

**From:** Ewa Dabrowska [REDACTED]  
**Sent:** lundi, 17 juin 2024 17:07  
**To:** ECE-Aarhus-Compliance <[aarhus.compliance@un.org](mailto:aarhus.compliance@un.org)>  
**Cc:** Luka Djordjevic [REDACTED]; Selin Esen [REDACTED]; Sebastian Bechte [REDACTED]; [ecolawgica@un.org](mailto:ecolawgica@un.org); [natasa.djereg@un.org](mailto:natasa.djereg@un.org)  
**Subject:** RE: ACCC/C/2020/179 (Serbia) - invitation to communicants to hearing at Committee's 83rd meeting (Geneva, 11-14 June 2024)

Dear Fiona,

Thank you very much again for ensuring such a smooth hearing on Friday.

As agreed, we are sharing on behalf of the communicants the excerpt from the European Commission Serbia 2023 Report mentioned in the closing statement (attached, available here: [SWD\\_2023\\_695\\_Serbia.pdf \(europa.eu\)](#), p. 135):

“Serbia should tackle critical deficiencies of the Law on Planning and Construction, including the requirement of public participation and transparency in the issuing of construction permits set out in the EIA. It should also address the practices of issuing construction permits before an EIA procedure and splitting projects into several smaller projects which, taken individually, do not require an EIA process. EIA implementation needs to be considerably strengthened.”

In a similar vein, the Energy Community Secretariat has commented on the Serbian EIA system in its Serbia Annual Implementation Report 2023 (attached, available here: [Serbia - Energy Community Homepage \(energy-community.org\)](#), p. 11):

“The breach established by the Ministerial Council concerning the incomplete transposition of the amended Environmental Impact Assessment (EIA) Directive persists. A draft of the new EIA Law was submitted to the Parliament for adoption. The draft EIA Law features significant improvements, including public consultation process with an extended timeframe of 40 days, and external expert assessment to enhance the quality of EIA reports. However, the proposal lacks a provision requiring projects to obtain the development consent only after the EIA process is finalized. Instead the EIA is required only at the stage of commencement of works. The Secretariat has already identified this breach in the applicable legislation, deviating from the fundamental requirement of Article 2(1) of the EIA Directive. Furthermore, the draft law lacks mechanisms to assess projects that have been carried out without the necessary permits and EIAs, and clear timeframes. This absence opens the possibility for developers to circumvent the EIA.”

We remain at your disposal for any questions.

Kind regards,

**Ewa Dąbrowska**

Lawyer\*, Environmental Democracy

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