

Questionnaire for the report of Serbia on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013–2015

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

(a) Law on SEA (please indicate number/year/name): Law on Strategic Environmental Impact Assessment ("Official Gazette" of Republic of Serbia" number 135/2004 and 88/2010);

(b) SEA provisions are transposed into another law(s) (please specify):

(c) Regulation (please indicate number/year/name):

(d) Administrative rule (please indicate number/year/name):

(e) Other (please specify): Also, by ratifying the Protocol on Strategic Environmental Assessment ("International agreements" 1-10 of 05.05.2010.), which was created under the auspices of the United Nations Economic Commission for Europe (UNECE) under the Convention on the assessment of the environmental impact in a transboundary context (Espoo Convention), Serbia is committed to the implementation of the strategic impact assessment (where possible) on the policies and laws .

Your comments:

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

Article 5 , paragraph 1- The strategic assessment shall be carried out for all plans, programs, bases and strategies (hereinafter referred to as: plans and programs) in the areas of spatial and urban planning or land use planning, agriculture, forestry, fishery, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, conservation of natural habitats and wild flora and fauna.

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

Article 5 , paragraph 1 - Plans and programmes that set the framework for granting the approval for future development project defined by the environment impact assessment related regulation.

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

Article 5 , paragraph 2 - In cases of plans and programmes which stipulate the use of smaller areas at the local level, or in cases of minor modifications to plans and programmes that do not require the formal adoption procedure, as well as od plans and programmes that are not listed in paragraph 1 of this Article, decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

For any specific plan or program competent authority shall determine individually is there significant environmental impact.

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

Also according to **Article 5, paragraph 1** - The strategic assessment shall be carried out for all plans, programmes, bases and strategies (hereinafter referred to as: plans and programmes) in the areas of spatial and

urban planning or land use planning, agriculture, forestry, fishery, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, conservation of natural habitats and wild flora and fauna, that set the frameworks for granting the approval for future development projects defined by the environmental impact assessment related regulations.

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?:

No

Yes (please specify (more than one option may apply)):

(a) By sending written comments to the competent authority

(b) By sending written comments to the local municipality

(c) By providing answers to a questionnaire

(d) By taking part in a public hearing

(e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes

(f) Other (please specify):

Your comments: Our legislation does not provide public concern in phase of screening and scoping for the plans and programmes.

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?:

By using the comments from the concerned authorities and competent authority. Relevant information that shall be included in environmental report are listed in Appendix I – Criteria for determining the potential significant impact characteristics.

Article 7 Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

(c) By using a combination of (a) and (b)

(d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

Your comments:

Article 8 Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

(a) Through public notices

(b) Through electronic media

(c) Through other means (please specify):

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

(a) Based on the geographical location of the plans and programmes

(b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes

(c) By making the information available to all members of the public and letting them identify themselves as the public concerned

(d) By other means (please specify):

Your comments:

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

(a) By sending comments to the relevant authority/focal point

(b) By providing answers to a questionnaire

(c) Orally

(d) By taking part in a public hearing

(e) Other (please specify):

Your comments:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

(a) No, the time frame is determined by the number of days fixed for each commenting period

(b) No, it is defined case by case

(c) Yes (please provide the definition):

(d) Other (please specify):

Your comments:

Your comments: Time frame is set by law regulating the plan and programme adoption procedure. If not, authority responsible for the plan and programme preparation shall make a decision on the plan and programme adoption, or shall make a special decision to organise public insight and debate.

Article 19, paragraph 3 and 4 - Public insight and debate referred to in paragraph 2 of this Article shall be organised, as a rule, as a part of plan and programme presentation and public debating in compliance with law regulating the plan and programme adoption procedure.

If the law regulating plan and programme adoption procedure does not stipulate public insight and debate on the plan and programme, the authority responsible for the plan and programme preparation shall make a decision on the plan and programme adoption, or shall make a special decision to organise public insight and debating referred to in paragraph 2 of this Article.

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

I.17. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

Article 10

Transboundary consultations

I.18. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Your comments: **Article 23, paragraph 2** - When implementation of plans and programmes may have significant adverse effects on the environment in another state, or when the state whose environment could be significantly threatened requests so, the Ministry shall submit to another state, in the procedure of participation of the authorities and organisations and public concerned, within the shortest possible period and at least simultaneously with informing its own public, the following information requesting its opinion:

- 1) The description of plans and programmes, together with all available information on their possible impact;
- 2) The nature of the decision that may be adopted;
- 3) The period within which another state can notify its intention to participate in the decision-making procedure.

I.19. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

- (a) The information required by article 10, paragraph 2
- (b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

Article 23, paragraph 2

- 1) The description of plans and programmes, together with all available information on their possible impact;
- 2) The nature of the decision that may be adopted;
- 3) The period within which another state can notify its intention to participate in the decision-making procedure.

I.20. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

- (a) No
- (b) Yes (please indicate how long): 30 days

Your comments:

I.21. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify:

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) Other (please specify):

Your comments:

Article 11 Decision

I.22. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8 to 10

Your comments:

I.23. How and when do you inform your own public and authorities (art. 11, para. 2)?:

Information about adopted plans and programmes shall be published in Official Gazette of RS.

I.24. How do you inform the public and authorities of the affected Party (art. 11, para. 2)? Please specify:

- (a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

Article 12 Monitoring

I.25. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

The programme of monitoring of the status of the environment during the implementation of plans and programmes shall consist of the following particular:

1. The description of objectives of plans and programmes,
2. The environmental status monitoring indicators,
3. The rights and obligation of the competent authorities,
4. Acting in case of unexpected adverse effects,
5. Other elements depending on the type and scope of plan and programme.

The environmental status monitoring programme can make an integral part of existing monitoring programme provided by the competent environmental protection authority.

Part two Practical application during the period 2013–2015

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2013–2015

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

(a) Yes

(b) No, only when potential transboundary effects are identified

3. Cases during the period 2013–2015

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

In period 2013-2015

1. SEA Report on National Programme of Hungary on the Management of Spent Fuel and Radioactive waste, Radioactive waste Treatment and Disposal Facility,
2. SEA Report on The Danube River Basin Water Management Plan in Serbia,
3. SEA Report on the River Basin Management Plan of Republic of Croatia for the Period 2016-2021,
4. SEA on Transport Development Strategy of Republic of Croatia 2016-2030,
5. SEA on Strategy on Development of Waterborne Transport of the Republic of Serbia, 2015-2025,
6. SEA on Water Management Strategy for the territory of the Republic of Serbia.

4. Experience with the strategic impact assessment procedure in 2013–2015

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?:

(a) No

(b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

II.7. With regard your country's experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)? Yes, for Spatial plans.

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?:

(i) No

(ii) Yes (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?:

All documents are provided in English.

(b) What does your country usually translate as a Party of origin?:

SEA report.

(c) Has your country carried out transboundary public participation according to article 10, paragraph 4?:

(i) No

(ii) Yes (please indicate how):

(d) What has been your country's experience of the effectiveness of public participation?: Good.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?:

(i) No

(ii) Yes (please describe):

5. Experience regarding guidance in 2013–2015

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/17)?¹:

- (a) No:
- (b) Part of it (Please specify):
- (c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?:

- (a) No:
- (b) Yes Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.