

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

in the period 2010–2012

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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.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

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

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

Law on Strategic Environmental Assessment („Official Gazette of the Republic of Serbia“, No. 135/04, 88/10)

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)

Strategy for Implementation on the Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters – the Aarhus Convention (December 2011.)

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

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

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)

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

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

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

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) In accordance with domestic legislation, for national EIA procedure, competent authorities are the Ministry (for those projects for which the permit for project implementation is under the responsibility of the Republic authority), the Provincial authority (for those projects for which the permit for project implementation is under the responsibility of the authority of the autonomous province) and the Local self-government authority (for those projects for which the permit for project implementation is under the responsibility of the local self-government authority).

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

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

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

Yes, we have the “**South Stream**” gas transmission pipeline project.

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

6. *Is appendix I to the Convention transposed fully into your country’s national legislation? Please describe any differences between the national list and appendix I to the Convention.*

Yes.

On the national level we implement EIA Regulation, consisting of two Lists of projects: a mandatory list and list of projects for which an impact assessment may be required. Mandatory list is harmonized with Appendix I.

7. *Does your country’s legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

The current regulations need to be revised in view of the changes in the EU legislation, i.e., the listed directive (list of projects), which was harmonized in December 2011.

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

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. We have no information how the affected party informs their public (In some individual cases we know that EIA documentation is made available for public, on the official web site).

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible as and no later than when informing its own public”.*

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.

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

Our country usually notifies the affected Party in the first stage of the EIA procedure.

b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

Yes.

c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

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 (four weeks/30 days, which is quite enough for providing comments). If not, we can extend the deadline, after receiving explanation from the affected party. There is no consequence for not respecting the time frame. The agreement on deadlines is achieved through signing bilateral agreements between the two parties.

d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

Together with the notification, our country provides relevant information regarding the proposed activity in the first stage of the EIA procedure. All this is requested in the first phase, in accordance with the format for notification, in due time frame.

e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

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.

f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

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. We do not have any further information regarding how the authority mentioned informs their public.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

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.

- h. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.*

Yes.

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

Yes.

QUESTIONS TO AFFECTED PARTY

12. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

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 Energy, Development and Environmental Protection (central authority).

- b. *The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

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

- c. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

EIA procedures are separate, for the affected Party and for the country of origin without experience in correspondence with the public from the party of origin. Transboundary EIA cooperation is conducted through points of contact.

- d. *When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

In all the stages of the procedure we have public participation. We usually use printed media (daily newspaper).

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

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.).

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

We notify them about the initial phase of EIA procedures, and in the final phase we notify them as well. When our procedure is 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.

c. *The identification of "reasonable alternatives" in accordance with appendix II, paragraph (b);*

Based on the location, technology and increased pollution from the Party of origin's project we identify "reasonable alternatives".

d. *The procedures and format for providing the EIA documentation domestically;*

The legal basis for EIA:

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

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

- 1) public insight, presentation and public discussion about the study
- 2) the work of the expert commission in assessment of the study

- 3) the content of application for determining screen and on the content of application for determining scope of the EIA study
- 4) the content of the EIA study and on the content of appearance
- 5) 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). Lists are in accordance with Annex I of the Directive of the Council 337/85 and the Directive of the Council 97/11.

In 2007, the Republic of Serbia has ratified the ESPOO CONVENTION („Official Gazette of the Republic of Serbia“, No. 102 /07).

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.

- e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

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.

- f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

In the first phase (screening), when the project developer submits a request for screening to the competent authority (in this case, the Ministry), then our role is to check the necessary documentation and whether the request is made in accordance with Article 8 of the Law on EIA. If the documentation is complete, we inform, in written form the project developer to announce the submitted request, in the printed media for the public to be informed and to have insight in the case, for a period of 10 days and 15 days for appeals. Also, our obligation is to inform all the stakeholders that we think should be informed. If there are no objections or suggestions we issue a decision on the need for EIA. This phase only refers to projects from List II. In every phase we have the announcement of submitted request, the public insight into the case and the announcement of the decision. If projects are on List I, then we go directly to the scoping phase. The deadline for scoping is 10 days for public insight and 15 days for appeals. In the last stage, besides public insight (20 days for public insight and 30 days to initiate an administrative dispute), the announcements of the submitted request and the decision for the need of EIA, we have public hearing. It always takes place in the municipality where the project is to be realized. After public hearing, we organize a meeting together with technical experts, where we together analyse all the submitted opinions of other interested parties and public (if there are any). There are usually some comments from experts, after which we return

the request to the project developer for further improvement. The Law always allows two improvements of the request. Finally, we make a decision regarding the approval or disapproval on the EIA study. The duration of the domestic EIA procedure is approximately 110 days.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

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

- h. *The procedures for public hearings domestically;*

In the last stage, besides public insight (20 days for public insight and 30 days to initiate an administrative dispute), the announcements of the submitted request and the decision for the need of EIA, we have public hearing. It always takes place in the municipality where the project is to be realized. The project developers have obligation to prepare public presentation about the project (It engages the Agency licensed for the impact assessment study accordance with Article 19 of the Law Environmental Impact Assessment („Official Gazette of the Republic of Serbia“, No. 135/04, 36/09) after we start with public hearing.

- i. *The procedures for public hearings held on the territory of the affected Party.*

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

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

- a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

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.

- b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

We have public participation in all stages. The procedures are separate for both Parties. The EIA Department at the Ministry of Energy, Development 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.

- c. *The procedures for the examination of the EIA documentation domestically.*

In accordance with our country's legislation.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for cooperation with the affected Party related to consultations;*

The term "consultations" does not officially exist in the law and bylaws concerning impact assessment, however, there are always meetings with project developers and regardless of the procedure phase, that is, consultations are possible in all phases. Consultations take place in the final phase of EIA. Then, experts analyze the study in which comments and opinions are taken into account, adequate measures are proposed and certain protective measures are prescribed.

- b. *The stages, procedures and deadlines for consultations with the affected Party;*

If it concerns a project with a transboundary impact, then consultations are always organized on national level. Our country (Ministry of Energy, Development and Environmental Protection) usually organized consultations by meeting and by the exchange of written communicates with the authority of the affected Party (Ministry).Transboundary EIA cooperation is conducted through points of contact. During the procedure we notify the affected Party, and we send the final documentation to them on insight.When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure.

- c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

For all these steps within transboundary EIA procedure, the Ministry is the responsible authority. Practically, involved authorithies 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) In accordance with domestic legislation for domestic EIA procedure, competent authorities are the Ministry (for those projects for which the permit for project implementation is under the responsibility of the Republic authority), the Provincial authority(for those projects for which the permit for project implementation is under the responsibility of the authority of the autonomous province) and the Local self-government authority(for those projects for which the permit for project implementation is under the responsibility of the local self-government authority).

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for interaction with the Party of origin related to consultations;*

The EIA Department at the Ministry of Energy, Development and Environmental Protection is responsible for the procedures for interaction with the Party of origin related to consultations.

- b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

Consultations are possible in all phases of the procedure.

The Ministry is the responsible authority. Practically, the involved authorities are the Ministries, Agencies, representative NGOs and Public concerned.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

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).

- b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

For each activity listed in Appendix I, a construction permit or usage permit is issued as the final decision to authorize or undertake a proposed activity. In Serbian language, the term used in the national legislation is " gradjevinska /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".

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

In accordance with our country's legislation.

- d. *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)?*

Yes.

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.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

Yes. 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

18. *Indicate the legal requirements in your country, if any, related to:*

a. *Post-project analysis (art. 7, para. 1);*

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

b. *Procedures for informing of the results of post-project analysis.*

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

Article 8

Bilateral and multilateral agreements

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

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

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

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

Article 9

Research programmes

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

No.

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

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

No, it has not ratified it yet. Our country is planning to ratify the first amendment to the Convention, in the near future (last quarter of 2013.).

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

No, it has not ratified it yet. Our country is planning to ratify the first amendment to the Convention, in the near future (last quarter of 2013.).

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

Yes, our country ratified the Protocol on SEA in 2010.- Law on Ratification of the Protocol on the Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context („Official Gazette of the Republic of Serbia“, No. 1 /10)

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

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; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list 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 it.*

Yes.

1.“The project of the Sava River waterway and determination of the control lines from Racinovci to Sisak” No. 353-02-0313/**2010-02- ended process in 2010.**

The Republic of Croatia was the Party of origin and our country the affected Party.

2.”The regulation of the Karas River on the Serbian territory” No. 353-02-02790/**2011-02**

Our country is Party of origin and the Republic of Romania is the affected Party-**in the procedure**

This project envisages the digging of a channel for the evacuation of big waters, partly inside the protected natural area. The Republic of Romania has received our notification and has sent its information regarding the importance of this project. The impact is transboundary because it is on the joint Serbian-Romanian watercourse. 32 km is on Serbian territory. Ministry of Agriculture, Forestry and Water Management has not responded to the objections by the Technical Commission (the Technical commission was composed of members of the competent authority and experts) and the process is not yet complete.

3.” The SEZGED CCGT Power Plant ” No. 353-02-00014/**2011-02- ended process**

Hungary was Party of origin and our country the affected Party.

We have a positive experience with Hungary. In accordance with our decision on participation in this case, having in mind that the project is on the list of Appendix 1 Espoo Convention and that the capacity of the power plant is 920 MW, at distance of 12,5km from the border with our country, in line with the national legislation (The Law on Environmental Impact Assessment and the Law on Integrated Pollution Prevention and Control), we organized a public presentation and hearing on the above mentioned project were held in the City House in Subotica, on 31st October 2011, attended by the competent

authority (the Ministry), local self-government, public concerned and NGOs, including the project developer ADVANCED POWER AG and ERM's Budapest Office.

4. "The "South Stream" gas transmission pipeline project" No. 353-02-408/2012-02- **in the procedure**

Our country is Party of origin (or affected) and the affected parties (or Party of origin) are:
- Republic of Croatia, "Republika Srpska", Hungary and Republic of Bulgaria.

5." Procedure for environmental impact assessment across national borders in the Study of the environmental impact assessment of the waterway and regional works on the Danube River from 1380 km to 1433 km" No. 353-02-1320/2012-02- **in the procedure**

Our country is the affected Party and Republic of Croatia is the Party of origin.

6. "Notification to an affected party of a proposed activity under article 3 of the Espoo Convention The National Energy Program (e.g. hydro power plants, nuclear power station)" No. 350-02-827/2011-02

Republic of Slovenia is Party of origin and in accordance to paragraph 3 of the Protocol on SEA to the Convention on Environmental Impact Assessment in a Transboundary Context sent to as this notification for consultations, before adaptation of the Programme. It is important that a large number of environmental organizations and NGOs from Republic of Serbia has shown a great interest for participation in the exchange of information in cross-border proceedings on SEA The National Energy Program Republic of Slovenia and for their participation in the public debate. Presentation and public debate on The National Energy program Republic of Slovenia and Strategic Environmental Assessment of this program was held 16.12.2011. in the premises OEBS in Belgrade. Upon review of the documentation and the comments made at the public hearing, our Ministry, in accordance with Art. 10. paragraph 4 of the SEA Protocol has informed the Ministry of Republic Slovenia on objections. We expect to notice whether comments and objections considered.

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No.

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

The duration of the transboundary EIA procedures are different case by case, depending of the type of project (depending on the capacity of the project, technology, location, what changes can be identified due to the proposed activity etc). Our country gives a time frame of 30 days, according to our national legislation, which is quite enough for providing comments. There aren't any specified criteria for determining the time frame for the response to the notification from the other party. We used to require a reasonable time frame, taking into account the obligations from domestic legislation. If not, we can extend the deadline, after receiving explanation from the other side. There is no consequence for not respecting the time frame. The agreement on deadlines is achieved through signing bilateral agreements between the two Parties.

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2010–2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention,*

reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.

Yes, we have two projects:

“The “*South Stream*” gas transmission pipeline project” and” Procedure for environmental impact assessment across national borders in the Study of the environmental impact assessment of the waterway and regional works on the Danube River from 1380 km to 1433 km”

29. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others:*

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

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

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

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

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

All the documents must be sent in English to us (except for countries that speak a similar language) and if the other Party requests a translation into their language, we translate the documents.

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

We have public participation in all stages. The procedures are separate for both Parties. During the procedure we notify the other Party, and we send the final documentation to them on insight. When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure (we have a positive experience with Croatia and Hungary). We have not had any difficulties so far.

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

The communication between focal points has been very successful so far, and there were no difficulties so far.

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

Before the final decision, we send the Study (in English) to the affected Party, and in due time, we expect a reply. Based on that, we make a final decision.

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

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

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

We have successful examples; a current one is the "South Stream" gas transmission pipeline project. In this case, our country is the Party of origin and the affected parties are: - Republic of Croatia, "Republika Srpska", Hungary and Republic of Bulgaria. We notified them, and two countries ("Republika Srpska" and Croatia) decided to participate in this project. The next step is to submit Studies by the project developer and conduct the final stage of the decision.

Also, project "The SEZGED CCGT Power Plant" (**ended process**) was very good example of organizing transboundary EIA procedures for joint cross-border projects.

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

1. "The SEZGED CCGT Power Plant" No. 353-02-00014/2011-02- **ended process** Hungary was Party of origin and our country, the affected Party.

We have a positive experience with Hungary. In accordance with our decision on participation in this case, having in mind that the project is on the list of Appendix 1 Espoo Convention and that the capacity of the power plant is 920 MW, at distance of 12,5km from the border with our country, in line with the national legislation (The Law on Environmental Impact Assessment and the Law on Integrated Pollution Prevention and Control), we organised a public presentation and hearing on the above mentioned project were held in the City House in Subotica, on 31st October 2011, attended by the competent authority (the Ministry), local self-government, public concerned and NGOs, including the project developer ADVANCED POWER AG and ERM's Budapest Office.

2. The "South Stream" gas transmission pipeline project- notification.

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

Through focal points, taking into account multilateral agreements for South East European countries.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

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

With good cooperation between focal points.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

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

- a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

No

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

No

- c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

No

We haven't used these specific guidelines. However, within the RENA project ("RENA EIA/SEA Sub Group") in which all the neighbouring countries are involved, we are making a guideline for projects in a transboundary context, which is helpful in overcoming the difficulties in our region.

CLARITY OF THE CONVENTION

32. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

No; No;

All the provisions in the Convention are clear.

AWARENESS OF THE CONVENTION

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

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

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

Yes, in view of ratifying the multilateral agreement. Also, the socio-economic aspect has to be on a much higher level in order for these projects to be realized more successfully in the future.

SUGGESTED IMPROVEMENTS TO THE REPORT

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

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

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