

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 2016–2018

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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 („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 Ratification of the Aarhus Convention („Official Gazette of the Republic of Serbia“, No. 38/09); Law on Ratification of Multilateral agreement among countries of South Eastern Europe for implementation of the Convention on EIA in a transboundary context („Official Gazette of the Republic of Serbia“, No.12/18); Law of Planning and Construction („Official Gazette of the Republic of Serbia“, No. 72/2009, 24/2011, 121/2012, 132/2014 and 145/2014); Law on Mining and Geological Surveys („Official Gazette of the Republic of Serbia“, No.101/2015).**

(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): **mentioned above**

(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:

1. **Guidelines for EIA procedure, 2005. - Project Jugolex, supported by Ministry of foreign affairs of Finland,**
2. **Guidelines on the EIA for wind farms” Belgrade, 2010.**

UNDP Serbia project team: M.Sc. Dobrila Simić, national coordinator, Vera Pullen, consultant, MESP team: **M.Sc.Sabina Ivanovic**, M.Sc. Slobodan Cvetkovic, Miroslav Tosovic, "Guide for Environmental Impact Assessment of wind farms", Belgrade, June 2010. within the framework of the project "Environmental Protection in the Western Balkans" donated by the Government of the Netherlands

3. **“Bats and Environmental Impact Assessment - Methodological guidelines for EIA and SEA” Belgrade, 2011.** Paunovic, M., Karapandza, B., **Ivanovic, S.** (2011). Bats and Environmental Impact Assessment - Methodological guidelines for Environmental Impact Assessment and Strategic Environmental Impact Assessment, a manual for environmental experts and consultancies, planning authorities and developers. Wildlife Conservation Society “MUSTELA”, Belgrade, 2011 ISBN: 978-86-914719-0-3
4. **Sabina Ivanovic, M.Sc. (2013), "The manual for public participation in environmental protection"** produced within the project "Capacity Building in the implementation of the Aarhus Convention and to support the development of PRTR systems in countries of Southeast Europe", Belgrade
5. **"GUIDE TO STRATEGIC ENVIRONMENTAL ASSESSMENT IN URBAN PLANNING”(March, 2015)**Published by: AMBERO Consulting Representative Office Belgrade, Kralja Milana 23, Belgrade,Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, GIZ Office Serbia, Brzakova 20, Belgrade Responsible: Harald MÜLLER, Team Leader AMBERO Belgrade

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

(e) Other (please specify):

Your comments:

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: **Ministry of Environmental Protection, the Provincial Authority (Provincial Secretariat for Urban Planning and Environmental Protection) and the Local self-government authority**
- (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 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 and the Ministry of Mining and Energy for projects for exploitation of mineral resources, which are not subject to the issuance of Construction Permits.**

For all steps within transboundary EIA procedure, the Ministry of 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 Section in Department for SEA&EIA at the Ministry of Environmental Protection collects information on all the transboundary EIA cases.

Your comments:

I.9. How does your country, as a Party of origin and as an 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 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 (scooping). 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 a 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:

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 options 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): **Article 32 of the Law of EIA prescribes:** “If the project may have significant impact on the environment of another state, or if the state whose environment may be significantly endangered requests it, the Ministry shall, without delay, and at the latest when it or the competent body notify their public, request an opinion from the other state notifications on the following:

- 1) Project along with all available data on its potential impact;
- 2) Nature of the decision that may be adopted;

3) Deadline wherein the other state may present their intent to participate in the impact assessment procedure.

- (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):

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 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 website¹ ■

(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 an 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 the 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 the 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 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.

Articles 3.8 and 4.2

Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

As a 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 an 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.18. 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.19. 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:

Article 4

Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:

- (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.

We have public participation in all stages. The procedures are separate for both Parties. The EIA Department at the Ministry of 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.21. 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.22. 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): **Article 5 of the Rulebook on the contents of the Environmental Impact Assessment Study („Official Gazette of the Republic of Serbia “, No. 69 /05)**

(c) Other (please specify):

Your comments: **Article 5 of the Rulebook on the contents of the Environmental Impact Assessment Study („Official Gazette of the Republic of Serbia “, No. 69 /05)**

The overview of the main alternatives considered by the project leader with an explanation of the main reasons for selecting the given solution and the environmental impact regarding the selection shall contain the following:

- 1) Location or route;
- 2) Production processes or technology;
- 3) Work methods;
- 4) Location plans and project drawings;
- 5) Type and choice of materials;
- 6) Project implementation schedule;
- 7) Functioning and cessation of functioning;
- 8) Date of start and end of implementation;
- 9) Volume of production;
- 10) Pollution control;
- 11) Regulation of waste disposal;
- 12) Regulation of access and traffic routes;
- 13) Responsibility and procedure for environmental management;
- 14) Training;
- 15) Monitoring;
- 16) Emergency plans;
- 17) Method of decommissioning, location regeneration and further use.

Article 5

Consultations on the basis of the environmental impact assessment documentation

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations 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 adverse 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): **The 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:

Your comments:

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 Development Consent is issued as the final decision to authorize or undertake a proposed activity in accordance with the Law of Planning and Construction and by the Law on Mining and Geological Exploration for major mining, on site extraction and processing of metal ores or coal, which are not subject to the issuance of Construction Permits, 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.

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

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: **Law on Ratification of Multilateral agreement among countries of South Eastern Europe for implementation of the Convention on EIA in a transboundary context („Official Gazette of the Republic of Serbia“, No.12/18)**

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 subregion 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 national legislation

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

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

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

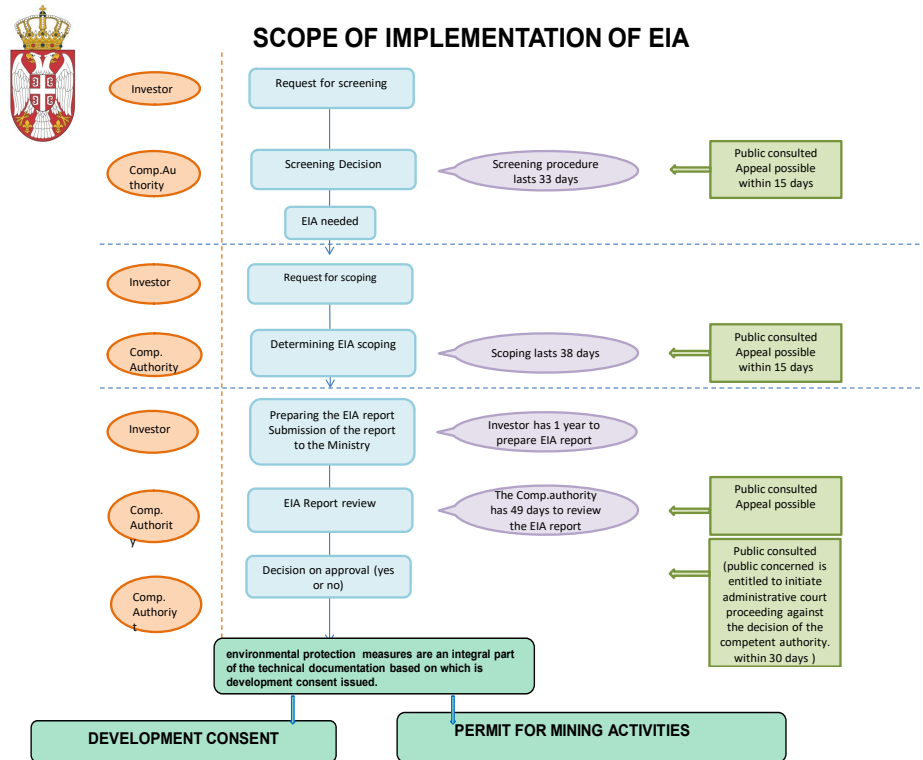
For all these steps within transboundary EIA procedure, the Ministry is the responsible authority. Practically, the involved authorities are the Ministries, Agencies and Public concerned, depending of type of the project (collecting opinions from them in each phase in the procedure, engaging experts 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.



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 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a 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

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

Cases during the period 2016–2018

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 a 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 a Party of origin

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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.							
2.							
3.							
4.							
...							

Your comments:

1. "Interconnection of the national Gas Transmission System of Romania with the similar Gas Transmission System of the Republic of Serbia; including power supply, cathodic protection and optic fiber", dated on 7th February 2019.; Romania is Party of Origin; Serbia is Affected Party. The final decision of the Republic of Serbia is not to participate in further procedure on 13th March 2019.
2. "EIA procedure for the project of construction of wind farm on the locality of Kostolac in accordance with the Espoo Convention" dated on 5th September 2018. Serbia is Party of Origin; Romania is Affected Party. The documentation was available for comments on the official website of the competent authority for 30 days. We were organizing a public hearing in Pozarevac, on 03 October 2018, and kindly asked Romania to inform us if it is acceptable for Romanian side to take part in this event, or whether Romania intends to organize a public hearing in the country as well. Comments and Romanian official country's standpoint regarding the content of the EIA Study was expected by 15st October, 2018. The Romanian party informed us that, after insight into the Study, there is no possibility of a negative transboundary impact of the project on the environment and natural protected areas in Romania that have been identified, and therefore there are no objections regarding the implementation of this project (Letter from the Government Deputy Prime Minister, Romania, Mrs Gratiela Leocadia Gavrilescu, Minister of Environmental Protection, Mr. Goran Trivan, dated 16th October 2018). The final decision on the approval of the EIA Study was made on December 12, 2018 and this decision was translating into the English and send through diplomatic channel to Romanian Authority.
3. "EIA procedure for the project "Upgrade of the Iron Gate 1 Navigation Lock at Hydro Power Plant Djerdap" in accordance with the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)" Serbia is Party of Origin; Romania is Affected Party. Republic of Serbia sent Notification to Romanian side dated 25th January 2017, and Romania decide to participate in the further procedure. The documentation was available for comments on the official website of the competent authority for 30 days. We were organizing a public hearing in Kladovo, Republic of Serbia, on 27 February 2018 and we kindly asked Romania to inform us if it is acceptable for Romanian side to take part in this event, or whether Romania intend to organize a public hearing in the country as well. Comments and Romanian official country's standpoint regarding the content of the EIA Study was expected by 15st March, 2018. The Ministry of Environment of Romania submitted comments on March 16, 2018, were taken into consideration when approving the EIA Study which was issued April 17, 2018. The final decision on the approval of the EIA Study was translating into the English and send through diplomatic channel to Romanian Authority.
4. EIA procedure for the project "The expansion of the bulk and general cargo terminal at the Port of Smederevo" in accordance with the Espoo Convention dated March 22, 2018. Serbia is Party of Origin; Romania is Affected Party. We sent the Notification to Romanian side of a proposed activity as required by article 3 and by Decision I/4 of the Espoo Convention. Romania decide not to participate in further procedure and sent as a letter on May 4, 2018 with some recommendations.
5. Notification according to the Espoo Convention of the EIA procedure for the Project of Construction and Exploitation of Transmission Gas Pipeline (Interconnector) border of Bulgaria - border of Hungary-Section 1 (Vrška čuka –Žabari), on the territory of the Republic of Serbia. Serbia is Party of Origin; Republic of Bulgaria is Affected Party. We sent the Notification to Bulgarian Ministry of Environment and Water of a proposed activity as required by article 3 and by Decision I/4 of the Espoo Convention. Romania decide not to participate in further procedure and sent as a letter on February 4, 2019

and Republic of Bulgaria decide not to participate in further procedure and sent as a letter on March 6, 2019.

6. 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. In accordance with Article 12 of the Law on the Environmental Impact Assessment (“Official Gazette of the Republic of Serbia“, Nos. 135/04, 36/09), the Ministry of Agriculture and Environmental Protection received a Request for determining the scope and content of the Study on the assessment of the environmental impact of the **Project for the construction of new Block B3 at TPP Kostolac B, on cadastral parcel 303, CM Kostolac-Selo, on the territory of the city of Požarevac on 14 April 2016**. In accordance with Art. 3 of the ESPOO Convention, we sent the Notification to an affected Party-Romania of a proposed activity as required by article 3 and by Decision I/4 of the Espoo Convention on 30 June 2016.

Romania decides to participate in the procedure.

On 13 February 2017 was submitted a Request for the approval of the EIA Study.

A public hearing and a presentation of EIA Study were held on 9 March 2017 in Pozarevac. Representatives of the local government, NGOs and interested public were present, who asked questions and received explanations regarding the project. All remarks were submitted to the competent authority in writing.

In accordance with the Environmental Impact Assessment Law, a Technical Commission for the Review of the Study was formed, comprised of national experts. The Commission held three meetings where remarks and comments by NGOs and the interested public, as well as individual remarks by the commission members, were considered. The project owner was asked to amend and update the Study accordingly.

The Updated Study, together with official remarks, was delivered to the NGO CEKOR and to the interested public who were an interested party in the proceedings.

At the meeting of the Technical Commission, remarks sent by the Ministry of Environment of Romania on 18 May 2017 were also discussed as well as the answers provided by the project owner. Accordingly, it was agreed to update the answers for some points.

At the third meeting held on 15 June 2017, the Commission members noted that the Study was amended and updated in accordance with all remarks and comments and that it could be accepted. The procedure for assessing the Study, according to national legislation, was thereby completed. It was also concluded that the Remarks of the Ministry of Environment of Romania were answered and the Study was amended in accordance with the latter.

The final version of the Study, accepted by the Technical Commission, was delivered to the NGO CEKOR as a party to the proceedings and to Romanian side to final review.

Results:

Serbia notified Romania in June 2016, and Romania entered the cross-border impact assessment procedure for this Project under the Espoo Convention.

- **In February 2017, Serbia made available to Romania the environmental impact study for this Project.**

- **The Ministry of the Environment (MM) published on its website the first version of the EIA Report for Public Consultation, and points of view were required to the Romanian authorities. Comments were received from NGOs Greenpeace and Bankwatch.**

- **Between May-July 2017, a correspondence exchange was held between Romania and Serbia on the comments made by the interested public in Romania and Serbia's responses to these comments.**

- **In July 2017, Serbia submitted the final version of the EIA Report, which was translated into Romanian and published by MM on its own website on 08.08.2017, along with the press release and the announcement of a public debate and a consultation meeting between the Romanian and Serbian authorities on 31.08.2017, town ORAVIȚA, Caraș Severin County**

- **The Environmental Protection Agency Caraș Severin released the EIA Report on 09.08.2017 and informed all municipalities in the area of influence of the project in order to make known among the population, data on the Project and its possible environmental effects.**

- **All statements and opinions have been noted in the Minute, which was approved by both parties, through the competent bodies in the field of environmental protection.**

- **The Minute was prepared and signed in three original copies in English at Oravița, on 31st of August 2017.**

- **Decision on the approval of the Environmental Impact Assessment Study was made on 28 September 2017 and submitted to the Romanian side in English.**

- **Romanian and Serbian parties have agreed on the implementation of post-project analysis in accordance with Article 7 of the ESPOO Convention (The obligation of the project developer is to provide for the implementation of the post-project analysis to Romania through monitoring activities-air and water monitoring).**

- **ESPOO procedure was completed.**

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. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation? **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.**

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found? **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 too 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**

(c) Which Party covers the cost of translation of EIA documentation? **Country of origin**

(i) As a Party of origin: If Serbia is a country of origin it covers the cost of translations **Yes**

(ii) As an affected Party: **Usually not, unless otherwise agreed**

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin: **All EIA documentation**

(ii) As an affected Party: **necessary part of the documentation which shows the potential transboundary impact of the proposed environmental measures, but experience has shown that it is desirable to have insight into the complete EIA documentation.**

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) English

(ii) The affected Party's language

(iii) Other (please, specify)

(g) As an affected Party, from which language do you usually translate?

(i) English

(ii) Language of the Party of origin

(iii) Other (please, specify)

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

(i) As a Party of origin:

Experience with public participation

“Project for the construction of new Block B3 at TPP Kostolac B, on cadastral parcel 303, CM Kostolac-Selo, on the territory of the city of Požarevac”

Public participation in this process plays a key role and because all three pillars of the Aarhus Convention in this case are represented.

Experience with consultations under article 5

The process started in 2013 and terminated in 2017, which is in total 4 years. The biggest challenge during that time was communication and coordination of all parties involved in the process, in order to obtain appropriate final result. The special challenge was integration of requirements of the wider public related to health and social aspects, taking into account that this project was tackling environmental aspects primarily. One more challenge was related to the fact that this project is in accordance with the Strategy of Energy RS, and additional highly sensitive issue was to align all these requirements with the newness environmental standards.

The outcome was a Decision for Approval to the Environmental Impact Assessment Study for the project for construction of new block B3 at the site of TPP KOSTOLAC, at CP 303 cm Kostolac-village, the territory of the City of Požarevac from 28 September 2017. This Study has been updated taking into account all comments and suggestions from Serbian and Romanian authorities, Local self-governments, Civil societies and NGOs.

(ii) As an affected Party:

Experience with public participation

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Experience with consultations under article 5

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- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin: **When Serbia is the country of origin, the project's developer covers all the costs of the procedure as well as in national legislation**

- (iii) By the affected Party: **When the Serbian affected party, notification costs covered by the Ministry of Environmental Protection**
- (iv) Shared by both Parties concerned:
- (v) Developer: **When Serbia is the country of origin, the project's developer covers all the costs of the procedure as well as in national legislation**
- (vi)
- (vii) Other, please specify

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:

1. 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: **very good cooperation with contact points**
- (b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

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 2016–2018

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 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 a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes (please indicate which provisions and how they are unclear):

4. Suggested improvements to the report

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved. **For countries that have a clearly defined procedure and legislation in accordance with the EU Directives and the ESPOO Convention, I think it it's not necessary that the report is so detailed. Certainly it should contain examples of good and bad practice in order to improve transboundary procedures based on different experiences.**