



Број / N^o: 353-02-1595/2014-16
Датум/Date: 25.February 2015.

IMPLEMENTATION COMMITTEE
Convention on Environmental Impact Assessment in Transboundary Context

Palais des Nations
CH-1211 Geneva10
Switzerland

Subject: Response to the questions posed by the Committee for the Implementation of the Espoo Convention with regard to the construction project "BLOCK 3 TPP KOSTOLAC" (letter of 24 December 2014)

1. a) Since this concerns the construction of a new thermal block as part of the existing thermal power plant constructed in 1987, and not a new thermal power plant, from the Republic of Serbia's perspective this project could not negatively affect the environment. The Environmental Impact Assessment shows all potential impacts and, accordingly, the appropriate protective measures have been prescribed. However, since **the Espoo procedure for the planned activity has not been carried out, that does not exclude possible negative transboundary effects.**
 - б) The air distance from the Romanian border of the activity planned within TPP КОСТОЛАЦ is **19 km.**
2. In the period between 16th August 2013 and 11th October 2013, a public consultation regarding new Draft Energy Development Strategy of the Republic of Serbia until 2025 with projections by 2030 was held, followed by the preparation of a Public Consultation Report. During this period, 6 widely-attended public consultations were held in Belgrade, Niš, Novi Sad and Kragujevac, and the last public consultation was organized for the diplomatic corps, the representatives of EU Delegation in Serbia and the Energy Community. The text of the Draft Strategy has been submitted to relevant ministries for opinion, as well as to the Republic Legislation Secretariat and the European Integration Office.

The Draft Strategy defines goals and activities for each energy sector separately. Therefore, with regard to electric energy production, potential projects aimed at the construction of new facilities to enhance production capacity have been listed and include TPP Kostolac B3.

In accordance with the Law on Strategic Environmental Impact Assessment, a Report on Strategic Environmental Impact Assessment of the Energy Development Strategy of the Republic of Serbia until 2025 with projections by 2030 was prepared. The document was also presented to the public during public consultations organized in the period between 30th October 2013 and 25th November 2013, which included a widely-attended public consultation held in the Chamber of Commerce. The Report was further submitted to all relevant institutions for opinion as well as neighbouring countries. Upon obtaining the opinions, it was sent to the Government Secretariat together with the Draft Strategy as part of the documentation needed for the adoption of the new Strategy. Within the prescribed time limit no opinion was received by any neighbouring country and subsequently, Bulgaria delivered their positive opinion.

The Government adopted the new Energy Strategy during the session held on 3rd January 2014 and submitted it to the National Assembly to undergo the necessary procedure. However, due to the elections and the establishment of the new Government, the whole procedure of the adoption of the Strategy by the new Government has been repeated, therefore the documentation is still at the Government Secretariat and is expected to be adopted during one of the upcoming sessions.

We also note that the project TPP Kostolac B3 has been reported in the process of drafting the list of projects of regional interest, so-called PECI list, prepared during the second phase of drafting the Energy Strategy of the Energy Community. The Secretariat of the Energy Community has organized public consultations as part of the work on the PECI list. (The response to this question has been prepared by the Ministry of Mining and Energy).

3. According to the decision of the Administrative Court (which has not been brought yet!), the Republic of Serbia will repeat the environmental assessment procedure or one part of it (depending on the decision brought), while respecting the time frame prescribed by the Law. The prescribed time frame means in accordance with provisions of the Espoo Convention and the national legislation.
4. The final decision takes into account: expert opinion of the Technical Commission, other relevant institutions informed at all stages of the impact assessment procedure and the relevant opinions of national stakeholders, including NGO/civil society organizations. Hence, the final decision ensures the results of environmental impact assessment including impact assessment documentation, related comments and the results of consultations. Moreover, the decision on the proposed activity accompanied by explanations and considerations it is based upon is provided to the potentially affected side, and, if necessary, additional consultations may be held based on the newly-acquired information, that is, newly-established facts/proofs enabling revision of the previously brought decision.

We also note that this decision implies an Approval/Disapproval of the Environmental Impact Assessment Study, as integral part of the technical documentation necessary for obtaining construction/occupancy permit under the competence of the Ministry of Construction, Transport and Infrastructure.

5. The Decision of the Administrative Court has not been brought yet, but we will notify you of this immediately.

Note: Hereby I wish to clarify that the exact title of the project is: Kostolac lignite **thermal** power plant, instead of Kostolac lignite **nuclear** power plant.

Yours sincerely,



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