

**REPORT OF SERBIA ON THE IMPLEMENTATION OF
THE CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

in the period 2006–2009

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Date on which report was completed: november/december 2010.

PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

Law on Environmental Protection („Official Gazette of the Republic of Serbia“, No. 135/04, 36/09)

Law on Environmental Impact Assessment, Article 32 („Official Gazette of the Republic of Serbia“, No. 135/04, 36/09)

Law on Strategic Environmental Impact Assessment („Official Gazette of the Republic of Serbia“, No. 135/04, 36/09)

Law on Free Access to Information of Public Importance, („Official Gazette of the Republic of Serbia“, No. 120/04)

Law on Ratification of the Aarhus Convention („Official Gazette of the Republic of Serbia“, No. 38/09)

Law on Ratification of the Convention on Environmental Impact Assessment in a Transboundary Context („Official Gazette of the Republic of Serbia“, No. 102 /07)

Our country has signed Multilateral Agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context(Buchurest, 19-21 May 2008), but we have not yet ratified this Agreement.

Law on Ratification of the Protocol on the to the Strategic Environmental Impact Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context („Official Gazette of the Republic of Serbia“ - International contracts, No. 1 /10)

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

Our country is planning to ratify the Multilateral Agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the near future.

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*

- a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

Our Law on EIA, by article 32 stipulates that in transboundary context the authorities (Ministry) needs to firstly inform its public and then inform the neighbouring countries about:

- 1) the project together with all the available data on potential impacts:
- 2) the nature of decision-making:
- 3) the deadline regarding the period necessary for the affected party to inform about its intention to participate in the impact assessment procedure.

In all steps of the EIA procedure we are include the public participation.

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

Our national EIA procedure is completely in accordance with procedure steps of transboundary EIA set out in the Convention.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

For all these steps within transboundary EIA procedure, the Ministry is responsible authority. Practically, involved authorithies are the Ministries, Agencies and Public concerned, depending of type of the project (colecting opinion from them in each phase in the procedure, engaged experts like members in Working groups for reviewing of the EIA Studies, etc) In accordance with domestic legislation, competent authorities are the Ministry(for those projects for which the permit for project implementation is under the responsibility of the Republic authority), the Provincial authority(for those projects for which the permit for project implementation is under the responsibility of the authority of the autonomous province) and the Local self-government authority(for those projects for which the permit for project implementation is under the responsibility of the local self-government authority).

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

The EIA Department of the Ministry is responsible for collecting information on all the transboundary EIA cases.

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

Until now, we still do not have any joint cross-border projects.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

Yes;Yes.

On the national level we implement EIA Regulation, consisted of two Lists of projects: a mandatory list and list of projects for which an impact assessment may be required. Mandatory list is harmonized with Appendix I. In our country, there is no difference between the terms "large" and "major". We only use the term "significant" impact.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an “activity”, or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

In that case, procedure within ESPOO will proceed.

- b. *How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

Transboundary EIA cooperation is conducted through points of contact.

- c. *How a change to an activity is considered as a “major” change;*

It is considered a "major"(significant) change if the project has an adverse impact on the environment.

In accordance with Article 3 of the EIA Law, the subjects of the impact assessment are planned projects and projects being implemented, changes in technology, reconstruction, the extension of capacity, the termination of operations, and the removal of projects that may have significant impact on the environment.

The subjects of the impact assessment are also the projects that have been realised without the elaboration of the EIA Study and that do not have a construction or utilisation permit (hereinafter: impact assessment of the current status).

Impact assessments shall be elaborated for projects in the fields of industry, mining, energy production, transport, tourism, agriculture, forestry, water management, waste management and utility services, as well as for all the projects that are planned in areas with protected natural resources of special value and within the protected zones of immobile cultural resources.

In accordance with Article 28 of the EIA Law, the project developer shall commence the project implementation within two years from the date of receipt of the decision on approval of the EIA Study. Upon the expiry of the period referred to in par. 1 of this Article and upon the project developer's request, the competent authority may adopt a decision to request the elaboration of the the new EIA Study or to update the existing EIA Study.

The request referred to in par. 2 of this Article shall contain data as set out in the articles regulating the application for a decision on the scope and content of the EIA Study.

The procedure conducted based on the request referred to in par. 2 of this article is accordingly subject to the provisions of this Law regulating a decision on the scope and content of the EIA Study and a decision granting the approval of the EIA Study.

- d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

Basically, location (distance from boundary) and project complexivities, are crucial aspects for authority in order to determine is the project may cause significant

adverse transboundary impact - earlier phases, screening or scoping. All that projects must be incorporated in the List of projects for which on impact assessment is mandatory (List I) and List of projects for which on impact assessment may be required (List II). before issuing the decision, collect opinions and statements from other authorities (institutions and public) regarding confirmation is the projects cause an adverse impact.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

In Art. 2 of the Law on EIA there is a definition of the public. The terms used in this Law shall have the following meaning:

- 1) Public means one or more natural or legal persons, their associations, organisations or groups;
- 2) Public concerned includes the public affected by or likely to be affected by the project, including non-governmental organisations that promote environmental protection and are registered with the competent authority;

The party of origin (our country) notifies in each stage of EIA procedure the affected party, but we do not know if they inform their public.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

After recognizing the project in Appendix 1 of the Convention and the lists from the Regulation, our country will start procedure, regulated by Law on EIA, as well as by ESPOO Convention. Upon informing the domestic public the notification is sent to the affected country.

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

Yes

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

Yes

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

Case by case, there aren't any specified criteria for determining the time frame for the response to the notification from the affected party. We used to require reasonable time frame for obtaining a reply from the affected party, taking into account the obligations from domestic legislation. If not, we can extend the deadline, after receiving explanation from the affected party. There is no consequence for not respecting the time frame. The agreement on deadlines is achieved through signing bilateral agreements between the two parties.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

Together with the notification, our country provides relevant information regarding the proposed activity in the first stage of the EIA procedure.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be "prompt" (art. 3.6)?*

All this is requested in the first phase, in accordance with the format for notification, in due time frame.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

EIA procedures are separate, for the affected Party and Party of origin. Our Ministry informs the other Party in all stages of the procedure, that is, after informing the domestic public and at the end of the procedure. We have no information how the affected party informs their public.

- b. *How your country identifies, in cooperation with the affected Party, the "public" in the affected area;*

The interest of the public in the affected country shall be determined only based on the information received from the affected party. Communication will be conducted only with official representatives of the affected country and not with representatives of the public of the affected country.

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

So far, we haven't received any information from the affected party on how they inform the public

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

Informing the domestic public is regulated by the Law on EIA whereas we are not responsible for informing the public of the affected party, but the authority of the affected party upon receiving notification from our side. We do not have any further information regarding how the authority mentioned informs their public.

15. Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?

Yes

QUESTIONS TO AFFECTED PARTY

16. Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.

Based on the information from application we receive from the Party of origin, and if the project is on the Espoo List and our country's List I and List II, then we notify the other authorized institutions, and after receiving opinions about the needness of participation, we decide to participate. So, this decision can be issued only by the Ministry of Environment and Spatial Planning (central authority).

17. When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is "reasonably obtainable" information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of "promptly" in the context of responding to a request for information (art. 3.6)

If a project is in question that could have an adverse impact on the environment, we determine "reasonably obtainable" information in accordance with our Law of EIA and the Lists (if the project is on the List I and List II or not), and then, in accordance with art. 3 of the Convention we send information on the potentially affected environment, on the activities within the potential affected region etc., in the format required by Decision I/4 of the Parties to the Espoo Convention.

18. Please describe:

a. How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;

EIA procedures are separate, for the affected Party and for the country of origin. Without experience in corespondation with public from party of origin

b. How your country identifies the "public" in the affected area;

Only based on the information received from the affected Party we used to inform public by the media. Until now, no EIA procedures have been terminated.

c. How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;

We inform the public of the affected region by means of the local and daily national newspapers, and this notification contains information about which phase the procedure is in, and a notice about where a public insight can take place, for example in the Ministry and in the Municipality where the project is being realized.

d. At what stage in the EIA procedure does your country normally notify its public?

In all stages of the EIA procedures.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

Information to be included in the environmental impact assessment documentation shall, as a minimum, contain, in accordance with Article 4:

- (a) A description of the proposed activity and its purpose;
- (b) A description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative;
- (c) A description of the environment likely to be significantly affected by the proposed activity and its alternatives;
- (d) A description of the potential environmental impact of the proposed activity and its alternatives and an estimation of its significance;
- (e) A description of mitigation measures to keep adverse environmental impact to a minimum;
- (f) An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used;
- (g) An identification of gaps in knowledge and uncertainties encountered in compiling the required information;
- (h) Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis; and
- (i) A non-technical summary including a visual presentation as appropriate (maps, graphs, etc.).

20. *Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

We notify them about the initial phase of EIA procedures and in the final phase we notify them as well. When our procedure is terminated in accordance with our legislation, we send this procedure to the other Party to be viewed and to receive an opinion. So far, none of these procedures have been terminated.

21. *How does your country identify "reasonable alternatives" in accordance with appendix II, paragraph (b)?*

Based on location, technology and increased pollution from the Party of origin's project we identify "reasonable alternatives" in accordance with Appendix II

22. *How does your country identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to appendix II, paragraph (c), and how does it define "impact" in accordance with article 1(vii)?*

Depending on the capacity of the project, what changes can be identified due to the proposed activity.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

Firstly, we only notify the other Party about the project, then in the final phase when we have an EIA study that is translated into English by the project-developer we send the other Party this study for their insight and opinion.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

Our country respects all the opinions and comments of competent bodies from the other Party, and organizes a meeting to which the other Party is invited to participate.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

Our country gives a time frame of 30 days, according to our national legislation, which is quite enough for providing comments. So far, we haven't had a situation in which the affected Party has not complied to the time frame.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

We give them all the documentation that the project-developer submits to their insight.

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

We have public participation in all stages. In the procedure of EIA review- third stage of EIA procedure we have public hearing including project presentation and discussion. The procedures are separate for both Parties. During the procedure we notify the affected Party, and we send the final documentation to them on insight. When appropriate, public consultations and public hearing can be organized as joint consultations in the final stage of the EIA procedure.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

In accordance with Article 32 of the Law on EIA, within the shortest possible period, and no later than the competent authority informs their public.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

When both Parties will responsible, we will organize meetings in which both Parties participate but only after collecting all the comments and opinions. In these meetings, we will try to arrive to the most adequate solutions in which the interests of both Parties are respected.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

The EIA Department at the Ministry of Environment and Spatial Planning is responsible for the organization of the public participation in our country. Public participation is normally organized in accordance with our country's legislation.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

The term "consultations" does not officially exist in the law and bylaws concerning impact assessment, however, there are always meetings with project developers and regardless of the procedure phase, that is, consultations are possible in all phases. Consultations take place in the final phase of EIA. Then, experts analyze the study in which comments and opinions are taken into account, adequate measures are proposed and certain protective measures are prescribed. Our country set beforehand the duration for consultations, which is normally 15 days and for a study up to 20 days. There has always been a need for consultations.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

If it concerns a project with a transboundary impact, then consultations are always on national level. However, if a project without a transboundary impact is concerned, then all the consultations are on a regional and local level.

Representatives of competent authorities, interested authorities and organisations, experts and public of the field usually participate.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

If it concerns a project with a transboundary impact, then consultations are always organized on national level. However, if a project without a transboundary impact is concerned, then all the consultations are on a regional and local level our country usually communicates in consultations by meeting and by the exchange of written communicates. We have always had consultations so far.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

For each activity listed in Appendix I, a construction permit or usage permit is issued as the final decision to authorize or undertake a proposed activity. In Serbian language, the term used in the national legislation is " gradjevinska /upotrebnna dozvola" in accordance with Law of Planning and Construction, but in accordance with our Law first (with the EIA Law), the final decision is approval of the EIA Study or the refusal of the application for approval of the EIA Study, and then the term used in the national legislation is "saglasnost/nesaglasnost na Studiju procene uticaja na zivotnu sredinu"

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

The EIA procedure influences the decision-making process for the proposed activity in the way that after issuing a permit for an EIA study, monitoring and technical analysis is performed in order to determine whether the conditions and prescribed measures have been met.

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

Yes

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

Until now, there have been no final decisions in the transboundary projects in which our country as involved. However, when the procedure is terminated, we will submit the documentation in English to the other Party through the Ministry of Foreign Affairs. Yes, the final decision contains both reasons and considerations on which the decision is based.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

In accordance with Article 6, paragraph 3, our country would ask for consultations in order to revise the decision if necessary.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

Based on the results of the surveillance activity and the determination of an adverse transboundary impact, our country decides to request for a post-project analysis.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

We haven't had any experience in this situation so far.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Yes, our Minister, has only signed the Multilateral agreement among the countries of South-Eastern Europe for the implementation of the Convention on Environmental Impact Assessment in a transboundary context (Buchurest, 19-21 May 2008), but we have not yet ratified this Agreement.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No, because, as mentioned above, our country has still not ratified this Agreement.

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

We still did not ratified the first amendment to the Convention - we have plan to ratify in near future

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

We still did not ratified the second amendment to the Convention - we have plan to ratify in near future

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Yes, our country ratified the Protocol on SEA

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore

provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Yes, the transboundary EIA projects:

1. Exploitation of phosphorite ore from the "Lisina" deposit near Bosilegrad, and production of the phosphate concentrate.

This project has a great transboundary significance because of two points:

- The relocation of the river and one part of the regional road.
- The Dragovishtica River is a transboundary river for Bulgaria and Serbia, and the Struma River is a transboundary river for Bulgaria and Greece.

2. The regulation of the Karas River on the Serbian territory

This project envisages the digging of a channel for the evacuation of big waters, partly inside the protected natural area.

The Republic of Romania has received our notification and has sent its information regarding the importance of this project.

The impact is transboundary because it is on the joint Serbian-Romanian watercourse. 32 km is on Serbian territory.

3. The Study of the impact of the multipurpose channel Danube-Sava from the aspect of the transboundary impact on the environment.

Regarding this project, we have already started informing the experts and public in order to give the most accurate information.

We have formed a special work group, consisting of experts from the Ministry and other Environmental Institutions.

4. "Gold-silver and Base Metal Ore Mining in Certej Perimeter, Hunedoara county"

The listed activities may have significant adverse effects on the Moris and Tisa river, especially in on accidental situation.

The reason for our participation is the previous incident Baja Mare, in which lethal cyanide leaked into Tisa killing the entire flora and fauna of the river., and the potential further leakage due to out-dated technology.

5. The Embassy of the Republic of Macedonia has sent our Ministry a notification on the intentions for the realization of the Project "Construction of the Wind farm Kozjak-German".

Our Ministry has decided not to take part in this project.

6. The development of the Sava river navigation traffic and establishment of its regulation from Racinovci to Sisak

Our country is the affected party and our Ministry has made comments about this study. Now we are expecting a reply to these comments.

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

No

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No /

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

None of the above-mentioned projects have been terminated so far so it is impossible to give a time period for these procedures.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

We have EIA Studies in procedure, but they are not terminated, so we cannot draw any practical experience from this.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

Yes; All these terms are used, and so far we have had no problems with other Parties, since the terms are identical.

53. *Please share with other Parties your country’s experience of using the Convention in practice. 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.*

- a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

In accordance with our law and with the Convention.

- b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

No; Based on our legislation, regulation and List of projects.

- c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

Both methods depending on the project.

- d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

According to our legislation (Article 33. of EIA Law) the project-developer is responsible for providing the translation which is always in English.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

So far, we have not had joint participation, and there have been no complaints.

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

In my opinion, there are difficulties with timing, considering that none of our procedures have been terminated. Clearly, the timing for providing information is different among Parties. It would be best if the timing for EIA procedures was simultaneous.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

So far, one of our studies is finished, but the project-developer has not translated the study, and so we could not send it to the affected Party.

- h. *Has your country carried out post-project analyses and, if so, on what kinds of project?;*

No, because none of our procedures have been terminated.

- i. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

No; The most usual means of cooperation are contact points. Our Ministry, has translators who are responsible for translations and interpretations of documentation.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet" ?;*

We have good practise in the 1st phase (notification). For other elements the practise varies.

- k. *Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

Through focal points.

CO-OPERATION BETWEEN PARTIES IN 2006–2009

54. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

No, not really.

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

- a. *Guidance on public participation in EIA in a transboundary context;*

No

- b. *Guidance on subregional cooperation;*

No

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

No

CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

All the provisions in the Convention are clear. Any difficulties in implementing the procedure should be solved in bilateral or multilateral cooperation and consultation.

AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Yes, by means of notification of all the potential stakeholders.

58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

Yes, in view of ratifying the multilateral agreement.

SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

The questions need to be shorter, more concise and not so repetitive. Some questions are rather self-explanatory.

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