

**Questionnaire for the report of [NAME OF COUNTRY] on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015**

**Information on the focal point for the Convention**

1. Name and contact information: Sabina Ivanovic

**Information on the point of contact for the Convention**

2. Name and contact information (if different from above):

**Information on the person responsible for preparing the report**

3. Country: Serbia
4. Surname: Ivanovic
5. Forename: Sabina
6. Institution: Ministry of Agriculture and Environmental Protection
7. Postal address: 1 street Omladinskih brigada , 11070 New Belgrade
8. E-mail address: sabina.ivanovic@eko.minpolj.gov.rs
9. Telephone number: +381113131356
10. Fax number: +381113132574
11. Date on which report was completed: 11.06.2016.

## 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.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

#### Article 1

##### Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes ■
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes ■
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments:

I.3. Please specify how major change is defined in your national legislation:

The Law on EIA („Official Gazette of the Republic of Serbia“, No. 135/04, 36/09) shall regulate the impact assessment procedure **for projects that may have significant effects on the environment**, the contents of the Environmental Impact Assessment (EIA) Study, the participation of authorities and organisations concerned, the public participation, transboundary exchange of information for projects that may have significant impact on the environment of another state, supervision and other issues of relevance to impact assessment.

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.

EIA shall be done for projects in the area of industry, mining, energy, traffic, tourism, agriculture, forestry, water management, waste management and utilities, as well as for projects that are planned in protected area and in protected surroundings of an immobile cultural good.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project ■
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned ■
- (c) By other means (please specify):

Your comments:

## **Article 2**

### **General provisions**

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

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

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

Law on Environmental Protection („Official Gazette of the Republic of Serbia“, No. 135/04, 36/09 and 14/16); Law on Ratification of the Convention on Environmental Impact Assessment in a Transboundary Context („Official Gazette of the Republic of Serbia“, No. 102 /07); **Law** on Ratification first and second Amendment to ESPOO Convention („Official Gazette of the Republic of Serbia“, No. 4/ 16); Law on Free Access to Information of Public Importance, („Official Gazette of the Republic of Serbia“, No. 120/04, 54/07, 104/09 and 36/10); Law on Ratification of the Aarhus Convention („Official Gazette of the Republic of Serbia“, No. 38/09); Law on Ratification of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context („Official Gazette of the Republic of Serbia“, No. 1 /10); Law of Planning and Construction („Official Gazette of the Republic of Serbia“, No. 72/2009, 24/2011, 121/2012, 132/2014 and 145/2014);

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

In 2005, the following areas have been regulated through the following bylaws („Official Gazette of the Republic of Serbia“, No. 69/05):

- 1) Rulebook on public insight, presentation and public discussion about the study
- 2) Rulebook on the work of the expert commission in assessment of the study
- 3) Rulebook on the content of application for determining screen and on the content of application for determining scope of the EIA study
- 4) Rulebook on the content of the EIA study and on the content of appearance
- 5) Rulebook on the manner of keeping the public regarding the act decisions about the EIA

In 2008, have been adopted the Decree for List I – list of projects for which an impact assessment is mandatory and List I- list of projects for which an impact assessment may be required („Official Gazette of the Republic of Serbia“, No. 114/08).

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

(e) Other (please specify):

In 2010, has been published Manual on minimal requirements of the environmental protection (this manual defines minimal environmental protection requirements for the facilities that are excluded from the process of environmental impact assessment by the authorities).

There are sector specific guidelines on EIA available to support the developer:

Guidelines for EIA procedure, 2005. - Project Jugolex, supported by Ministry of foreign affairs of Finland,

Guidelines on the EIA for wind farms” Belgrade, 2010.

“Bats and Environmental Impact Assessment - Methodological guidelines for EIA and SEA ” Belgrade, 2011.

Your comments: The adoption of Law on Ratification of Multilateral agreement among countries of South Eastern Europe for implementation of the Convention on EIA in a transboundary context on the Government of Republic of Serbia is foreseen by the end of 2016.

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference; all activities are transposed in the national legislation as is ■

(b) It differs slightly  (please specify):

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, regional, local levels ■

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities:

(d) There is no single authority responsible for the entire EIA procedure:

Your comments: In accordance with national legislation, competent authorities for all three stages of the EIA procedure are the Ministry of Agriculture and Environmental Protection (for projects for which the permit for project implementation is under the responsibility of the Republic authority); the Provincial authority (for 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 projects for which the permit for project implementation is under the responsibility of the local self-government authority). For granting development consent the competent authority is the Ministry of Construction, Transport and Infrastructure.

For all steps within transboundary EIA procedure, the Ministry of Agriculture and Environmental Protection is the responsible authority.

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes  (please specify): The EIA Department at the Ministry of Agriculture and Environmental Protection collects information on all the transboundary EIA cases.

Your comments:

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

Serbia has ratified the ESPOO Convention in 2007. Ministry of Agriculture and Environmental Protection, is the competent authority (CA) for the transboundary procedure. After recognizing the project in Appendix 1 of the Convention and in the Decree on establishing the list of projects for which the impact assessment is mandatory and the list of projects for which EIA can be requested (Official Gazette of the Republic of Serbia No. 114/08), Serbia starts the ESPOO procedure. Upon informing the domestic public CA sends the notification to the affected country. Together with the notification, CA provides relevant information regarding the proposed activity in the first stage of the EIA procedure (screening or scoping). From the moment when the notification is received by the affected Party starts the time-frame of six weeks (min. 30 days) within which she has to send comments, opinion, and decisions on acceptance to participate or not in the ESPOO procedure.

### **Article 3 Notification**

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

(a) During scoping

(b) When the EIA report has been prepared and the domestic procedure started

(c) After finishing the domestic procedure

(d) At other times (please specify):

Your comments: After recognizing the project in Appendix 1 of the Convention and the lists from the Regulation, our country starting implementation of the Law on EIA, as well as the ESPOO Convention. In the same time when we inform the domestic public, we are sending the notification to the affected country.

I.11. Please define the format of notification:

(a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)

(b) The country has its own format  (please attach a copy)

(c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one option may apply):

(a) The information required by article 3, paragraph 2

- (b) The information required by article 3, paragraph 5 ■
- (c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation  (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations ■ (please indicate the average length in weeks): six weeks

Your comments: 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 a reasonable time frame for obtaining a reply from the affected party, taking into account the obligations from domestic legislation (six weeks/ min. 30 days, which is quite enough for providing comments). If not, we can extend the deadline, after receiving explanation from the affected party. Based on the information 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 competent bodies, institutions and public, and after receiving opinions about the necessity of participation, we decide whether or not to participate. So, this decision can be issued only by the Ministry of Agriculture and Environmental Protection (central authority).

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

There is no consequence for not respecting the time frame. The agreement on deadlines is achieved through signing bilateral agreements between the two parties.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:  
(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>■

(b) Other (please specify):

Your comments: 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.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party ■

(d) Other (please specify):

Your comments:

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party■

(c) Other (please specify):

Your comments: If it concerns a project with a transboundary impact, then consultations are always organized on national level. Our country (Ministry of Agriculture and Environmental Protection) usually organized consultations by meeting and by the exchange of written communicates with the authority of the Party of origin (Ministry).Transboundary EIA cooperation is conducted through points of contact.

In accordance with Article 32. of the Law on EIA, within the shortest possible period, the competent authority informs their public. When both Parties are 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. When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure.

## **Article 4**

### **Preparation of the environmental impact assessment documentation**

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II 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:

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

(a) A description of the proposed activity and its purpose;

(b) A description, where appropriate, of reasonable alternatives (for example, location or technology) 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.).

Together with the notification, our country provides relevant information regarding the proposed activity in the first stage of the EIA procedure in accordance with the format for notification, in due time frame. No significant difference.

Our country respects all the opinions and comments of competent bodies and public from the other Party, and organizes a meeting to which the other Party is invited to participate. Our country gives a time frame of six weeks-min. 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 other Party has not complied with the time frame.

We have public participation in all stages. The procedures are separate for both Parties. The EIA Department at the Ministry of Agriculture and Environmental Protection is responsible for the organization of the public participation in our country. Public participation is normally organized in accordance with our country's legislation. When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure.

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):



- (a) By using appendix II ■
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable ■
- (c) By using the comments from members of the public during the scoping phase, if applicable ■
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify):

Your comments:

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

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

Your comments: Based on the location, technology and increased pollution from the Party of origin’s project we identify “reasonable alternatives”.

**Article 5**  
**Consultations on the basis of the environmental impact assessment documentation**

**(a) Public participation**

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As Party of origin*

- (a) By sending comments to the competent authority/focal point ■
- (b) By taking part in a public hearing ■
- (c) Other (please specify):

*As affected Party*

- (d) By sending comments to the competent authority/focal point ■
- (e) By taking part in a public hearing ■
- (f) Other (please specify):

Your comments:

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments: We have public participation in all stages. The procedures are separate for both Parties.. When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure.

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:

**(b) Consultations**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional  (please specify):

Your comments: Article 32 on the Law on EIA(„Official Gazette of the Republic of Serbia“, No. 135/04, 36/09):“When a planned project may have a significant impact on the environment of another state, or when another state in which the environment could be significantly threatened requests the information, the Ministry shall submit to the states concerned within the shortest possible period, at the latest simultaneously with notifying its own public the information on:

- 1) The project, together with all available information on its possible effects;
- 2) The nature of the decision that may be adopted;
- 3) The period within which the state concerned may give notice of its intention to participate in the impact assessment procedure.

The Ministry shall inform the state concerned, which was consulted in the decision making procedure, about the decision to grant or refuse the application for approval of the EIA Study, by the submission of information on the contents of the decision and conditions that were set out, the main reasons that were the basis for the decision including the reasons for the acceptance or refusal of the opinions obtained from the authorities, organisations and the public concerned and, where necessary, on the most important measures that the project developer must undertake in order to prevent, reduce or eliminate the averse effects on the environment. The Ministry shall inform the public about the obtained information on transboundary effects of the proposed project of another state. The Ministry shall take into account the opinions of the public concerned when submitting the opinion to the competent authority of the state concerned”

For all these steps within transboundary EIA procedure, the Ministry is the responsible authority. Practically, involved authorities are the Ministries, competent bodies, Institutions, Agencies, representative NGOs and Public concerned, depending of the type of

project (collecting opinions from them in each phase in the procedure, engaging experts like members in Working groups for reviewing of the EIA Studies, etc).

## **Article 6**

### **Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation ■
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2 ■
- (c) Outcome of the consultations as referred to in article 5 ■
- (d) Outcomes of the transboundary consultations ■
- (e) Comments received from the affected Party ■
- (f) Mitigation measures ■
- (g) Other (please specify):

I.25. 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, para. 1):

- (a) Yes ■
- (b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes ■ (please specify): Law on EIA: Law on Environmental Impact Assessment, Article 32 („Official Gazette of the Republic of Serbia“, No. 135/04, 36/09); Law on Ratification of the Convention on Environmental Impact Assessment in a Transboundary Context („Official Gazette of the Republic of Serbia“, No. 102 /07).

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes ■
- (b) No  (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

The final decision is the approval of the EIA Study or the refusal of the application for approval of the EIA Study (disapproval of the EIA Study).

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 /upotrebna 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 o proceni uticaja na zivotnu sredinu".

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

Your comments:

## **Article 7**

### **Post-project analysis**

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

Your comments: 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.

## **Article 8**

### **Bilateral and multilateral cooperation**

#### **(a) Agreements**

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes  Please specify with which countries: our Minister has 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. The adoption of Law on Ratification of Multilateral agreement among countries of South Eastern Europe for implementation of the Convention on EIA in a transboundary context on the Government of Republic of Serbia is foreseen by the end of 2016.

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

- (a) Specific conditions of the sub region concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis ■
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA ■
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities ■
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies■
- (h) Other, please specify:

Your comments:

**(b) Procedural steps required by the national legislation**

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

- (a) When EIA in a transboundary context is part of a domestic EIA procedure:

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

For all these steps within transboundary EIA procedure, the Ministry is the responsible authority. Practically, the involved authorities are the Ministries, Agencies and Public concerned, depending of type of the project (collecting opinions from them in each phase in the procedure, engaging experts like members in Working groups for reviewing of the EIA Studies, etc). The EIA Department of the Ministry is responsible for collecting information on all the transboundary EIA cases. EIA procedures are separate, for the affected Party and Party of origin. Our Ministry informs the other Party in all stages of the procedure, also the domestic public( EIA documentation is made available for public, on the official web site). After recognizing the project in Appendix 1 of the Convention and the lists from the Regulation, our country starting implementation of the Law on EIA, as well as the ESPOO Convention. In the same time when we inform the domestic public, we are sending the notification to the affected country. 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 inform their public. In every phase of the procedure we have the announcement of submitted request, the public insight into the case and the announcement of the decision. 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.

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

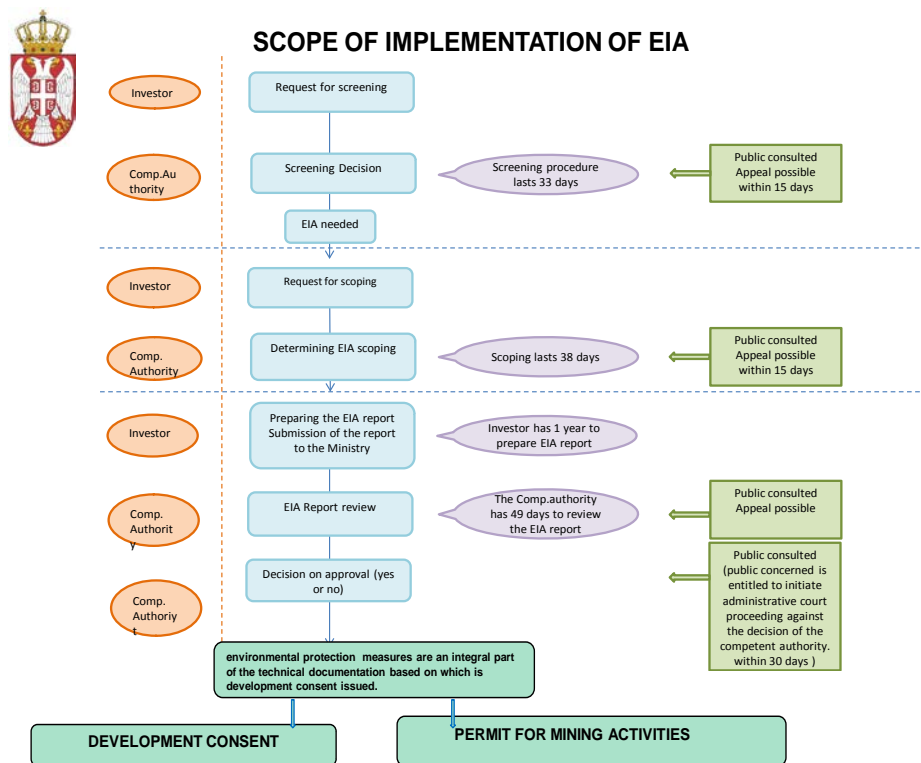
- (a) A description of the proposed activity and its purpose;

- (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.).

When our procedure is completed in accordance with our legislation, before the final decision, we send documentation to the other Party to be viewed and to receive an opinion.

- (b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.



Your comments: **In Serbia, EIA in a transboundary context is part of a domestic EIA procedure.** We notify other party about the initial phase of EIA procedures, and in the final phase we notify them as well. When our procedure is completed in accordance with our legislation, before the final decision, we send documentation to the other Party to be viewed and to receive an opinion.

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions:
  - (ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions:
  - (ii) Informal arrangements:

Your comments:

## Part two

### Practical application during the period 2013–2015

Please report on your country's practical experiences in 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.

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

(a) Yes

(b) No  Only on the website of the Ministry of Agriculture and Environmental Protection

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

##### Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. Project of building a new block TPP B3 on location TE Kostolac B					
2. Preliminary design for the construction of road links Ljubovija and	29.07.2014. (date notification sent)				<b>02.09.2014</b> , the Ministry of Physical Planning, Construction and Ecology of Bosnia



Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
<p><i>Bratunac with a bridge across Drina River and the joint border crossing between the Republic of Serbia and the Republic of Bosnia and Herzegovina in the territory of "Republika Srpska"</i></p>					<p><i>and Herzegovina responded on non-participation in the procedure</i></p>
<p>3. - The project of reconstruction and modernization of the railway Subotica-Čikerija-Bačalmaš-Baja, SECTION Subotica-Hungarian border (Čikerija), approximately 13km, and</p> <p>- The project of reconstruction and modernization of the railway Subotica (Teretna)-Horgos-Roszke (Hungarian border), approximate</p>	<p><i>Епој / No:</i> 353-02-1391/2014-16</p> <p>353-02-1413/2014-16</p> <p><i>Датум/Date:</i> 29.10.2014.</p>				<p><i>Hungary responded on non-participation in the procedure</i></p>

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
ly 27 km”					
4. The project of construction of storage phosphor gypsum in Prahovo	28.07.2015.		Letter from the Minister of Environment, Waters and Forests of Romania from 30.07.2015.  Letter from the Minister of Environment and Waters of Republic of Bulgaria from 02.10.2015.	Insight into the EIA Study was available via the official website of the Ministry of <a href="http://www.eko.minpolj.gov.rs/obavestenja/procedura-uticaja-na-zivotnu-sredinu">http://www.eko.minpolj.gov.rs/obavestenja/procedura-uticaja-na-zivotnu-sredinu</a> in English and Serbian language	Approval on EIA Study 06.10.2015.
5. The project to expand the capacity for conducting international road traffic at the border crossing Batrovci, on the highway E – 70	22.12.2015				The Republic of Croatia has officially responded to the 29.02.2016 the decision of non-participation in the procedure
6. Project of construction HE "Brodarevo 1" and HE "Brodarevo 2", on the river Lim. on 29/01/2016 <b>Public hearing</b> 04.03.2016 in Prijepolje  <b>Letter from the Montenegro</b> 07.06.2016. <b>ongoing procedure</b>					

Your comments: *Public Company Electric Power Industry of Serbia initiated a new procedure for the development of the Study on the assessment of the environmental impact of the Project for the construction of new Block B3 at Thermal Power Plant (TPP) Kostolac B, on cadastral parcel 303, Cadastre Municipality (CM) Kostolac-Selo, on the territory of the city of Požarevac for the following reasons:*

- *Consent to the previous Study on the assessment of the environmental impact of the Project for the construction of new Block B3 at TPP Kostolac B expired on 31 December 2015.*
- *Amendment to the technical solution in the Preliminary Project Design from 2013 was made and used as a basis for the development of the Study on the assessment of the environmental impact.*

According to the stated, we expect the submission of notification.

Table II.2 (a)

**Transboundary EIA procedures: As affected Party**

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. <i>International EIA procedure according to the Espoo Convention on "Construction of new nuclear power plant blocks at Paaks site" (Paks NPP II project)</i>	<i>Number: 353-02-01605/2015-16 Date: 06.08.2015.</i>		<i>Insight into the study was available via the official website of the Ministry of <a href="http://www.eko.minpolj.gov.rs/obavestjenja/procedure-uticaja-na-zivotnu-sredinu/">http://www.eko.minpolj.gov.rs/obavestjenja/procedure-uticaja-na-zivotnu-sredinu/</a> (via the link of the project owner and the Government of Hungary <a href="http://www.kormany.hu/hu/foldmuvelesugyi-miniszterium/hirek/nemzetkozi-kornyezeti-vedelmi-hatasvizsgalati-eljarasok">http://www.kormany.hu/hu/foldmuvelesugyi-miniszterium/hirek/nemzetkozi-kornyezeti-vedelmi-hatasvizsgalati-eljarasok</a>, in English and Hungarian language in the period from 10.08.2015. to 30.09.2015.</i>	<i>05.11.2015. and 06.11.2015.-public hearing in Belgrade Minutes from public participation concerning the environmental impact Study -May 2016.</i>	<i>Official Serbian standpoint – June 2016.</i>
2. <i>RESEARCH REACTOR FOR PRODUCTION OF MEDICAL AND INDUSTRIAL ISOTOPES -</i>	<i>353-02-01161/2015-16 from 09.06.2015</i>				<i>11.08.2015. The final decision is not to participate in further procedure</i>

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
SKAGEN, THE KINGDOM OF THE NETHERLAN DS					
3. - Recons truction of railway line Szeged- Röszke- Horgos- Szabadka, - Recons truction of railway line Szabadka- Csikéria- Bácsalmas- Bácsbokod- Baja,	No: 353- 02- 00522/201 5-16  Date: May 19 March 2015.		14.04.-14.05.2015  Insight into the case  official website of the Ministry of <a href="http://www.eko.minpolj.gov.rs/obavestenja/procena-utica-ja-na-zivotnu-sredinu">http://www.eko.minpolj.gov.rs/obavestenja/procena-utica-ja-na-zivotnu-sredinu</a>	May 14th , 2015.  The final decision is not to participate in further procedure	
4.					
...					

Your comments:

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.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin: In accordance with Law of EIA, the project developer is solely finances the entire cost of the procedure, and if the project is a transboundary case, this significantly raises the costs of the project due to translation costs. This is a difficult obstacle for our Ministry to overcome since this prolongs the procedure.

(b) As affected Party:

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

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

1. EIA procedures are separate, for the affected Party and Party of origin. Our Ministry informs the other Party in all stages of the procedure, also the domestic public( EIA documentation is made available for public, on the official web site).
2. In accordance with Law of EIA, the project developer is solely finances the entire cost of the procedure, and if the project is a transboundary case, this significantly raises the costs of the project due to translation costs. This is a difficult obstacle for our Ministry to overcome since this prolongs the procedure.
3. If there are several parties included in the project there is a necessity for a coordinating body (out of all the participants) to facilitate more efficient procedure, because it lasts to long and is carried out separately in each country.
4. There should be a defined reasonable time frame for the country participants
5. Still develop cooperation through bilateral and multilateral agreements

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) **For NPPs:** International EIA procedure according to the Espoo Convention on "Construction of new nuclear power plant blocks at Paaks site"(Paks NPP II project)

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

International EIA procedure according to the Espoo Convention on "Construction of new nuclear power plant blocks at Paaks site"(Paks NPP II project)

The Ministry of Agriculture and Environmental Protection of the Republic of Serbia, as potentially affected parties, in accordance with Article 3, paragraph 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (The Law on Ratification of the Convention on Environmental Impact Assessment in a Transboundary Context( "Official Gazette of the Republic of Serbia", No. 102/07) issued a decision on participation in environmental impact assessment for this project.

The decision was based on the fact that the project will be implemented near of the border with the Republic of Serbia, as well as the possible negative impacts and security risks by population, the environment and the ecosystem of the Danube.

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

- (a) No
- (b) Yes  (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

## 2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

- No
- Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on sub regional cooperation (ECE/MP.EIA/6, annex V, appendix):

- No
- Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

- No
- Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

**Guidelines are good and they help, but we are not always using them (not required) because the national legislation prescribes clear procedures.**

## 3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

- No  but...
- Yes  (please indicate which provisions and how they are unclear):

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

1. EIA procedures are separate, for the affected Party and Party of origin. Our Ministry informs the other Party in all stages of the procedure, also the domestic public( EIA documentation is made available for public, on the official web site).

2. In accordance with Law of EIA, the project developer is solely finances the entire cost of the procedure, and if the project is a transboundary case, this significantly raises the costs of the project due to translation costs. This is a difficult obstacle for our Ministry to overcome since this prolongs the procedure.

3. If there are several parties included in the project there is a necessity for a coordinating body (out of all the participants) to facilitate more efficient procedure, because it lasts to long and is carried out separately in each country.

4. There should be a defined reasonable time frame for the country participants

5. Still develop cooperation through bilateral and multilateral agreements

**Provisions are not “unclear” but they are difficult to implement.**

#### **4. Suggested improvements to the report**

II.12 Please provide suggestions for how this report may be improved.