

Decision V/4d on compliance by Serbia with its obligations under the Protocol in respect of the Energy Sector Development Strategy of the Republic of Serbia for the Period up to 2025 with Projections up to 2030 and the Programme for the Implementation of the Strategy for the Period 2017–2023

The Meeting of the Parties to the Protocol,

Recalling article 14 (4) of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, and article 14 bis of the Convention,

Recalling also decision V/4¹ on general issues of compliance with the Protocol adopted at the fifth session,

Having considered, further to paragraph 6 of the appendix to decision III/2,² the findings and recommendations of the Implementation Committee on the Committee initiative with regard to compliance by Serbia with its obligations under the Protocol in respect of the Energy Sector Development Strategy of the Republic of Serbia for the Period up to 2025 with Projections up to 2030 and the Programme for the Implementation of the Strategy for the Period 2017–2023,³

Having considered also the report on the activities of the Implementation Committee to the Meeting of the Parties to the Protocol at its fifth session, in particular, the section concerning Serbia,⁴

1. *Endorses* the Implementation Committee's findings that Serbia is in non-compliance with its obligations under article 3 (1) of the Protocol regarding legislative, regulatory and other measures to ensure proper implementation of article 10 regarding transboundary consultations and article 11 on decision-making and informing the Parties consulted about the decision;

2. *Also endorses* the Implementation Committee's findings that Serbia is in non-compliance with:

(a) Article 10 (1) and (2) of the Protocol concerning the Energy Sector Development Strategy for the period up to 2025 with Projections up to 2030 and the failure by Serbia to notify Croatia, Hungary and Romania in that regard;

(b) Article 10 (3) and (4) of the Protocol concerning the Strategy's Implementation Programme for the Period 2017–2023 and transboundary consultations with Hungary and detailed arrangements thereof, as well as article 11 on taking into account the results of the transboundary consultations and informing the affected Parties accordingly;

3. *Requests* the Government of Serbia to ensure that its legislation, regulations and other measures fully implement the Protocol's provisions, including articles 10 and 11 concerning the transboundary consultations and the results thereof, and requests the Implementation Committee to review the legislative and institutional frameworks for the Protocol's implementation once amended;

4. *Also requests* the Government of Serbia to submit to the Implementation Committee, by the end of 2024 if it has not done so earlier, a road map with a time schedule, spelling out planned actions to ensure compliance by Serbia with articles 10 and 11 of the Protocol, including, but not limited to, legislative and institutional reforms, as needed, capacity-building, setting up a register of transboundary procedures, and storage of the

¹ ECE/MP.EIA/15.

² ECE/MP.EIA/6, annex II.

³ ECE/MP.EIA/IC/2022/5.

⁴ ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

related documents, and, thereafter, to report to the Committee on implementation of the road map;

5. *Considers* that, exceptionally, bearing in mind that Serbia notified Croatia, Hungary and Romania regarding the Strategy's Implementation Programme and that those Parties do not wish to reopen the transboundary procedure regarding the Energy Strategy and Hungary does not wish to reopen the transboundary procedure of the Implementation Programme either, no further action from Serbia is required under article 10 of the Protocol in relation to both the documents subject to the Committee initiative;

6. *Requests* Serbia, further to article 11 (2) of the Protocol, to inform all the affected Parties, notably, Croatia, Hungary, Montenegro and Romania, that have not yet been informed about the adoption of the Energy Strategy's Implementation Programme, and to provide them with the adopted Programme, together with a statement summarizing how environmental, including health, considerations have been integrated into the Programme, how their comments have been taken into account and the reasons for adopting the Programme in the light of reasonable alternatives considered;

7. *Also requests* Serbia to ensure that, during the project level implementation of the Strategy and the Programme, potentially affected Parties are notified in accordance with article 3 (1) of the Espoo Convention for the projects with likely significant adverse transboundary impacts;

8. *Further requests* Serbia to ensure that, when preparing or adopting plans and programmes falling under the Protocol, including Spatial Plans, Energy Strategies or Programmes for their implementation, or their revisions, the Protocol and its articles 10 and 11 are fully applied; encouraging Serbia to use the format for notification adopted by decision II/7⁵ when notifying affected Parties under the Protocol;

9. *Requests* Serbia to agree with Croatia, Hungary and Romania on detailed arrangements, as set out in article 10 (4) of the Protocol, for the transboundary consultations regarding the new or revised Energy Strategy, taking into account their expressed willingness to participate in that procedure;

10. *Encourages* the Government of Serbia to enter into negotiations with its other neighbouring Parties to cooperate in elaborating bilateral or other arrangements, in order to support the implementation of article 10 of the Protocol in the context of developing future plans and programmes falling under the Protocol (and, at the project level, to facilitate implementation of Convention procedures);

11. *Requests* the Government of Serbia to report to the Implementation Committee on progress made on the steps taken further to paragraphs 3–4 and 6–7 above, by the end of each year, starting in 2024, and invites the Implementation Committee to report to the Meeting of the Parties to the Protocol at its sixth session on the progress made by Serbia.

⁵ ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2, decision II/7, annex.