

Republic of Serbia

HLS item 3

Excellences, distinguished delegates, ladies and gentlemen,

It is with great pleasure and honor to address this meeting on behalf of the Republic of Serbia as a Party to the Aarhus Convention and its Protocol on PRTR.

Implementation of the Aarhus Convention in practice is a complex process that requires the synchronized action of the various subjects and stakeholders which are included in the environmental protection systems, as well as the more consistent reform of the public administration and the society as a whole. This is especially due to the fact that all three groups of standards established by the mentioned Convention go beyond the responsibility and the competences of a single ministry and are also relevant for the various issues related to the functioning of the public administration as a whole, the functioning of the judiciary and legislative authorities, the processes of building and strengthening the democratic institutions, strengthening the rule of law, the realization of human rights, etc. Our goal is to create the conditions for full implementation of the standards established by the Aarhus Convention and other relevant international agreements in the field of environment, as well as to provide the full harmonization of the national legislation with the legislation of the European Union. This process is currently underway.

According to national legislation, the strategic environmental impact assessment is developed for certain plans, programs in the domain of spatial and urban planning or land utilization, agriculture, forestry, fishing, hunting, energy, industry, traffic, waste management, water management, telecommunications, tourism, infrastructure systems, protection of natural and cultural resources, flora and fauna and their habitats etc., and is an integral part of the plan and program. Public participation is an integral part of the decision-making process. Prior to submitting the request for approval of the strategic assessment report the competent authority responsible for preparation of plans and programs shall provide for public participation in reviewing the strategic assessment report. The public shall review the report within the process of displaying the plans and programmes for public scrutiny and during public debate. The competent environmental protection authority grants approval to the strategic assessment report or rejects the request for granting approval. The competent authority for preparing the plan or program cannot submit the plan or program for further adoption without having obtained approval of the report on the strategic assessment, issued by the authority competent for environmental protection. Strategic environmental impact assessment is an integral part of the spatial plan of the area used for special purposes. The decision on developing planning documents also includes, the obligation, or absence thereof, of producing the strategic environmental impact assessment. Public participation, as regards urban and spatial planning, takes place during public discussion, meaning that the strategic impact assessment report is reviewed at the same time. Planning documents with annexes must be accessible for public scrutiny. The planning document is displayed for public scrutiny which takes place after technical review is completed and is announced in a daily and local newspaper and lasts for 30 days from the date of announcement. The display of the planning document for public scrutiny is overseen by the ministry in charge of spatial planning i.e. the local self-government authority

responsible for spatial and urban planning. The responsible body, i.e. the Committee for plans, compiles a report on the conducted public scrutiny of the planning document, which contains information on the completed public scrutiny process, with all the remarks and decisions on account of every remark. The report is submitted to the developer of the planning document, who is obliged to act upon these decisions within 30 days from the day of delivery of the report. Moreover, in the event that, following public insight into the draft planning document, the responsible agency, i.e. the Committee for plans establishes that the adopted remarks fundamentally alter the planning document, it make a decision instructing the developer of the planning document to prepare a new draft of the planning document, within a deadline which cannot exceed 60 days from the day on which the decision was adopted.

Pursuant to the provisions of the Law on Planning and Construction, the Law on the Strategic Environmental Impact Assessment (“Official Gazette of RS”, no. 135/04 and 88/10) and other relevant regulations, during the period 2017-2020 there were public reviews held for 33 draft spatial plans for special purpose areas and reports on the strategic environmental impact assessment of spatial plans for special purpose areas such as:

-The Draft Spatial Plan for the special purpose area for the construction of Kolubara B thermal power plant and the Report on the strategic environmental impact assessment of the Spatial Plan;

The Draft Spatial Plan for the special purpose area of the infrastructure corridor of the Belgrade-Niš railway track and the Report on the strategic environmental impact assessment of the Spatial Plan, etc.

The advertising and presentation for public review of the above draft spatial plans and SEIA reports is under the competence of the Ministry of Construction, Transport and Infrastructure, in cooperation with local self-government unit public authorities competent for urban and spatial planning affairs. The draft spatial plans and SEIA reports were presented for public review during the advertised periods in daily newspapers, in the seats of local self-government units encompassed by the above spatial plans, as well as on the websites of the Ministry of Construction, Transport and Infrastructure and local self-government units that are within the scope of the spatial plan. All further information on the place of presentation, as well as required explanations, could be obtained in the services tasked with urban and spatial planning affairs in the local self-government units. Public presentations of the above draft spatial plans and SEIA reports were held at the seats of local self-government units encompassed by the above spatial plans. Natural and legal persons could submit their objections to the draft spatial plans and SEIA reports for the duration of public review in writing to the Ministry of Construction, Transport and Infrastructure.

- On of the major challenges in ensuring public participation in strategic environmental impact assessment for certain plans, programs is incompatibility of sectoral regulations that provide the basis for the adoption of plans and programmes with the Law on the Strategic Environmental Impact Assessment. Since the strategic impact assessment is performed for plans and programmes from different sectors and not only those that refer to spatial and urban planning, a problem with public participation occurs for plans and programmes of different sectors where the laws applying to these sectors, based on which such plans and programmes are adopted, do not provide for public participation. Another challenge related to public participation in decision-making procedure are insufficient public participation due to being

uninformed, uninterested, late inclusion in the procedure after the deadlines for the right to complaint have expired.