Petrović Dragana. *Evaluation Study on the Implementation of the Serbian Law on Environmental Impact Assessment*, 2007.

204 Kroiss, F., Todić, D., Petrović, D. *Evaluation Study on the Implementation of the Law on Strategic Environmental Assessment*. Report – Short Version, 2007.

205 These are the following LSUs: Belgrade, Novi Sad, Pančevo, Kragujevac, Kruševac, Čačak, Valjevo, Vrbas, Niš and Kikinda.

concerning implementation of each specific phase of EIA and SEA procedures per LSU for 2012 and 2013. Collected data indicate that EIA and SEA are indubitably being conducted in significant quantity. Data does not indicate directly towards the scoping phase; however such data is not particularly important since this phase either precedes the screening phase or the scope is determined as a part of screening decision. Moreover presented data it cannot be implied that all phases are present in each local self-government since it refers to total and average number of procedures per LSUs. To examine if EIA and SEA is being conducted in every in accordance with the national and EU standards, concrete cases of projects, plans and programmes would have to be investigated which thematically and temporally exceeds the scope of this research. It is sufficient to say that data from Table 4-1 generally imply that EIA and SEA procedures are being implemented and these procedures actually exist which is in accordance with the EIA (article 2) and SEA (article 3 and 4) directives. Conducted interviews with the representatives of the LSU and civil sector also confirm that EIA/SEA procedures do exist and that they are implemented at the local level. Interviews with the officials from the ministry and provincial secretariat responsible for environment and Republic Spatial Planning Agency (RSPA) confirm the existence and implementation of EIA and SEA on the national and provincial level.

Data from Table 4-1 indicate that the number of screening decisions is three times smaller that number of screening requests which means that in most cases the competent authority decides that the EIA is not required. That is the difference in comparison to research conducted by Kroiss *et al.*[206] where positive and negative screening decisions are present on an equal basis. Collected data bon SEA indicate that the number of requests for consent for SEA report is smaller than the number of requests to receive opinion on SEA screening by the competent authority. Research conducted by Kroiss *et al.*[207] for 2004-2007 period also indicates towards similar tendency, except that more SEA screening decisions (72%) were negative. Table 4-1 also shows that the number of decisions to give consent on the EIA study mostly correlates with number of requests for consent on the study. It follows that in most cases, when there is a third phase of the procedure i.e. deciding on the EIA study, the competent authority gives consent to the study.

Without investigating concrete project proposals, plans and programmes and the manners of decision-making in concrete procedures it is difficult to derive any conclusions on further implications of the stated data. For example, it is possible to assert that due to tendency of the competent authority to decide that EIA is not required or to give consent to the EIA study, the competent local authority is favoring the project carrier and potentially neglecting the significant environmental impacts and adverse effects. However in absence of more concrete data it is possible to claim otherwise i.e. that in most cases EIA and SEA is not required or that decisions concerning EIA study took significant environmental impacts into account. Such is the case in LSU Ljubovija where during interviews with the local officials, it was highlighted by them that in their municipality screening decisions are rarely positive (EIA study is required), nonetheless screening decisions are always accompanied by environmental protection measures. It can be said that the value of the data presented in Table 4-1 lies within a fact that they provide a number of conducted procedures and general tendencies in terms their outcomes, while definitely confirming that EIA and SEA procedures are being implemented.

Here it should be pointed out towards absence of a national database concerning all EIA/SEA procedures on the national, provincial and local level. Such condition can be explained by the absence of responsibility of local self-governments to regularly inform national and provincial authorities on local EIA/SEA procedures. Conversely there is no obligation on behalf of national or provincial authority to monitor the activities of LSUs through data collection and analysis. Competent ministry does not

206 Kroiss Fritz, Todić Dragoljub, Petrović Dragana. *Evaluation Study on the Implementation of the Serbian Law on Environmental Impact Assessment*, 2007, page 18.
207 Kroiss, Fritz; Todić, Dragoljub; Petrović, Dragana. *Evaluation Study on the Implementation of the Law on Strategic Environmental Assessment*. Report – Short Version, 2007, page 17.

have information concerning EIA implementation at the local level, and according to its officials, LSUs do not send information on their own initiative[208]. Therefore neither in printed nor electronic form there is a unified database in terms of the conducted procedures. Due to absence of such database transparency is decreased and monitoring of conducted procedures is made more difficult, including effectiveness of the implementation of the EU standards.

With regard to SEA, commentaries from the officials on the national, provincial and local level mainly referred to lack of SEA in certain cases but also planning document *per se*. Officials from the ministry competent for environmental protection know about cases when the procedure for a project and a pertinent EIA is being conducted in the area lacking specific planning document, as well as situations when there is SEA for a planning document of a lower hierarchical order (spatial plan of general regulation), but not for a spatial plan of a higher order. Officials from the provincial secretariat responsible for environment mentioned the example of place Kovačica where the company "Juniris" planned construction of a factory for hazardous waste treatment while SEA for planning documents that regulate the industrial zone where the construction of the factory is being planned. Moreover in previously stated case, competence for preparation of the plan is at the local level, while the Autonomous Province of Vojvodina is competent for the proposed project. Experiences of the JLUs vary in terms of SEAs which are being conducted for plans of general or detailed regulation. During interviews, examples were given that planning documents of lower hierarchical order are not conducted based on the advice from the ministry competent for environmental protection. Representatives of one LSU with whom an interview was conducted, stated that SEA in their community is not conducted and that there is no SEA report. Officials from the RSPA also expressed doubts if the rights of the LSU to decide not to require the SEA for certain plans and programmes (in accordance with article 5, paragraph 2 of the Law on SEA) is used adequately, without being potentially misused.

Table 4-1 Basic data on EIA and SEA procedures for 2012 and 2013.

Number of EIA screening requests				
	LSUs which responded	2012.	2013.	No reply
Number (total)	145	1632	1561	0
Prosek po JLS	/	11,2	10,8	
Number of EIA screenting decisions				
	LSUs which responded	2012.	2013.	No reply
Number (total)	145	520	495	0
Prosek po JLS	/	3,6	3,4	
Number of requests to receive consent for the EIA study				
	LSUs which responded	2012.	2013.	No reply
Number (total)	145	232	205	0
Prosek po JLS	/	1,6	1,4	

208 *Law on Local Self-Government*, ("Official Gazette RS", number 129/2007) in article 80 defines the right of the central authority to request information from LSUs with regard to activities of local self-governments, while LSUs can ask the ministry for opinion (article 79). *Law on Public Administration* ("Official Gazette RS", number. 79/2005, 101/2007 and 95/2010) inn article 64 and *Law on Environmental Protection* ("Official Gazette RS", number 135/2004, 36/2009, 72/2009 – amended and 43/2011 – Decision of the Constitutional Court") in article 8 define an obligation that competent authorities or subjects of environmental protection have to cooperate with each other. However there is no obligation that LSUs have to regularly report to the ministry concerning its activities, nor is ministry obliged to regularly monitor the work of the LSUs, namely how the EIA procedure is conducted for which local sefl-government is the competent authority.

Number of consents given for EIA studies				
	LSUs which responded	2012.	2013.	No reply
Number (total)	145	191	186	0
Average per LSU	/	1,3	1,3	
Number of requests for opinion concerning SEA screening				
	LSUs which responded	2012.	2013.	No reply
Number (total)	145	209	318	0
Average per LSU	/	1,4	2,2	
Number of requests for evaluation and consent for the SEA report				
	LSUs which responded	2012.	2013.	No reply
Number (total)	145	125	128	0
Average per LSU	/	0,9	0,9	

4.2.2. Policy-Making concerning EIA/SEA

EIA and SEA Directives do not contain provisions referring to policies. They instead pertain to projects, plans and programmes. Nonetheless it is important to check participation of the concerned authorities and public in preparation of regulations concerning EIA/SEA. This is because consultation of the competent authority with the concerned parties can results in enhanced quality which is recognised as an important issue in the National Environmental Approximation Strategy.[209] Moreover although it does not contain mandatory provisions on this matter, the Aarhus Convention[210] "suggests" that public participation should be enabled i.e. that signatory parties should "endeavour" or "strive" to include the public in the preparation of policies (article 7) and "generally applicable legally binding rules" (article 8) pertaining to environment.

Research shows that LSU participation in the harmonisation process i.e. transposition of EIA and SEA directives was insufficient. Only 3 out of 10 LSU with whose officials were interviewed were conducted, participated in any way in development of Serbia's EIA and SEA legislation. Survey of LSUs (Figure 4-1) shows less than a fifth of local self-governments participated in decision-making process concerning EIA/SEA, while the share of NGOs is even less (Figure 4-2). With regard to examples LSU participation an official from the municipality of Knjaževac stated that municipal representatives participated in the preparation of legislation by submitting opinion to the competent ministry together with approximately 10 other local self-governments. LSU either participated in the working groups or and/or submitted opinions to the ministry competent for environmental protection. Officials from municipalities of Žitište and Odžaci stated that they participated in preparation of the relevant legislation via Standing Conference of Towns and Municipalities (SCTM). General impression of the interviewed local officials is that submitted opinions were rarely taken into account and that in general LSUs did not significantly influence on the content of the legislation concerning EIA/SEA. Insufficient participation of LSUs in preparation of EIA regulation was also recognized by the representatives of the ministry responsible for environmental protection. Such a low level of participation of LSUs and local NGOs is particularly problematic within the context of high share competences which local self-governments received for EIA and SEA. In other words, a significant portion of competences was transferred to the local level, without previous consultations and

209 *National Environmental Approximation Strategy for the Republic of Serbia*. Belgrade, December, 2011, page 22.
210 UNECE. *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*. Adopted at the Fourth Ministerial Conference in the "Environment for Europe" process. Aarhus, 25th June 1998.

data collection and analysis on the capacities of local self-governments. Furthermore it seems paradoxical that adoption of regulation which envisages public participation as a particularly important element of the procedure, were conducted without sufficient consultation with the public.

Here examples of good practices should be highlighted that were mentioned in conversation with the officials of the municipality of Knjaževac. Following adoption of the Law on EIA the ministry competent for environmental protection organised workshops in Novi Sad, Niš and Zlatibor in order for local self-governments o be introduced with the content of the legislation and pertinent obligations. During these workshops, simulations of project proposals were held and trainings of local officials were organised (e.g. how to react in a concrete situation). These activities are can certainly be positively evaluated. However a fact cannot be ignored that greater participation of LSUs is needed policy formulation phase and preparation of specific regulation and not only in training programmes following adoption of certain policy/legal instrument. Otherwise it will happen that legislation does not pass through adequate evidence-based analysis which subsequently opens the opportunity for failed or unnecessarily expensive implementation of the EIA/SEA legislation.

Besides insufficient participation of local self-government and civil society in policy-making, it is noticeable that coordination within the ministries was not on satisfactory level during preparation of the EIA legislation. During conversation with the officials of the ministry and provincial secretariat for environmental protection it was emphasized that there is insufficient connection between Law on EIA and Law on Planning and Construction which is accordance with the remarks stated in the previous Chapter 3 (analysis of the Law on EIA). Lack of references towards the EIA in the LPC was highlighted concerning provisions concerning construction and use of projects. This does not mean that civil servants competent for planning and construction are not obliged to work in accordance with the Law on EIA. However in practice there is a risk that persons exclusively competent for construction and use permit respect only the LPC, while disregarding provisions set in the Law on EIA. Because of that another risk is created that the project carrier only out later finds out that that proposed project has to go through the EIA procedure because such obligation is not clearly stated in the LPC[211]. Another misconnection between the two laws pertains to the work of technical commission for review of objects which is regulated by articles 154-156 of the LPC. The Law prescribes that person with certain qualifications may participate in the work of this commission. However it does not state that this person has to be appointed by the authority competent for EIA nor that without his or her consent in terms that the conditions prescribed by the EIA study are fulfilled, use permit cannot be issued. Moreover the LPC prescribes that this person must have an authorised project designer licence which is not in accordance with the Law on EIA which sets lower standards. Same problem exists in terms of the work of technical commission was mentioned by Kroiss *et al*.[212] Therefore it can be concluded that the policy-making problem does not only pertain to a lack of consultations with the LSUs NGOs, but also to lack of coordination between national organs.

211 This does not imply that the project carrier is relieved of his or her responsibility to submit relevant information and participate in the procedure when that is required under the law. Provided remarks should be understood in a more practical manner, i.e. that current institutional solutions increase the risk that the project carrier does not acquire information that EIA is required (for example when applying for the location permit).

212 Kroiss Fritz, Todić Dragoljub, Petrović Dragana. *Evaluation Study on the Implementation of the Serbian Law on Environmental Impact Assessment*, 2007, page 24.

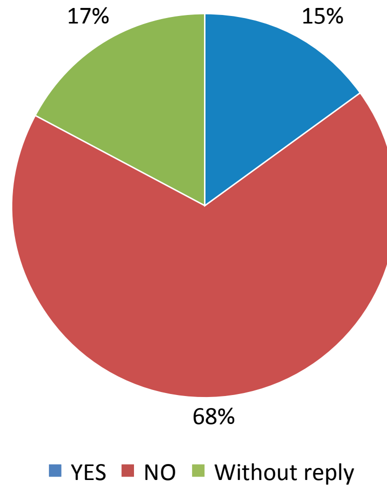


Figure 4-1 LSU participation in preparation of the laws on EIA and SEA

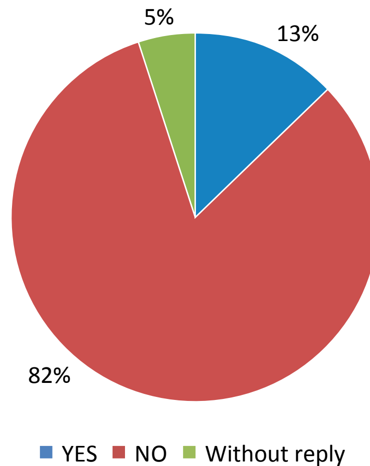


Figure 4-2 Participation of environmental NGOs in preparation of the laws on EIA and SEA.

4.2.3. Adequacy of the Established Institutions

Interviews in 10 LSUs and with the officials of national authorities show there is very often a small number of officials dealing with environmental protection at the local level which can also be seen from the survey of LSU officials (Table 4-2). If the number of EIA/SEA procedures (Table 4-1) are compared is divided on number of expert associates, it follows that on average one official receives 6 EIA screening cases, 2 requests to decide on EIA study and less than one request to provide screening SEA opinion or to decide on SEA report. In addition these officials do not only conduct EIA and SEA work but also other activities pertaining to environmental protection which certainly presents another burden. In terms of the ministry responsible for environmental protection, 8 persons are responsible for EIA and four for SEA. On the level of Autonomous Province, only two persons are responsible for EIA and SEA.

Responses from LSU officials during survey show that in all local self-governments there are civil servants responsible for environmental protection except two whose officials reported no expert associates nor inspectors although they conduct EIA procedures and one also conducts SEA. Besides these cases, there are cases with significantly high number of civil servants. In terms of numbers of expert associates these LSU are Belgrade (27), Leskovac (12), Pančevo (10), Novi Sad (8), Niš (7), Negotin (7), Smederevo (5), Jagodina (5), Kraljevo (5), Kragujevac (4), Kikinda (4), Zrenjanin (4), Užice (4), Kruševac (4), Požarevac (4), Subotica (3), Čačak (3) i Petrovac na Mlavi (3). In terms of inspectors, LSU examples with greater number of these civil servants are: Beograd (27), Kragujevac (4), Kraljevo (3), Leskovac (6), Zrenjanin (4), Novi Pazar (4), Subotica (3), Smederevo (3), Kikinda (3), Pančevo (3), Vranje (3). Number of employed officials does not guarantee that the quality of conducted work concerning EIA and SEA however it might indicate towards good practices. For example, local officials from Smederevo indicated that the existing capacities are on a satisfactory level and that tasks are equally distributed among the employed staff. Therefore information concerning local self-governments with greater number of civil servants could be important in order to identify potential surplus of available expertise and capacities which can be utilized to assist LSUs with less experience or smaller number of officials.

Interviews with the representatives of the competent ministry, RSPA, LSU, one firm that prepares EIA studies and representative of the academic community indicate towards general lack of capacities in local self-governments which can be explained by lack of sufficient financial funds or absence of available experts at the local level. However the interviews with the local officials show that amongst employed civil servants, majority has a sufficient level of expertise and education to conduct work pertaining to environmental protection – these are usually persons with background in natural sciences or technology (biology, mechanics, forestry, agriculture etc.). It should be noted that in order to conduct work pertaining to EIA it would be most suitable if the expertise could be connected with environmental protection, currently not entirely the case since the background of pertinent civil servants is usually only similar to the forth-mentioned.

Within context of implementation of the EIA and SEA directives, the number of civil servants responsible for EIA procedure and who issue consent on SEA reports, could be a significant indicator, if the established procedures are capable comply with the goals of the EIA and SEA directives. From the given presented situation, it does not necessarily follow that EIA procedures are of low quality; for such statement a more comprehensive research would have to be conducted in terms of qualities of procedures and each decisions made in EIA and SEA procedures. However the issue of existing capacities certainly creates certain doubts concerning appropriateness of the established procedures.

As is was mentioned in Chapter 3, an issue of how the competences for EIA were allocated deserves additional attention. Policy-maker's approach was to allocate competences for EIA based on existing competences for issuing construction permits. In that way, LSU capacities and the entire range of pertinent tasks related to EIA, particularly nature, size and location of proposed projects were not considered enough. Such condition can be compared with the example of Sweden where competence for EIA was determined based on seriousness of likely environmental impacts of a proposed project; projects which are less harmful are allocated to CABs while project with potentially more harmful environmental effects are allocated to specialized environmental courts (see Chapter 2.4)

In terms of the available capacities, an illustrative comment can be found in the Work Report of the Environmental Protection Secretariat of the City of Belgrade from 2012: "Insufficient number of personnel including inspectors represents the crucial problem for timely and efficient implementation of administrative procedures and other tasks requiring expertise, since the existing civil servants are overburdened".[213] The report

213 *Work Report of the City Administration of the City of Belgrade for 2012*. Secretariat for Environmental Protection, page 9.

then mentions lack of technical capacities (lack of computers, insufficient number of motor vehicles, for inspectors, non-functional official website of the Secretariat etc.) Except for increasing the number of officials and strengthening technical capacities, the report suggests further improvement of expertise of the existing civil servants "by ensuring conditions for monitoring the preparation of documents and their practical application, expert literature and examples of good practice, attending seminars etc".[214] Stated problems are reported in other LSUs. However it is particularly interesting that Belgrade belongs to a group of larger and more developed LSUs which has greater capacities in comparison other local self-governments. Therefore the current state in terms of capacities in smaller and less developed LSUs is a particular cause for concern.

Except for insufficient capacities, the respondents from local self-governments referred to cases when there was sufficient number of civil servant however the problem pertained to a a way in which the work had been organized. Research then confirms that there are LSUs with usually small number of proposed projects or projects for which EIA is required. In one local self-government there is a case that a local official responsible for EIA conducts its activity with 50% standard working time and another half is spent in another LSU on areas also pertaining to EIA (and environment). Therefore in these situations it is questionable if the logic behind the current organization of work given the fact that there are low number of projects which are relevant for EIA. Conversely forth-mentioned solution can be a good example of how the available capacities can be utilized via cooperation between local self-governments.

In terms of respect for requirements of EIA and SEA[215] directives, it can be said that established institutions meet the minimum EU standards. As it was shown in Table 4-1, the procedures are being conducted. The existing capacities of LSUs, although on a low level particularly in terms of the number civil servants responsible for environment and EIA/SEA, are still sufficient enough to ensure the EIA/SEA implementation. Previously mentioned drawbacks should be viewed within context of deficiencies concerning EIA/SEA policy-making process (see Chapter 4.2.2).

Table 4-2 Number of civil servants in LSUs responsible for environmental protection.

	LSUs which responded	Environmental inspectors	Environmental expert associates	Others – assistants, temporary positions, etc.	No reply
Number (total)	144	192	246	73	1
Average per LSU	/	1,3	1,7	0,5	0,6

4.2.4. Objectivity in Work and Prevention of Conflicts of Interest

Figure 4-3 shows that 15% of surveyed LSUs do not have expert associates while 10% lacks environmental inspectors (Figure 4-4). Because of that, it occurs that different functions are conducted by the same person which can be seen from Figure 4-5 – in one third of LSUs there the doubling of functions with a note that a quarter of LSUs did not reply to this question. This is not only about merger of the functions concern-

214 *Ibid.*, page 10.

215 In terms of SEA, here it is primarily referred to evaluation of the environmental report by competent authority for environmental protection. However organisational units are also being combined and doubling of functions occur for this procedure. Nonetheless it can be regarded that the established institutions meet the minimum standards of the SEA Directive.

ing environment, but also other responsibilities of the LSU staff. In case an expert associate makes a bad decision, unintentional or intentional (e.g. influence of project carriers or important political stakeholders), it follows that in such case there is no possibility offset bad decision through the intervention of another civil servant being responsible for inspection. In these cases problem arises, not only due to ineffective organization of human resources, but also due to potential conflict of interest which brings the respect of the article 9a of the EIA Directive into question (prevention of conflict of interest). It is also possible to have conflict of interest in case when the civil servant responsible for civil construction and urban development issues conducts tasks pertaining to EIA and SEA because this person might disregard the importance of environmental assessment and environmental protection in general in order to achieve development priorities despite long-term effects of these projects and planning documents on environment and sustainability.

Results of the interviews with the representatives of local and provincial authorities, persons who prepare the EIA study and civil society representatives indicate towards problems which occur due to external influences on local authorities competent for EIA/SEA coming from e.g. key local decision-makers and investors. Besides direct pressures, there also are examples of investors influencing local officials to alter the planning document in order to influence the specific project. The goals of these pressures is usually to accelerate or simplify a certain procedure, so that the investment could be realized at a minimum cost for the project carrier regardless of public interest. Such situation can rise problems in terms of respect for article 9a(1) of the EIA Directive which defines that performance of duties arising from this Directive should be done in an objective manner and not lead the competent authority to a situation giving rise to a conflict of interest. EIA Directive in article 9a(2) prescribes that an obligation to separate conflict functions especially when the competent authority is at the same time the project carrier. Since the local self-government can simultaneously be the project carrier, conflict of interest or lack of objective implementation of the procedure might occur. Moreover the provisions concerning conflict of interest were introduced into the EIA Directive in 2014 and Serbia still did not achieve harmonization on this matter. Therefore one of the most important issues pertaining to harmonization with the article 9a(2) of the EIA Directive is precisely the separation of conflict functions in order to prevent the conflict of interest.

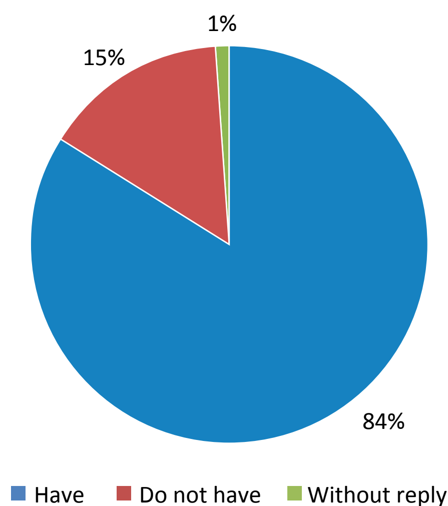


Figure 4-3 Number of LSUs which have experts associates for environmental protection.

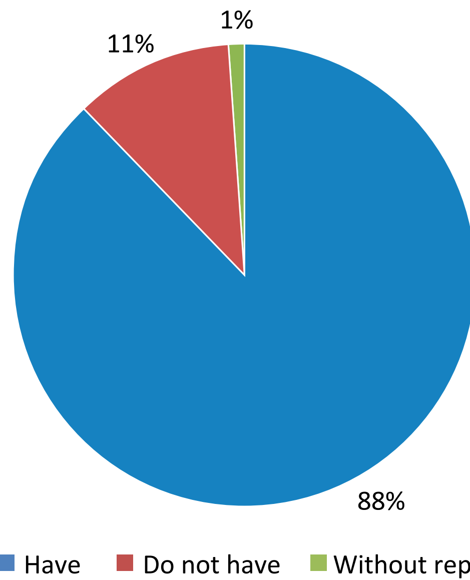


Figure 4-4 Number of LSUs which have environmental inspectors.

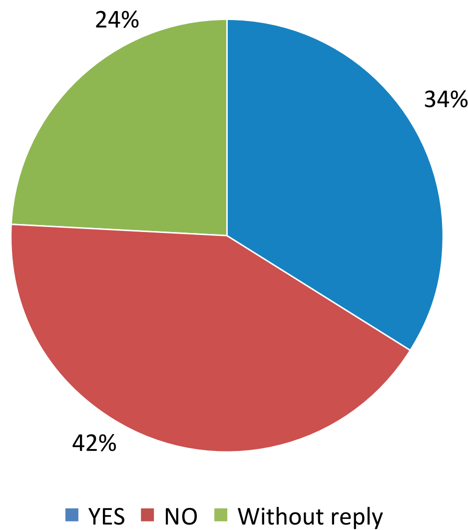


Figure 4-5 Number of civil servants who have more than one function.

4.2.5. Expertise of the Civil Servants and Persons who Prepare the EIA Study

As it was already mentioned, professional background of the local civil servants responsible for environmental protection usually pertain to engineering and is therefore mainly in line with the EIA and SEA themes. As for the quality of the procedure *per se* it is important to ensure various expertise in the EIA procedure, the workings of the technical commission for evaluation of the EIA study, an issue of expertise of

the recruited persons, presence of independent experts (not working within the competent authority) and also financing of the recruited persons. Figure 4-6 shows that three quarters of LSUs engage the experts (both from LSU and independent) to take part in the EIA procedure. This certainly represents a significant share however it is still important to add that a fifth of LSU does not engage experts. Moreover this is a decrease of the engaged experts by 16% compared to 2011 when EC "Habitat" conducted its research.[216] In that regard, a question arises if article 22 of the Law on EIA is being respected to a sufficient extent. This article prescribes that members of the technical commission must have sufficient expertise with adequate specialization and results within their field of work.

Figure 4-7 shows that most of towns and municipalities engage external experts to participate in the technical commission. In most of LSUs civil servants and external experts are present in the technical commission on equal share which is in accordance with the results of interviews with civil servants from 10 LSUs. In a quarter of LSUs, external experts are mainly engaged and there is even a smaller share of LSUs who exclusively engage external experts and conversely local civil servants. Interview with the representatives of one firm specialized in preparation of the EIA studies shows that there are LSUs that to not involve experts enough, e.g. the engage high school teachers and even local officials not versed into specifics of the proposed project or EIA study. In accordance with the conducted survey (Figure 4-7), interviews also indicate towards opposite examples, i.e. that the technical commission is entirely composed of external experts including the chairman of the commission. This further questions the compatibility of described practices with the article 22 of the Law on EIA which prescribes that at least chairman of the commission has to be the local civil servant. However given the fact that potential negative effects of the political influences (more on that in the following paragraph) it is debatable if such solution although contrary to the Law on EIA, is in fact more in accordance with the article 5 (sufficient expertise of the civil servants) or article 3 of the EIA Directive.

Conducted interview with the representatives of forth-mentioned firm indicates that except for lack of availability of experts there are problems pertaining to scope and ways of financing experts. Consultant's fees for participation in the technical commission are usually not enough to motivate sufficient number of independent experts to take part in it. Moreover every LSU has its own rules for determining the fees project carrier needs to pay for the EIA procedure. Foer example in conversation with the officials from the City of Užice and Smederevo it was stated that experts are usually paid 3000 and 5000 RSD to participate in technical commission. For a person which travels at large distances, this can be a low sum and can therefore decrease motivation to participate (except for pure professional interest). Representatives of this firm it was highlighted that problems also occur in terms of special interests within certain LSUs to allocate funds for participation in the technical commission to some civil servants regardless of their expertise or to other persons based on personal interest and acquaintances, instead of merits. Finally it is debatable to what extent is the established system appropriate in conditions where every LSU puts a significant importance on investment and employment. Such orientation can within an ongoing crisis lead to neglect of the long-term public interests connected with environmental protection. Since every LSU determines expenses for project carrier in terms of the EIA procedure, this can lead to damaging form of competition between LSUs in order to attract investments without taking environment into account. In that regard, a situation can particularly be difficult in less-developed LSUs since their power in negotiation with the investors is significantly lower since these LSUs need investments more than developed LSUs. Therefore the issue of financing is recognized as an import one, and further research efforts should also be directed towards this question.

Despite the problems which in certain situation occur in terms of engagement of (independent) experts, research shows that experts are nonetheless usually engaged in the EIA procedure. It is important to invest additional efforts to increase the engage-

216 Ecological Centre "Habitat". *Reform of the Local Environmental Policies in Serbia and EU Integrations*. Vršac, 2013, page 84.

ment of experts and prevent misuses when appointing persons to take part in the technical commission. Nonetheless general requirements of the amended EIA Directive concerning expertise within competent authority (amended article 5, paragraph 3, point 2) are being respected. It is important to continue to monitor the EIA implementation on this matter in order to determine further tendencies since that research of the EC “Habitat” from 2011 shows that there were more experts engaged in that period compared to the newest results of this research. It should be noted that Habitat's research was conducted on a sample of 110 LSUs while in this research 145 LSUs responded, therefore differences between two results can also be explained on the basis of different statistical samples.

During interviews with the representatives of the LSUs remarks were given with regard to the quality of the EIA studies as well as expertise of the persons who prepare them. According to officials from the municipality of Pančevo usually around 20% of the EIA study contains essential parts while other being less important information. However this does not have to necessarily be a significant problem as representative of the municipality of Knjaževac commented, it is better to have more information than to risk not having the important one. Greater problem pertains to situations where studies contain inaccurate or copied information from other studies. Such criticism was expressed in case of the proposed project to exploit limestone on Jevik in municipality of Knjaževac (more on that in Chapter 4.3.2). Frequent remarks expressed during interviews and roundtables were that persons who prepare the EIA study do not have special licenses to conduct such work, therefore an obligation to such license should be established under the law. However none of the respondents stated that the existing provisions set in article 19 of the Law on EIA are being violated. These provisions pertain to conditions needed to prepare the EIA study – relevant higher education, five year experience, and license for authorized project designer. During interviews with the representatives of local self-governments, it was stated that studies are often conducted by engineers and that frequently academic institutions e.g. School of Electrical Engineering and Faculty of Forestry of the Belgrade University are engaged. Therefore it can be said that minimum conditions set in article 5 (paragraph 3, point a) of the EIA Directive are accomplished i.e. that EIA studies are prepared by competent experts. However additional measure to introduce special licenses for preparing EIA studies would bring further improvements in this area.

Does the competent authority engage experts from specific fields in the EIA?

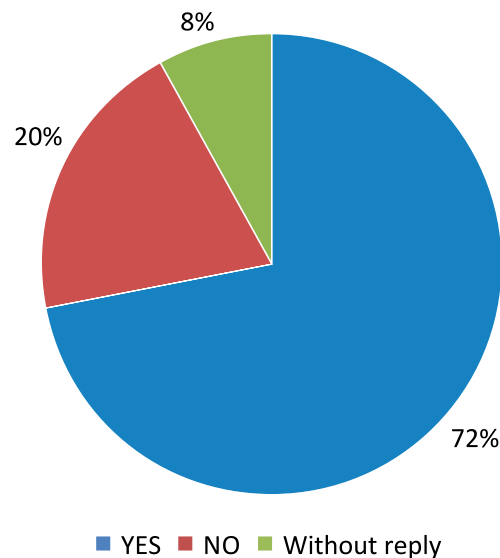


Figure 4-6 Engagement of experts in the EIA at the local level.

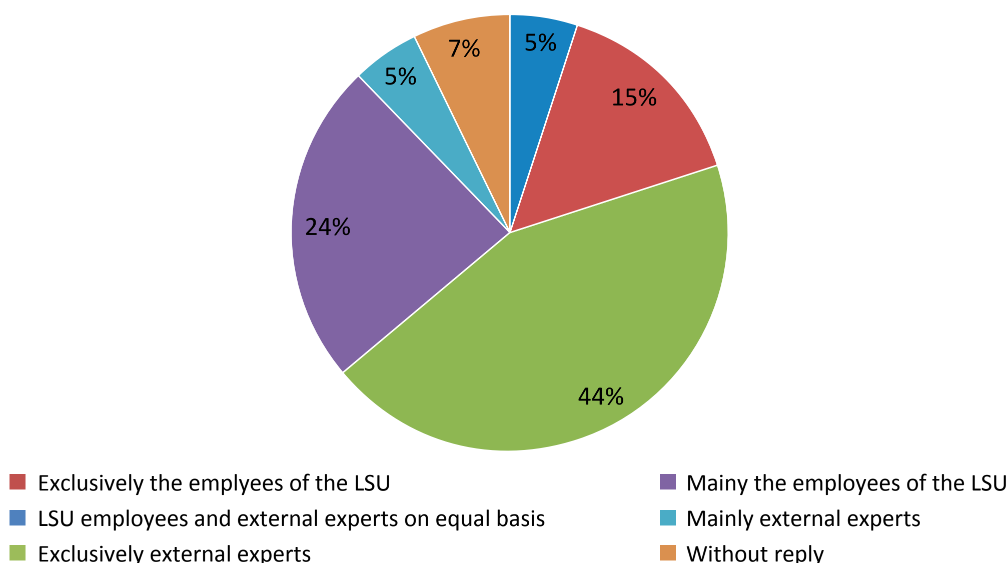


Figure 4-7 Structure of the technical commission for EIA at the local level.

4.2.6. Taking the Environmental Assessment into Account in the Development Consent Procedure

Survey of the LSUs indicates towards different ways of organization of tasks pertaining to environmental protection in local self-governments (Figure 4-8). The question from the figure pertains to entire are of environmental protection due to presumption that the existence of separate organizational unit competent only for EIA is highly improbable, something which the interviews with representatives of the LSUs confirm. Almost half of the surveyed LSUs do not have specific organ exclusively competent for environment, while in one third this is the organ which is part of the larger unit which does not have environment as its main focus. Only 14% of LSUs have specific organizational unit responsible for environment which does not part of a larger unit[217]. Such example is Pančevo where within the Secretariat responsible for environmental protection, there is a separate department designated for EIA and SEA.

However it should be noted that non-existence of the special organizational unit at the local level does not imply that the procedure necessarily has to be of low quality. Moreover the EIA Directive leaves the possibility for integration of EIA in existing procedures (article 2). As it was mentioned in Chapter 2.4, Austria is recognized as the example of good practice in terms of integration of various procedures required before deciding on development consent for the proposed project, including EIA. However it specific context of each country should be considered. In case of Serbia, separate EIA procedure was established under the law which is therefore not integrated with procedure to for issuing use permit. The Law on EIA does not prohibit that the same organizational unit competent for issuing the use permit is also responsible for environmental matters. Nonetheless lack of specific organizational unit responsible for EIA increases the risk that the EIA procedure will just be a formality since the organizational unit can have other priorities beside environmental protection. In that case, EIA results might not be taken into account during development consent procedure for the proposed project (contrary to the article 8 of the EIA Directive). Another risk is that conflict of interest might occur (contrary to article 9a of the EIA Directive).

217 Except being part of the entire local administration, responsible to the Head of local administration.

Interviewed representatives of LSUs stated that problems occur in terms of communication between persons responsible for EIA and those responsible for civil construction and urban development activities (including issuance of the use permit). Some of these problems pertain to (lack of) presence of persons appointed by the authority responsible for EIA in the technical commission for review of objects, due to insufficient coherence between article 156 of the LPC and article 31 of the Law on EIA (see Chapter 4.2). Problems in communication between Republic organs competent for EIA and civil construction were also recognized; the ministry competent for environmental protection does not always receive information regarding the work of the technical commission for review of objects, so that it could appoint a person to take part in the procedure or receive feedback information concerning the results of the commission's work. Mentioned interviews show that in certain cases project does not go through the EIA procedure when that is required. Instead, EIA is conducted during construction of the object i.e. after receiving the construction permit. LSU officials also mentioned that these activities were more often in the past, compared to a more recent period of the EIA implementation. During interviews and research as a whole, no cases where identified where the project received use permit before going through the EIA procedure.

As it was mentioned, Table 4-1 shows that EIA procedure is being conducted. However it is evident that there are such risks that EIA implementation may not be conducted before receiving development consent, as the article 2 of the EIA Directive prescribes. Such risk is also connected with respect of the article 8 of the EIA Directive which defines that EIA results should be taken into account in the development consent procedure in accordance with the principle of integrity. In both cases referred to in Table 4-8 (existence and non-existence of separate organizational unit), there is a risk that EIA will not be taken into account.

Research does not include a more detailed analysis of the relationship between EIA and proposed projects, i.e. to what extent is EIA actually taken into account when issuing construction and use permit. However it can be asserted that there is a risk that EIA results will not be taken into account when deciding on the construction and use permit. Conversely representatives of LSUs such as Smederevo and Žitište, mentioned examples when EIA was actually taken into account during the decision-making process on the proposed project and that the person who participated in the EIA procedure also took part in the work of the technical commission for review of objects. Representatives of other LSUs also indicated towards cases that during the work of the technical commission for review of objects, conditions set in EIA were considered, even when the person was not appointed by the authority responsible for EIA to participate in the work of the technical commission, since another expert was appointed by the person in charge of the technical commission.

Therefore the research shows there that there are different estimations in terms of consideration of the EIA results and defined environmental protection measures. Hence it is difficult to derive final conclusions on this matter. Additional difficulties also exist because the LPC does not define obligation to inform the public on the decisions concerning construction and use permits or explanation for issuing these decisions, due to which Serbia's legislation is not harmonized with the article 9 of the EIA Directive (see Chapter 3.2).

Notwithstanding forth-mentioned remarks, it can be asserted that the minimum requirements of the EIA Directive concerning article 8 are being respected although additional opportunities for improvement of the given legislative and institutional setting certainly exist. Such conclusion is not final i.e. it leaves space for other assertions, such as that respect for article 8 is not sufficient. Additional research should be conducted in order to provide definitive conclusions, including accessing additional data with regard to how authorities competent for civil construction make decisions pertaining to construction and use permits. Bearing in mind that policy-makers chose to establish separate EIA procedure, separate organizational units should also be established, while investing additional efforts in order to improve the institutional cooperation between units responsible for environmental protection and civil construc-

tion matters. Thereby respect for the article 8 of the EIA Directive and the principle of integrity would be ensured. Particularly important pre-conditions to improve such cooperation and increase the influence of the EIA on the final decision are the increase of compatibility between the Law on EIA and the LPC and to ensure transposition of the article 9 of the EIA Directive.

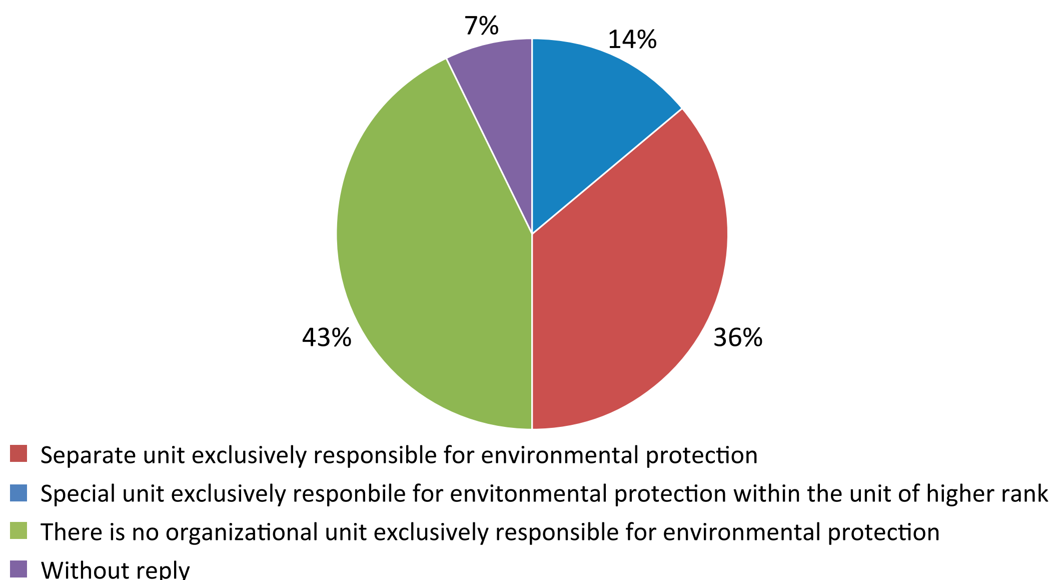


Figure 4-8 LSU organizational units responsible for EIA.

4.2.7. Ensuring Implementation of the Environmental Protection Measures

Interviews with representatives of the public and civil sector provide various information in terms of surveillance mechanisms defined in the Law on EIA (article 39). Local self-governments mostly evaluate the work of inspectors in positive terms, while conversely the officials of the ministry competent for environmental protection express doubts concerning the quality of the local inspection. RSPA shares the similar standpoint which adds that quality of surveillance is a general problem for public administration and not only in terms of EIA and SEA. Interviews with two representatives of civil society engaged in environmental protection reveal that inspectors often tend to avoid disputes with their colleagues, even when they should take certain steps (e.g. file a charge against responsible civil servant or project carrier). Moreover occurs that inspectors interpret the legislation in such a way that the competence and obligation to conduct inspection are being avoided. Another representative of one environmental NGO pointed out towards the cases in which the object receives construction permit but the procedure for issuing the use permit is not initiated. In these cases, inspectors do not conduct surveillance of objects, since it does not have the use permit, despite the possibility that the object may be already functioning in practice. With regard to SEA, the ministry competent for environmental protection conducts surveillance only after receiving complaints from the representatives of the public concerned. Officials from the municipality of Žitište mention that project carriers sometimes try to avoid their obligations defined by the EIA decisions and final decisions concerning construction and use permits. Nonetheless due to pressure of the local inspection, project carriers eventually have to comply with the prescribed environmental measures. Table 4-3 shows that on average inspection is often being conducted and that it increased in 2013 compared to previous year.

However the quality of surveillance is debatable. Table 4-2 shows that LSUs on average have 1-2 environmental inspectors who in some cases conduct other tasks pertaining to environmental protection. Bearing that in mind, the number of available environmental inspectors can be regarded to be rather small. During interviews with the LSU officials, remarks were expressed with regard to insufficient technical capacities, primarily vehicles for field inspection and also that officials are generally being overburdened with the number of cases (not only EIA-related) which certainly influences the frequency and also the quality of surveillance. Additional remarks of the local environmental inspectors pertained to the work of courts with regard to misdemeanour and economic offenses (in accordance with article 37 of the Law on EIA).[218]

When considering the requirement of the article 8a(4) based on which Member States have to ensure implementation of prescribed measures in order to avoid, prevent, decrease and offset significant adverse environmental effects, surveillance mechanisms can be brought into connection with such requirement. In that sense, based on the collected data, it can be said that minimum conditions set in the EIA Directive are being respected, although additional efforts should certainly be invested in order to improve the existing situation.

Monitoring measures of the environmental effects defined in the EIA study were not particularly addressed in this research because at the moment of this research, the old EIA Directive did not envisage mandatory establishment of monitoring mechanisms. Here it should be noted that in conversation with the representatives of the ministry responsible for environmental protection, it was highlighted that LSUs do not inform the national authorities regularly, nor is that mandatory under the law of the EIA and SEA implementation and environmental surveillance. There is no national database concerning EIA and SEA procedures which are finalized. In Chapter 4.2.9 additional problem pertaining to lack of online publishing of data from the main log book will be presented in detail. Here it should only be noted that there is no clear picture concerning the actual EIA and SEA effects on the realization of projects, plans and programmes at the local level, due to insufficient exchange of information between different levels of governance.

Table 4-3 Surveillance in terms of implementation of measures envisaged by EIA decisions.

Number of conducted inspections				
	Number of LSU which responded	2012	2013	No reply
Number (total)	145	1113	1328	0
Average per LSU	/	7,7	9,1	

4.2.8. Consultations of the Competent Authority with Concerned Organs and Organizations

Interviews with the LSU officials indicate that concerned organs and organizations are being consulted in the EIA procedure. LSUs cooperate and exchange information with the neighboring cities and municipalities. Moreover depending on the concrete situation, LSUs also inform Institute for Nature Conservation, Institute for Protection of Monuments, firemen institutions, local administrative sub-units etc. Opinions of the ministry or the provincial secretariat competent for environmental protection are being requested, mostly due to lack of clarity of screening criteria defined in the The

218 Criticisms of the current functioning of the courts usually pertain to the following: duration of procedures is very long; there are problems in terms of accessing expert opinion; problems in determining direct link between the accused and the created damage; due to long duration, concrete procedures often end up becoming obsolete; courts are often not versed into conceptual and technical aspects of the EIA; in case when financial fees are determined, these usually are relatively small amounts and therefore lack deterrent effect.

Regulation on the determination of the list of projects for which the environmental impact assessment is mandatory and the list of projects for which the environmental impact assessment may be requested. Opinions are also requested in terms the necessary quantity of information to be submitted for each phase (by the project carrier), so that divergent interpretations of the implementation of legislation are avoided in case the administrative procedure (access to justice) is initiated. However there is no obligation for the LSU to recognize the ministry as a concerned organ; instead it depends up to LSUs to determine in each case if they should contact the competent ministry. Conversely one of the deficiencies of the current system is absence of the general official guidelines issued by the competent ministry in terms of implementation of the EIA procedure at the local level, as well as guidelines for the investors and the civil sector. Existence of such guidelines would certainly facilitate the work of LSUs, particularly during the screening phase. As it was already mentioned, there is no obligation of LSUs to regularly inform the competent ministry on the conducted procedures nor does the ministry have an obligation to regularly monitor the work of LSUs. In the following Chapter, the survey result will be presented according to which in approximately 50% cases LSUs send direct notifications, both to public concerned as well as other concerned parties. There the possibility that LSU interpreted in different ways what was meant by concerned parties. Nonetheless received replies still indicate towards the possibility that informing of concerned organs and organizations is not on sufficient level. Based on received data, it can be concluded that minimum requirements under article 6.1 of the EIA Directive are mainly respected. However additional efforts to increase legal and institutional guarantees should be increased, bearing in mind EU examples of good practice such as Portugal and Hungary (see Chapter 2.4), where it is mandatory to consult certain organs (competent for nature, public health, water etc.).

4.3. Public Informing and Participation

4.3.1. Public Informing

Research points out that LSUs mainly fulfil their legal obligations to inform the public. All interviews with national, provincial and local officials, as well as representatives of environmental NGOs and the survey of the LSUs (Figure 4-9) indicate towards that conclusion.

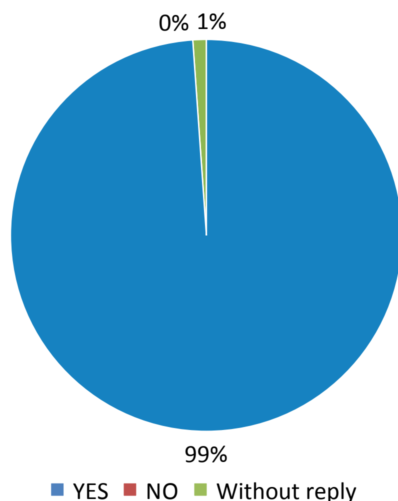


Figure 4-9 Percentage of LSUs that inform the public regarding EIA procedures.

Survey of the LSU officials (Figure 4-10) show that informing via local newspapers is the basic form of informing. This way of informing is also mandatory under law (article 29 of the Law on EIA) and is therefore part of the standard EIA procedure. However based on the forth-mentioned survey 31% of LSUs do not inform the public via printed media (although they do it in other ways e.g. electronically) although the Law on EIA (article 29) designates that the competent authority is obliged to inform the public through "at least one local newspaper". In comparison with the research conducted by EC "Habitat"[219] in 2011, a small drop in the share of printed media from 74% to 69% can be observed, although real implications of such result should be considered carefully, bearing in mind that the 2011 research included 110, while this study includes 145 LSUs.

Besides local printed media, LSU inform the public by electronic means (local TV, radio). However according to the new requirements of the EIA Directive (article 6, paragraph 2), public informing be electronic means is mandatory. Therefore it is not enough to have 60% share informing by electronic means (despite being a significant share). The number of cases when official websites are utilized is very low. What is also interesting is that utilization of notification boards is also very low. Insufficient utilization of internet can be brought into connection with the absence of legal obligations in article 29 of the Law on EIA (which prescribes ways of informing) that informing should be conducted by electronic means, including internet. Consolidated EIA Directive from 2011 also did not have this explicit requirement. However according to the amended article 6(5) of the EIA Directive, public informing by electronic means is mandatory, namely through central portal or in other way accessible to the public. Therefore the problem of insufficient utilization of internet receives additional importance, since it is not in accordance with the new goals of the EIA Directive. Forth-mentioned survey pertained primarily to EIA procedures. However interviews with LSU and RSPA officials also show that informing by printed and electronic means, including internet (although not in all cases) is a typical way of public informing with regard to SEA.

With regard to the utilization of internet for public informing, except for using official websites, there are additional examples of good practice such as Knjazevac info (www.knjazevacinfo.com), an internet portal though which Knjaževac informs the public *inter alia* in terms of EIA and SEA procedures. Information is presented through written and video materials in the form of reports, public notifications and interviews.

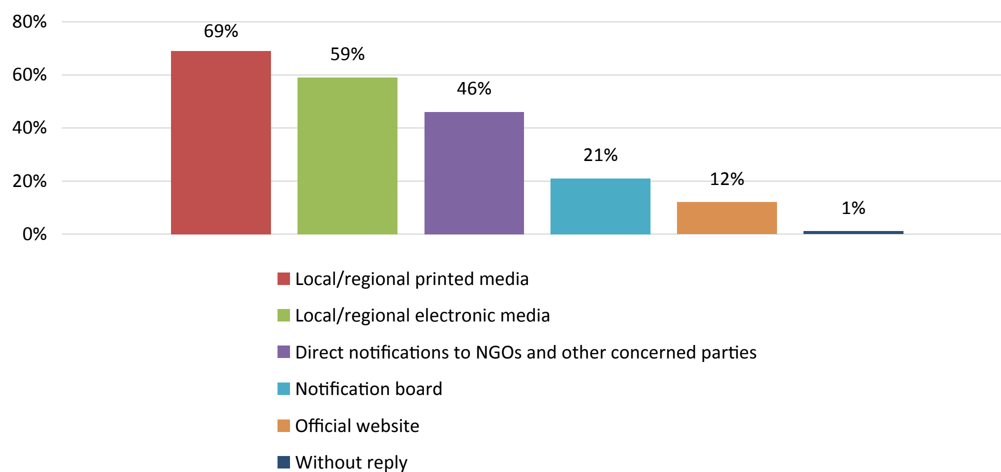


Figure 4-10 Ways in which LSUs inform the public.

219 Ecological Centre "Habitat". *Reform of the Local Environmental Policies in Serbia and EU Integrations.* Vršac, 2013, page 83.

Remarks stated by the representatives of the civil society, as well as commentaries expressed during survey of environmental NGOs, indicate that public informing is usually formalistic and that due care is not taken of its effectiveness. Informing is usually conducted via local printed media which often does not reach the wider public, since these newspapers are not read extensively, because the notification is placed in parts of newspapers which do not attract particular attention of the public or due to size of format of notification in the newspapers' pages which decreases visibility. During conducted interviews with representatives of NGOs, examples were given that some LSUs publish their notifications in newspapers that are not published in the given local self-government, but instead in the neighboring LSU, which is not connected with the proposed project. Thereby effectiveness of public informing and even respect of the Law on EIA (article 29) can be called into question. In general, effectiveness of public participation is highly debatable (compare to requirements of the EIA Directive – article 6, paragraph 4).

Another important issue pertains to public informing via direct notifications. Figure 4-11 shows that the share of direct notifications is almost 50% among LSUs. However it is probable that respondents replied with regards to both cases when public concerned and organs and organizations concerned were informed. Nonetheless received replies indicate towards the share of LSUs which apply direct notification as a method of public informing. Interviews with representatives of LSUs and NGOs show that sending direct notification often depends on two factors in accordance with the definition of the public concerned in the Law on EIA (article 2). First is that concrete organization has to be identified as public concerned and second that such organization recognized as being concerned in terms of EIA/SEA procedure. Such discretion available to the competent authority can come under influence of political and personal interests, due to which certain organizations e.g. those which are closer to local decision-makers, are identified as public concerned, while others are being neglected. Another problem is that due to lack of proper informing NGOs do not have relevant information needed to apply to be registered and (possibilities and ways to be registered). Moreover Figure 4-12 shows that majority of LSUs does not have the registries of organizations recognized as public concerned. Absence of such registries does not necessarily imply existence of a problem, because there are cases of smaller LSUs where there are not NGOs or their activity is negligible. However it is a fact that almost two thirds of LSUs do not have registries, which can serve as a general indicator that more can be done in order to organize institutional mechanisms for identification of the public concerned.

Figure 4-12 presents the opinion of environmental NGOs which is that two thirds of NGOs do not receive direct notifications concerning the EIA/SEA procedure. This additionally calls into question the appropriateness of public informing to ensure effective public participation which is one of the requirements of the EIA Directive under article 6(2). Moreover it should be noted that the majority of NGOs know that they have the right to ask to be regularly informed by the competent authority (Figure 4-13). However what is uncertain is to which extent they are aware of rules concerning registration, when it exists. Without registration, it is possible that competent authority will not send direct notifications nor identify the NGO as public concerned. Although article 2 of the Law on EIA should not be interpreted restrictively, it is a fact that definition of public concerned under law presumes registration by the competent authority. Therefore in practice, absence of registration can lead to a fact that direct notification is not sent to environmental NGOs, even when these are potentially concerned to take part in the procedure.

It should be noted that it is generally difficult to compare and evaluate different methods of public informing. Interviews with LSUs confirm that older population generally does not use internet and that local newspapers, radio and TV are more preferable to them, and also non-formal ways of communication (direct verbal informing). Conversely younger populations uses internet to a greater extent, especially in comparison to the written media. Therefore it is important to adjust public informing to various habits of the general population in terms of informing (modern, as well as traditional). With regard to that, competent authorities need to plan public informing to make it

more effective and not only to reach the legal minimum. More specifically, it is useful to have in mind solutions introduced by Hungary concerning public informing in accordance with local customs and utilization of florescent posters, as is the case in UK (see Chapter 2.4). Furthermore Estonia provides an example of good practice where there is an obligation to publish all documentation online, while in Poland it is mandatory to place notifications on prominent locations and in the vicinity of area where the construction of the proposed object is intended. Therefore these are examples of good practice based on which is possible to achieve higher quality of public informing hence ensuring opportunities for effective participation of public concerned in decision-making in accordance with article 6(2) of the EIA Directive.

Amended EIA Directive (2014) prescribes that informing has to be conducted in a way that it ensures "early and effective" public participation, informing by "appropriate means" with mandatory informing by electronic means and ensuring that "relevant" information are accessible to the public electronically and within reasonable timeframes (article 6, paragraph 2, 5 and 6). Research shows that competent authorities regularly inform the public, however it is debatable if the ways of informing are appropriate i.e. these only serve to fulfil formal requirements instead of ensuring effective public participation. Here it should be highlighted that by reviewing 145 websites of the local self-governments (Table 4-14), an important gap is identified, since databases based on the main log book are not accessible via official LSU websites. Publishing these databases online is a requirement under article 2 of the Rulebook on the content, appearance and method of managing public log books[220]. Except for LSUs, forth-mentioned database also does not exist on the website of the Ministry of Agriculture and Environmental Protection; conversely it exists on the website of the Provincial Secretariat for Urbanism, Construction and Environmental Protection. The Law on EIA also does not contain obligation to inform the public by electronic means and ensure access to information via internet (except for main log book - which is also not respected), although these methods of informing are sometimes already present in practice, especially with regard to TV and radio. When all gathered data in terms of public informing is considered, it can be said that minimum requirements of the EIA Directive are respected. However such evaluation should not disregard previously stated critiques – therefore it could concluded that minimum EU standards are respected, however additional space should left open for different interpretations of the collected data. What is certain is that the existing public informing can be improved, especially in terms of informing by electronic means.

Does your LSU keep registries on NGOs that expressed interest to participate in the EIA procedures?

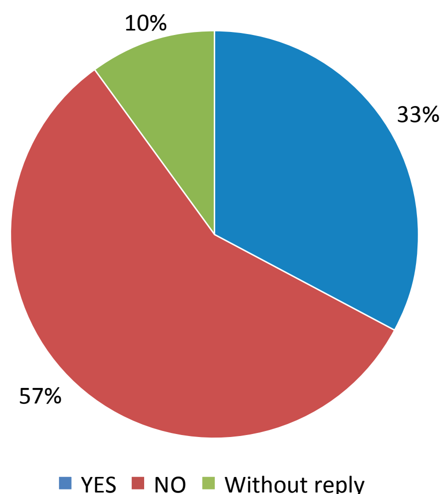


Figure 4-11 Keeping registries on environmental NGOs by LSUs.

220 *Rulebook on the Content, Appearance and Method of Managing Public Log Books on Conducted Procedures and Given Decisions concerning Environmental Impact Assessment* ("Official Gazette RS", number 69/2005).

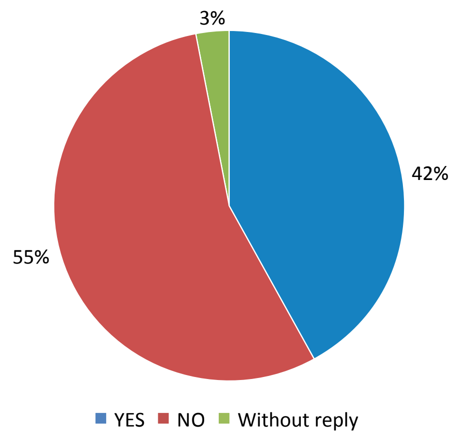


Figure 4-12 Percentage of LSUs that send direct notifications to environmental NGOs.

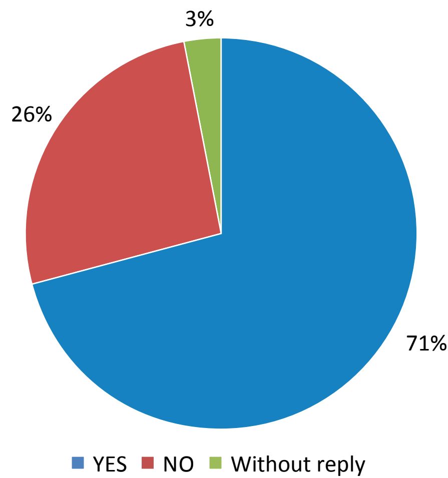


Figure 4-13 Awareness among environmental NGOs about their rights pertaining to EIA/SEA.

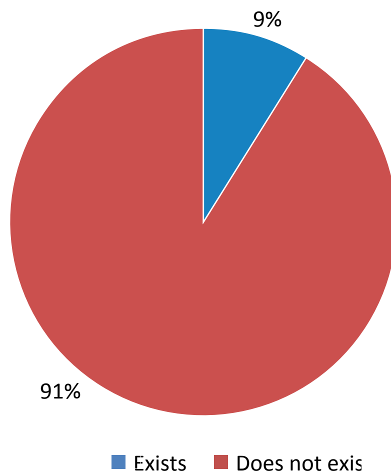


Figure 4-14 Existence of databases based on main log books on official websites of the LSUs pertaining to finalized EIA procedures.

4.3.2. Participation of the Public Concerned

Example of good practice: Environmental assessment of the existing radio-base station in Užice. In 2010 an EIA was conducted for the existing radio-base station placed on the rooftop of the Teacher Education Faculty in Užice. This is a zone of increased vulnerability due to local surrounding objects (faculty, schools, church, military, households and commercial buildings) whose distance from the main site is 100 meters maximum while bearing in mind negative effects of non-ionizing radiation for human health. Following the decision that the EIA is required, public debate was organized in which around 20 citizens participated, including one expert on electromagnetic radiation. Due to influence of the public concerned, technical commission made a decision to return the study to the project carrier for further amendments. It was requested that additional measurement be conducted in terms of radiation and to redirect the signal towards the street between the buildings. Subsequently supplemental measurements were requested which were not included in the initial study. Only after the project carrier fulfilled the forthmentioned requests, the technical commission gave consent for the EIA study.

Table 4-4 shows the number of public debates held and the number of citizens present on these debates in 2012 and 2013 with regard to EIA. The total number of held public debates is almost identical to the number of requests to receive consent for the EIA study (compare with Table 4-1) in accordance with the Law on EIA (article 20). Moreover smaller number of citizens who participated in the public debate in 2013 correlates with smaller number of public debates held in the same time period. Table 4-4 points out very low response at the local level in terms of citizen participation in public debates; during interviews it was also indicated towards generally low participation of citizens in terms of SEA (providing opinion on SEA report). Interviews and surveys also show that there are examples of complete absence of public concerned in EIA public debates, while conversely there are cases of more than average citizen participation such as those in Knjaževac and Užice (see text boxes below)[221] where actually influ-

Example of good practice: Environmental Impact Assessment of the proposed quarry on Jevik in Knjaževac. EIA was conducted for the proposed project to build a quarry on Jevik bed near Knjaževac. The ministry responsible for environmental protection was the competent authority in this case. On a public debate held on 27 March 2014 around 100 citizens were present which is a very large number of citizens to be present, not only in Knjaževac, but for a country in general. Representatives of the public concerned prepared the presentation in which they indicated factual inconsistencies concerning the information provided in the EIA study (inaccurate description of waterways, vicinity of the site to closest settlements etc.). Similar remarks were given on behalf of local authorities. The outcome was that the Ministry of Agriculture and Environmental Protection brought a conclusion to halt the procedure. The main reason to for such decision was unsolved previous issue since the project carrier lost the right of easement for the pertinent site, hence the right to exploitation was refused in the procedure before the Ministry of natural resources, mining and spatial planning. However the conclusion also mentions the outcome of the public debate: "it is concluded that residents and representatives of the municipal assembly of Knjaževac had numerous remarks on the study, as well as the possibility to realize the exploitation of limestone in the given location". Therefore there is a sound basis to assume that one of the reasons why the procedure was halted is due to influence of the public concerned.

221 Data for Užice was received during conversation with the officials of the City administration of Užice on 9 April 2014. Data for Knjaževac was received during conversation with the officials of the municipal administration of Knjaževac on 11 April 2014 and from Conclusion to Halt the Procedure concerning Subject: "Request on the Need to Prepare the Study on Environmental Impact Assessment of the Project for Limestone Exploitation as TGG from Jevik Bed", K.P. 2221/4-8, KO Trgovište, Municipality Knjaževac

enced the decision on the EIA study. Examples of greater citizen participation is also the City of Smederevo in which around dozen citizens participated in public debate in 2013 concerning EIA for the existing facility for non-hazardous waste treatment. Conversely there are examples of public debates such the one held in Prijepolje pertaining to project proposal to construct the hydro power plant on river Lim. However this event was marked by negative atmosphere and culminated with physical incidents after which the procedure was put on hold.[222] Although this case does not represent the widespread practice, it still points out that additional time is required for the principle of public participation to gain full recognition.

Figure 4-15 shows to what extent NGOs participate in the procedure. It can be noticed that more than one third of organizations sometimes take part in the procedure, while almost a half either seldom participate or do not participate at all, while one fifth always or often participate. Figure 4-16 shows the results of the survey conducted by Todić *et al.* on larger sample (59 NGOs), where the question pertained to participation in EIA, SEA and IPPC altogether. Data from both surveys indicate towards tendency that approximately 50% of NGOs seldom or never participates in the decision-making process. The extent of NGO participation is greater than those of ordinary citizens which is a positive tendency, namely that around half of the NGOs are active in consultations. However that is precisely because these are environmental NGOs; their participation level ought to be considerably higher than the general one. Figure 4-17 points out that majority of NGOs are aware that they are recognised as public concerned under the law, therefore other reasons should be searched in order to discover the reasons for their lack of participation.

Table 4-4 Number of public debates and presentations held in LSUs in the decision-making process pertaining to EIA study.

Number of public debates and presentations held in LSUs in the decision-making process pertaining to EIA study				
	LSUs which responded	2012	2013	No reply
Number (total)	145	239	196	0
Average per LSU	/	1,6	1,3	0
Number of citizens being present (participated) during public debates and presentations (on average)				
	LSUs which responded	2012	2013	No reply
Number (total)	145	482	449	
Average per LSU	/	3,3	3,1	

(353-02-272/2014-05). Conclusion is available at: http://eko.minpolj.gov.rs/wp-content/uploads/procena_uticaja/Zakljucak_3Javik.pdf and the new report pertaining to the case on: http://knjazevacinfo.rs/arhiva-vesti/ekologija/7272-kamenolom-%E2%80%93-kamen-spoticanja.html.

222 More information available on: http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=08&dd=31&nav_category=12&nav_id=639275.

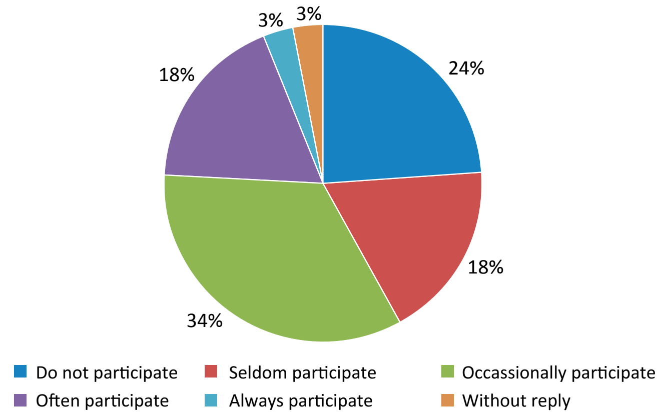


Figure 4-15 NGO participation in the decision-making process pertaining to EIA.

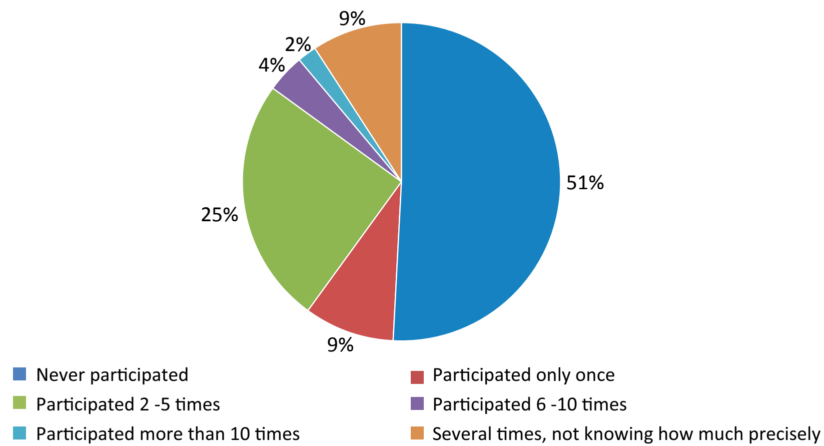


Figure 4-16 Number of cases in which CSOs participated in decision-making pertaining to EIA, SEA and IPPC – from 2009-2012.[223]

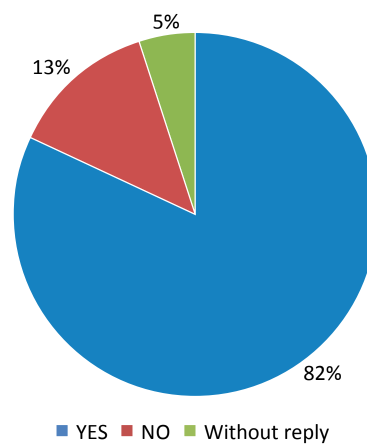


Figure 4-17 Percentage of NGOs that know they are recognized as public concerned under the law in the EIA/SEA procedure.

223 Todić D. Ignjatović M. Katić M. Plavšić P. *The Analysis of the Local Actors' Capacity in Implementing Environmental Policy in Accordance with the European Standards.* Belgrade: European Movement in Serbia, 2012, page 354.

Figures 4-18 and 4-19 show that overwhelming majority of LSUs and NGOs agrees that participation of citizens and NGOs is insufficient. Moreover a more negative evaluation was given by NGOs compared to LSUs. In this study 75% of LSUs evaluated public participation as being insufficient while in case of research from 2011 conducted by EC "Habitat"[224], 82% of LSUs gave such statement. Figures 4-20 and 4-21 show that LSUs and NGOs agree to a considerable degree on the factors behind insufficient public participation. Majority of LSUs and NGOs think that the key problem lies that public lacks relevant information in terms of their procedure and rights to participate. Such opinion is widespread among NGOs while it is in relative majority among LSUs. One third of LSUs think that the cause of insufficient public participation is low interest of the public. This might imply that the main cause for a lack of public participation lies within citizens themselves. Conversely more than a quarter of LSUs see the cause for such situation in a lack of public animation. This can be regarded as a positive tendency since certain LSUs recognize the problem in such a way that LSUs also have responsibility to increase public participation through e.g. citizen animation programmes. Bearing in mind the insufficient level of public participation (see Table 4-4), it becomes evident that citizen educational programmes and promotion of civic activism represent an important and a logical course of action in order to ensure as much information as possible, together with transparency and legitimacy in the decision-making process. It should be highlighted that although EIA and SEA directives do not define obligation to organize educational programmers, Aarhus Convention prescribes that signatory parties shall "promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access justice in environmental matters" [225]. As it was previously mentioned, Serbia ratified and integrated the Aarhus Convention in its domestic law[226], hence previously stated provisions of the Convention are also valid in Serbia's case.

Here it should be mentioned that the results of this research are mainly in line with the results of research conducted by EC "Habitat" [227] for 2011, although there are certain differences. For example, in 2011 more LSUs (43%) saw the causes of insufficient public participation in lack of information, lack of interest (35%), lack of public animation (34%) and more in the way local self-governments conduct their work (6%). By comparing the results of two researches, it can be concluded that there are positive, as well as negative tendencies within the LSUs in both time periods subjected to research. In research conducted by Kroiss *et al.* concerning implementation of the EIA in 10 LSUs, there were comments provided by the representatives of local self-governments that existing time-frames for public participation should be shortened since the public mostly does not participate in the procedure anyway. These comments did not occur in the interviews conducted for the current research. This might serve as an indicator that the awareness of local civil servants increased in terms of the importance of public participation (additional information coming from civil society, transparency, legitimacy of the procedure). However such improvement in terms of local officials' awareness is not possible to identify with outmost certainty due to small samples of the interviewed LSU officials and the fact that different local self-governments were chosen for research purposes in these two studies.

As it was mentioned, NGOs perceive the lack of information within the civil sector as a main cause for insufficient public participation. Conversely NGOs also state other reasons, such as the lack of their own capacities and knowledge especially in case of smaller organizations. One third of NGOs explains the lack of public participation in terms of mistrust towards the local authorities. According to this opinion, NGOs do

---

224 Ecological Centre "Habitat". *Reform of the Local Environmental Policies in Serbia and EU Integrations*. Vršac, 2013, page 82.

225 UNECE *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*. Adopted at the Fourth Ministerial Conference in the "Environment for Europe" process. Aarhus, 25th June 1998, article 3.

226 *Law on Confirming the Convention on Access to Information, Public Participation, in Decision-Making and Access to Justice in Environmental Matters*. ("Official Gazette RS – International Agreements", number 38/09).

227 Ecological Centre "Habitat". *Reform of the Local Environmental Policies in Serbia and EU Integrations*. Vršac, 2013, page 86.

not believe that the local decision-makers will accept their comments and that alterations of the project will actually occur. NGOs also indicated towards lack of awareness and educational programmes of the importance of environmental protection. Some NGOs mentioned that citizens do not want to give legitimacy to the procedure with their presence, since in their view, public debate is only a formality. In addition NGOs mentioned that citizens are sometimes very careful not to enter into conflict with the local authorities (especially in smaller communities) since they often depend on these authorities. NGOs' comments provided within survey and through direct conversation, indicate that LSUs sometimes openly have a negative stance towards the civil society which discourages NGOs to participate in the procedure. Similar comments (formalism when conducting procedure, lack of information, authorities ignoring the public etc.) were reported by NGOs in the research conducted by Todić *et al.*[228], as the reasons not to take part in the procedure. Conversely the paradox of public unwillingness to participate becomes evident when it is observed that based on Figure 4-21, NGOs do not think the Government will protect the interest of civil society without participation of the NGOs. Received replies from the NGOs thus indicate that both variants (participation and non-participation) may involve certain unwanted effects, which in general negatively affects the procedure in terms of diminished amount of information, reduced transparency and legitimacy of the procedure.

Research did not consider the work of the judiciary or access to justice since the focus was primarily on institutional matters and the work of the public (local) administration. However some information with regard to judiciary were collected. In a conversation with a lawyer usually representing the public concerned, it was highlighted that administrative procedures and administrative disputes often discourage members of the public concerned to initiate such procedures. According to this respondent, during administrative procedures public administration authorities are more in favour of the project carriers instead of the public concerned, and if the case reaches the Government as a second-instance authority (when the ministry is competent for EIA), its decision reflects the decision of the ministry. Administrative procedures usually last for a long period of time (which is a general tendency within the judiciary) which also discourages the public concerned. Although this is only one standpoint i.e. final conclusions should not be derived, forth-mentioned information can offer guidelines for further research concerning the relationship between the public concerned in the EIA procedure and access to justice.

Conversely interviews with the representatives of the LSUs indicate that citizen participation if often driven by egoistic motives, instead of a more comprehensive concern for environment and society, that public opinions are often not well-argued and constructive, that public debates often revolve around property issues, that project are being criticised *per se* instead for its likely environmental impact and that there are cases of misuse of the role of NGOs (e.g. project carrier influences the public to work in his or her own interest). Therefore it is important to consider standpoints of both sides and recognize potential similarities between the positions of public and civil sector, precisely since these two sectors are not always polarized in practice. As it was previously stated, opinions of NGOs and LSUs are that public participation is insufficient and that lack of information is the key reason for the existing state. Through synthesis of the collected data it could be said that there are groups both within public and civil sector who do are not prepared to cooperate with the other side (closed administration, citizens who are not concerned), as well as examples that citizens do not have the capacities while the LSU recognizes that and wants to contribute via animation programmes. Therefore it can be said that both LSUs and NGOs "are correct" to a certain point, and that it is recommendable to recognize the opportunities for combined work in order to increase the citizen involvement.

It is important to emphasize the responsibility of local self-governments pertaining to fulfilment of domestic regulation, as well as requirements of the EIA Directive, bearing in mind that they are recognized as one of the competent authorities for EIA under law.

228 Todić D. Ignjatović M. Katić M. Plavšić P. *The Analysis of the Local Actors' Capacity in Implementing Environmental Policy in Accordance with the European Standards.* Belgrade: European Movement in Serbia, 2012, page 363.

With regard to EU standards, article 6(4) is of key importance since it defines that "the public concerned shall be given early and effective opportunities to participate in the environmental decision-making procedures… while all options are open… before the decision on the request for development consent is taken". The request to provide an opportunity for "effective participation" is difficult to determine in exact terms. However the data presented in this Chapter may indicate towards small public participation and somewhat greater NGO participation which representatives of both public and civil sector evaluate as being insufficient (Figures 4-18 and 4-19). Since lack of information is the key reason for such situation, identified by LSUs and NGOs, this problem can be brought into connection with the small opportunities for effective public participation, bearing in mind the significance of informing. In the same way, opportunities for effective participation can be linked to the animation programmes, as well as mistrust expressed by NGOs towards local authorities. However it can also be noticed that public participation, although being rather modest in size still exists, and there are also examples of good practice. Moreover public participation is actually conducted in all three phases of the procedure, before decision on development consent is given and while all options are opened. Therefore in terms of public participation it can be said that minimum EU standards are fulfilled, however it is certainly possible and recommendable to work on the additional improvements by the competent authority with support of the NGOs towards more effective public participation in the EIA.

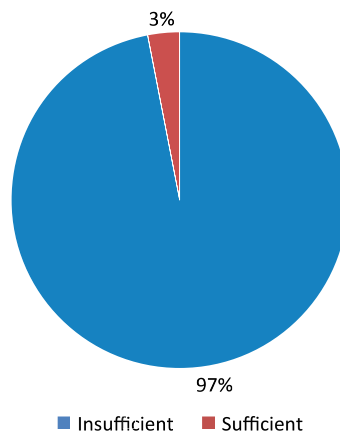


Figure 4-18 Evaluation by NGOs of the current state of public participation in the EIA procedure.

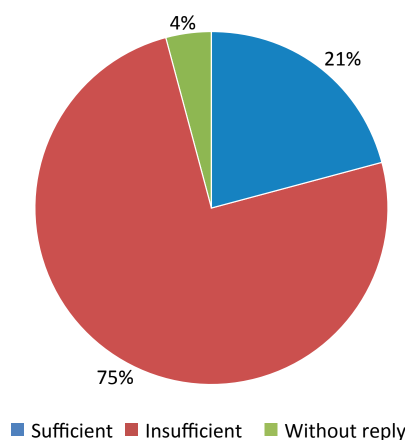


Figure 4-19 Evaluation by LSUs of the current state of public participation pertaining to the EIA procedure.

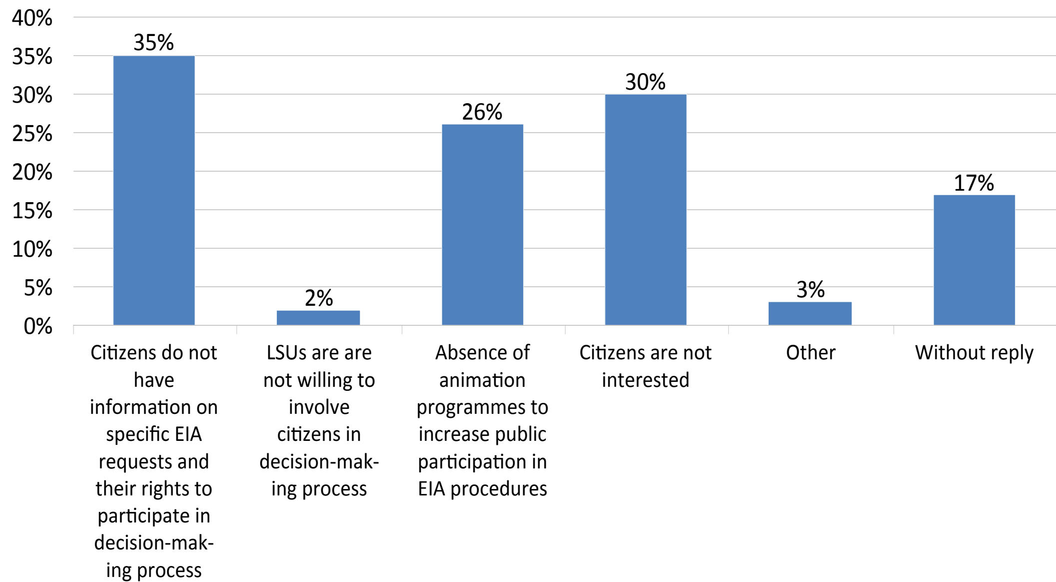


Figure 4-20 Causes of insufficient public participation according to LSU officials.

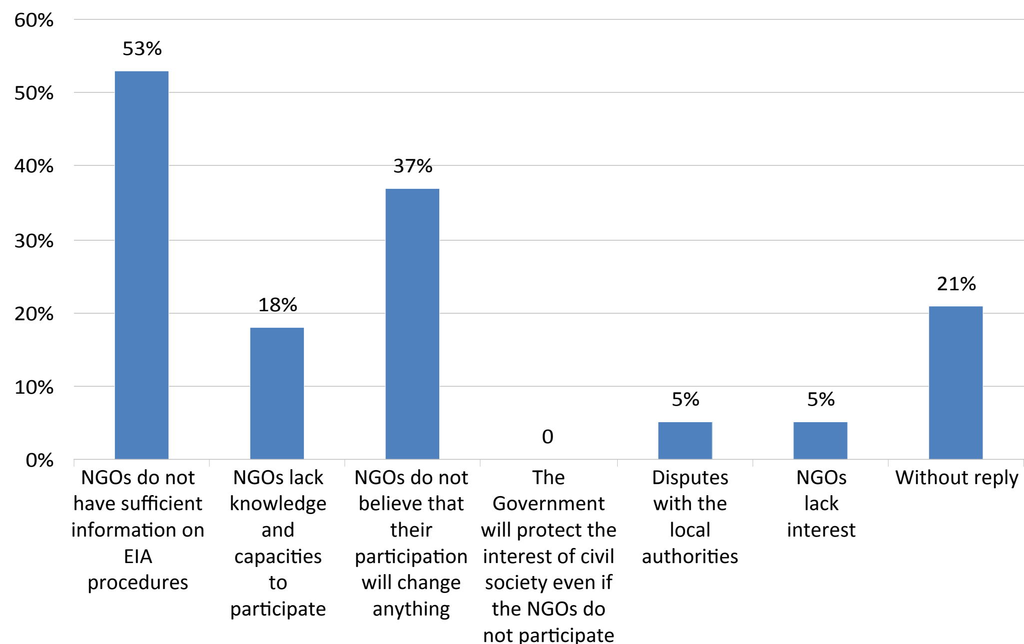


Figure 4-21 Causes of insufficient public participation according to NGO representatives.

4.3.3. Taking Opinion of the Public Concerned into Account

Based on Figure 4-22 it can asserted that LSUs in overwhelming majority accept opinions of the public concerned. However such statement is rather debatable, first-

ly because respondents usually wrote that opinions are being accepted if they are well-argued – something which is actually determined by the competent authority. Moreover Figure 4-23 shows the result of survey of environmental NGOs which stated that in approximately 50% of cases, competent authority did not accept opinions of the NGOs. With regard to this, it should be kept in mind that NGOs actually submitted opinions during their participation in the procedure (Figure 4-24). It should also be pointed out that neither under domestic nor EU regulation does the competent authority have an obligation to accept the opinion of the public concerned. In practice, opinions of the public concerned also do not have to be necessarily be of high quality. Nonetheless presented data can still serve as a general indicator to what extent are public opinions being taken into account.

As it was forth-mentioned, it is debatable to what extend do LSUs accept public opinions. However from presented statistics it can still be argued that opinions are being accepted to a certain extent which can be regarded as a positive tendency. Without the analysis of the concrete cases of submitted opinions and pertinent decisions of the local authorities, it is difficult to determine to which extent exactly public opinion is taken into account, as well as how often submitted opinions are thematic and elaborated. Interviews with the LSU officials indicate that representatives of public concerned often do not submit opinions related to the given subject and these opinions are not well-argued. Conversely NGOs often stated that LSUs ignore or discourage environmental NGOs and citizens to take part in the procedure and submit opinions. Moderate conclusion would be that public opinions are sometimes taken into account, although possibly not in most of cases. Examples of Knjaževac and Užice (see section 4.3.2) show that there indeed are examples of good practice with regard to taking public opinion into account and its influence on the decision taken by the competent authority.

Furthermore here it should again be referred to pertinent legal gaps (explained in detail in Chapter 3.2). Although EIA Directive prescribes that results of the consultations must be taken into account when deciding on development consent (article 8) and that public informing has to involve explanation of how public consultations were considered, neither the Law on EIA nor the LPC contain such provisions. In addition the LPC does not contain provisions that it is necessary to inform the public on the decision to issue use permit which is mandatory under article 9 of the EIA Directive. That is why forth-mentioned legal gaps could negatively influence the practice of taking public opinion into account. Conversely there are examples e.g. Hungary where competent authority (environmental inspectorate within ministry for environmental protection) has to offer legal, factual and professional explanation how public opinion was taken into account.

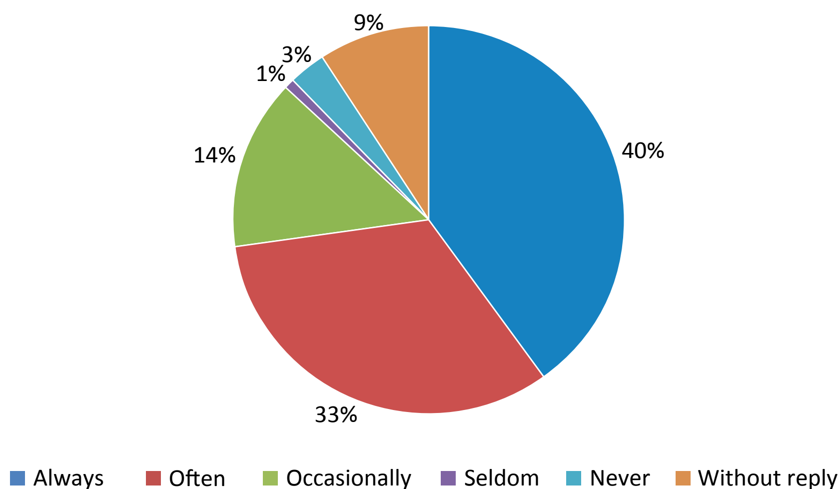


Figure 4-22 Opinion of the LSU officials concerning the extent to which LSUs accept public opinion.

If you submitted remarks, suggestions and opinions pertaining to EIA, did the competent local authority accept these?

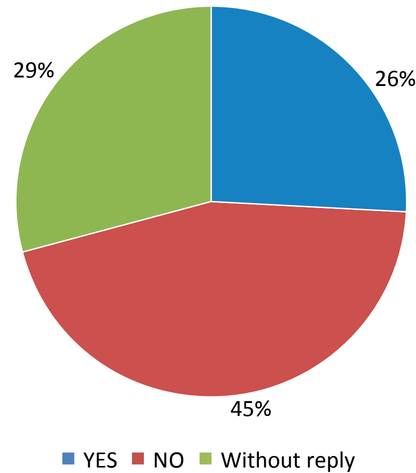


Figure 4-23 Standpoint of the NGO representatives concerning the extent to which LSUs accept public opinions.

If you participated in public debates, did you submit remarks, opinions and suggestions on the content of the EIA studies?

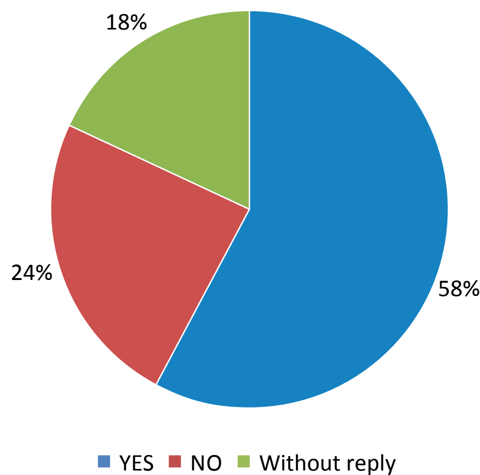


Figure 4-24 Percentage of NGOs which submit remarks, suggestions and opinions on the content of the EIA studies.

4.4. Evaluation of the Criteria concerning Implementation of the EIA Directive

Results of the analysis of the EIA implementation at the local level are summarized in Table 4-5, developed in accordance with the criteria and evaluation method presented in Chapter 2.5. It can be seen that in every section, except the one pertaining to prevention of conflict of interest, LSUs comply with the minimum EU standards, albeit not at a very high level. Criterion pertaining to informing by electronic means can also be evaluated as insufficient. However it is still recognized that a certain share of informing is being conducted electronically, especially via TV and radio. Nonetheless it is certain that in order to fully transpose the EIA Directive, it is necessary to improve informing and accessibility of information by electronic means. As it was mentioned in

Chapter 2.5, the evaluation process included a certain amount of subjectivity, because collected data cannot ensure complete exactness of the analysis. Moreover selected criteria are not the only important ones, but the presumption is that the given criteria are able to depict the current state of implementation of the EIA Directive in Serbia. In that regard Table 4-5 can provide better orientation when deriving final conclusions concerning implementation of the EIA Directive in Serbia at the local level.

Table 4-5 Evaluation of the implementation of the EIA Directive at the local level.

Criteria for evaluating implementation of the EIA Directive	**Source of the Criterion**	**Evaluation method: 1 (lowest) – 5 (highest)**
Existence of the EIA procedure	Article 2 EIA Directive	Exists
Implementation of the EIA procedure	Article 2 EIA Directive	Exists
Appropriateness of the established procedures to comply with the goals of the EIA Directive	Article 3 EIA Directive	2
Prevention of conflicts of interest	Amended article 9a EIA Directive	1
Expertise of the competent authorities	Amended article 5 EIA Directive	3
Expertise of the persons preparing the EIA report	Amended article 5 EIA Directive	2
Taking EIA into account in the development consent procedure	Article 8 EIA Directive	2
Ensuring that measures are taken in order to avoid, prevent, reduce and offset significant adverse environmental effects	Amended article 8a EIA Directive	2
Consultations with the concerned authorities	Article 6 EIA Directive	3
Early and effective informing of the public	Article 6 EIA Directive	2
Informing and accessibility of information to the public by electronic means	Amended article 6 EIA Directive	2
Opportunities for early and effective public participation when all options are open	Article 6 EIA Directive	2
Taking public opinion into account	Article 8 EIA Directive	2

5. Options for Further Institutional Development of the EIA

The research team has identified three options for improvement of EIA implementation in Serbia. They pertain to institutional setting, namely allocation of competences for EIA implementation. The options are as follows: improved current state (option 1); integration of the EIA into the development consent procedure; re-defining competences based on the environmental impact of the proposed project. When reviewing the options, general tendencies of the institutional development will be presented in terms of EIA implementation. The detailed measures which could be undertaken in order to improve EIA as well as SEA can be found in Chapter 6 (Conclusions and Recommendations).

Following the adopted method of identifying criteria and evaluating implementation of EIA Directive, three options are presented in Table 5-1. In comparison with the previously presented matrices here an additional criteria „political feasibility" upon which the possibility for actual realisation of the given option is based. As with the previous matrices, 5 is the highest and 1 the lowest mark indicating that in that case even the minimum standards of the EIA Directive are not met. During evaluation process improvements resulting from at least some of the measures suggested in Chapter 6 (Conclusions and Recommendations) were taken into account. That is why every option, including option 1 has a better rank when compared to the existing situation presented in Chapter 4.4.

Table 5-1 Comparing the options for improved EIA implementation at the local level

Criteria for evaluating implementation of the EIA Directive	Option 1 – improved current state	Option 2 – integrated model	Option 3 – new allocation of competences
Existence of the EIA procedure	Exists	Exists	Exists
Implementation of the EIA procedure	Exists	Exists	Exists
Appropriateness of the established procedures to comply with the goals of the EIA Directive	3	4	5
Prevention of conflicts of interest	3	3	4
Expertise of the competent authorities	3	3	4
Expertise of the persons preparing the EIA report	3	3	4
Taking EIA into account in the development consent procedure	4	5	4
Ensuring that measures are taken in order to avoid, prevent, reduce and offset significant adverse environmental effects	3	3	4

Consultations with the concerned authorities	4	4	5
Early and effective informing of the public	3	3	4
Informing and accessibility of information to the public by electronic means	3	3	4
Opportunities for early and effective public participation when all options are open	3	3	3
Taking public opinion into account	3	4	4
Political feasibility	4	3	2

5.1. Option 1 – Improved Current State

Option 1 would imply keeping the existing competences where the authority competent for environment remains responsible for EIA procedure and the exact competence is determined in accordance with the established competences for issuing construction permits. However within the context of existing competences certain reforms would be possible. One of them is to establish a monitoring system pertaining to the EIA procedure which would be conducted by the national authority. Local self-governments would have an obligation to periodically report to the national and provincial authorities on how they conduct their work and make decisions. In that way it would become clearer where the potential problems are concerning EIA implementation. That would enable national and provincial authorities to act more effectively and based on the collected data from the local level, suggest recommendations for institutional reforms within the policy making cycle. Moreover further efforts would be invested in straightening capacities, e.g. training officials and recruitment of persons being most fit for civil servants responsible for EIA, based on his or her expertise; the same would apply to environmental inspectors. The expertise of the persons responsible to prepare the EIA study would also be enhanced by envisaging specific licences as a necessary condition to be eligible to prepare the EIA study. The problem pertaining to the conflict of interest would be resolved by allocating the responsibility from the local level to the republic/provincial level in case when local self-government is simultaneously developer. Conversely the general division of responsibilities would remain in accordance with the existing competences to issue construction permits.

In this option, EIA still exists as a separate procedure from those pertaining to construction and use permits. Specific person responsible for environmental protection in separate organisational units would be in charge of the EIA procedure. Additional efforts would be invested into strengthening of the capacities in terms of sufficient number of qualified personnel for conducting EIA procedure, as well as for inspection. However only average results could be expected under presumption that improving current capacity levels would require considerable investments on behalf of local self-governments. Conflicts of interest would be prevented or decreased by allocating the competences from to local to republic (national) or provincial level in case local self-government is simultaneously developer. However indirect pressures on behalf of local political factors and investors would still exist for other projects. This is connected with the fact that local self-governments would continue to give strong emphasis on facilitating investments while not necessarily taking environment into account and also due to special political and economic interests. The expertise of the competent authorities would be improved due to greater investments into capacity-building. However the expertise would not increase above average level due to costs and lack of experts especially in smaller local communities. The expertise of the persons re-

sponsible for preparing the EIA study would be enhanced due to existence of specific licences for conducting such activity. Enhanced capacities of the civil servants would ensure that the studies are better evaluated which would have a positive influence on the recruitment of persons responsible for the preparation of the study. EIA would be taken into account to a greater extent, as a result of the new legislative amendments. These amendments would introduce better referencing between laws, especially referencing towards the Law on EIA in the Law on Planning and Construction, while correcting existing incoherencies and inconsistencies (e.g. provisions concerning the work of technical commission for review of objects). In addition the monitoring mechanisms would pertain to the work of organisational units and persons responsible for construction permits; this kind of pressure would also lead to increased level of EIA consideration in the procedure related to construction and use permits. Improved personal and technical capacities would also have a positive effect on cooperation with concerned organs and organisations. Informing of public, its participation and taking into account the opinion of the public concerned into account when issuing final decision would also be improved due to enhanced means of informing (e.g. internet, direct notifications) and training for civil servants for better cooperation with the public concerned, as well as campaigns for citizen animation. However more significant changes would not occur, at least not in a short and medium-term period. This is due to presumption that additional time and education programmes are required in order to both increase the readiness of the civil servants to consult with the public concerned, as well as for citizens to fully understand the importance of public participation in the EIA procedure. The political feasibility of the option 1 could be estimated to be very high. That is because the institutional setting of this option is already established and pertinent reforms would be of lower intensity and occurring gradually. For these kind of reforms significant political will not be required on behalf of national, provincial and local decision-makers.

5.2. Option 2 – Integrated Model

The key feature of such institutional arrangement would be the unity of regulations and EIA procedures and those pertaining to construction and use permits. That would be accomplished by integrating the provisions of the Law on EIA and pertaining bylaws into the Law on Planning and Construction and its bylaws. During this integration, special intention would have to be allocated towards proper referencing between the new unified regulation and others such as the Law on Protection from Ionising Radiation and Nuclear Security or in case of *lex specialis*. It is also possible to imagine a more comprehensive system that would also comprise other permitting procedures (IPPC, Seveso etc.). This variant would have many similarities with the Austrian example (see Chapter 2.4) – with a note that in Austria local self-governments are not responsible for EIA. Option 2 would presume existence of a single organisational unit responsible for issuing permit for project realisation, which would be determined as a legal obligation. In order to ensure that such organisational unit truly takes the environmental issues into consideration, it could also be possible to retain a separate person or organisational unit responsible for providing or refusing its consent on the EIA study. Such solution would be somewhat similar to the current SEA procedure. Moreover the competence would still remain on the existing level and it would be determined based on the competence for issuing construction permits (based on articles 133 and 134 of the Law on Planning and Construction).

Option 2 would have more adequate procedures when compared to option 1. Bearing in mind the existing fragmentation of competences and procedures, the outcome of option 2 would be greater rationalisation of use of the existing capacities combined with their further improvement. Concerning the conflict of interest, the situation would be similar to option 1. Hence implementation of the EIA Directive would be average, improved by fact that certain projects would be transferred to the level of Re-

public/ministry in case when local self-government is also the developer. The monitoring mechanisms would also lead to a greater objectivity in work however potential pressures on behalf of developers would still be a possibility. The expertise within competent authorities would be of same level as in option 1 since the capacities would develop at the same pace. In option 2 persons competent for EIA procedure would work together with persons responsible for construction and use permits. The expertise of the persons in charge of preparation of the EIA study would also be improved and elevated on average level. With regard to taking EIA into account during development consent procedure the status would be above average and better compared to option 1. The reason is the integrated approach, due to greater interconnection and coherence between different tasks and procedures connected with development consent (including EIA) would lead to greater consideration of significant environmental effects of projects when making the final decision. The only exception could be the existence of independent persons or organisational units responsible to decide granting consent for the decision concerning EIA study. That would represent a second sub-option in case when the risk in the integrated approach is too high in terms of priority setting in which environmental concerns may not be at the very top. Ensuring compliance with conditions determined within EIA procedure would be on the same level as with option 1 and on somewhat higher level compared to the existing state, due to further strengthening of the local capacities. Cooperation with the concerned organs and organisations would continue to improve and evolve above average level. Similar to option 1 public informing and public participation would gradually improve with a distinction that the opinion of the public would probably be taken into account to a greater extent due to greater integrity of the entire procedure. However the political feasibility of the option 2 would be on average level since this kind of institutional reform would require greater political efforts, within context where the current EIA system exists for ten years, with separate procedures and established experiences and expectations from different stakeholders.

5.3. Option 3 – New Allocation of Competences

Option 3 would also entail further reforms in terms of capacity-building, establishing monitoring mechanisms and preventing conflicts of interest and other measures, as with other options. The uniqueness of option 3 in comparison to options 1 and 2 is that it involves a different approach towards allocation of competences for EIA. Instead of current criteria based on which the competence for EIA is determined according to the competence to issue construction permits, the new scheme would be based on significance of likely environmental impact the project might have, due to its nature, size or location. Prior to introduction of the new responsibility scheme, a prior comprehensive analysis would be conducted in order to link projects types with their potential significant environmental impacts and adverse effects. Based on the results of the analysis, new competences would be assigned or the old ones retained. Such analysis would also include assessment of the capacities of the existing competent authorities, particularly local self-governments.

Depending on the nature, size and location of the project, as well as the capacities of the particular local self-government, responsibility for EIA would be determined. In case project carries very serious potential environmental impacts (e.g. realisation in the vicinity of the protected natural sites - natural reserves, protected habitats etc.) the responsibility would be allocated to the ministry or to the provincial secretariat responsible for environmental protection. The importance of such institutional reforms is that it would lead to a more rational allocation of responsibilities for EIA while utilizing the available resources of the public administration and avoiding the risks pertaining to significant adverse environmental effects.

In option 3 procedures would be at the most optimal level compared to current situation since its introduction would include prior analysis of the existing capacities of the competent authorities, as well as possible environmental impacts of projects, bearing in mind their nature, size and location. Moreover as with options 1 and 2 the process of strengthening personal, administrative and technical capacities of the competent authorities would continue. Prevention of the conflicts of interest would be more effective. That would be the case not only because the competence for EIA would be separated from competent authorities who are at the same time acting as developers. The new allocation of competences would also take into account the request that that projects with significant possible environmental impacts are allocated to authorities most adequate for that responsibility, including *inter alia* smaller risk that the decisions will be made at the expense of the public interest. It could be expected that in option 3 expertise within competent authorities would be greater since the allocation of the responsibilities would take into consideration that criteria as well, combined with the general capacity-building. The expertise of the persons responsible for the preparation of the EIA study would be somewhat higher compared to option 1 and 2. This is because competent authorities with appropriate capacities (to particular project type) would in the condition to make better decisions due to which the firms specialised in preparation of the EIA study would be under pressure to improve the quality of their services. Except for that, the expertise of the persons responsible to prepare the study would be improved, if special licences for preparing the EIA study were introduced. In case of option 3, the results of the EIA procedure would be taken into account to a lesser extent compared to option 2 and at the same level as with option 1. The reason is that option 3 would include existence of the separate EIA procedure in relation to procedures for issuing construction and use permits. Therefore it can be presumed that in this case there would be risk from insufficient cooperation between authorities responsible for these different procedures. Due to more adequate utilisation of capacities, it can be presumed that surveillance mechanisms would function better and that implementation of the measures envisaged by the EIA procedure would be more effective. Due to better organisation and capacities, cooperation with interested organs and organisations would be on higher level compared to options 1 and 2.

When considering public participation the possibility should be taken into account that in case of the project with more significant environmental impact, the ministry and provincial secretariat would be assigned with greater responsibility, including those currently being under local responsibility. Such condition would have a potentially negative effect on the quality of public informing and its participation, because local environmental NGOs and citizens would have difficulties to consult the competent authority which is geographically more distant, despite further IT development. Possible solution for this problem would be to retain the responsibility at the local level in terms of public participation (public debates, public reviews etc.). In any case, it should not be expected that public participation would be more effective when compared to options 1 and 2. In terms of public informing, the situation would be somewhat better because the competent authority would be able (due to better capacities) to improve the system of public informing. In case the national or provincial authority is competent for particular project at the local level, informing could be conducted by LSUs, as is the case in Hungary (see Chapter 2.4) or together with national and provincial authorities. The public opinion would be taken into account to the same extent as it the case with option 2. The reason for that is that option 3 would have more adequate capacities, but in contrast to option 2, it would not have an integrated procedure for issuing project permits, hence increasing the risk that the results of one procedure (EIA) would have less importance during the implementation of another procedure (issuing constriction and use permit) despite their connection.

The greatest drawback of option 3 is of probability of its political feasibility. Up until now there were no clear signs that such comprehensive reform in terms of competences is under consideration. Specific problem with option 3 is that it would presume potential allocation of competences, especially from local towards national and pro-

vincial level while in case of option 2 procedures and pertinent civil services would merge at the same (local) level.

When comparing previously mentioned options, it would seem that option 3 is the most preferable one, while option 2 is somewhat better solution compared to option 1, especially with regard to taking EIA into account when issuing construction and use permits. However although not directly linked with the quality of the EIA procedure, political feasibility is the important criteria of specific value. When taking the view from this more „realistic" perspective it becomes vivid that option 1 is the actual solution to be placed under the spotlight, at least within short and mid-term period. In the long-term period, option 3 becomes a solution worthy of attention. Option 2 could be considered as a solution in case option 3 turns out to be unfeasible. Conversely it would not come into effect since it does not offer too many advantages in relation to option 1 in order to be justifiable solution, bearing in mind the context in which the EIA institutional framework already exists.

6. Conclusions and Recommendations

6.1. Overview of the Conducted Research

Study pertains to the research problem of implementation of the EU EIA and SEA Directive in Serbia with two identified research goals: first, to determine the existing conditions of the functioning of the institutions in terms of the EIA/SEA and second, to determine the existing conditions in terms of public participation in the EIA/SEA procedures (see Chapter 1). In accordance with the research framework defined in Chapter 1.2, data was collected via quantitative and qualitative methods including a survey of civil servants from 145 local self-governments. Following the analysis of the EIA and SEA Directive and presentation of examples of EIA and SEA implementation in EU Member States (see Chapter 2), additional criteria were defined based on which it was possible to evaluate the EIA implementation particularly at the local level and gain basic insights into the SEA implementation. Forth-mentioned criteria comprise: existence of the EIA procedure; implementation of the EIA procedure; appropriateness of the established procedures to comply with the goals of the EIA Directive; prevention of conflicts of interest; expertise of the competent authorities; expertise of the persons preparing the EIA report; taking EIA into account in the development consent procedure; ensuring that measures are taken in order to avoid, prevent, reduce and offset significant adverse environmental effects; consultations with the concerned authorities; early and effective informing of the public; informing and accessibility of information to the public by electronic means; opportunities for early and effective public participation when all options are open; and taking public opinion into account.

Identified criteria are not exhaustive. They are established in order to identify and evaluate key EU requirements concerning institutional mechanisms and public participation, bearing in mind that new requirements occurred due to amendments of the EIA Directive in May 2014 after most of the research was already finalised. Following identification of the mentioned criteria, partial analysis of harmonisation between Serbia's regulation with the EU regulations was conducted (Chapter 3) in order to gain broader insights about the context in which implementation of the EU standards is conducted. Subsequently analysis of the collected data with regard to implementation of the EU EIA and SEA standards was conducted (Chapter 4).

Research shows that transposition of the EIA and SEA directives and implementation of its standards were largely accomplished however certain harmonisation and implementation gaps are identified. Hence additional space for improvement of implementation of the EU requirements is certainly exists. In case of harmonisation, provision on the environmental assessment on certain natural and social factors defined under article 3 of the EIA Directive (2014 amendments) is incomplete because the article 2 of the Law on EIA mentions adverse effects, while the EIA Directive mentions a wider notion of "significant" effects which are to be assessed. The time-frames for filing requests to decide on the EIA study are too long (one year – article 16 of the Law on EIA) and there are no time limits to file request for scoping phase while time-frames for project realisation after receiving consent for the EIA study are also too long (2 years – article 28 of the Law on EIA) due to which the compliance with the article 8a,

paragraphs 5 and 6 of the EIA Directive is brought into question (temporal adjustment between EIA and development consent). Furthermore there are no guarantees that the public will have 30 days to participate in the EIA decision-making which is an obligation under amended article 6(7) of the EIA Directive. There are incoherencies and inconsistencies between the Law on EIA and Law on Planning and Construction (article 156) concerning the work of technical commission for review of objects, as well as general lack of referencing towards EIA in the LPC which might bring respect for article 8 of the EIA Directive into question (taking the results of EIA into account in the development consent procedure) and the principle of integrity as a whole. There are no mechanisms for conflict prevention in a way that it is envisaged in the article 9a of the EIA Directive. Provisions related to public informing on the EIA screening decision (article 10 of the Law on EIA) is not clear enough, because there is no obligation for the competent authority to provide reasons, as it is prescribed by the amended article 4(5) of the EIA Directive. There is no provision on public accessibility of decision on development consent and explanation concerning how the consultations with the public concerned were taken into account in development consent procedure which constitutes an obligation under amended article 9 of the EIA Directive. There is no obligation to inform the public and make the information available electronically. With regard to SEA, the key gap in the Law on SEA in comparison with the SEA Directive, is non-existence of provision which would ensure that the competent authority will inform the public on SEA screening decision for plans and programmes falling under article 5(2) of the Law on EIA which is obligatory under article 3(7) of the SEA Directive. Therefore it is clear that the identified problems need to be corrected by amending the existing and introducing new provisions, so that domestic regulations become completely compatible with the EIA and SEA directives.

In terms of EIA and SEA implementation, research shows that the standards of the EIA and SEA directives are mainly being respected although on a minimum level. The EIA and SEA procedures are established and are being implemented. The appropriateness of the established procedures is on the low level, primarily due to small number of civil servants responsible for environmental protection (average 1-2 expert associates in LSUs), duplication of functions (which overburdens existing capacities) and difficulties in terms of technical (computers, vehicles) and administrative capacities. However although being on the low level, the established institutions are still appropriate enough to be compatible with the minimum standards of the EIA Directive.

Problems with the existing procedures in terms of EIA can be associated with the way in which the relevant legislation was adopted. During preparation of the EIA and SEA legislation, the overwhelming majority of the LSUs and NGOs did not participate. That is particularly worrying, bearing in mind that most of EIAs are conducted by the local self-governments. What is somewhat surprising, is that in the policy-making process concerning procedure that envisages public participation, such participation did not occur to a significant extent. Another deficiency of the existing institutional solutions lies in a fact that the competences for the EIA were determined based on the competences for issuing construction permits, instead on possible impacts which the project might have on the environment. Allocation of the competences based on estimated possible significant impacts and adverse effects would be important, because projects with more serious estimated impacts would be allocated to the competent authority which has better capacities to conduct the procedure. Thereby the risk that significant effects are not identified, estimated and evaluated would be avoided. Therefore it can be said that there are many deficiencies in terms of the established procedures, capacities and ways in which the competence were established. However it can still be said that the minimum EU requirements are being respected, since LSUs have the capacities designated for EIA and SEA activities, the procedures are conducted and pertinent decisions taken.

The main problem pertains to conflict of interest which is the only criterion which at this point is not respected even on a minimum standard level set by the EIA Directive. Certain comments from the public and civil sector point out pressures coming from key decision-makers and investors. This situation is particularly a cause for concern in

case when the local self-government is simultaneously project carrier (developer) since there are not institutional solutions based on which it is possible to prevent the conflict of interest – which is obligatory according to amended article 9a of the EIA Directive. Doubling of functions especially between expert associates and inspectors can also lead to conflict of interests, because in this case, the quality of surveillance deteriorates, since it is the same person who conducts these functions, leaving the possibility for misconduct or irresponsible behavior (due to e.g. adverse influences of developers – regulatory capture). Moreover majority of LSUs does not have any specific organizational units competent for environment which within context of two procedures (EIA and procedures for issuing construction and use permit) and insufficient compatibility between the Law on EIA and the LPC can lead to conflict of interest. This is because the urban development or another sector can set as a priority other policy areas thus neglecting environment. Although it can be asserted that in the long-term period taking EIA results into account is in accordance with the development, in the short and medium-term period the importance of environmental protection does not have to be recognized as such by civil servants who do not deal with environmental issues. Therefore a certain degree of risk concerning conflict of interest may occur. Some of the commentaries of the interviewed LSU officials precisely indicate towards conceptual misunderstandings in cooperation between the persons responsible for EIA and persons responsible for procedures pertaining to construction and use permits.

With regard to expertise, persons who prepare the EIA study and those who evaluate it and are responsible for other phases of the procedure (screening, scoping etc.) meet the minimum requirements of the EIA Directive under article 5 (paragraph 3, point a and b). It is estimated that the experts within competent authority, as well as independent experts meet the minimum EU standards, because these are usually persons with relevant specialization (natural and technical sciences) with sufficient experience. However this expertise is still only close enough to conduct EIA. During interview with representatives of a firm responsible for preparing EIA study, it was also pointed towards misuses in terms of who the member of the technical commission will be which may also be related to consultants' fees for such participation. An issue of consultants' fees is connected with the total developers' costs for the procedure. Here a more serious problems can appear. Since every LSU determines its own price for the procedure, in context of the ongoing economic crisis, this can lead to a rise of harmful competition to attract investments regardless of the long-term sustainability of these projects. Finally during interviews, the EIA study preparers were frequently subjected to criticism due to insufficient quality of the EIA studies, and in some cases lack of evidence-based statements.

Respondents from local self-governments generally indicated that they cooperate with concerned organs and organizations especially with neighboring LSUs, sub-municipal local communities, Institute for Nature Conservation, Institute for Protection of Monuments etc. Local self-governments also exchange opinions with the ministry and provincial secretariat responsible for environmental protection, especially concerning the screening phase. However it can hardly be argued that the situation is equivalent in all other LSUs, particularly because research indicates that around half of LSUs send direct notifications both to public concerned and other concerned parties all together. In addition there is no obligation to inform specific authorities for whom it can be presumed that they would be concerned. Therefore it is appropriate to derive a conclusion that implementation of the EIA Directive in this regard is on average level.

Respondents from local self-governments mentioned various situations, from those where EIA results were taken into account by the authorities responsible for use permit, to those where there was insufficient communication between authorities responsible for EIA and for issuing use permits. Difficulties were particularly emphasized with regard to participation of persons ought to be appointed by the authority responsible for environment in the work of the technical commission for review of objects because the responsible authority does not always receive information concerning activities of the commission. Moreover article 156 of the LPC envisages more rigid

conditions than article 31 of the Law on EIA. In general there is absence of referring towards the Law on EIA in the LPC which creates risk that persons responsible for issuing construction and use permits disregard the EIA results. Therefore it can be said that there are certain legal gaps in this regard. However minimum requirements of the EIA Directive are respected, although further research should certainly be conducted in order to derive definitive conclusions.

The criterion with regard to obligation of the Member States to ensure implementation of the prescribed conditions to avoid, prevent, reduce and offset significant adverse environmental effects were approached primarily from the perspective of surveillance mechanisms. Interviews (with representatives of public and civil sector) and survey sent to LSUs point out small number of environmental inspectors (1-2 on average per LSU), lack of technical capacities as well as objections towards the quality of surveillance. Nonetheless existence of environmental surveillance mechanisms was identified, existence and functioning of surveillance mechanisms were identified, as well as the efforts of the inspectors to ensure that environmental conditions determined within EIA procedure are respected on behalf of developer. Therefore with regard to this criteria it can be said that minimum EU standards are being respected although there certainly is additional space for further improvements of the existing situation.

With regard to public informing and participation, research indicates both towards positive and negative tendencies. It is commendable that all LSUs conduct some sort of public informing. However criticisms from civil society indicate that this informing is usually formal in nature, made only to fulfil the legal obligation. In most cases informing is conducted through written media however it does not occur in one third of LSUs. Around half of LSUs inform the public via television and radio while the internet share is 12%. Only 9% of LSUs hold data bases on conducted procedures on official websites although it is obligatory according to EIA regulations. Moreover according to the amended article 6(2) of the EIA Directive, it is mandatory to inform by electronic means. Therefore current informing via TV, radio and internet needs to be further improved. Data received from LSUs refer to very low citizen participation in public debates – around three persons on average per public debate. Both LSUs and environmental NGOs agree that public participation is insufficient and both sides refer to insufficient informing as the main cause for the given situation. It should also be noted that many LSUs recognize the importance of citizen animation. However difference in opinions between two public and civil sector also exist. Considerable number of LSU representatives think that the cause of the problem is lack of citizens' interest. Conversely environmental NGOs refer to "apathy" or lack of public participation, not because of lack of interest, but instead because of the discouragements, fear from authority and refusal to give legitimacy to the procedure by taking part in it. Although the standpoint of LSU officials is that in most cases public opinions are accepted, the opinion of the NGOs is that these actually are rare occasions. Moreover most of environmental NGOs deliver its opinion on public debates. It can be noticed that representatives of public and civil sector have points of agreement, as well as disagreement concerning public participation and taking public opinion into account. A moderate conclusion would be that the current public informing, public participation and expressed public opinions are taken into account sufficiently enough to be in accordance with the minimum provisions of the EIA Directive (articles 6 and 8) however that additional improvements are possible and preferable especially concerning public informing by electronic means.

In this study three options were considered (see Chapter 5) which may have overarching influence over the future EIA implementation: retaining the existing competences with additional improvements of the current system; integrating EIA procedures with those pertaining to use permits including integration of institutions and capacities; new division of competences based on possible environmental impacts of the proposed project instead of being based on competences for issuing construction permits. By comparing three mentioned options, it can be concluded that in a short-term period, first option is the most feasible one, since it already exists for ten years and additional reform efforts would not be significantly challenging. In a long-term period

the third option would be the most preferable solution, primarily since the competence for EIA would be in accordance with the scale of the potential environmental impact of project and the capacities of the competent authorities (national, provincial and local). As for the second option, it is estimated that although containing positive features, the reform efforts would be too high compared with the benefits, and especially when compared with first and third option.

6.2. Recommendations

The main drawbacks in terms of implementation of the EIA Directive in Serbia pertain to conflict of interest prevention, relationship between EIA and use permit procedure for proposed project and utilization of electronic means to inform the public. As it was mentioned previously, considerable number of other problems also exist concerning implementation of the EIA Directive, but these three areas are of crucial importance in order to safeguard respect of minimum EU standards concerning implementation of the EIA Directive, particularly at the local level.

Key recommendations for improvement of the current state can be summarised in the following:

- Allocating responsibility from local to national and provincial level in case when local self-government is simultaneously competent authority and developer. This kind of suspension of allocated responsibilities would not be permanent; it would only occur in specific cases when the possibility of conflict of interest is very high;

- It is important to adjust the Law on Planning and Construction with the Law on EIA on several issues.

➢ It is important to adjust article 156 of the Law on Planning and Construction concerning the qualification of persons who can participate in the work of the technical commission for review of objects to ensure that the conditions envisaged by the EIA study and pertinent decision on the study are fulfilled. In that sense, two options are possible. One is to accept the provision of the article 156 of the LPC according to which persons who participate in the work of the technical commission for review of objects must have the licence for the authorised designer. Another option would be to accept less strict requirements for participation in the technical commission for review of objects in accordance with the article 31 of the Law on EIA. Possible solution would be that in short-term period, provisions of the article 31 of the Law on EIA are accepted in order to ensure a sufficient number of eligible persons appointed by the authority responsible for EIA to be constantly available to take part in the commission and ensure that conditions set in the EIA procedure are met by the developer. In the long-term period, subsequent amendments of the LPC and Law on EIA should establish obligation to have a licence of the authorised designer for participation in the technical commission for review of objects, in order to safeguard the quality of work. This suggestion is adequate only in case where there are enough persons available who possess the licence of authorised designers, because otherwise there is a risk that there would be a capacity shortage;

➢ In article 156 of the LPC an obligation should be introduced that the authority responsible for issuing use permit has to inform the authority responsible for EIA about the activities related to the technical commission for review of objects. This would ensure that the authority responsible for EIA could appoint a person to participate in the commission in accordance with the article 31 of the Law on EIA;

- Except for the before mentioned articles, general referencing between LPC and Law on EIA should be improved particularly referencing towards Law on EIA in the LPC. In accordance with that, it is important to refer to EIA and Law on EIA in articles of the LPC pertaining to the procedure for issuing use permit (articles 154-156 and 158); e.g. the results of the EIA procedure will be „taken into account“ during the use permit procedure and that conditions determined in the EIA study and decision on the study have to be integrated into the project proposal prior to issuing the use permit. Moreover reference should be made towards EIA in articles regulating procedure for issuing construction permit (article 135-137) and content of the location permit (article 55) which precedes development of the general and conceptual stage of the project proposal. Referencing towards EIA in the location permit would decrease the risk that EIA is not conducted or that it is conducted only subsequently. Referencing towards EIA in the procedure pertaining to construction permit would decrease the risk of developer failing to fulfil his or her obligations related to conditions determined in the EIA procedure during the construction of the object. Moreover a potential situation would be avoided where already made omissions in constructed object have to subsequently be rectified in the use permit procedure;

- In order to adjust the work officials responsible for EIA with those responsible for issuing use permit, it is important to organise additional training programmes on local, as well as national and provincial level for the purpose of awareness-raising on the importance of EIA, principle of integrity and obligations related to accession process and methods in which EIA can be successfully taken into consideration when issuing the project permit. It is important emphasize practical examples how EIA can be a useful tool to achieve positive environmental, economic and social effects e.g. the example of extension of the Blind airport in Denmark (see Chapter 2.4);

- In LPC and/or Law on EIA it is important to establish an obligation to inform the public about the final decision concerning the project proposal, including provision of reasons on how the consultations with the public concerned were taken into account in the development consent procedure;

- Shorten the time limits to apply for the EIA study consent, as well as time limits to start with the realisation of the project;

- Establish an obligation under law, that at least 30 days for consultations with the public concerned shall be ensured by the competent authority (delivering opinions, public review and public debate);

- Establish under Law on EIA an obligation that reasons for screening decision should be made available to the public;

- It is important to introduce legal obligation to inform the public electronically and make all relevant information referred to in the article 6 of the EIA Directive available electronically. Electronic means would at least include television, radio and official internet portals of LSUs, and

- Establish legal obligation to inform the public on SEA screening decisions for those plans and programmes where such possibility exists.

Moreover additional recommendations could be made in order to improve implementation of the EIA and the SEA. These recommendations are important to consider in order for Serbia to strategically adapt to the EU law in the long-term period, bearing in mind its dynamic nature. Therefore it is important to be prepared in advance whenever possible, especially with regard to financing. It is also important to consider general benefits of implementing EIA and SEA with regard to health preservation and prevention or decrease of negative externalities.

When considering institutional mechanisms and capacities, following recommendations can be made:

- Improve the existing policy-making process concerning environmental protection. That would entail wider consultations with various stakeholders (e.g. local self-governments, environmental NGOs etc.). In that regard, recent adoption of Directions of the Government of the Republic of Serbia[229] for Inclusion of the Civil Society Organisations in the Decision-Making Process is a positive step. These directions envisage four levels of CSO participation: informing[230], consulting[231], inclusion[232] and partnership[233]. Generally the tendency should be to strive towards fourth level of public participation, however gradually, in order for both public and civil sector to adapt to higher share of responsibilities that would be allocated to CSOs. It is also important to improve coordination in the environmental policy-making process, so that enacted legislation could be coherent and consistent with other legislation. Better policy-making process would ensure that decision-makers are aware of the key facts during formulation and realization of policies while the legitimacy of selected public policy option would be assured. Thereby amended EIA and SEA legislation would become not only harmonised with EU law, but their successful implementation and enforcement in accordance with the EU standards would also be ensured;

- Consider introducing institutional measures similar to arrangements found in provisions pertaining to internal revision in Serbia[234]. This would entail leaving various options to the competent authority to fulfil its EIA or SEA obligation: establishing its own organisational unit/assigning responsible persons for conducting EIA/SEA; affiliating with other competent authorities in order to fulfil the obligation; delegating task implementation to other competent authority. Such solution can particularly be practical for local self-governments. In case of capacity deficit, LSUs can jointly conduct the EIA/SEA activities with other towns and municipalities or delegate these activities to other competent authority, e.g. the ministry responsible for environmental protection. In that way human, technical and financial resources of the local self-governments would be utilised in a most rational way. Notwithstanding previously stated options for conducting EIA/SEA activities, the responsibility for implementing EIA/SEA would strictly be defined for specific LSU. That would serve as a guarantee that allocated responsibilities would be properly addressed whatever concrete option for their fulfilment is selected;

- It is important to establish an obligation that local and provincial authorities report to the ministry responsible for environmental protection on their work pertaining to EIA and SEA and that the local self-government should determine persons and internal units at the local administration level which would be responsible for monitoring implementation of the EIA/SEA at the local level and who would regularly report to the ministry. This does not imply establishment of specific organisational units, but rather assigning additional responsibilities to already existing units and available civil servants. The result of the internal monitoring would serve as a basis for drafting the report on implementation of the EIA and SEA designated for the responsible ministry or provincial secretariat. Conversely it is important to form the teams within ministry and provincial secretariat responsible for environment who would collect and analyse data received at the local level. The ministry and

229 *Conclusion of the Government of the Republic of Serbia Establishing Guidlines for Inclusion of Civil Society Organizations in the Regulation Adoption Process* ("Official Gazette" 05 number 011-8872/2014).
230 One-way process in which public administration inform CSOs in order to enable timely, complete and objective information.
231 Two-way process in which public adminstration requests and receives information from the CSOs in the regulation adoption process.
232 Higher level of two-way process, based on which CSOs become actively involved in the process of the regulation drafting.
233 Highest level of cooperation and mutual accountability of public administration and CSOs, not only in the regulation preparation process, but also during their implementation.
234 *Rulebook on Common Organisational Criteria and Standards and Methodological Instructions for Internal Audit Procedures and Reporting in the Public Sector* ("Official Gazette RS," no. 99/2011), article 3.

provincial secretariat would all conduct regular visits to the local self-governments in order to determine the exact situation. The importance of establishing monitoring mechanisms is primarily in increased availability of information concerning implementation of EIA and SEA which would facilitate future policy-making. It would also ensure that the decision-makers have sufficient information during accession negotiations. Furthermore it can be observed that additional indirect effects of monitoring would be greater effectiveness and responsibility of local officials, due to greater transparency of the EIA/SEA implementation;

- The government should adopt official guidelines for EIA implementation which would also pertain to local level, in order to prevent any lack of clarity during implementation of the relevant legislation, particularly concerning screening phase and consultations with the public concerned;
- Existing provisions of the Law on EIA envisage the possibility for developers to participate in consultations in the EIA technical commission. Since such provision would bring public concerned in unequal position, it is important to introduce provisions that would oblige the competent authority to invite the representatives of the public concerned (who already took part in previous consultations) to take part in the work of technical commission when developers also participate;
- It should be determined that certain organs and organisations (e.g. national and provincial institutes for nature conservation, Institute for Protection of Monuments) should always be invited by the competent authorities to take part in the EIA/SEA decision-making process following the examples of Portugal and Hungary;
- It should be clearly defined under the Law on EIA that the functions of EIA expert associates and inspectors shall be separated. That would ensure the quality of the procedure and decrease the risk of conflicts of interest, since the potential errors or official misconducts (due to e.g. political and investors' pressures) in the EIA procedure would be identified on behalf of other person conducting the surveillance and *vice versa*, which is not possible when both functions are assigned to the same person. Such measure would be in accordance with amended article 9a of the EIA Directive (2014 amendments of the EIA Directive) pertaining to prevention of conflicts of interest;
- Current legal solution concerning SEA (article 5 paragraph 2 of the Law on SEA) enables the authority responsible to prepare the SEA report to decide not to prepare the report for certain kinds of plans and programmes (article 5 paragraph 2 of the Law). In order to avoid the risk of misuse of such power, it should be determined under law that the authority responsible to prepare the SEA report should ask for consent of the authority responsible for environmental protection for making such decision. In that way, the environmental issues would be more integrated during the preparation of plans and programmes which would also positively affect environmental assessment of projects envisaged to be implemented within the scope of such plans and programmes;
- Human resources recruitment pertaining to EIA and SEA procedures should be enhanced. Thereby a special licencing system should be considered for such activity. Such solution could be introduced both for persons who prepare EIA studies and SEA reports. Therefore in the long term perspective, the licencing system would improve the quality of human resources in the EIA and SEA procedures. Within licencing schemes, higher education institutions would also be designated, both domestically and abroad, so that following their completion, a person could become an eligible candidate to receive the licence. The authority responsible to issue such licence could be a part of the government e.g. the ministry responsible for environmental protection

or professional association such as the Chamber of Engineers or Chamber of Commerce and Industry;

- It is important to significantly increase the amounts of financial penalties in case civil servants and developers do not fulfil their obligations in accordance with EIA and SEA provisions;

- The existing regulations leave local self-governments to decide for themselves on the developer's expenses for the EIA procedure. In order to avoid formation of the unrealistically low fees or unequal fees that would favour certain enterprises, it is important for the Government to determine guidelines for setting local fees;

- In order to further strengthen the capacities and improve the EIA and SEA implementation, the Government should identify LSUs that could assist local self-government with underdeveloped capacities. The City of Belgrade for example has 27 expert associates whose expertise could be useful for smaller or less developed towns and municipalities. Following identification of these LSUs, knowledge transfer mechanisms should be established, e.g. organising annual seminars by Standing Conference of Towns and Municipalities supported by the ministry and provincial secretariat responsible for environmental protection. Additional incentives, and for particularly difficult problems, an obligation should be introduced that local self-governments with more numerous and experienced civil servants temporarily assign its officials to work on cases of those LSUs where such assistance is needed. To a certain extent similar type of cooperation already exists in two municipalities Serbia in which there is one person who allocates 50% of work time to each of these municipalities. Via this and similar solutions, costs of capacity-building could be decreased, since the already available ones would be better utilised, instead of recruiting new officials;

- In case when previous recommendation is not feasible, additional efforts have to be invested to improve the work of local inspection services, such as increasing the number of civil servants, organising trainings and further investments in technical capacities, e.g. transport vehicles. That would ensure regular and effective surveillance over the integration of the conditions defined in the EIA procedure into the project by the developer. In case of option 3 i.e. new allocation of responsibilities based on size of environmental impact of specific projects, the ministry and provincial secretariat would probably receive additional responsibilities. That would also require further strengthening of their capacities, especially when bearing in mind the number of civil servants (eight officials in the ministry and two in the provincial secretariat responsible for EIA). To achieve this, besides domestic funds, the country should strive towards effective utilisation of EU funds during and following the accession process, and

- Another issue worthy to mention, pertains to the work of the judiciary. During research it was mainly evaluated in negative terms e.g. procedures concerning charges for misdemeanour and economic offences. Because of that, it is important to continue strengthening capacities of the judiciary and in the long-term period consider the possibility of establishing special court departments for cases pertaining to environmental protection.

With regard to public participation, following recommendations could be provided:

- Extend time limits for public participation defined in the relevant regulation. The time limit for submitting public opinion could be extended to 20 days concerning screening and scoping phase in accordance with the good practice identified in Hungary. It could be possible to introduce preliminary time limit of 10 days, so that public concerned could express their intention to deliver the opinion first, followed by another time limit of 10 days in order to actually

deliver it. In case public concerned does not express its intention to participate in the procedure within first 10 days, it could be possible to immediately advance towards the next phase of the procedure and therefore save time. Conversely there would be enough time for public concerned to formulate and deliver its comments. As it was mentioned earlier, starting from the day the public was informed of the submitted EIA study, public concerned should have at least 30 days for consultation with the public concerned in accordance with the new provisions of the 2014 amendments of the EIA Directive. Another important issue refers to exact timing of the public debates and public reviews. Feedback from environmental NGOs indicated that public cannot attend these events because of the standard working hours. That is why it is important to define specific time schedules that would be adapted to practical possibilities representatives of the public concerned to attend meetings. The Law on SEA currently lacks defined time-frames for public participation which should be altered in accordance with the EIA examples and recommendations provided in this study;

- Widen the scope of opportunities for public to participate. In case of EIA, public participation should be extended to the phase following potential amendments of the EIA study on behalf of the developer. As for SEA, public participation should be enabled also during the screening phase, as well as during the preparation of the SEA report. This is more than required by the SEA Directive. Nonetheless these interventions would increase the effectiveness of public participation and make more information available to the competent authority. Estonia is an example of an EU member state which also allows public participation during preparation of the SEA report. Finally in order to achieve more effective public participation in the EIA and the SEA, a possibility should be considered (and potentially obligatory for competent authority to provide it) in which public debates could be organised via internet, so that members of the public concerned can express their opinions through electronic communication software (e.g. Skype), without being present physically in a room where the public debate actually takes place;

- Introduce obligatory provisions on the informing via internet and consider the obligation to create special internet portals of the local self-government for EIA and SEA. Such portals could be formed in cooperation with the civil society and financed through local environmental protection fund and foreign aid. Moreover the initiative of the Young Researchers of Bor should be mentioned to improve public participation by establishing national internet portal which would contain relevant information concerning EIA procedure (e.g. information on competent authority, developer etc.). That would create conditions for timely, simple, cost-effective and comprehensive informing of the public which would result in increased and improved public participation in the whole country.[235] In terms of SEA, it is also worthy to mention recommendations from the Serbian Spatial Planners Association (SSPA) to improve public participation through better utilisation of internet, particularly geo-information systems (GIS) which would enable proper visualisation of the suggested plans and programmes.[236]

- Following the example of Poland (see Chapter 2.4), an obligation to place notification concerning EIA/SEA procedures near prominent sites (retail shops, transport stations) or near the location where the project is being planned, should be established;

235 Jovanović B. *Improving Informing of the Public through the Establishment of the E-Portal for Subjects pertaining to EIA in Serbia. Proceedings: Civil Society Organizations and Environmental Policy in Serbia: Adopting Values and Enhancement of the Public Dialogue*. Belgrade Open School: Belgrade, 2011. Available at: http://www.zelenidijalog.rs/wp-content/uploads/2013/01/OCD-i-politika-zivotne-sredine-u-Srbiji.pdf.

236 Spatial Planning Association of Serbia. *Introducing Public Concerned in the SEA Procedure: a Guide Book*. Belgrade. December, 2011. Available at: http://www.apps.org.rs/prirucnikAPPS2011MR.pdf.

- Obligatory public informing in accordance with local customs (public notifications, posters on squares etc.) should be introduced (as is the case in Hungary), so that public informing could be conducted comprehensively, regardless of which social group citizen belongs to. Conversely introducing more innovative ways of informing, such as using social networks or fluorescent posters, as is the case in the United Kingdom;

- Adopt and implement local action plans for citizen animation for their effective participation in the EIA and SEA procedures, as well as in other decision-making processes concerning environment. Possible specific objectives of action plans could be education of citizens, awareness raising and strengthening their motivation to participate. It should be considered to make it obligatory under law that LSUs adopt action plans in cooperation with environmental associations;

- Apply previously mentioned Directions[237] of the Government to decision-making processes concerning EIA and SEA. Local self-governments should further develop cooperation with the environmental NGOs by holding public meetings and establishing institutionalised forms of cooperation. In that regard, it is important to support creation of the institutions such as local councils for environmental protection (so called „Green Councils") which would gather representatives of LSUs, civil sector and other stakeholders. Establishing legal obligation for formation of such local councils should also be considered.[238] Thereby it would possible to reach a consensus concerning joint strategies to inform and educate citizens and improve animation efforts in general. Moreover though institutionalised ways of cooperation, civil society could contribute to the monitoring the local administrations' work and also send reports to the ministry and provincial secretariat responsible for environmental protection, hence serving as an additional source of information;

- Additional ways of public participation should be considered such as sending questionnaires to citizens to ask if they want realisation of the proposed project or acceptance of the proposed plan or programme in their place of residence;

- Consider establishing legal obligations to register members of the public concerned or more effective informing of the public concerning their possibilities to apply to be registered as public concerned. Such public informing would presume sending direct notifications to all NGOs registered on the territory of local self-government in which the registration procedure would be also explained, and

- Consider introduction of more detailed explanation of ways in which the opinion of public concerned was taken into account in EIA and SEA procedures. In that regard, Hungary's example is useful where the authority responsible for EIA is obliged to explain in more detail, how the public opinion was taken into account during EIA procedure and final decision-making on the proposed project.

---

237 *Conclusion of the Government of the Republic of Serbia Establishing Guidlines for Inclusion of Civil Society Organizations in the Regulation Adoption Process* ("Official Gazette" 05 number 011-8872/2014).
238 Currently there is only a possibility to establish the Council for environmental protection based on article 36 of the Law on local self-government. So far, these councils were established in 9 LSUs in Serbia. For additional information, please see: Ecological Centre "Habitat". *Guidelines for Improved System of Financing Environmental Protection in Serbia at the Local Level. Vršac, 2014*. Available at: www.staniste.org.rs.

Bibliography

Applied Literature

Books

Ateljević V. Sretić Z. Mitrović S. Plavšić P. *EU Integration Challenges in the Field of Environmental Protection and Local Communities*. PALGO Centre. Belgrade, 2011. [Ateljević V. Sretić Z. Mitrović S. Plavšić P. *Izazovi evropskih integracija u oblasti zaštite životne sredine i lokalnih zajednica*. PALGO centar. Beograd, 2011.] Available at: http://www.palgo.org/files/evropske_integracuje_u_oblasti_zivotne_sredine.pdf.

Bell S. McGillivray D. *Environmental Law*. Oxford University Press, 2006.

Birnie P. Boyle A. Redgwell Catherine, *International Law and Environment*. Oxford University Press, 2009.

European Environmental Bureau. *EU Environmental Policy Handbook. A Critical Analysis of EU Environmental Legislation. Making it Accessible to Environmentalists and Decision Makers*. Brussels, September, 2005. Available at: http://www.eeb.org/?LinkServID=3E1E422E-AAB4-A68D-221A63343325A81B.

Ecological Centre "Habitat". *Guidelines for Improved System of Financing Environmental Protection in Serbia at the Local Level*. Vršac, 2014. [Ekološki centar „Stanište". *Putokazi za bolje finansiranje zaštite životne sredine u Srbiji na lokalnom nivou*. Vršac, 2014.] Available at: www.staniste.org.rs.

Ecological Centre "Habitat". Reform of the Local Environmental Policies in Serbia and EU Integrations. Vršac, 2013. [Ekološki centar Stanište. *Reforma lokalne politike zaštite životne sredine u Srbiji i evropske integracije*, Vršac, 2013.] Available at: www.staniste.org.rs.

Garb Y. Manon M. Peters D. Environmental Impact Assessment: Between Bureaucratic Process and Social Learning, *Handbook on Public Policy Analysis; Theory, Politics and Methods*. CRC Press, 2006.

Harwood R. & Wald R. *Environmental Impact Assessment*. 39 Essex Street, London 2006.

Kroiss Fritz, Todić Dragoljub, Petrović Dragana. *Evaluation Study on the Implementation of the Serbian Law on Environmental Impact Assessment*, 2007. [Kroiss Fritz, Todić Dragoljub, Petrović Dragana. *Studija o primeni novog Zakona o proceni uticaja na životnu sredinu u Srbiji*, 2007. DHV Group, Amersfoort, Holandija, 2007.]

Kroiss F. Todić D. Petrović D. *Evaluation Study on the Implementation of the Serbian Law on Strategic Environmental Assessment*. Report Short Version. DHV Group, Amersfoort, the Netherlands, 2007.

Lazarević M. Marić S. Orza A. *Policy Making and EU Accession Negotiations: Getting*

Results for Serbia. [Lazarević M. Marić S. Orza A. *Kreiranje politike i pregovori za pristupanje EU: kako do rezultata za Srbiju*. Beograd, 2013.] Available at: http://www.europeanpolicy.org/dokumentacioni-centar/cep-izdanja/384-kreiranje-politike-i-pregovori-za-pristupanje-eu-kako-do-rezultata-za-srbiju.html.

Lee M. *EU Environmental Law. Challenges, Change and Decision-Making*. Hart Publishing: Oxford and Portland, Oregon, 2005.

Partidário M. R. Strategic *Environmental Assessment (SEA): Current Practices, Future Demands and Capacity-Building Needs.* Course Manual. International Association for Impact Assessment. IAIA training Course. Portugal, 2007. Available at: http://www.commdev.org/files/1725_file_SEAManual.pdf.

Regional Environmental Centre. *Handbook on the Implementation of EC Environmental Legislation*. 2008, page 69. Available at: http://ec.europa.eu/environment/archives/enlarg/handbook/handbook.htm.

Spatial Planning Association of Serbia. *Introducing Public Concerned in the SEA Procedure: a Guide Book*. Belgrade. December, 2011. [Asocijacija prostornih planera Srbije. *Uvođenje zainteresovane javnosti u postupak strateške procene uticaja na životnu sredinu: priručnik*. Beograd. Decembar, 2011.] Available at: http://www.apps.org.rs/prirucnikAPPS2011MR.pdf.

Stookes P. *A Practical Approach to Environmental Law*. Oxford University Press, 2009.

Todić D. Ignjatović M. Katić M. Plavšić P. *The Analysis of the Local Actors' Capacity in Implementing Environmental Policy in Accordance with the European Standards*. Belgrade: European Movement in Serbia, 2012. [Todić D. Ignjatović M. Katić M. Plavšić P. *Nadležnost i kapaciteti lokalne samouprave organizacija civilnog društva za primenu evropskih standarda u oblasti životne sredine*. Beograd: Evropski pokret u Srbiji, 2012.]

Wolf S. Stanley N.. *Wolf and Stanley on Environmental Law*. Routledge, 2014.

Young. E. Quinn. L. *Writing Effective Public Policy Papers: A Guide for Policy Advisors in Central and Eastern Europe*. Open Society Institute: Budapest. 2002.

Articles

Jovanović B. Improving Informing of the Public through the Establishment of the E-Portal for Subjects pertaining to EIA in Serbia. *Proceedings: Civil Society Organizations and Environmental Policy in Serbia: Adopting Values and Enhancement of the Public Dialogue*. Belgrade Open School: Belgrade, 2011. [Jovanović Branislav. Unapređenje informisanja javnosti putem uspostavljanja portala za predmete iz oblasti procene uticaja na životnu sredinu. *Zbornik: Organizacije civilnog društva i politika životne sredine u Srbiji: usvajanje vrednosti i unapređivanje dijaloga*. Beogradska otvorena škola: Beograd, 2011.] Available at: http://www.zelenidijalog.rs/wp-content/uploads/2013/01/OCD-i-politika-zivotne-sredine-u-Srbiji.pdf.

Mitrović I. Improving Implementation of the Strategic Environmental Assessment in Serbia. *Proceedings of the Geographical Institute „Jovan Cvijić", SANU*. Number 57, pg. 347-356, 2007. [Mitrović I. Unapređenje primene strateške procene uticaja na životnu sredinu u Srbiji. Zbornik radova Geografskog instituta „Jovan Cvijić", SANU. Br. 57, str. 347-356, 2007.] Available at: http://scindeks.ceon.rs/article.aspx?query=RELAKW%26and%26strategic%2Benvironmental%2Bassessment&page=4&sort=1&stype=0&backurl=%2FRelated.aspx%3Fartak%3Dstrategic%2Benvironmental%2Bassessment.

Partidário M. R. Strategic Environmental Assessment: Key Issues Emerging from Recent Practice. *Environmental Impact Assessment Review*. 16:31-55, 1996.

Regulations

Act LIII of 1995 on the General Rules of Environmental Protection. Available at: http://www.ecolex.org/ecolex/ledge/view/RecordDetails;jsessionid=67E6DDC78C807FDEEB61E9EE632D3BA9?id=LEX-FAOC006567&index=documents.

Conclusion of the Government of the Republic of Serbia Establishing Guidlines for Inclusion of Civil Society Organizations in the Regulation Adoption Process ("Official Gazette" 05 number 011-8872/2014). [*Zaključak Vlade Republike Srbije kojim se utvršuju Smernice za uključivanje organizacija civilnog društva u proces donošenja propisa* („Službeni Glasnik RS" 05 br. 011-8872/2014).]

Conclusion to Halt the Procedure concerning Subject: "Request on the Need to Prepare the Study on Environmental Impact Assessment of the Project for Limestone Exploitation as TGG from Jevik Bed", K.P. 2221/4-8, KO Trgovište, Municipality Knjaževac (353-02-272/2014-05). [*Zaključak o prekidanju postupka po predmetu „Zahtev o potrebi izrade studije o proceni uticaja na životnu sredinu projekta eksploatacije krečnjaka kao TGK iz ležišta Jevik"*, K.P. 2221/4-8, KO Trgovište, SO Knjaževac (353-02-272/2014-05).] Available at: http://www.eko.minpolj.gov.rs/zakljucak-o-prekidanju-postupka-po-predmetu-zahtev-o-potrebi-izrade-studije-o-proceni-uticaja-na-zivotnu-sredinu-projekta-eksploatacije-krecnjaka-kao-tgk-iz-lezista-jevik-na-k-p-22214-8-ko-tr/.

Consolidated Version of the Treaty on the Functioning of the European Union, 2007, consolidated in 2012. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=en.

Consolidated Version of the Treaty of the European Union, 1992, consolidated in 2012. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012M/TXT&from=EN.

Decision No 1386/2013/EU of the European Parliament and of the Council of November 2013 on General Union Environment Action Programme to 2020 "Living Well, within the Limits of our Planet". Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013D1386&from=EN.

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN.

Directive 2011/92/EU of the European Parliament and of the Council of December 2013 on the Assessment of the Effects of Certain Public and Private Projects on the Environment (codification). Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN.

Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the Effects of certain Public and Private Projects on the Environment. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0052&from=EN.

Förordning om miljökonsekvensbeskrivningar (SFS 1998:905) [*Ordinance on Environmental Impact Assessments* (Code of Swedish Statutes 1998:905)]. Available at: http://rkrattsdb.gov.se/SFSdoc/98/980905.PD1F.

Judgement of the European Court of Justice C - 290/03. [Odluka Evropskog suda pravde C - 290/03.] Available at: http://curia.europa.eu/juris/showPdf.jsf?text=&docid=56612&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=107406.

Judgement of the European Court of Justice C-435/97. [Odluka Evropskog suda prav-

de C-435/97.] Available at: http://curia.europa.eu/juris/showPdf.jsf?text=C-435%252F97&docid=44707&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=107192.

Law on Administrative Disputes ("Official Gazette RS", number 111/2009). [*Zakon o upravnim sporovima* („Službeni glasnik RS", br. 111/2009).]

Law on Confirming the Convention on Access to Information, Public Participation, in Decision-Making and Access to Justice in Environmental Matters ("Official Gazette RS – International Agreements", number 38/09). [*Zakon o potvrđivanju Konvencije o dostupnosti informacija, učešću javnosti u donošenju odluka i pravu na pravnu zaštitu u pitanjima životne sredine* („Službeni glasnik RS - Međunarodni ugovori", br. 38/09).]

Law on Confirming the Protocol on UNECE Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context ("Official Gazette RS – International Agreements", number 1/2010). [*Zakon o potvrđivanju protokola o strateškoj proceni uticaja na životnu sredinu uz Konvenciju o proceni uticaja na životnu sredinu u prekograničnom kontekstu* („Službeni Glasnik – Međunarodni ugovori", br. 1/2010).]

Law on Confirming UNECE Convention on Environmental Impact Assessment in a Transboundary Context ("Official Gazette RS – International Agreements", number 102/2007). [*Zakon o potvrđivanju Konvencije o proceni uticaja na životnu sredinu u prekograničnom kontekstu* („Službeni glasnik RS – Međunarodni ugovori", br. 102/2007).]

Law on Determining the Competences of the Autonomous Province of Vojvodina. "Official Gazette RS", number 99/09, 67/12 – Constitutional Court. [*Zakon o utvrđivanju nadležnosti AP Vojvodine* („Službeni glasnik RS", br. 99/09, 67/12 – US).]

Law on Environmental Impact Assessment ("Official Gazette RS", number 135/2004 and 36/2009). [*Zakon o proceni uticaja na životnu sredinu* („Službeni glasnik RS", br. 135/2004 i 36/2009).]

Law on Environmental Protection ("Official Gazette RS", number 135/2004, 36/2009, 72/2009 – amended and 43/2011 – Decision of the Constitutional Court"). [*Zakon o zaštiti životne sredine* („Službeni glasnik RS", br. 135/2004, 36/2009 – dr. zakon, 72/2009 – dr. zakon i 43 /2011 – odluka US).]

Law on the Foundation of the Education System (''Official Gazette RS'' number 72/2009). [*Zakon o osnovama sistema obrazovanja i vaspitanja* („Službeni glasnik RS", br. 72/2009).]

Law on Free Access to Information of Public Importance ("Official Gazette RS", number 120/04). [*Zakon o slobodnom pristupu informacijama od javnog značaja* („Službeni glasnik RS", br. 120/04).]

Law on General Administrative Procedure ("Official Gazette FRY" number 33/97 and 31/2001 and "Official Gazette RS", number 30/2010). [*Zakon o opšte upravnom postupku* („Službeni list SRJ", br. 33/97 i 31/2001 i „Službeni Glasnik RS", br. 30/2010).]

Law on Local Self-Government („Official Gazette RS", number 129/2007). [*Zakon o lokalnoj samoupravi* („Službeni glasnik RS", br. 129/2007 i 83/2014 – dr. zakon).]

Law on Planning and Construction („Official Gazette RS", number 72/2009, 81/2009 – amendments, 64/2010 – decision of the Constitutional Court, 24/2011, 121/2012, 42/2013 – decision of the Constitutional Court, 50/2013 – decision of the Constitutional Court and 98/2013 – decision of the Constitutional Court). [*Zakon o planiranju i izgradnji* („Službeni glasnik RS" br. 72/2009, 81/2009 – ispravka, 64/2010 – odluka US, 24/2011, 121/2012, 42/2013 – odluka US, 50/2013 – odluka US i 98/2013 – odluka US).]

Law on the Strategic Environmental Assessment ("Official Gazette RS", number

135/2004 and 88/2009). [*Zakon o strateškoj proceni uticaja na životnu sredinu* („Službeni glasnik RS", br. 135/2004 i 88/2009).]

Law on Protection from Ionising Radiation and Nuclear Safety ("Official Gazette RS" number 36/2009 i 93/2012). [*Zakon o zaštititi od jonizujućih zračenja i o nuklearnoj sigurnosti* („Službeni glasnik RS", br. 36/2009 i 93/2012).]

Law on Public Administration ("Official Gazette RS", number. 79/2005, 101/2007 and 95/2010). [*Zakon o državnoj upravi* („Službeni glasnik RS", br. 79/2005, 101/2007, 95/2010 i 99/2014).]

Miljöprövningsförordning (SFS 2013:251) [*Environmental Regulation* (Swedish Constituttion 2013:251)] Available at: http://rkrattsdb.gov.se/SFSdoc/13/130251.PDF.

The Regulation on the Determination of the List of Projects for which the Environmental Impact Assessment is Mandatory and the List of Projects for which the Environmental Impact Assessment may be Requested ("Official Gazette RS", number 114/2008). [*Uredba o utvrđivanju Liste projekata za koje je obavezna procena uticaja i Liste projekata za koje se može zahtevati procena uticaja na životnu sredinu* („Službeni glasnik RS", br. 114/2008).]

Regulation on Environmental Impact Assessment ("Official Gazette" 61/14, 2014). [*Uredba o procjeni utjecaja zahvata na okoliš* („Narodne novine" 61/14, 2014).]

Rulebook on the Content, Appearance and Method of Managing Public Log Books on Conducted Procedures and Given Decisions concerning Environmental Impact Assessment ("Official Gazette RS", number 69/2005). [*Pravilnik o sadržini, izgledu i načinu vođenja javne knjige o sprovedenim postupcima i donetim odlukama o proceni uticaja na životnu sredinu* („Službeni glasnik RS", br. 69/2005).]

Rulebook on the Content of the Environemntal Impact Assessment Study ("Official Gazette RS", number 69/2005). [*Pravilnik o sadržini Studije o proceni uticaja na životnu sredinu* („Službeni glasnik RS", br. 69/2005).]

Rulebook on the Content of the Screening and Scoping Procedure concerning Environmental Impact Assessment Study ("Official Gazette RS", number 69/2005). [*Pravilnik o sadržini zahteva o potrebi procene uticaja i sadržini zahteva za određivanje obima i sadržaja studije o proceni uticaja na životnu sredinu* („Službeni glasnik RS", br. 69/2005).]

Rulebook on Common Organisational Criteria and Standards and Methodological Instructions for Internal Audit Procedures and Reporting in the Public Sector ("Official Gazette RS," no. 99/2011). [*Pravilnik o zajedničkim kriterijumima za organizovanje i standardima i metodološkim uputstvima za postupanje i izveštavanje interne revizije u javnom sektoru* („Službeni glasnik RS", br. 99/2011).]

Rulebook on Public Review, Public Presentation and Public Debate concerning the Study on Environmental Impact Assessment („Official Gazette RS", number 69/2005). [*Pravilnik o postupku javnog uvida, prezentaciji i javnoj raspravi o studiji o proceni uticaja na životnu sredinu* („Službeni glasnik RS", br. 69/2005).]

Rulebook on the Rules of Conduct of the Technical Commission for the Evaluation of the Environmental Impact Assessment ("Official Gazette RS", number 69/2005). [*Pravilnik o radu tehničke komisije za procenu studije o proceni uticaja na životnu sredinu* („Službeni glasnik RS", br. 69/2005).]

Stabilisation and Association Agreement between the European Communities and their Member States of the One Part, and the Republic of Serbia, of the Other Part, 2008. [*Sporazum o stabilizaciji i pridruživanju između evropskih zajednica i njihovih država članica, sa jedne strane, i Republike Srbije, sa druge strane*, 2008.] Available at: http://www.seio.gov.rs/documents/agreements-with-eu.216.html.

Swedish Environmental Code, 1998. Available at: http://www.government.se/content/1/c6/02/28/47/385ef12a.pdf.

United Nations Economic Commission for Europe. *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*. Adopted at the Fourth Ministerial Conference in the 'Environment for Europe' process. Aarhus, 25th June 1998. Available at: http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf.

United Nations Economic Commission for Europe. *Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context*, 2003. Available at: http://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/protocolenglish.pdf

United Nations Economic Commission for Europe. *Convention on Environmental Impact Assessment in a Transboundary Context*, 1982. Available at: http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf.

Documents

Amended National Programme for Integration of the Republic of Serbia into the European Union. Belgrade, 2009. [*Izmenjeni i dopunjeni nacionalni program za integraciju Republike Srbije u Evropsku uniju*. Beograd, 2009.] Available at: http://www.seio.gov.rs/upload/documents/NPI/npi_2009-10_incl_annexes_eng.pdf.

Ben-Gera M. *The Role of Ministries in the Policy System: Policy Development, Monitoring and Evaluation*. Sigma Paper No. 39. March, 2007. Available at: http://www.oecd-ilibrary.org/docserver/download/5kml60qkg9g7.pdf?expires=1420047948&id=id&accname=guest&checksum=76C7B29B3BA68327D810F92488FD148E.

Communication of the European Commission to the European Parliament and the Council. Commission Opinion on Serbia's Application for Membership of the European Union, 2011. [*Saopštenje Evropske komisije Evropskom parlamentu i Savetu. Mišljenje Komisije o zahtevu Srbije za članstvo u Evropskoj uniji,* 2011.] Available at: http://www.seio.gov.rs/upload/documents/eu_dokumenta/misljenje_kandidatura/sr_rapport_2011_en.pdf.

European Commission. *Environmental Impact Assessment of Projects: Rulings of the Court of Justice*, 2013. Available at: http://ec.europa.eu/environment/eia/pdf/eia_case_law.pdf.

European Commission. *Serbia Progress Report 2013*. [Evropska komisija. Izveštaj o napretku Srbije za 2013. godinu.] Available at: http://www.seio.gov.rs/dokumenta/eu-dokumenta.126.html.

European Union Network for the Implementation and Enforcement of Environmental Law. *The Implementation of the Environmental Impact Assessment on the Basis of Precise Examples*, Final Report, 2012. Available at: http://ec.europa.eu/environment/eia/pdf/IMPEL-EIA-Report-final.pdf.

Justice and Environment. *Good Examples of EIA and SEA Regulation and Practice in Five European Union Countries*, 2008. Available at: http://www.justiceandenvironment.org/_files/file/2009/06/eia-sea_good_examples.pdf.

National Environmental Approximation Strategy for the Republic of Serbia. Belgrade, December, 2011. Available at: http://www.misp-serbia.rs/wp-content/uploads/2010/05/EAS-Strategija-ENG-FINAL.pdf.

National Environmental Protection Programme ("Official Gazette RS", Number 353-459/2010-1). [*Nacionalni program zaštite životne sredine* („Službeni Glasnik RS",

broj 353-459/2010-1).]

National Programme for the Adoption of the EU acquis (2013-2016). February, 2013. [*Nacionalni program za usvajanje pravnih tekovina Evropske unije (2013-2016)*, Februar 2013.] Available at: http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_eng__2014_2018.pdf.

Oosterhius Frans. *Costs and Benefits of the EIA Directive*. Final Report for DG Environment under Specific Agreement no. 07010401/2006/447175/FRA/G1. Institue for Environmental Studies, Vrije Universiteit, Amsterdam, May 2007. Available at: http://ec.europa.eu/environment/eia/pdf/Costs%20and%20benefits%20of%20the%20EIA%20Directive.pdf.

Questionnaire. Information Requested by the European Commission to the Government of Serbia for the Preparation of the Opinion on the Application of Serbia for Membership of the European Union. 2010. [*Upitnik. Odgovori koje Evropska komisija zahteva od Vlade Srbije u cilju pripreme Mišljenja o zahtevu Srbije za članstvo u Evropskoj uniji*, 2010.] Available at: http://www.seio.gov.rs/upload/documents/upitnik/srb_questionnnaire_engl.pdf.

Report from the Commission to the Council, The European Parliament, the European Social and Economic Committee and the Committees of the Regions on the Application and Effectiveness of the EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC). Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009DC0378&from=EN.

Report from the Commission to the Council, the European Parliament, the European Social and Economic Committee and the Committees of the Regions on the Application and Effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC). Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009DC0469&from=EN.

Work Reports of Local Administrations of Local Self-Government Units of the Republic of Serbia

Work Report of the Municipal Administration of the Municipality of Aleksinac for 2012. Department of Economy. Section for Urbanism and Housing and Communal Activities and Environmental Protection. [*Izveštaj o radu za 2012. godinu*. Opštinska uprava opštine Aleksinac. Odeljenje za privredu. Odsek za urbanizam i stambeno komunalnu delatnost i zaštitu životne sredine.]

Work Report of the Municipal Administration of the Municipality of Arilje for 2012. Section for Inspection Affairs. [*Izveštaj o radu Opštinske uprave opštine Arilje za 2012. godinu*. Odsek za inspekcijske poslove.]

Work Report of the Municipal Administration of the Municipality of Babušnica for 2012. Department of Economy and Finance. Department of Non-Economic Activities and General Administration. Environmental Protection Inspection. [*Izveštaj o radu Opštinske uprave opštine Babušnica za 2012*. godinu. Odeljenje za privredu i finansije. Odeljenje za neprivredne delatnosti i opštu upravu. Inspekcija za zaštitu životne sredine.]

Work Report of the Municipal Administration of the Municipality of Bajna Bašta for 2012. Environmental Protection Affairs. Department of Inspection Affairs and Communal Activities. [*Izveštaj o radu Opštinske uprave opštine Bajna Bašta za 2012. godinu*. Poslovi zaštite životne sredine. Odeljenje za inspekcijske poslove i komunalne delatnosti.]

Work Report of the City Administration of the City of Belgrade for 2012. Secretariat

for Environmental Protection. [*Izveštaj o radu Gradske uprave grada Beograda za 2012. godinu*. Sekretarijat za zaštitu životne sredine.]

Work Report of the Municipal Administration of the Municipality of Bogatić for 2012. [*Izveštaj o radu Opštinske uprave opštine Bogatić za 2012. godinu*.]

Work Report of the Municipal Administration of the Municipality of Bosilegrad for 2012. Inspection for Environmental Protection and Environmental Protection Affairs. [*Izveštaj o radu Opštinske uprave opštine Bosilegrad za 2012. godinu*. Inspekcija zaštite životne sredine i poslovi zaštite životne sredine.]

Work Report of the Municipal Administration of the Municipality of Brus for 2012. Section for Inspection Affairs, Agriculture, Water Management and Environmental Protection. [*Izveštaj o radu Opštinske uprave opštine Brus za 2012. godinu*. Odsek za inspekcijske poslove, poljoprivredu, vodoprivredu i zaštitu životne sredine.]

Work Report of the Municipal Administration of the Municipality of Bujanovac for 2012. Housing-Communal Affairs and Environmental Protection. [*Izveštaj o radu Opštinske uprave opštine Bujanovac za 2012. godinu*. Stambeno-komunalni poslovi i zaštita životne sredine.]

Work Report of the Municipal Administration of the Municipality of Vranje for 2012. Department of Environmental Protection. [*Izveštaj Gradske uprave grada Vranja za 2012. godinu*. Odeljenje za zaštitu životne sredine.]

Work Report of the Municipal Administration of the Municipality of Dimitrovgrad for 2012. Rulebook on the Systematisation of Posts in the Municipal Administration of the Municipality of Dimitrovgrad (consolidated text). [*Izveštaj o radu Opštinske uprave opštine Dimitrovgrad za 2012. godinu*. Pravilnik o sistematizaciji radnih mesta Opštinske uprave opštine Dimitrovgrad (prečišćeni tekst).]

Work Report of the Municipal Administration of the Municipality of Doljevac for 2012. Department of Economy and Finance. Affairs of the Communal Inspector, Traffic Inspector and Environmental Impact Assessment Affairs, Fire Protection Affairs, Work Safety and Craft, Trade, Hospitality and Traffic Affairs. [*Izveštaj o radu Opštinske uprave opštine Doljevac za 2012. godinu*. Odeljenje za privredu i finansije. Poslovi, komunalnog inspektora, saobraćajnog inspektora i poslovi procene uticaja na životnu sredinu, poslovi protivpožarne zaštite, zaštite na radu i poslovi zanatstva, trgovine, ugostiteljstva i saobraćaja.]

Work Report of the Municipal Administration of the Municipality of Žitorađa for 2012. Report of the Municipal Inspector for Environmental Protection. [*Izveštaj o radu Opštinske uprave opštine Žitorađa za 2012. godinu*. Izveštaj opštinskog inspektora za zaštitu životne sredine.]

Work Report of the Municipal Administration of the Municipality of Jagodina for 2012. Department of Environmental Protection and Improvement. [*Izveštaj o radu Gradske uprave grada Jagodine za 2012. godinu*. Odeljenje za zaštitu i unapređivanje životne sredine.]

Work Report of the Municipal Administration of the Municipality of Knić for 2012. Report of Independent Associate for Social Affairs, Water Management, Environmental Protection, Fire Protection, and Work Safety. [*Izveštaj o radu Opštinske uprave opštine Knić za 2012. godinu*. Izveštaj samostalnog saradnika za društvene delatnosti, vodoprivredu, zaštitu životne sredine, protivpožarnu zaštitu i zaštitu na radu.]

Work Report of the Municipal Administration of the Municipality of Koceljeva for 2012. Department of Urbanism, Communal, Housing and Property and Legal Affairs. [*Izveštaj o radu Opštinske uprava opštine Koceljeva za 2012. godinu*. Odeljenje za

urbanizam, komunalne, stambene i imovinsko pravne poslove.]

Work Report of the Municipal Administration of the Municipality of Krupanj for 2012. Section for Economy and Finance. [*Izveštaj o radu Opštinske uprave opštine Krupanj za 2012. godinu*. Odsek za privredu i finansije.]

Work Report of the Municipal Administration of the Municipality of Lapovo for 2012. Department of Economics, Finance and Joint Affairs. [*Izveštaj o radu Opštinske uprave opštine Lapovo za 2012*. godinu. Odeljenje za privredu finansije i zajedničke poslove.]

Work Report of the City Administration of the City of Leskovc for 2012. [*Izveštaj o radu Gradske uprave za zaštitu životne sredine grada Leskovca za 2012. godinu*.]

Work Report of the Municipal Administration of the Municipality of Ljig for 2012. Environmental Protection Affairs. [*Izveštaj o radu Opštinske uprave opštine Ljig za 2012. godinu*. Poslovi zaštite životne sredine.]

Work Report of the Municipal Administration of the Municipality of Ljubovija for 2012. Section for Economy and Finance and Section for General Administration and Social Affairs. [*Izveštaj o radu Opštinske uprave opštine Ljubovija za 2012. godinu*. Odsek za privredu i finansije i Odsek za opštu upravu i društvene delatnosti.]

Work Report of the Municipal Administration of the Municipality of Medveđa for 2012, Department for Urbanism. [*Izveštaj o radu Opštinske uprave opštine Medveđa za 2012. godinu*. Odeljenje za urbanizam.]

Work Report of the City Administration of the City of Novi Pazar for 2012, Division for Environment Protection, Department for Environment Protection, Fire Protection, Work Security and Work Health. [*Izveštaj o radu Gradske uprave grada Novog Pazara za 2012. godinu*. Odsek za zaštitu životne sredine. Odeljenje za zaštitu životne sredine, protivpožarnu zaštitu, bezbednost i zdravlje na radu.]

Work Report of the Division for Environment Protection in the City Administration of the City of Niš for 2012. [*Izveštaj o radu Odseka za zaštitu životne sredine Gradske uprave grada Niša za 2012. godinu*.]

Work Report of the Municipal Administration of the Municipality of Osečina for 2012. [*Izveštaj o radu Opštinske uprave opštine Osečina za 2012. godinu*.]

Work Report of the Municipal Administration of the Municipality of Petrovac na Mlavi for 2012. [*Izveštaj o radu Opštinske uprave opštine Petrovac na Mlavi za 2012. godinu*.]

Work Report of the Municipal Administration of the Municipality of Pirot 2012. Department for Urbanism, Housing and Utilities, Construction and Inspections. [*Izveštaj o radu Opštinske uprave opštine Pirot za 2012. godinu*. Odeljenje za urbanizam, stambeno komunalne poslove, građevinarstvo i inspekcijske poslove.]

Work Report of the Municipal Administration of the Municipality of Svilajnac for 2012, Department for Inspections and Agriculture. [*Izveštaj o radu Opštinske uprava opštine Svilajnac za 2012. godinu*. Odeljenje za inspekcijski nadzor i poljoprivredu.]

Work Report of the Municipal Administration of the Municipality of Svrljig for 2012, Division for Inspections, construction inspector. [*Izveštaj o radu Opštinske uprave opštine Svrljig za 2012 godinu*. Odsek za inspekcijske poslove, građevinski inspektor.]

Information Booklet of the Municipal Administration of the Municipality of Sokobanja. Inspection for Environment Protection. Environment Protection Affairs, Work and Health Security and Protection of the Population from Tobacco Smoke Exposure

protecting the population from exposure to tobacco smoke. [*Informator o radu Opštine uprave opštine Sokobanja*. Inspekcija za zaštitu životne sredine. Poslovi zaštite životne sredine, bezbednosti i zdravlja na radu i zaštite stanovništva od izloženosti duvanskom dimu.]

Work Report of the Municipal Administration of the Municipality of Tutin for 2012, Department for Urbanism, Property Related and Housing and Utilities Affairs. [*Izveštaj o radu opštinske uprave opštine Tutin za 2012. godinu*. Odeljenje za urbanizam, imovinsko pravne i komunalno stambene poslove.]

Report on the Implementation of the Programme for Environment Protection and Improvement of the City of Užice for 2012. City Administration for Urbanism, Construction and Property Related Affairs. Fond for Environment Protection. [*Izveštaj o realizaciji programa zaštite i unapređenja životne sredine grada Užica za 2012. godinu*. Gradska uprava za urbanizam, izgradnju i imovinsko-pravne poslove. Služba Fonda za zaštitu životne sredine.]

Work Report of the City Administration for Urbanism, City of Čačak for 2012. Department for Urbanism, Environment Protection Administration. [*Izveštaj o radu Gradske uprave za urbanizam, grada Čačka za 2012. godinu*. Odsek za urbanizam. Služba za zaštitu životne sredine.]

Work Report of the Šabac City Administration for Administrative and Non-Administrative Affairs for the period 01. 01. 2012 – 31. 12. 2012. Department for General Administration. [*Izveštaj o radu Gradske uprave grada Šapca na rešavanju upravnih i vanupravnih predmeta u periodu 01.01.2012*. do 31.12.2012. godine. Odeljenje za opštu upravu.]

Work Report of the Municipal Administration of the Municipality of Bačka Palanka for 2012. Department for Urbanism and Construction. [*Izveštaj o radu Opštinske uprave opštine Bačka Palanka za 2012. godinu. Odeljenje za urbanizam i građevinarstvo*.]

Work Report of the Municipal Administration of the Municipality of Bačka Topola for 2013. [*Izveštaj o radu Opštinske uprave Bačka Topola za 2013. godinu*.]

Work Report of Environmental Inspection for Municipality of Bački Petrovac for 2012. [*Izveštaj o radu inspekcija za zaštitu životne sredine Opštine Bački Petrovac za 2012. godinu*.]

Work Report and Flow of the Administrative and Non-Administrative Affairs during 2013, Environmental Affairs, Department for Urbanism, Housing and Utilities and Environment Protection, Municipality of Vrbas. [*Izveštaj rada i kretanje upravnih/neupravnih predmeta u toku 2013. godine*. Poslovi za zaštitu životne sredine, Odeljenja za urbanizam, komunalno stambene poslove i zaštite životne sredine. Opština Vrbas.]

Work Report of the Secretariat for Environment Protection for 2012 of the Municipal Administration of the Municipality of Kikinda. [*Izveštaj o radu Sekretarijata za zaštitu životne sredine za 2012. godinu Opštinske uprave opštine Kikinda*.]

Work Report of the Department for Urbanism, Housing and Utilities and Inspections for 2012. of the Municipal Administration of the Municipality of Kovačica. [*Izveštaj o radu Odeljenja za urbanizam, stambeno-komunalne i inspekcijske poslove tokom 2012. godine za Opštinske uprave opštine Kovačica*.]

Work Report of Division for Environmental Protection for 2012 of the Municipal Administration of the Municipality of Kula. [*Izveštaj o radu Odseka za zaštitu životne sredine za 2012. godinu Opštinske uprave opštine Kula*.]

Work Report of Department for Economy, Agriculture, Housing and Utilities and Environment Protection for 2012. The Municipal Administration of the Municipality

of Mali Iđoš. [*Izveštaj o radu Odeljenja za privredu, poljoprivredu, stambeno-komunalne poslove i zaštitu životne sredine za 2012-u godinu Opštinske uprave opštine Mali Iđoš.*]

Information Booklet of the Municipality of Novi Bečej for 2012. Overview of the services provided in Division for Administration and Joint Services. [*Informator o radu organa opštine Novi Bečej. Pregled podataka o pruženim uslugama u Odseku za upravu i zajedničke poslove u 2012. godini*.]

Work Report for the environment protection of the Municipal Administration of the Municipality Odžaci of for 2012. Department for Urbanism, Housing and Utilities, Property Affairs and Environment. [*Izveštaj o radu zaštita životne sredine Opštinske uprave opštine Odžaci za 2012*. godinu. Odeljenje za urbanizam, stambeno-komunalne, imovinsko pravne poslove i zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Pećinci, 2012. Department for Urbanism, Housing and Utilities Affairs and Environment Protection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Pećinci za 2012. godinu*. Odeljenje za urbanizam, stambeno-komunalne poslove i zaštitu životne sredine.]

Work Report of the Municipal Administration of the Municipality of Plandište for 2013. Environmental Affairs. [*Izveštaj o radu Opštinske uprave opštine Plandište za 2013. godinu.* Poslovi zaštite životne sredine.]

Work Report of the Municipal Administration of the Municipality of Ruma for 2012. Environmental Affairs. [*Izveštaj o radu Opštinske uprave opštine Ruma za 2012. godinu*. Poslovi zaštite životne sredine.]*Work Report of the Municipal Administration of the Municipality of Senta for 2012*. Environmental Inspector Report. [*Izveštaj o radu Opštinske uprave opštine Senta za 2012. godinu*. Izveštaj inspektora za zaštitu životne sredine.]

Work Report of the Sremska Mitrovica City Administration for 2012. Environmental Inspector Work Report for 2013. [*Izveštaj o radu Gradske uprave Grada Sremska Mitrovica za 2012. godinu*. Izveštaj o radu inspektora za zaštitu životne sredine za 2013. godinu.]

Work Report of the Municipal Administration of the Municipality of Temerin for 2012. Department for Urbanism, Housing and Utilities Affairs and Environment Protection. [*Izveštaj o radu Opštinske uprave opštine Temerin za 2012. godinu*. Odeljenje za urbanizam, stambeno-komunalne poslove i zaštitu životne sredine.]

Work Report of the Environmental Inspector in the Municipal Administration of the Municipality of Čoka for 2012. [*Izveštaj o radu Inspektora za zaštitu životne sredine Opštinske uprave opštine Čoka za 2012-u godinu*.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Aranđelovac for 2012. Environmental Affairs. [*Izvod iz izveštaja o radu opštinske uprave Opštine Aranđelovac za 2012. godinu*. Poslovi zaštite životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Bojnik for 2012. Environmental Inspector Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Bojnik za 2012*. Poslovi inspektora za zaštitu životne sredine.]

Excerpt from the Work Report of the Municipal Administration of the Municipality of Boljevac for 2012. Department for Urbanism, Construction, Inspections and Implementation. [*Izvod iz izveštaja o radu Opštinske uprave opštine Boljevac za 2012. godinu*. Odeljenje za urbanizam, građevinarstvo, inspekcijske poslove i izvršenja.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Bor for 2012. Activities of the Office for Environment Protection. [*Izvod iz izveštaja o radu*

Opštinske uprave opštine Bor za 2012. godinu. Aktivnosti kancelarije za zaštitu životne sredine.]

Excerpt from Work Report of the Valjevo City Council for 2012. [*Izvod iz izveštaja o radu Gradskog veća grada Valjeva za 2012. godinu*.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Varvarin for 2012. Joint Services Administratrator. Division for General and Joint Affairs and Municipal Service Centre. [*Izvod iz izveštaja o radu Opštinske uprave opštine Varvarin za 2012. godinu*. Poslovi administratora zajedničkih poslova. Odsek za opšte i zajedničke poslove i Opštinskog uslužnog centra.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Veliko Gradište for 2012. Agriculture, Water Industry and Environmental Affairs. Department for Urbanism, Housing and Utilities and Property Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Veliko Gradište za 2012. godinu*. Poslovi poljoprivrede, vodoprivrede i zaštite životne sredine. Odeljenje za urbanizam, stambeno-komunalne i imovinsko-pravne poslove.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Vladimirci for 2012. Environmental Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Vladimirci za 2012*. godinu. Poslovi zaštite životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Vladičin Han for 2012. Department for Urbanism, Property Affairs, Utilities and Construction. Environmental Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Vladičin Han za 2012. godinu*. Odeljenje za urbanizam, imovinsko-pravne, komunalne i građevinske poslove. Poslovi zaštite životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Golubac for 2012. Urbanism and Construction Affairs, Inspections and Property Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Golubac za 2012. godinu*. Poslovi urbanizma i izgradnje, komunalni, inspekcijski i imovinsko pravni poslovi.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Gornji Milanovac for 2012. Department for Utilities and Housing Affairs and Urbanism. [*Izvod iz izveštaja o radu Opštinske uprave opštine Gornji Milanovac za 2012. godinu*. Odeljenje za komunalno-stambene poslove i urbanizam.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Žabari for 2012. Urbanism and Construction Affairs and Environmental Inspector. [*Izvod iz izveštaja o radu Opštinske uprave opštine Žabari za 2012*. Poslovi urbanizma i građevinarstva i inspektora za zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Žagubica for 2012. Department for Econimy and Economic Development. Urbanism and Spatial Planning Affairs, Housing and Utilities Affairs and Environment Protection. Utilities and Environmental Inspection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Žagubica u 2012. godini*. Odeljenje za privredu i ekonomski razvoj. Poslovi urbanizma, prostornog planiranja, stambeno komunalnih poslova zaštite životne sredine. Komunalna i inspekcija za zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Ivanjica for 2012. Environmental Inspector. [*Izvod iz izveštaja o radu Opštinske uprave opštine Ivanjica za 2012*. godinu. Inspektor za zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Knjaževac for 2012. Environmental Legislative and Administrative Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Knjaževac za 2012*. Normativno i upravno-pravni poslovi iz oblasti zaštite životne sredine.]

Excerpt from Work Report of the Kraljevo City Administration for 2012. Department for Inspections. [*Izvod iz izveštaja o radu Gradske uprave grada Kraljevo za 2012. godinu*. Odeljenje za inspekcijske poslove.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Kučevo for 2012. Property Law Affairs. Department for Economy. [*Izvod iz izveštaja o radu Opštinske uprave opštine Kučevo za 2012 godinu*. Imovinsko-pravni poslovi. Odeljenje za privredu.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Lučani for 2012. Inspection Surveillance Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Lučani za 2012. godinu*. Poslovi inspekcijskog nadzora.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Mali Zvornik for 2012. Environmental Inspection Affairs. [*Izvod iz izveštaja o radu Opštinske uprave Mali Zvornik za 2012. godinu*. Poslovi inspektora za zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration for 2012. Environment Protection. Municipality of Malo Crniće. [*Izvod iz izveštaja o radu Opštinske uprave za 2012. godinu*. Zaštita životne sredine. Opština Malo Crniće.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Priboj for 2012. Environmental Inspection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Priboj za 2012*. godinu. Inspekcija za zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Prokuplje for 2013. Sustainable Development and Environment Protection Service. [*Izvod iz izveštaja o radu Opštinske uprave opštine Prokuplje za 2013*. Služba za održivi razvoj i zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Rača for 2012. Service for Agriculture, Urbanism, Construction, Utilities and Property Law Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Rača za 2012. godinu*. Služba za poljoprivredu, urbanizam, izgradnju, komunalne i imovinsko-pravne poslove.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Raška for 2012. Division for Urbanism, Housing and Utilities Activities, Property Law Affairs and Environment Protection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Raška za 2012. godinu*. Odsek za urbanizam, stambeno komunalne delatnosti, imovinsko pravne poslove i zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Sjenica for 2012. Environmental Inspection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Sjenica za 2012. godinu*. Inspekcija za zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Smederevska Palanka for 2012. Department for Property Law, Housing and Utilities and Construction Affairs in the Municipality Smederevska Palanka. [*Izvod iz izveštaja o radu Opštinske uprave opštine Smederevska Palanka za 2012. godinu*. Odeljenje za imovinsko-pravne, stambeno-komunalne i građevinske poslove Opštinske uprave opštine Smederevska Palanka.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Surdulica for 2012. Environment Protection Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Surdulica za 2012. godinu*. Poslovi zaštite životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Ćićevac for 2012. Environmental Inspection and Civil Emergency Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Ćićevac za 2012. godinu*. Inspekcija za

zaštitu životne sredine i poslovi vanrednih situacija.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Ub for 2012. Environmental Inspection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Ub za 2012. godinu*. Inspekcija za zaštitu životne sredine.]

Excerpt for Work Report of the Municipal Administration of the Municipality of Crna Trava for 2012. Environmental Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Crna Trava za 2012*. godinu. Poslovi zaštite životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Ada in 2012. Department for Utilities, Urbanism, Construction and Environment. [*Izvod iz izveštaja o radu Opštinske uprave opštine Ada u 2012. godinu*. Odeljenje za komunalne poslove, urbanizam, građevinarstvo i zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Beočin for 2012. Environmental Affairs. [*Izvod iz izveštaja o radu Opštinske uprave Beočin za 2012. godinu*. Poslovi zaštite životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Vršac for 2012. Department for General Administration. [*Izvod iz izveštaja o radu Opštinske uprave opštine Vršac za 2012. godinu*. Odeljenje za opštu upravu.]

Excerpt from Work Report of the Zrenjanin City Administration for 2012. Department for Environment Protection and Improvement. [*Izvod iz izveštaja o radu Gradske uprave grada Zrenjanina za 2012. godinu*. Odeljenje za poslove zaštite i unapređivanja životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Inđija for 2012. Department for Urbanism, Utilities and Housing Affairs and Environment Protection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Inđija za 2012. godinu*. Odeljenje za urbanizam, komunalno-stambene poslove i zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Irig for 2012. Environment and Urbanism Service. [*Izvod iz izveštaja o radu Opštinske uprave opštine Irig za 2012. godinu*. Služba za zaštitu životne sredine i urbanizam.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Kovin for 2012. Environmental Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Kovin za 2012. godinu*. Poslovi zaštite životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Opovo for 2013. Department for Property Law and Housing Affairs, Urbanism and Construction. Environmental Affairs. [*Izvod iz izveštaja o radu Opštinske uprave opštine Opovo za 2013. godinu*. Odeljenje za imovinsko pravne, stambene poslove, urbanizam i građevinarstvo. Poslovi zaštite životne sredine.]

Excerpt from the Work Report of the Municipal Administration of the Municipality of Srbobran for 2012. Report on the submissions processed in the area of environment protection for 2012. Department for Urbanism, Housing and Utilities Affairs and Environmental Protection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Srbobran za 2012. godinu*. Izveštaj o obrađenim predmetima u okviru zaštite životne sredine, za 2012. godinu. Odeljenje za urbanizam, stambeno-komunalne poslove i zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Stara Pazova for 2012. Department for Utilities Activities and Environment Protection. [*Izvod iz izveštaja o radu Opštinske uprave opštine Stara Pazova za 2012. godinu*. Odeljenje za komunalne delatnosti i zaštitu životne sredine.]

Excerpt from Work Report of the Municipal Administration of the Municipality of Šid for 2012. Report of the Environmental Inspector. [*Izvod iz izveštaja o radu Opštinske uprave opštine Šid za 2012. godinu*. Izveštaj inspektora za zaštitu životne sredine.]

Decision on the Measures from Noise Protection ("Official Gazette of the Municipality of Lučani", No. 8/2011). [*Odluka o merama za zaštitu od buke*, („Službeni glasnik opštine Lučani", broj 8/2011).]

Rulebook on Internal Organisation and Work Positions Systematisation in the Municipality of Knić ("Official Gazette of the Municipality Knić", No. 14), page 7, 18.11.2013. [*Pravilnik o unutrašnjem uređenju i sistematizaciji radnih mesta u Opštinskoj upravi opštine Knić* („Službeni glasnik opštine Knić", broj 14.), strana 7, 18.11.2013.]

Tabular Work Report of the Municipal Environment Inspector in the Municipality of Kuršumlija. Department for Economy and Local Economic Development. [*Tabelarni izveštaj rada opštinskog inspektora za zaštitu životne sredine Skupštine opštine Kuršumlija*. Odeljenje za privredu i lokalni Ekonomski razvoj.]

Consulted Literature

Books

Josimovic B. Crnčević T. *Implementation of Strategic Environmental Assessment in Serbia with Special Reference to the Regional Plan of Waste Management*. 2010. available at: http://www.intechopen.com/books/environmental-management/implementation-of-strategic-environmental-assessment-in-serbia-with-special-reference-to-the-regiona.

The Netherlands Commission for Environmental Assessment. *25 Years of EA in the Netherlands. Views and Experiences*, 2012. Available at: http://api.commissiemer.nl/docs/mer/diversen/views_experiences_2012.pdf.

Non-Smoking Educational Centre. *European Environmental Protection Policies at the Local Level*. [Nepušački edukativni centar – RP. *Evropske politike životne sredine na lokalu*. Kragujevac, 2010.]

Ogola P. F. A. *Environmental Impact Assessment, General Procedures*. Presented at Short Course II on Surface Exploration for Geothermal Resources organized by United Nations University – Geothermal Training Programme, Kenza Electricity Generating Co., Ltd., Kenya 2-17, November 2007. Available at: http://www.os.is/gogn/unu-gtp-sc/UNU-GTP-SC-10-0801.pdf.

Open Society Foundation. Centre for Applied European Studies. *Environmental Protection; a Prerequisite for Sustainable Development*. Belgrade, 2009. [Fond za otvoreno društvo. Centar za primenjene evropske studije. *Zaštita životne sredine; uslov za održivi razvoj*. Beograd, 2009.] Available at: http://www.cpes.org.rs/Publikacije/Zastita%20zivotne%20sredine%20-%20uslov%20za%20odrzivi%20razvoj.pdf.

Partidário M. R. *Strategic Environmental Assessment Better Practice Guide: Methodological Guidance for Strategic Thinking in SEA*. Lisbon, 2012. Available at: http://ec.europa.eu/environment/eia/pdf/2012%20SEA_Guidance_Portugal.pdf.

Sheate. W. Byron H. Dagg S. Cooper L. Imperial College London Consultants. *The Relationship between the EIA and SEA Directives*. Fina; Report to the European Commission, August 2005. Available at: http://ec.europa.eu/environment/archives/eia/pdf/final_report_0508.pdf.

Šerbula S. Radulović M. Zafirović I. Stanižan Z. Petrović M. Vukelić J. Petrović I. Vesković

M. *Environmental Protection in Pančevo and Bor: Challenges of Participatory Approach to Environmental Governance*, Belgrade, 2013. Available at: http://www.rrpp-westernbalkans.net/en/library/Research-Results/Serbia/Public-Participation-in-Environmental-Decision-Making--the-Case-of-Bor-and-Pancevo/mainColumnParagraphs/0/text_files/file2/Environmental%20protection%20in%20Bor%20and%20Pancevo_eng.pdf.

Zhukova Olga. *Actor Interaction in the EIA Process in Sweden: Case Study of Tönsen Wind Power Park Project*, Swedish University of Agricultural Sciences. Uppsala. 2012. Available at: http://stud.epsilon.slu.se/5019/1/zhukova_o_121030.pdf.

Articles

Dusik J. Sadler B. Reforming Strategic Environmental Assessment Systems: Lessons from Central and Eastern Europe. *Impact Assessment and Project Appraisal*, 22:2, 89-97. Available at: http://dx.doi.org/10.3152/147154604781766003.

Documents

Aarhus Centre in Subotica. *A Guide for Practical Implementation of the Law on Environmental Impact Assessment*. Subotica, 2013. [Arhus centar Subotica. Vodič za praktičnu primenu Zakona o proceni uticaja na životnu sredinu. Subotica, 2013.] Available at: http://www.aarhussu.rs/docs/Vodic-2-SRB-HUN-Web.pdf.

Canadian Environmental Assessment Agency. International Association for Impact Assessment. *International Study of the Effectiveness of Environmental Assessment. Environmental Assessment in a Changing World: Evaluating Practice to Improve Performance*. June, 1996. Available at: https://www.ceaa-acee.gc.ca/Content/2/B/7/2B7834CA-7D9A-410B-A4ED-FF78AB625BDB/iaia8_e.pdf.

Dutch Government. Romanian Government. *From Public Debate top Public Dialogue: Improving Public Consultation in SEA and EIA Procedures in Romania*. Developed in a Framework of the Dutch-Romanian Government-to-Government Programme. 2010. Available at: http://api.commissiemer.nl/docs/mer/diversen/os_romanai_public_participation_in_eia_and_sea.pdf.

United Nations Economic Commission for Europe. Commettee on Environmental Policy. *Environmental Performance Reviews; Republic of Serbia. Second Review*. New York and Geneva, 2007. Available at: http://www.unece.org/fileadmin/DAM/env/epr/epr_studies/serbiaII.pdf.

European Commission. *Study concerning the report on the Application and Effectiveness of the SEA Directive (2001/42/EC).* Final Report. April, 2009. Available at: http://ec.europa.eu/environment/eia/pdf/study0309.pdf.

European Movement in Serbia. I*mproving capacities of the local self-governments, Civil Society Organizations and firms for the implementation of the European Environmental Standards*. November. 2012. [Evropski pokret Srbija. *Unapređenje kapaciteta jedinica lokalne samouprave, organizacija civilnog društva i privrednih subjekata i za sprovođenje evropskih standarda u oblasti životne sredine*, Novembar, 2012.] Available at: http://downloads.bos.rs/CEI/Dragoljub_Todic-Zivotna_sredina.pdf.

European Parliament. Directorate General for Research. Division for the Environment, Energy and Research, STOA. *Environment Policy in Slovenia. Briefing No. 6.* Luxemburg, May, 1998. Available at: http://www.europarl.europa.eu/workingpapers/envi/pdf/brief6en_en.pdf.

Friends of the Earth. *Environmental Impact Assessment (EIA). A Guideline for Cam-*

paigners, October, 2005. Available at: http://www.foe.co.uk/sites/default/files/downloads/environmental_impact_asses1.pdf.

Friends of the Earth. Greenpeace. Justice and Environment. European Environmental Bureau. *Position Paper regarding the Review of the Environmental Impact Assessment (EIA) Directive*. Available at: http://www.justiceandenvironment.org/_files/file/EIA_Position_paper_final.pdf.

International Association for Impact Assessment. Institute of Environmental Assessment. *Principles of Environmental Impact Assessment. Best Practice*. January, 1999. Available at: http://www.iaia.org/publicdocuments/special-publications/Principles%20of%20IA_web.pdf?AspxAutoDetectCookieSupport=1.

International Association for Impact Assessment. *Strategic Environmental Assessment. Performance Criteria*. Special Publication Series No. 1. January 2012. Available at: http://www.iaia.org/publicdocuments/special-publications/sp1.pdf.

Institute for European Environmental Policy. *Workshop on Best Practice in Analysing and Developing Environmental Policies. Background paper*, November, 2005. Available at: http://www.ecologic.eu/1536.

Institute of Environmental Management & Assessment. *The State of Environmental Impact Assessment and Practice in the UK. Special Report*. Available at: http://www.iema.net/iema-special-reports.

Justice and Environment. *Commission Proposal for a New EIA Directive.* Position Paper, 2012. Available at: http://www.justiceandenvironment.org/_files/file/2012/EIA%20position%20paper%20new%20Directive%202012_1.pdf.

Justice and Environment. *The EIA in Selected EU Member States. Report and Case Studies*, 2012. Available at: http://www.justiceandenvironment.org/_files/file/2012/EIA%20comprehensive%20report%202012_1.pdf.

Justice and Environment. *Implementation of the EIA Directive in Croatia*, 2012. Available at: http://www.justiceandenvironment.org/_files/file/2012/EIA%20case%20study%20Croatia%281%29.pdf.

Justice and Environment. *Implementation of the EIA Directive in Macedonia*, 2012. Available at: http://www.justiceandenvironment.org/_files/file/2012/EIA%20case%20study%20Macedonia.pdf.

Ministry of Energy, Development and Environmental Protection. *Draft Strategy on the Development of Energy Sector in the Republic of Serbia until 2025 with projections for the period up to 2030*. Belgrade, June, 2014. [Ministarstvo energetike, razvoja i zaštite životne sredine. Ministarstvo energetike, razvoja i zaštite životne sredine. *Nacrt strategije razvoja energetike Republike Srbije za period do 2025. godine sa projekcijama do 2030. godine*. Beograd, jun 2014.]

The Ministry of Energy, Development and Environmental Protection. *Report on the Strategic Environmental Assessment of the Strategy on the Development of Energy Sector in the Republic of Serbia until 2025 with projections for the period up to 2030. Belgrade*, October, 2013. [Ministarstvo energetike, razvoja i zaštite životne sredine. *Izveštaj o strateškoj proceni uticaja strategije razvoja energetike Republike Srbije do 2025. sa projekcijama do 2030. na životnu sredinu*. Beograd, oktobar, 2013.]

Organization for Economic Cooperation and Development. *Applying Strategic Environmental Assessment. Good Practice Guidance for Development Co-operation*. DAC Guidelines and Reference Series, 2006. Available at: http://www.oecd.org/dac/environment-development/37353858.pdf.

Organization for Economic Cooperation and Development. *Development Assistance*

Committee. Good Practices for Environmental Impact Assessment of Development Projects. NO.1 Guidelines on Aid and Environment, Paris, 1992. Available at: http://www.oecd.org/dac/environment-development/1887592.pdf.

Organization for Security and Co-operation in Europe. *Gender Mainstreaming in Aarhus Activities: A Guidline for Practitioners*, 2012. [OEBS. *Uvođenje rodne perspektive u aktivnosti Arhus centara. Priručnik za praktičare*, 2012.] Available at: http://www.osce.org/sr/serbia/119690.

Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the Assessment of the Effects of Certain Public and Private Projects on the Environment. Brussels. October, 2012. Available at: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/envi/dv/envi20140212_eia_text_/envi20140212_eia_text_en.pdf.

Regional Environmental Centre for Central and Eastern Europe. *Awakening Participation: Building Capacity for Public Participation in Environmental Decision-making*. Public Participation Training Module. Szentendre, 1996. Available at: http://archive.rec.org/REC/Publications/PPTraining/AwakeningParticipation.pdf.

Regional Environmental Centre for Central and Eastern Europe. *Guide to the Rules Governing Public Participation in the Decision Making and Access to Justice in Environmental Matters*. Belgrade, 2006. [Regionalni centar za životnu sredinu za Centralnu i Istočnu Evropu. *Vodič kroz propise o učešću javnosti u donošenju odluka i pravu na pravu na pravnu zaštitu u pitanjima zaštite životne sredine*.] Beograd, 2006. Available at: http://archive.rec.org/REC/Programs/PublicParticipation/improving_practices/national/pruducts/serb_practical_guide_for_authorities_on_ac.pdf.

Annexes

Annex 1: List of institutions/organizations whose representatives participated in semi-structured interviews and orientation questions

Government authorities:

1. Environmental Protection Agency
2. Ministry of Energy, Development and Environmental Protection
3. Republic Agency for Spatial Planning

Provincial authorities:

Provincial Secretariat for Urban Planning, Construction and Environmental Protection (APV Vojvodina)

Local authorities:

1. City of Smederevo
2. City of Užice
3. Municipality of Vršac
4. Municipality of Žitište
5. Municipality of Ljubovija
6. Municipality of Knjaževac
7. Municipality of Odžaci
8. City of Pančevo
9. Municipality of Sjenica
10. City of Sremska Mitrovica

Authorities of the EU Member States:

1. Environmental Protection Agency, Kingdom of Sweden
2. Ministry of Agriculture, Hungary
3. Ministry of Agriculture and Environment, Republic of Slovenia

Private sector:

Environmental Engineering and Consulting Firm

Civil Society Organizations:

1. Institute of International Politics and Economics
2. NGO Environmental Movement od Odžaci
3. NGO Movement Gorani
4. Mountaineering / Speleological Society "Zmajevac"
5. NGO "Timok Club"
6. NGO "Avalon"
7. NGO "Our Ljubovija"

Part I - Institutional Solutions Concerning EIA and SEA on the Territory of the Local Community
1. What was the participation of your and other local governments during the drafting of the Laws on EIA/SEA (consultations with the ministry, working groups etc.)?
2. What is the status with regard to capacities for performing EIA/SEA tasks in the local government particularly: - Number of Employees - Level of expertise – especially regarding structure and functioning of the EIA technical commissions, SEA planning commissions and selection of the firm and persons who would draft EIA study and SA report - Division of work - Financial, and - Administrative capacities
3. What is the real impact of the developer on the EIA/SEA procedure?
4. What is the relationship between competent authorities, developers (particularly public enterprises) and the person/firm that drafts the EIA study?
5. How do you estimate cooperation between organs of your local government relevant for EIA/SEA?
6. How do you estimate cooperation with the competent ministry?
7. How do you estimate cooperation between competent organ of your local government and organs of other local governments?
8. How do you estimate Transboundary cooperation?
Part II – Public Participation in the EIA/SEA procedures
9. How do competent organs of the local government identify public concerned?
10. Please share your opinion on public participation concerning the following: a) Timeframe for informing the public; b) Ways of informing the public in all stages of EIA/SEA; c) Public access to information; d) Opportunities of the public concerned to deliver its opinion; e) Management of the registries concerning public concerned and their stated opinions; f) Taking opinions of the public concerned into consideration.
11. Are CSOs recognized as "honest brokers" in the relationship local public authority – citizens?
12. To what extent are the representatives of the public concerned familiar with the EIA/SEA procedures?
13. Are educational activities been conducted in order to increase public participation in the EIA/SEA procedures?
14. How do you estimate the quality of the opinions delivered by the public concerned during the EIA/SEA procedure?

15. To what extent are CSOs opinions taken into consideration in EIA/SEA procedure particularly in the work of technical commission and making decision on the EIA study?
Part III – EIA/SEA: Quality
16. How do you estimate the quality of the suggested alternatives in EIA/SEA procedures?
17. What is the quality of the suggested environmental protection measures given by developer and competent authority?
18. To what extent are the decisions concerning EIA/SA (particularly environmental protection measures) actually being implemented during the realization of the projects, plans and programs?
19. How would describe the level of coherency between EIA and SEA?
Part IV – Surveillance Mechanisms and Access to Justice concerning EIA/SEA
20. Please state your opinion on the surveillance mechanisms of your local government concerning EIA/SEA procedure especially in terms of: a) Their effectiveness, particularly the work of inspection organs on the local level and Technical Commission for the Surveillance of Objects; b) Penalties implemented by so, and c) Potential of this penalties to have a deterrent effect on the violation of the law
21. Please state your opinion on the effectiveness of the judiciary (particularly courts) on pertaining to charges being filed in relation decisions on EIA?

Annex 2: Surveys conducted regarding the Environmental Impact Assessment and Strategic Environmental Assessment in the local self-governments and civil society organizations, and questionnaires for the institutions

2.1. Questionnaire for Local Self-Governmnets

Environmental Impact Assessment and Strategic Environmental Assessment

Municipality / City	
Name of the person who filled in the questionnaire	
Position in the local administration of the person who filled in the questionnaire	
Contact phone number	

How many employees does your municipal/city administration have, who are engaged in the environmental protection?	Inspectors	Expert Associates	Other
Is there any employee that according to decision on internal organization and job classification perform simultaneously two or more functions (state cases)?			
What is the organizational status of the organ responsible for environmental protection activities, in relation to municipal / city administration?			
Was your municipality involved in the legislative process regarding environmental impact assessment and strategic environmental assessment, and subsequent amendments? If so, in what way was it involved (opinions, comments, public hearings, something else ...)?			

Question	Year	
How many requests for EIA screening has the competent authority of your local administration received in the last two years?	2012	
	2013	
How many requests for approval of an EIA study has the competent authority of your local administration received in the last two years?	2012	
	2013	
How many requests for providing an opinion on the need for conducting (or not conducting) an SEA has the competent authority of your local administration received in the last two years?	2012	
	2013	
How many requests for evaluation and approval of the SEA has the competent authority of your local administration received in the last two years?	2012	
	2013	

How many decisions regarding necessity to conduct an EIA has your body of local administration brought in the last two years?	2012	
	2013	
How many decisions approval of an EIA study has the competent authority of your local administration made in the last two years?	2012	
	2013	
What is the number of performed controls concerning the implementation of measures envisaged by decisions made during EIA procedure, in the last two years?	2012	
	2013	
How many misdemeanour charges related to environmental protection has the competent body of your local administration filed to the competent court, in the past two years?	2012	
	2013	
Does the competent authority inform the local public about the incoming requests concerning EIA/SEA - access to documents, public discussions, presentations and decisions?	YES	NO
If the answer to the previous question is "no", please specify why the competent authority does not do it:		
If the answer to the previous question is "yes", circle the answers that indicate ways in which the competent authority does it:	A) Local/regional print media B) Local/regional electronic media C) Direct notifications to environmental non-governmental organisations and other stakeholders concerned D) Not listed (specify how):	

How many public debates and presentations in the EIA decision-making process were held in your municipality/city over the past two years?	2012	
	2013	
How many people were present (participated) during those public debates and presentations? (average per public debate/presentation)	2012	
	2013	
Does your local government keep records of NGOs which took an interest to participate in EIA/SEA procedure?	2012	
	2013	

Does the competent authority involve experts in specific areas for environmental impact assessment of certain projects?	YES	NO

What is the composition of the Technical Commission for the EIA in your local government?	A) Only the employees of the municipal/city administration B) Mostly the employees of the municipal/city administration C) Equally local administration employees and external experts D) Mostly the experts who are not employees within the local administration E) Only the experts who are not employees within the local administration
To what extent does your local government accept the opinions, suggestions and objections of the public during decision making on EIA/SEA?	A) Always B) Often C) Occasionally D) Seldom E) Never
If you believe that public participation in the EIA/SEA decision making is insufficient, in your opinion, what is the main reason for this situation?	A) Citizens lack information on specific requests and their rights to participate in decision-making process B) Unwillingness of local authorities to involve citizens more seriously in decision making processes, which further discourage citizens to do so C) The absence of programmes that can animate the public to participate in decision-making process D) Something that was not mentioned (specify):

In your opinion, what is the total level of public participation in the decision making process regarding EIA/SEA?	SUFFICIENT	INSUFFICIENT

2.2 Questionnaire for Civil Society Organizations

Environmental Impact Assessment and Strategic Environmental Assessment

Name of the Non-Governmnetal Organization		
Municipality, Place		
Year of establishment and number of members		
Name of the person who filled in the questionnaire		
Contact phone number		
Was your NGO involved in the legislative process regarding EIA/SEA, and subsequent amendments? If so, in what way was it involved (opinions, comments, public debates, something else...)?		
Are you aware that NGOs are legally recognized as public concerned in EIA/SEA procedures?	YES	NO
Do you know that NGOs have the legal right to require from competent local authorities to be regularly notified about EIA/SEA procedures?	YES	NO
Does your NGOs receive written or other invitations from the competent local authorities to participate in the EIA/ SEA procedures, which are being implemented in your municipality/city?	YES	NO
What is the level of participation of your members in decision-making processes regarding EIA/SEA (access to relevant official documents, public debates and presentations)? (Underline one of the suggested answers)	A) We do not participate B) We seldom participate C) We occasionally participate D) We often participate E)We always participate	
If you answered "A", "B" or "C", why did you choose that answer? What is the reason for your absence or lack of participation in decision-making process? (Underline one or more reasons, or write your own reason)	A) We do not have enough information on possibilities to access official documents and participating in public discussions B) We believe that we have insufficient knowledge and capacity to participate C) We do not believe that our participation will change anything D) The outcome of the procedure is already known and citizens' opinions are not taken into consideration E) We believe that the Government will protect our interests even without our participation F) Something else (specify):	

If you have participated in public debates, have you delivered comments, opinions and suggestions on the content of the EIA studies/SEA report?	YES	NO
If you have instructed comments, opinions or suggestions, were they accepted by the competent local administration?	YES	NO
In your opinion, to what extent NGOs and citizens of Serbia participate in decision making processes regarding EIA/SEA? Describe the current state and what are the main problems? What should be done to improve the existing condition?		

2.3 Questionnaire for the EU member states (Sweden, Hungary and Slovenia)

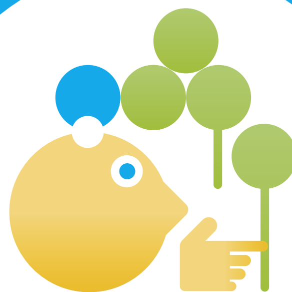
PART I - Institutional arrangement concerning EIA/SEA	
1. Please describe the EIA/SEA harmonization process of your country with the EU *acquis*, particularly if: a) Adequate impact assessments were conducted prior to legal drafting; b) All necessary stakeholders were consulted; c) Coordination between different public authorities was in place; d) Different policy options were considered?	
2. Please describe institutional arrangements in your country concerning EIA/SEA namely: a) Competent authorities and their responsibilities in terms of EIA b) Competent authorities and their responsibilities in terms of SEA, and c) Relationship between different competent authorities.	
3. How do you estimate the capacity of the competent authorities namely: a) Personal (number and expertise); b) Financial, and c) Administrative aspects?	
4. Please comment on the impact of the developers on the EIA/SEA procedure particularly in terms of: a) Their designated rights and obligations under the law; b) Their actual influence on the decision making process; c) Potential conflicts of interest on the relation competent authority – developer (especially public enterprise) – organization conducting the procedure, and d) Institutional mechanisms to prevent conflict of interest.	
5. In your opinion, what are the key advantages and drawbacks of the EIA/SEA institutional arrangements in your country particularly in terms of: a) Horizontal level (e.g. specialised body vs direct Ministry jurisdiction)? b) Vertical level (e.g. national vs regional vs local authority)?	

Think · Act · Impact
Мисли · Делај · Утичи

ANNEXES

PART II – Participation of the public concerned in EIA/SEA and procedures	
6. Please comment on the public participation particularly regarding: g) Timeframe for informing the public; h) Means of informing the public; i) Public access to information; j) Possibilities of the public to express their opinion, and k) Inclusion of the public opinion into the decision making.	
7. Are educational activities conducted for better inclusion of the public into the EIA/SEA?	
8. What is the quality of opinions delivered by the public concerned during the EIA/SEA?	
PART III – EIA/SEA: Quality and consistency	
9. What is the quality of the suggested alternatives in the EIA/SEA?	
10. What is the quality of environmental protection measures provided by the developers and competent authority?	
11. To what extent are environmental protection measures actually incorporated into the projects, planes and programmes?	
12. What is the level of consistency between EIA and SEA?	
PART IV – Control mechanisms and access to justice for EIA/SEA	
13. Could you comment on surveillance mechanisms in your country particularly in terms of: d) Its effectiveness, namely environmental inspection and other mechanisms; e) Fines imposed by so far, and f) Adequacy of the existing fines to have a deterrent effect.	
14. The effectiveness of the judicial system in your country in handling complaints in terms of: a) Environmental NGOs access to a review procedure before a judicial authority; b) Costs of the judicial procedure for the public concerned, and c) Speed and impartiality of the judicial process.	
15. Please feel free to submit additional comments, contacts and relevant documents pertaining to EIA and SEA implementation in your country.	

Within the EU integration process, Serbia has to comply with the minimum EU standards pertaining to environmental assessment of industrial and infrastructural projects, as well as planning documents. These procedures are of immense importance for prevention and reduction of adverse environmental effects connected with human activities. What are the existing institutional solutions and capacities of the public administration with regard to implementation of the environmental assessments? To what extent does the public participate in the procedure? Is the implementation of the environmental assessments in Serbia in compliance with the EU standards? Based on comprehensive analysis, the study provides answers to these and other related questions and also provides recommendations for further improvements of the procedures.



ISBN 978-86-89217-04-9