

REPUBLIC OF SERBIA

**LAW
ON ENVIRONMENTAL
PROTECTION**

Belgrade, 2019

LAW ON ENVIRONMENTAL PROTECTION

Note: This is a true translation of the original Law,
but it is not legally binding.

Original title:

ZAKON O ZAŠTITI ŽIVOTNE SREDINE

© 2019, JP “Službeni glasnik”

Sva prava su zadržana. Nijedan deo ove brošure ne može biti reprodukovan niti smešten u sistem za pretraživanje ili emitovan u bilo kom obliku, elektronski, mehanički, fotokopiranjem, snimanjem ili na drugi način, bez prethodne pismene dozvole izdavača.

All rights reserved. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, without permission in writing from the publishers.

CONTENTS

LAW ON ENVIRONMENTAL PROTECTION

I BASIC PROVISIONS.....	3
II MANAGEMENT OF NATURAL VALUES	10
III MEASURES AND CONDITIONS FOR ENVIRONMENTAL PROTECTION	19
IV MONITORING OF THE CONDITION OF THE ENVIRONMENT	36
V PUBLIC INFORMATION AND PARTICIPATION.....	39
VI ECONOMIC INSTRUMENTS.....	42
VII LIABILITY FOR ENVIRONMENTAL POLLUTION.....	49
VIII SUPERVISION	51
IX PENAL PROVISIONS.....	55
X TRANSITIONAL AND FINAL PROVISIONS.....	60
ARTICLES NOT INCLUDED IN THE FINAL TEXT	62

LAW ON ENVIRONMENTAL PROTECTION *

I BASIC PROVISIONS

Scope of the Law

Article 1

This Law shall regulate the integral environmental protection system that shall enable exercising of the right of man to life and development in healthy environment and a balanced relationship between economic development and the environment in the Republic of Serbia.

Environmental Protection System

Article 2

The environmental protection system shall comprise the measures, conditions and instruments for:

- 1) sustainable management, conservation of natural balance, entirety, diversity and quality of natural values and conditions for survival of all living beings;
- 2) prevention, control, reduction and rehabilitation of all forms of environmental pollution.

Sustainable management of natural values and environmental protection shall be realised in compliance with this Law and a special law.

Meaning of Expressions

Article 3

Individual expressions used in this Law shall have the following meanings:

- 1) **the environment** shall be the set of natural and created values, the complex mutual relations of which comprise the setting, i.e. the space and conditions for life;

* Published in the *Službeni glasnik RS*, Nos. 135/04 of 21 December 2004, 36/09 of 15 May 2009, 36/09 of 15 May 2009 (other law), 72/09 of 3 September 2009 (other law), 43/11 of 14 June 2011 (CC), 14/16 of 22 February 2016, 76/18 of 12 October 2018 and 95/18 of 8 December 2018 (other law). The latest changes are given in *italic*.

- 2) **quality of the environment** shall be the condition of the environment that is presented through the physical, chemical, biological, aesthetic and other indicators;
- 3) **natural values** shall be the natural wealth comprising: the air, water, land, forests, geological resources, plant and animal life;
- 4) **a protected natural good** shall be the preserved part of the nature with special values and characteristics (geodiversity, biodiversity, area, landscape, etc.), of the permanent ecological, scientific, cultural, educational, health and recreational, tourist and other significance, due to which, as a good of general interest, it shall enjoy special protection;
- 5) **a public natural good** shall be a regulated or nonregulated part of the natural wealth, i.e. air, water resources, coastal areas, underground resources, forest resources, landscape or space, that is equally accessible by all;
- 6) **geodiversity (geological diversity)** shall be the presence or distribution of diverse elements and forms of geological conformation, geological structures and processes, geochronological units, rocks and minerals of various composition and formation types and various paleo-ecosystems modified in space under the influences of internal and external geodynamic factors during geological time;
- 7) **biodiversity (biological diversity)** shall be the diversity of organisms within a species, among species and among ecosystems, and it shall include the entire diversity of genes, species and ecosystems on the local, national, regional and global levels;
- 8) **a register of environmental pollution sources** shall be the set of systematised data and information on types, quantities, method and places of introduction, release or disposal of pollutants in gaseous, liquid and solid state of aggregation or of the release of energy (noise, vibrations, heat, ionising and non-ionising radiation) from the point, linear and surface sources of pollution into the environment;
- 9) **an activity with environmental impact (hereinafter: activity)** shall be any intervention (continuous or temporary) whereby the states and conditions in the environment are being changed and/or may be changed, and it shall pertain to: the use of resources and natural goods; processes of production and trade; distribution and use of materials; release (emission) of pollutants in water, air or land; management of waste and waste waters, chemicals and noxious substances; noise and vibrations; ionising and non-ionising radiation; accidents;
- 10) **an installation** shall be a stationary technical unit in which one or several activities laid down by a special regulation are conducted and for the operation of which permit shall be issued, as well as any other activity where there is a technical connection with the activities performed in that place and which may produce emissions and pollution;
- 11) **environmental pollution** shall be the introduction of pollutants or energy in the environment, caused by human activity or natural processes that has or may have adverse effects on the quality of the environment and human health;
- 12) **environmental capacity** shall be the ability of the environment to accommodate a particular quantity of pollutants per unit of time and space without irreversible damage to the environment;
- 13) **an endangered environment** shall be a specific part of the space where pollution or risk from pollution exceeds environmental capacity;
- 14) **a polluter** shall be a legal or a natural person polluting the environment through their activity or inactivity;
- 15) **pollutants** shall be the substances the release of which into the environment is impacting or may impact its natural composition, characteristics and integrity;
- 16) **environmental burden** shall be the individual or aggregate impact of activities on the environment that may be presented as the total (a number of related components), common (a

number of heterogeneous components), permitted (within the limit values) and excessive (exceeding the permitted limit values) burden;

17) **environmental degradation** shall be the process of environmental quality deterioration by a natural or human activity or as a consequence of a failure to take measures to remove the causes of quality deterioration or damage to the environment, natural values or value created through work;

18) **an emission** shall be a discharge and leakage of pollutants in gaseous, liquid and solid state of aggregation or energy emission from a source of pollution in the environment;

19) **the pollutant level** shall be the concentration of a pollutant in the environment, whereby the quality of the environment in a certain period of time and space is indicated;

20) **waste** shall be each substance or object defined by the law regulating waste management;

21) **hazardous substances** shall be chemicals and other substances having harmful and dangerous properties;

22) **a dangerous substance** shall be the substance defined by the regulation of the European Union on the control of major accident hazards involving dangerous substances;

23) **the risk** shall be a certain level of probability that an activity will, directly or indirectly, cause a danger for the environment, human life and health;

24) **an accident** shall be a sudden and uncontrolled event that is caused by the release, discharge or dispersion of hazardous substances, during activities on production, use, processing, storage, disposal or prolonged inadequate keeping (hereinafter: the chemical accident);

25) **rehabilitation, i.e. remediation** shall be the measures-taking process to stop pollution and further degradation of the environment up to the level that is safe for future use of the location, including spatial planning, revitalization and reclamation;

26) **the public** shall be one or a number of natural or legal persons, associations, organisations or groups thereof;

27) **sources of environmental pollution** shall be location-specific and spatially limited spotted, linear and surface sources of pollutants and energy in the environment;

28) **the public concerned** shall be the public affected or likely to be affected by the adoption of a decision of a competent authority or that may have an interest therein, including citizens' associations and social organisations active in the field of environmental protection and recorded with the competent authority;

29) **the competent authority** shall be the authority responsible for the fulfilment of obligations within the scope of powers determined by this Law, and specifically:

- the ministry in charge of environmental affairs;
- the provincial authority in charge of environmental affairs;
- the competent authority of the local self-government unit;

29a) **the public governmental authority** shall be the authority responsible for implementation of obligations within the authorisations determined by this Law, and specifically:

- the ministry in charge of environmental affairs;
- the provincial authority in charge of environmental affairs;
- the competent authority of the local self-government unit;
- other state authority, authority of territorial autonomy, authority of a local self-government, as well as the organisation to which the exercising of public powers is entrusted;

– natural and legal persons performing public functions or exercising public powers, including special duties, activities or services relating to the environment, as well as all other natural or legal persons exercising public powers or rendering public services relating to the environment, which are under their control;

– a legal person that is established by a state authority, an authority of territorial autonomy, authority of a local self-government, as well as the organisation to which the exercising of public powers is entrusted, or which is financed entirely, i.e. in a predominant part from the budget funds;

30) **an operator** shall be any natural or legal person that, in compliance with regulations, operates or controls an installation, i.e. an establishment, or is authorised to pass economic decisions on the technical functioning of the installation;

31) **a Seveso installation, i.e. an installation in which activities where hazardous substance is present or may be present in quantities equal or above the prescribed ones (hereinafter: a Seveso installation)** shall be the technical unit within an establishment in which hazardous substances are produced, used, stored or handled. The installation shall include all the equipment, structures, pipework, machinery, tools, internal railway sidings and depots, docks, unloading quays serving the installations, jetties, warehouses or similar structures, floating or on land, which are necessary for the operation of that installation;

32) **an establishment** shall include the spatial entity under the control of an operator, where hazardous substances are present in one or more installations, including related or common infrastructure, i.e. related or common activities;

33) **requirements in respect of environmental quality** shall be the set of conditions and requirements that must be fulfilled at a certain time and in a certain space or in certain environmental media, in compliance with special regulations;

33a) **information on the environment** shall be each piece of information in written, visual, audio, electronic or other material form, which is at the disposal of a public governmental authority or kept on behalf of the public governmental authority, on:

(1) the condition of environmental constituents, such as the air and atmosphere, water, ground, land, areas and natural areas, including swamp, coastal, river and lake areas, biodiversity and its components, geodiversity and geoheritage, genetically modified organisms, as well as on interaction among these constituents;

(2) factors such as substances, energy, noise, radiation or waste, including the radioactive waste, emissions, discharges and other forms of emissions in the environment that are impacting or that may impact the environmental constituents referred to in sub-item (1) of this item;

(3) measures (including administrative measures), such as: public policies, strategies, legislation, plans, programs, agreements on issues in the field of environment, and on the activities impacting or potentially impacting the constituents and factors referred to in sub-items (1) and (2) of this item, as well as on the determined measures or activities for the protection of such constituents;

(4) reports on implementation of regulations in the field of environment;

(5) cost-benefit analyses and economic analyses and assumptions used within the measures and activities referred to in sub-item (3) of this item;

(6) condition of human health and safety, including jeopardizing of food chain, as well as, where necessary, on the conditions of human life, on immovable cultural resources and the protected surroundings thereof and construction facilities, to the extent of actual or potential impact of the condition of environmental constituents referred to in sub-item (1) of this item on them or, through such constituents, condition of any of the factors referred to in sub-items (2) and (3) of this item;

33b) **information kept on behalf of a public governmental authority** shall be the information on the environment in the possession of a natural or legal person that keeps such information on behalf of a public governmental authority;

33c) **sludge** shall be the processed or unprocessed residue from the technological waste waters treatment plants;

33d) **a person requiring the information on the environment** may be any person, in compliance with the law regulating access to the information of public importance;

33e) **information pertaining to jeopardizing, i.e. protection of the environment** shall be the information on sudden hazard that is caused by human activity or is a consequence of natural phenomena, including the information on emissions released in the environment.

Entities in the Environmental Protection System

Article 4

The environmental protection system shall be provided, within their respective scope of powers, by:

- 1) The Republic of Serbia;
- 2) the autonomous province;
- 3) municipality, i.e. city/town (hereinafter: the local self-government unit);
- 4) enterprises, other domestic and foreign legal persons and entrepreneurs that in pursuit of economic and other activities use the natural values, jeopardise or pollute the environment (hereinafter: legal and natural persons);
- 5) scientific and expert organisations and other public services;
- 6) a citizen, groups of citizens, their associations, professional or other organisations.

All the entities in the environmental protection system shall be obliged to preserve and improve the environment.

Obligations of Entities

Article 5

In implementing the environmental protection system, the Republic of Serbia, the autonomous province, local self-government unit, legal and natural persons shall be responsible for each activity whereby they are modifying or may modify the state and conditions in the environment, i.e. for any failure to take the measures of environmental protection, in compliance with the law.

The legal and natural persons shall be obliged to ensure the following in the pursuit of their activities: the rational use of natural wealth; calculation of environmental protection costs in their investment and production costs, implementation of regulations, i.e. taking of measures of environmental protection, in compliance with the law.

Strengthening of Awareness

Article 6

State authorities, scientific institutions, institutions in the field of education, health, information, culture and other institutions, as well as other forms of association shall, within

their respective scopes of activities, promote, direct and provide for strengthening of awareness of the significance of environmental protection.

Strengthening of awareness of the significance of environmental protection shall be provided for through the system of education and upbringing, scientific and research and technological development, professional development in the course of the work process, public information and popularization of environmental protection.

Citizens' Associations

Article 7

Citizens' associations in the field of environmental protection shall prepare, promote and realise their protection programs, protect their rights and interests in the field of environmental protection, propose activities and protection measures, participate in the decision-making procedure in compliance with the law, contribute to or work directly on informing about the environment.

Cooperation

Article 8

Entities of the environmental protection system shall be obliged to mutually cooperate, to provide for coordination and alignment in passing and implementation of decisions.

The Republic of Serbia shall realise cooperation in the field of environmental protection with other states and international organisations.

Principles of Environmental Protection

Article 9

The fundamental principles of environmental protection shall be as follows:

1) The Principle of Integration – state authorities, authorities of the autonomous province and authorities of the local self-government unit shall provide for the integration of environmental protection and improvement into all sectoral policies by means of the implementation of mutually aligned plans and programs and by means of the implementation of regulations through the system of permits, technical and other standards and legal norms, financing, incentive and other measures of environmental protection.

2) The Principle of Prevention and Precaution – each activity must be planned and implemented in such a manner as to: cause the least possible change in the environment; present the smallest risk to the environment and human health; reduce the burden to space and consumption of raw materials and energy in the construction, production, distribution and use; include the potential for recycling; prevent or limit the influence on the environment on the very source of pollution.

The Precautionary Principle shall be realised through the environmental impact assessment and the use of best available and accessible technologies, techniques and equipment.

The lack of complete scientific reliability may not be the reason for non-implementation of measures to prevent environmental degradation in case of potential or existing significant influences on the environment.

3) The Principle of Preservation of Natural Values – natural values shall be used under the conditions and in the manner that provide for the preservation of the value of geodiversity, biodiversity, protected natural goods and landscapes.

The renewable natural resources shall be used under the conditions that provide for the permanent and efficient renewal and continuous quality improvement thereof.

The non-renewable natural resources shall be used under the conditions that provide for the long-term economical and reasonable use thereof, including limitation on the use of strategic or rare natural resources and substitution with other available resources, composite or artificial materials.

4) The Principle of Sustainable Development – sustainable development shall be a harmonised system of technical and technological, economic and social activities within the overall development in which natural and created values of the Republic of Serbia are used in compliance with the principles of cost- efficiency and reasonability with a view to preserving and improving the environmental quality for the present and future generations.

Sustainable development shall be realised by means of passing and implementation of decisions whereby alignment between the environmental protection interests and economic development interests is provided for.

5) The Principle of Polluter's and Their Legal Successor's Liability – the legal or natural person that causes environmental pollution through their illegal or erroneous activities shall be liable in compliance with the law.

The polluter shall be liable for the environmental pollution in cases of liquidation or bankruptcy of enterprises or other legal persons as well, in compliance with the law.

The polluter or their legal successor shall be obligated to remove the cause of pollution, and the consequences of direct or indirect contamination of the environment.

Any changes in the ownership of enterprises and other legal persons or other forms of ownership change shall mandatorily include an assessment of the condition of the environment and determining of liability for environmental pollution, as well as the settlements of any debts (burdens) of the previous owner for the pollution and/or damage incurred to the environment.

6) The "Polluter Pays" Principle – the polluter shall pay a fee for environmental pollution for the actual or potential environmental burden caused through their activities, i.e. if they produce, use or trade in a raw material, semi-finished product or a product that contains substances that are noxious to the environment.

The polluter shall, in compliance with the regulations, bear the total costs of the measures for the prevention and reduction of pollution, which shall include the costs of any environmental risks and the costs of removing the damage caused to the environment.

7) The "User Pays" Principle – everybody who uses the natural values shall be obliged to pay the actual price for the use thereof and for spatial reclamation.

8) The Principle of Subsidiary Liability – the state authorities shall, within their respective financial capacities, remove the consequence of environmental pollution and damage reduction in cases where the polluter is not known, as well as where the damage is caused due to the environmental pollution from the sources outside of the territory of the Republic of Serbia.

9) The Principle of Incentive Measures' Application – the state authorities, i.e. the authorities of the autonomous province, i.e. authorities of the local self-government unit shall take measures of preservation and sustainable management of the environmental capacity, in particular by reducing the use of raw materials and energy, and by preventing or reducing environmental pollution, through the implementation of economic instruments and other measures, by selecting the best available techniques, installations and equipment that does not require excessive expenses and by selecting products and services.

10) The Principle of Public Information and Participation – in exercising of the right to healthy environment, everybody is entitled to information on the condition of the environment and to participation in the decision-making procedure for the decisions the implementation of which may affect the environment.

Data on the condition of the environment shall be public.

11) The Principle of Protection of Right to Healthy Environment and Access to Judiciary – a citizen or groups of citizens, their associations, professional or other organisations shall exercise the right to healthy environment before the competent authority, i.e. court, in compliance with the law.

Special Laws

Article 10

Sustainable management of natural values and environmental protection shall be regulated by this Law, special laws and other regulations governing:

- 1) assessment of the impact of plans, programs and projects on the environment;
- 2) integrated pollution prevention and control;
- 3) protection of nature;
- 4) protection of air, water, land, forests, geological resources;
- 5) management of chemicals;
- 6) waste management;
- 7) ionising and non-ionising radiations;
- 8) protection from noise and vibrations;
- 8a) control of major accident hazards involving dangerous substances;
- 8b) cross-border movement of and trade in wild species.

II MANAGEMENT OF NATURAL VALUES

1. Planning and Use of Natural Values

Management of Natural Values

Article 11

Management of natural values shall be realised through planning of sustainable use and preservation of their quality and diversity, in compliance with the conditions and measures of environmental protection laid down by this Law and by a special law.

The natural values shall be:

- 1) the natural resources as renewable or non-renewable geological, hydrological and biological values that may be used or employed, directly or indirectly, and that have real or potential economic value;
- 2) protected natural goods;
- 3) public natural goods.

The assignment of natural values for use may be approved in compliance with the conditions and in the manner laid down by this Law and by a special law.

Strategic Documents

Article 12

Sustainable use and protection of natural values shall be provided for within the Strategy of Spatial Development of the Republic of Serbia and National Strategy for Sustainable Use of Natural Resources and Goods.

The National Strategy for Sustainable Use of Natural Resources and Goods (hereinafter: the National Strategy) shall be passed by the Government for a period of ten years at the minimum.

The National Strategy shall include, in particular:

- 1) the principles of sustainable development in the national policy for the management of natural resources and goods;
- 2) an analysis of the condition and present level of exploration of natural resources and goods according to the types, spatial distribution, diversity, volume and quality thereof;
- 3) balance categories (spatial and time functions, quantities, quality, vulnerability, renewability, strategic reserves, etc.) and forecasting of trends in the change of condition;
- 4) valuation method and conditions for sustainable use of natural resources and goods;
- 5) planning and development, and socio-economic analysis of the strategic priorities in research and use of natural resources;
- 6) environmental and spatial bases on the potentials of a natural resource or good;
- 7) conditions for gradual substitution of natural resources;
- 8) guidelines for further research works in the field of individual natural resources and goods and for the purposes of planning, i.e. passing of plans and programs.

The National Strategy shall be realised through plans, programs and bases for each individual natural resource or good that shall be passed by the Government.

On the basis of the data and records on realization of plans, programs and bases, the Ministry in charge of environmental affairs (hereinafter: the Ministry) shall, in cooperation with other competent ministries, once in two years prepare the report on the realization of the National Strategy and submit it to the Government.

Should it be determined from the data on realization of the National Strategy that the use of natural wealth significantly jeopardises the natural balance of the ecosystem, the Government may, upon proposal by the Ministry in charge of environmental protection or by some other ministry, temporarily limit the scope of use of the natural values in a certain area.

The National Strategy shall be published in the Službeni glasnik Republike Srbije.

Plans and Programs of Autonomous Province and Local Self-Government Unit

Article 13

The autonomous province and the local self-government unit, within the competencies laid down by this Law and by a special law, shall pass their plans and programs for the management of natural resources and goods, in compliance with the strategic documents referred to in Article 12 of this Law and in compliance with their specificities.

Two or more local self-government units may adopt joint programs referred to in paragraph 1 of this Article.

Control of Use and Protection

Article 14

The control of the use and protection of natural resources and goods shall be provided by the authorities and organisations of the Republic of Serbia, autonomous province and local self-government unit, in compliance with this Law and with special laws, and specifically:

- 1) through the implementation of the National Strategy, plans, programs and bases;
- 2) through the implementation of standards, legal norms and regulations on the use and protection of natural resources and goods;
- 3) through environmental impact strategic assessment of the plans, programs, bases and other acts regulating the use of natural values and environmental protection;
- 4) through the environmental impact assessment of the projects on all the levels of exploration and exploitation;
- 5) through integrated environmental pollution prevention and control;
- 6) through a harmonised system of permits, approvals and consents;
- 7) through maintenance of the cadastre of the use of natural wealth and goods;
- 8) through organisation of monitoring of the use of natural resources and goods, condition of the environment through data collection, consolidation and analysis and quantification of trends.

Consent for Use

Article 15

The competent authority may not issue an approval for the use of natural resources without consent for the environmental protection and rehabilitation project during and following the use of the natural resource.

The consent referred to in paragraph 1 of this Article shall not be acquired for works and activities on the use of natural resources, which are, in compliance with a special law, subject to the environmental impact assessment procedure, for which the environmental protection and rehabilitation measures, during and following the use of the resources, are determined within the impact assessment procedure.

The consent referred to in paragraph 1 of this Article shall be provided by the Ministry.

The Minister in charge of environmental affairs (hereinafter: the Minister) shall prescribe the contents of the projects referred to in paragraph 1 of this Article, as well as the procedure and conditions for consent granting for the project in more detail.

Rehabilitation and Remediation

Article 16

A legal and natural person that degrades the environment shall be obliged to rehabilitate and remediate the degraded environment, in compliance with the project of rehabilitation and remediation.

The Ministry shall provide consent for rehabilitation and remediation projects referred to in paragraph 1 of this Article, except for the rehabilitation and remediation projects for mining facilities.

The consent referred to in paragraph 2 of this Article shall be provided in the form of a decision that shall be valid for two years from the date of issuing.

The decision referred to in paragraph 3 of this Article shall be final and an administrative dispute may be initiated against it.

In the procedure of consent granting referred to in paragraph 2 of this Article, the Minister may establish a special working group by means of a decision, in compliance with the regulations governing public administration.

If the person referred to in paragraph 1 of this Article fails to conduct rehabilitation and/or remediation of the degraded surface area, the Ministry shall, at the expense of such a person, conduct the necessary activities with the aim of rehabilitating and/or remediating the degraded surface area.

In case that a liquidation or bankruptcy procedure is opened for the person referred to in paragraph 1 of this Article, the rehabilitation and remediation expenses shall be settled from the liquidation or bankruptcy estate.

The application for consent granting and the rehabilitation and remediation project referred to in paragraph 1 of this Article shall be submitted in written and/or electronic form.

The Minister shall prescribe the contents of the rehabilitation and remediation projects, the procedure and conditions for consent granting for the project, as well as the documentation that shall be submitted enclosed with the application for consent granting referred to in paragraph 2 of this Article in more detail.

Protected Natural Goods

Article 17

The protected natural goods shall be used and improved in such a manner as to provide for their permanent preservation and improvement, in compliance with the law regulating the protection of nature.

The activities jeopardizing the environmental capacity, natural balance, biodiversity, hydrographical, geomorphological, geological, cultural and landscape values, or those that are degrading the quality and properties of the natural good in any other manner, may not be performed in a protected natural good.

Use and Protection of Public Natural Goods

Article 18

The public natural goods, as goods of general interest, shall be used in the manner and under the conditions that provide for the development and durability of their natural, physical, health or aesthetic values in compliance with regulations.

Use of Space

Article 19

By means of the developmental and spatial plan, the construction zones in specific locations shall be determined, depending on the environmental capacity and burden level, in addition to the objectives of the construction within certain parts of such locations.

In certain zones in which protective distance or area is determined, it shall be permitted to conduct activities in the manner laid down by special regulations in compliance with the nature of environmental burden.

Public Green Surfaces

Article 20

The public green surfaces in the populated places and regions included in spatial and general plans shall be built and maintained in the manner that provides for preservation and improvement of natural and created values.

If the public green surfaces are destroyed due to the construction of facilities, these must be compensated for under the conditions and in the manner determined by the local self-government unit.

The assembly of a local self-government unit shall regulate the general conditions for the protection, method of building and maintenance and restoration of destroyed public green surfaces, as well as the maintenance of the data on public green surfaces by means of a special decision.

2. Protection of Natural Values

Integrated Protection

Article 21

Protection of natural values shall be realised through the implementation of measures for preservation of the quality, quantities and reserves thereof, as well as of the natural processes, i.e. their interdependence and natural balance in general.

Protection of Ground and Land

Article 22

Protection of ground space (land) and the sustainable use thereof shall be realised through the measures of systematic monitoring of the quality of land, monitoring of indicators for land degradation risk assessment, as well as through the implementation of remediation programs for the removal of consequences of ground space contamination and degradation, regardless of whether these are occurring naturally or caused by human activities.

On the occasion of a change of the holder of right to land use, the user of land, whose right to land use is to be terminated, and whose activity has impacted, i.e. might have impacted or obstructed the natural functions of the land, shall be obliged to draw up a report on the condition of land.

The program of systematic monitoring of the quality of land, indicators for the assessment of risk from land degradation and methodology for drafting of remediation programs referred to in paragraph 1 of this Article shall be prescribed by the Government.

The Minister shall prescribe the content and methodology for drafting of reports on the condition of land referred to in paragraph 2 of this Article.

Protection of Waters

Article 23

Waters may be used and burdened, and waste waters may be discharged into waters upon the implementation of an adequate treatment, in the manner and up to the level that does not present a hazard for the natural processes or for the renewal of water quality and quantity and that does not reduce the potential for the multipurpose use thereof.

The protection and use of waters shall be realised within the integrated water management by taking and implementing measures for conservation of surface and ground waters and reserves, quality and quantities thereof, as well as by means of protection in compliance with a special law.

The legal person and/or entrepreneur that possesses the installations for waste water treatment or that should construct them and that discharges their waste waters in a recipient or in the public sewers, except for the installations that are subject to issuing of an integrated permit, shall be obliged to adopt an action plan for gradual achievement of limit values of pollutants' emission into waters, to determine the time limits for gradual achievement thereof, as well as to act in compliance with the action plan, all in compliance with the regulation governing the limit values of the pollutants' emission into waters and time limits for the achievement thereof.

Sludge generated in the process of public utility waste water treatment must be treated, disposed of and used in such a manner as not to jeopardise the environment and human health, in compliance with the law regulating water protection from pollution.

Sludge generated in the process of technological waste water treatment must be treated, disposed of and used in compliance with the law regulating waste management, except for the sludge that is mining waste, generated in the process of exploitation and preparation of mineral raw materials.

Detailed exploration works, as well as drawing up of ground water reserves' balances, shall be conducted with a view to protecting and preserving the quantities and quality of ground water reserves.

Water protection shall be realised through taking of measures of systematic and control monitoring of water quality, by reducing water pollution with pollutants below the prescribed limit values and by taking the technical and technological and other measures necessary for its treatment, in order to prevent the introduction of hazardous, waste and other harmful substances in waters, as well as by monitoring of the impact of polluted waters on human health, animal and plant life and the environment. Water protection shall additionally include water protection from the impact of trans-border pollution, to provide for comprehensive water conservation.

Protection of Air

Article 24

Protection of air shall be realised by taking measures of systematic air quality monitoring, reduction of air pollution with pollutants below the prescribed limit values and by taking the technical and technological and other measures necessary for the reduction of emission, monitoring of the impact of polluted air on human health and the environment. The air protection measures shall provide for conservation of atmosphere in general, with all its processes and climate characteristics.

Protection and Conservation of Forests

Article 25

With a view to protecting and improving forest ecosystems, forests shall be managed in such a manner as to provide for rational forest management, preservation of gene pool, improvement of structure and realization of priority forest functions.

State authorities, owners and users of forests shall be obliged to take the necessary measures for the preservation and sustainable use of forests, measures of renewal, forestation and improvement of forests, as well as of forest control and protection in case of trans-border pollution.

Preservation of Biosphere and Protection of Biodiversity

Article 26

Protection of biosphere shall include protection of organisms, the communities and habitats thereof, including the preservation of natural processes and natural balance within ecosystems, while providing for the sustainability thereof.

Biodiversity and biological resources shall be protected and used in such a manner as to provide for their survival, diversity, renewal and improvement in case of the disturbance thereof.

Protection of biodiversity, use of biological resources, genetically modified organisms and biotechnology shall be conducted based on this Law and a special law, as well as on the obligations undertaken in international treaties.

Protection and Use of Flora and Fauna

Article 27

The Ministry, other competent authorities and organisations shall control the entry and cultivation of plant and animal species of foreign origin with a view to protecting the biodiversity and biological resources, i.e. autochthonous plant and animal species and distribution thereof.

It shall be prohibited to disturb, abuse, harm or destroy the wild fauna or to devastate the habitats thereof.

It shall be prohibited to destroy, pluck or in any other manner devastate the wild flora, i.e. destroy or devastate the habitats thereof.

Certain species of wild flora and fauna, the developmental forms and parts thereof may be collected and placed on the market in the manner and under the conditions laid down in the permit issued by the Ministry, in accordance with the previously acquired opinion of the organisation in charge of nature protection.

Former paras. 5-7 ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

Article 28

The cross-border trade in wild flora and fauna specimens (import, export, bringing in, bringing out, re-export) and developmental forms and parts thereof shall be conducted on condition that such import, i.e. export is not prohibited, i.e. that the quantity or number of specimens of wild flora and fauna, comprising the cross-border trade, shall not jeopardise the survival of that species, as well as under other conditions prescribed by the law.

The cross-border trade referred to in paragraph 1 of this Article shall be conducted on the basis of a permit, i.e. document issued by the Ministry as the competent public administration authority for the implementation of ratified international treaties on cross-border trade in protected wild species of flora and fauna.

The transit of specimens of wild flora and fauna species protected by an international treaty, developmental forms, parts and derivatives thereof, shall be realised on condition that the consignment is accompanied with the original copy of the valid export permit, i.e. re-export certificate, issued by the competent authority of the state of export or re-export, in which the final destination thereof is clearly indicated.

The applicant shall enclose the following with the application for issuing of the permit, i.e. of the document referred to in paragraph 2 of this Article:

1) documentation serving as proof that the specimens of wild flora and fauna have been acquired in compliance with the ratified international treaty and regulations on the protection of certain species in the state of export or re-export;

2) statement of the importer, i.e. of the exporter on the intended use of the specimen of the species;

3) other prescribed documentation.

In the procedure of issuing of permits, i.e. of documents referred to in paragraph 2 of this Article, the Ministry shall electronically forward the application and the supporting documentation to the authorised scientific and expert organisation, for the purpose of acquiring expert opinion.

The scientific and expert organisations referred to in paragraph 5 of this Article shall perform the expert tasks that pertain to:

1) determining whether the import, export, re-export or entry from the sea jeopardises survival in the nature of the strictly protected, protected and other wild species;

2) handling of the seized and confiscated specimens of wild species;

3) the conditions for keeping of live specimens of wild species in captivity;

4) determining whether the specimens were cultivated in captivity or artificially propagated;

5) the designation of the specimens of wild species;

6) determining the origin of the specimens of wild species;

7) providing expert assistance to the Ministry and other competent authorities in taxonomic identification of wild species;

8) drawing up of the draft measures with the aim of preventing illegal cross-border movement of and trade in wild species;

9) other expert tasks related to the implementation of ratified international treaties.

The Minister shall determine the scientific and expert organisations for conducting of expert tasks referred to in paragraph 6 of this Article, as well as the method of acquiring and delivery of expert opinion.

The Minister may establish a special body comprising the representatives of scientific and expert organisations referred to in paragraph 5 of this Article, i.e. scientists and expert staff, for the purpose of providing the final assessment on certain issues pertaining to the cross-border trade in wild species, conditions for keeping and breeding thereof in captivity, designation, origin of the specimens, taxonomic identification and other handling of the wild species.

The Minister shall prescribe the documentation to be submitted enclosed with the application referred to in paragraph 4 of this Article, the contents and appearance of the permit in more detail.

The Ministry shall maintain the register of permits issued in the prescribed manner.

Hazardous Substances

Article 29

Management of hazardous substances shall be conducted under the conditions and in such a manner as to provide for the reduced risk from the hazardous properties thereof to the environment and human health in the process of production, storage, use and disposal.

The legal and natural person managing hazardous substances shall be obliged to plan, organise and take all the necessary prevention, protection, safety and rehabilitation measures whereby the risk for the environment and human health shall be reduced to the minimum.

The Minister, in cooperation with ministers in charge of health, occupational safety, mining and energy and internal affairs shall prescribe the mandatory conditions for storage facilities for hazardous substances in more detail, as well as the instruction on the conditions and method of storage of hazardous substances.

Waste Management

Article 30

Waste management shall be implemented in accordance with the prescribed conditions and measures for waste handling within the system for collection, transportation, storage, preparation for reuse, i.e. recovery treatment and disposal of waste, including supervision of such activities and post-closure care of waste management plants.

The owner and/or other holder of waste shall be obliged to implement the waste management measures with the aim of preventing or reducing the generation, reuse and recycling of waste, separation of secondary raw materials and using of waste as an energy-generating product, i.e. waste disposal.

Protection from Noise and Vibrations

Article 31

The user of noise source may place on the market and use the noise sources in accordance with the prescribed conditions, by applying the prescribed protective measures whereby the noise emissions, i.e. the use of installations, devices, machines, means of transport and appliances causing noise are reduced.

Protection from vibrations shall be conducted by taking measures whereby jeopardizing of the environment from the effect of mechanical, periodical and individual shocks caused by human activity is prevented and removed.

Protection from Radiation

Article 32

Protection from radiation shall be realised through the implementation of a system of measures whereby jeopardizing of the environment and human health by the effects of radiation originating from ionising and non-ionising sources is prevented and the consequences of emissions that the radiation sources emit or may emit are removed.

A legal and natural person may manufacture, place in the market and use the sources of ionising and non-ionising sources in compliance with the prescribed conditions and in the prescribed manner.

III MEASURES AND CONDITIONS FOR ENVIRONMENTAL PROTECTION

1. Preventive Measures

Planning and Construction

Article 33

Spatial planning, the use of natural resources and goods laid down in spatial and general plans and other plans (development plans and bases for the use of agricultural land, forestry, water management, hunting management bases and fisheries improvement programs in fishing areas and other plans) shall be based on the obligation to:

1) preserve and improve and renew the natural resources and goods to the largest extent possible, and if these are non-renewable, to use them rationally;

1a) ensure preservation and maintenance of significant or characteristic features of landscapes, improvement of landscapes, re-establishing and creation thereof, in cases where these are of substantial significance for the protection of wild flora and fauna and their habitats;

2) ensure protection and unobstructed realization of functions of the protected natural goods with their protected surroundings and to preserve the habitats of wild plant and animal species and their communities to the largest extent possible;

3) provide for the preservation of constructed area;

4) provide for the conditions for rest and recreation of people;

5) determine the measures for environmental protection;

6) present the current condition as per the elements referred to in items 1), 2), 3) and 4) of this Article and planned situation with the measures required to realise the plans.

The Ministry, the authority of the autonomous province, i.e. of the local self-government unit shall participate in the procedure of preparation and passing of the plans referred to in paragraph 1 of this Article, in the manner prescribed by the law.

Spatial and Urban Planning

Article 34

Measures and conditions of environmental protection shall be provided in spatial and general plans, and specifically:

1) determining special regimes of preservation and use of the areas of protected natural goods, water supply sources, thermal and mineral sources, forests, agricultural land, public green areas, recreational areas and spas;

2) determining the areas of endangered parts of the environment (polluted areas, areas threatened by erosion and torrents, exploitation of mineral raw materials, floodplains, etc.) and determining the rehabilitation measures for such areas;

2a) determining the measures of integrated protection and planning of landscapes, for the purpose of regulating the long-term concept, purpose and organisation of landscapes and aligning the multipurpose use of space that is jeopardizing the landscape (agriculture, forestry, water management, mining, energy, traffic, habitation, recreation, etc.);

2b) determining the areas in which adequate distances between the buildings in which one or a number of hazardous substances is/are present or may be present in quantities exceeding the prescribed ones and the residential areas, public spaces and areas of special significance shall be preserved in the long term, for the purpose of protection of human life and health and the environment;

3) laying down of the measures and conditions of environmental protection for the use of space intended for the exploitation of mineral raw materials, i.e. for the construction of industrial and energy facilities, installations for storage, preparation for reuse, treatment, i.e. recovery and disposal of waste, infrastructural facilities and other facilities the construction or use of which may jeopardise the environment.

The Ministry, the authority of the autonomous province, i.e. of the local self-government unit shall provide the conditions for ensuring the measures referred to in paragraph 1 of this Article, at the request of the authority in charge of preparation and passing of the plan, on the basis of the conditions and opinions of the competent expert organisations.

Strategic Environmental Impact Assessment

Article 35

Strategic environmental impact assessment shall be performed for the strategies, plans, programs and bases in the field of spatial and urban planning or the use of land, agriculture, forestry, fishery, hunting, energy, industry, traffic, waste management, water management, telecommunications, tourism, infrastructure systems, protection of natural and cultural resources, flora and fauna and their habitats, etc., and shall be an integral part of the plan, i.e. program or base.

The strategic environmental impact assessment must be aligned with other environmental impact assessments, as well as with environmental protection plans and programs, and it shall be performed in compliance with the procedure prescribed by a special law.

The autonomous province, i.e. the local self-government unit shall, within their respective rights and duties, determine the types of plans and programs for which the strategic impact assessment shall be performed.

Environmental Impact Assessment of the Project

Article 36

The environmental impact assessment of a project shall be performed for the projects that are planned and realised in the space, including modifications of technology, reconstruction, expansion of capacities or a closure that may lead to significant environmental pollution or present a risk for human health.

Impact assessment shall be performed for the projects in the field of industry, mining, energy, traffic, tourism, agriculture, forestry, water management, waste management and public utility business activities, as well as for the projects that are planned to be realised in a protected natural good and in the protected surroundings of an immovable cultural resource.

The environmental impact assessment of a project shall be an integral part of the technical documentation indispensable for the commencement of the realization of a project and it shall be performed in compliance with the procedure prescribed by a special law.

Integrated Pollution Prevention and Control

Article 37

An integrated permit shall be acquired for the operations of new and existing installations and activities with potentially adverse effects on human health and the environment or material goods, whereby prevention and control of environmental pollution is ensured.

The types of activities and installations, conditions and the procedure of integrated permit issuing, supervision and other issues of significance for integrated environmental pollution prevention and control shall be regulated by a special law.

Protection from Chemical Accident

Article 38

An operator of a Seveso installation, i.e. establishment in which the activities, where one or a number of hazardous substances is/are present or may be present in the prescribed quantities, are conducted, shall be obliged to take all the necessary measures to prevent a chemical accident and to limit the impact of such an accident on human life and health and on the environment, with the aim of creating conditions for risk management, in compliance with this Law.

2. Conditions for Environmental Protection

2.1. Requirements in Respect of Environmental Quality and Requirements in Respect of Emissions

Limit Values

Article 39

Requirements in respect of environmental quality, i.e. the limit values of the levels of pollutants, noise, radiation and energy and limit values of the emissions thereof in the air, water and land, including the emission from mobile sources of pollution, shall be determined in the Republic of Serbia.

The unique norms shall be laid down with a view to: controlling the quality of air, water, land, handling of waste and chemicals, treating of waste waters, industrial pollution and managing of risk, level of noise and vibrations, etc.

The limit values referred to in paragraph 1 of this Article shall be determined by the Government in compliance with special regulations.

Conditions for Operations of an Installation and the Pursuit of Activities

Article 40

Construction and operation of installations and conducting of activities shall be conditional upon the fulfilment of the prescribed requirements for emission and pollutants' levels in the environmental media, equipment and devices used to reduce or prevent emission of pollutants or energy and upon ensuring energy preservation, i.e. upon the implementation of other measures and activities for ensuring the prescribed environmental protection conditions.

Pollutants and hazardous substances, waste waters or energy shall be released in the air, water and land in the prescribed manner and in quantities, i.e. concentrations or levels that do not exceed the prescribed limit values.

The means of transport that are manufactured and/or placed on the market must comply with the conditions in respect of the emission for mobile sources of pollution.

Restriction With a View to Achieving Requirements

Article 41

With a view to gradually fulfilling the requirements in respect of the emissions and levels of pollutants in the environmental media referred to in Article 39 of this Law and preservation of natural values, the Government may, for a specified period of time, restrict the operation of installations and conducting of activities in a specified area.

The period of time specified by the Government for the restrictions referred to in paragraph 1 of this Article shall be determined in compliance with the prescribed limit values and the National Environmental Protection Program.

Public Warning

Article 42

The Ministry shall inform the public and pass the act on introduction of special measures in cases of an immediate threat or exceeding of the prescribed limit values of pollution.

The Minister shall prescribe criteria for passing of the act referred to in paragraph 1 of this Article and the method of public warning.

The authority of the local self-government unit shall pass the act on the introduction of special measures in the case referred to in paragraph 1 of this Article provided that the pollution is restricted to the territory of the local self-government unit and has no impact on a broader area.

Status of Endangered Environment

Article 43

The Government shall determine criteria for determining the status of endangered environment and for determining of priorities for rehabilitation and remediation.

On the basis of the criteria referred to in paragraph 1 of this Article, the status of endangered environment and priorities for rehabilitation and remediation for an area of significance for the Republic of Serbia shall be determined by the Ministry, with an acquired opinion of other competent authorities, and by the local self-government unit for an area of local significance.

The local self-government unit shall be obliged to acquire prior consent of the Ministry for the draft act regulating the status of endangered environment and priorities for rehabilitation and remediation for the areas of local significance, and the consent of the competent authority of the autonomous province for the areas of local significance in the territory of the autonomous province.

2.2. Environmental Protection Management System

Environmental Protection Management System

Article 44

Serbian standards for the management and certification of environmental protection management system shall apply in the Republic of Serbia.

Legal persons, entrepreneurs and organisations may have their environmental protection management systems certified in compliance with SRPS ISO 14001 standard.

Legal persons, entrepreneurs and organisations, which have established environmental protection management system, may join in the Eco-Management and Audit Scheme (hereinafter: the EMAS system).

The persons referred to in paragraph 3 of this Article shall submit an application to the Ministry for issuing of a certificate on the data on which the official environmental protection record is maintained (permits, approvals, consents issued, findings of the competent environmental protection inspection, etc.), for the purpose of joining the EMAS system.

The application for issuing of the certificate referred to in paragraph 4 of this Article shall include:

- 1) information on the legal person, entrepreneur and organisation (business activity for which it is registered, number of staff and official seat);
- 2) a short description of the established environmental protection management system;
- 3) other prescribed information, in compliance with the law.

The following documentation shall be submitted enclosed with the completed application form referred to in paragraph 5 of this Article:

- 1) proof of registration of the business activity that it pursues;
- 2) a copy of the submitted application for EMAS registration;
- 3) other documentation in compliance with this Law.

In the procedure of issuing of the certificate referred to in paragraph 4 of this Article, the Ministry may request from other competent authorities to provide additional pieces of data of significance for environmental protection.

Fee shall be paid for the submission of the application and issuing of the certificate in compliance with the law regulating the republic administrative fees.

The Ministry shall maintain the records of the certificates issued.

The Minister shall prescribe in more detail:

- 1) the contents and form of the application for certificate issuing, documentation to be submitted enclosed with the application, and the contents and form of the certificate;
- 2) the contents, maintenance method and appearance of the records.

Articles 45 through 50

(Deleted)

2.3. Quality Requirements for Products, Processes and Services

Technologies, Processes, Products, Semi-Finished Products, Raw Materials

Article 51

In the territory of the Republic of Serbia, a domestic or an imported technology or process may be used, i.e. products may be produced and placed on the market providing that they comply with the requirements in respect of the environment, i.e. with the product quality requirements, or providing that the technology, process, product, semi-finished product or the raw material is not prohibited in the country of export.

The Ministry may, in case of any doubt, order that the technology, process, product, semi-finished product or the raw material referred to in paragraph 1 of this Article be assessed in respect of the harmful environmental impact, even in cases where it has been provided with the prescribed document.

The assessment of the technology, process, product, semi-finished product or the raw material referred to in paragraph 2 of this Article shall be provided, within 30 days from the request receipt date, by an accredited expert organisation or expert persons for individual fields.

Devices used for elimination or purification of pollutants for which no domestic standards are prescribed may be used if the efficiency thereof for such purposes has been determined by an authorised expert organisation.

The Ministry may prohibit production and trade in certain products and conducting of certain activities, for a specified period of time or in a part of the territory of the Republic of Serbia, i.e. of the autonomous province, i.e. of the local self-government unit with a view to preventing jeopardizing of the environment or human health.

Label Warning

Article 52

The manufacturer or distributor shall be obliged to place a warning on the label of the raw material, semi-finished product or product against the environmental pollution and damage to human health that a product or its packaging causes or may cause.

The warning must include the instruction for use or handling of the product, ingredients and its packaging in the production, use and disposal, in compliance with the applicable standards and regulations on handling.

Ecological Sign

Article 53

The ecological sign shall be determined for the products intended for general consumption, except for the food, agricultural and other products obtained in compliance with the regulations governing organic production, production of beverages, production of pharmaceuticals and medical devices that are, in comparison with similar products, polluting the environment less in the production, placement, marketing, consumption and disposal thereof or are obtained by the recycling of waste.

The ecological sign shall also be determined for the products and services that are polluting the environment less.

A legal or natural person may be granted the right to use the ecological sign for products or services providing that the following is reduced by the manufacturing, i.e. rendering thereof:

- 1) consumption of energy resources;
- 2) emission of harmful and hazardous substances;
- 3) waste production;
- 4) consumption of natural resources, etc.

The Minister shall prescribe the conditions, criteria and procedure for acquiring the right to use the ecological sign, the elements, appearance and method of use of the ecological sign for products and services in more detail.

Granting and Withdrawal of Ecological Sign

Article 54

The Ministry shall pass an act on granting of the right to use the ecological sign.

The right to use the ecological sign shall be granted for a period of up to three years.

The person concerned shall submit the application for ecological sign granting to the Ministry.

Proof of compliance with the conditions referred to in Article 53 of this Law shall be submitted with the application.

The costs of granting the right to use the ecological sign shall be borne by the applicant.

The Minister shall prescribe the amount of the expenses referred to in paragraph 5 of this Article.

The right to use the ecological sign shall be withdrawn if the product or service ceases to comply with one of the conditions for sign granting.

Awards and Prizes

Article 55

Awards and prizes for contribution to environmental protection may be awarded for:

- 1) prevention of environmental pollution;
- 2) most environmentally friendly solutions for production procedures;
- 3) development and research projects in environmental protection;
- 4) development of educational environmental protection programs;
- 5) individuals' contribution to the development and promotion of environmental protection or for contribution in international cooperation;
- 6) contribution of expert, other associations and non-governmental organisations to the development and promotion of environmental protection;
- 7) contribution in the field of nature protection.

(Deleted)

The Minister shall prescribe the procedure and conditions for granting awards and prizes in more detail.

3. Protection Measures from Hazardous Substances

3.1. Movement

(Deleted)

Article 56

(Deleted)

Import, Export and Transit of Waste

Article 57

Import of dangerous waste is prohibited. Waste may be imported only if it cannot be provided in the Republic of Serbia, and where it is necessary in the production as a secondary raw material.

Ceased to be valid (see Article 102 of the Law on Waste Management – 36/2009-115)

The Ministry shall issue the permits for import, export or transit of waste in compliance with the law and other regulations.

On the occasion of submission of an application for issuing of a permit for import, export and transit referred to in paragraph 1 of this Article, the applicant shall enclose the documentation the contents of which shall be prescribed by the Ministry.

The Minister shall prescribe the conditions that the expert organisations for waste assaying must fulfil.

The Minister shall determine the expert organisations referred to in paragraph 5 of this Article.

3.2. Protection from Chemical Accident

Obligations of the Operator

Article 58

The operator of a Seveso installation, i.e. establishment in which the activities, where one or a number of hazardous substances is/are present or may be present in quantities equal or above the prescribed ones, are conducted, shall be obliged to deliver a Notification, i.e. to draw up the Accident Prevention Policy or Safety Report and Accident Prevention Plan, depending on the quantities of hazardous substances used to perform such activities and to take measures to prevent a chemical accident and to contain the impact of such an accident on human life and health and on the environment, laid down in such documents.

The Minister shall prescribe the list of hazardous substances and quantities thereof, and the criteria for determining the types of documents to be drawn up by the operator referred to in paragraph 1 of this Article.

Contents of Accident Prevention Policy

Article 58a

The Accident Prevention Policy shall include the operator's objectives and principles of action, with the aim of controlling the danger from a chemical accident.

The Accident Prevention Policy referred to in paragraph 1 of this Article must include sufficient elements that are proportionate to the dangers of the accident, based on which the operator may ensure a high level of protection of people and the environment from a chemical accident.

The operator shall be obliged to draw up the Accident Prevention Policy within six months from the delivery of the Notification referred to in Article 59 of this Law at the latest.

The Minister shall prescribe the contents of the Accident Prevention Policy in more detail.

Obligation to Deliver Notifications

Article 59

The operator obliged to draw up the Accident Prevention Policy shall be obliged to deliver to the Ministry, prior to drawing up of the Accident Prevention Policy, the Notification about:

1) a new Seveso installation, i.e. establishment, three months prior to the commencement of operation at the minimum;

2) an existing Seveso installation, i.e. establishment, six months from the date of entry into force of this Law at the latest;

3) an existing Seveso installation, i.e. establishment the activities of which were such that the hazardous substances were present in the quantities below the prescribed ones, in case of an increase of quantities of hazardous substances up to the quantities prescribed in Article 58 of this Law, within three months from the date of such a change at the latest;

4) the permanent closure of a Seveso installation, i.e. establishment, as well as in case of a modification of the Seveso installation, i.e. establishment, i.e. about each modification that may influence the possibility of the occurrence of a chemical accident.

The Minister shall prescribe the contents of the Notification referred to in paragraph 1 of this Article.

Contents of the Safety Report and Accident Prevention Plan

Article 60

The Safety Report shall specifically include: information on the operator's management system and organisation with a view to chemical accident prevention; description of the location in which the Seveso installation, i.e. establishment is situated; description of the Seveso installation, i.e. establishment; analysis of the risk from the chemical accident and the prevention method thereof; measures of protection and intervention to contain the consequences of a chemical accident; an inventory of hazardous substances, etc.

The Accident Prevention Plan shall specifically include the measures to be taken within the Seveso installation, i.e. establishment in case of a chemical accident or in case of the occurrence of circumstances that may cause a chemical accident.

The Safety Report and Accident Prevention Plan shall be drawn up by the operator referred to in Article 58 of this Law.

Another legal person or an entrepreneur may be engaged to draw up the documents referred to in paragraph 3 of this Article, providing that these are entered in the relevant register for the pursuit of activities of design, engineering and drawing up of studies and analyses. In cases where another legal person or an entrepreneur is engaged, a person employed on the full-time basis with the operator referred to in Article 58 of this Law must participate in drawing up of such documents.

The operator shall be obliged to exchange information and to align the Accident Prevention Plan with the Accident Prevention Plan adopted by the competent authority of the local self-government unit, of the autonomous province and of the Republic of Serbia.

The Minister shall prescribe the contents and methodology for drawing up of the Safety Report and Accident Prevention Plan in more detail.

Delivery of Safety Report and Accident Prevention Plan

Article 60a

The operator referred to in Article 58 of this Law shall be obliged to draw up and to deliver to the Ministry the Safety Report and the Accident Prevention Plan:

1) for a new Seveso installation, i.e. establishment three months prior to commencement of operation at the minimum;

2) for an existing Seveso installation, i.e. establishment within eighteen months from the date of entry into force of this Law at the latest;

3) for an existing Seveso installation, i.e. establishment the activities of which were such that the hazardous substances were present in the quantities below the prescribed ones, in case of an increase of the quantities of hazardous substances up to the quantities prescribed in Article 58 of this Law, within six months from the date of such a change at the latest.

The operator referred to in paragraph 1 of this Article shall submit an application for granting of consent to the Safety Report and the Accident Prevention Plan, enclosed with these documents.

The operator shall be obliged to deliver proof of payment of the administrative fee enclosed with the application referred to in paragraph 1 of this Article.

The operator shall be obliged to periodically inspect the Safety Report and, where necessary, to update it:

1) once in five years at the minimum;

2) on their own initiative or at the request of the Ministry, due to some new facts obtained on the basis of an analysis of other chemical accidents or avoided accidents.

In case of a modification of the work process, a change in the nature or quantity of the hazardous substance or other changes, which may impact the danger from the occurrence of a chemical accident, the operator must immediately revise the Safety Report and Accident Prevention Plan and deliver them to the Ministry, and in case where the changes pertain to the modification of the installation or storage facility, in advance of the implementation of these modifications.

The operator shall be obliged to inspect, test and where necessary update the Accident Prevention Plan once in three years at the minimum.

Delivery of Information from the Accident Prevention Plan

Article 60b

The operator referred to in Article 58 of this Law shall be obliged to ensure that information on safety measures and procedures in case of a chemical accident from the Accident Prevention Plan is delivered to all legal persons and public institutions (schools, hospitals, etc.), as well as to natural persons, which may be affected by the consequences of a chemical accident.

Information referred to in paragraph 1 of this Article shall mandatorily be updated every three years, and particularly in case of the occurrence of the circumstances referred to in Article 60a, paragraph 5 of this Law.

Updated information referred to in paragraph 1 of this Article must be available to the public.

The period between two regular deliveries of information to the public must not exceed five years.

Public Inspection, Presentation and Public Discussion on the Safety Report

Article 60c

The operator shall be obliged to ensure that the Safety Report and the list of hazardous substances present in the Seveso installation, i.e. establishment is available to the public.

The competent authority shall provide for the public inspection, organise presentation and conduct a public discussion on the Safety Report in the decision making procedure on the provision of consent to the Safety Report.

The person submitting the Safety Report may, upon approval by the competent authority, leave out certain parts of the Report from the public inspection and presentation due to safeguarding of industrial, commercial and personal confidentiality, public security or national defence.

The competent authority shall, within seven days from the date of receipt of the Safety Report, notify the person submitting the Report, authorities and organisations concerned and the public about the time and place of public inspection, public presentation, as well as of public discussion on the Safety Report.

The public discussion may be held twenty days from the date of informing the public at the earliest.

The person submitting the Safety Report shall participate in presentation and in public discussion.

Regulation on the procedure of public inspection, presentation and public discussion on the environmental impact assessment study shall apply *mutatis mutandis* to the procedure of public inspection, presentation and public discussion on the Safety Report.

Proof in the Safety Report

Article 60d

The operator shall be obliged to prove in the Safety Report that they:

- 1) have established an adequate policy and have determined the system for safety management for the purpose of the implementation thereof;
- 2) have identified the danger from a chemical accident and taken the necessary measures with a view to preventing the occurrence of the chemical accident, i.e. limiting the consequences of such an accident on people and the environment;
- 3) have taken account of safety and reliability in designing, construction, management and maintenance of all the installations and storage facilities, equipment and infrastructure that are related to hazards from a chemical accident;
- 4) have accepted and included in the Safety Report reasoned objections and proposals of the public.

Proof in the Accident Prevention Plan

Article 60e

The operator shall be obliged to prove in the Accident Prevention Plan that they:

- 1) have envisaged and provided for the implementation of all the necessary measures for limiting and control of a chemical accident, with a view to mitigating the consequences of such an accident on people, the environment and property;
- 2) have envisaged and provided for the method of information delivery to the competent authorities and general public;
- 3) have envisaged adequate clean-up, rehabilitation and reclamation measures of the environment following a chemical accident;
- 4) have processed sufficient amount of data for drawing up of chemical accident prevention plans on the level of the Republic of Serbia, autonomous province, i.e. local self-government unit (hereinafter: the external plans).

Consent on the Safety Report and Accident Prevention Plan

Article 60f

The Ministry shall provide consent to the Safety Report, i.e. to the Accident Prevention Plan, on the compliance with the requirements referred to in Articles 60d and 60e of this Law.

The Ministry may request revisions and additions to the documents referred to in paragraph 1 of this Article, should it be determined that these do not include necessary information.

Decision Prohibiting the Operation or Commissioning of a Seveso Installation

Article 60g

In cases where conditions for consent to the documents referred to in Article 60f of this Law were not fulfilled, the Minister shall pass a decision whereby the operation or commissioning of a Seveso installation, i.e. establishment or a part of the installation, i.e. of the establishment and the storage facility shall be prohibited.

An appeal may be filed against the decision referred to in paragraph 1 of this Article.

The appeal shall not have the suspensory effect on the enforcement of the decision.

The Government shall decide on the appeal against the first instance decision.

Appointment of a Special Working Group

Article 60h

With a view to assessing the Safety Report and the Accident Prevention Plan, the Minister may, in compliance with the regulations governing public administration, appoint a special working group – a technical commission (hereinafter: the technical commission), by means of a decision.

The decision referred to in paragraph 1 of this Article shall lay down the tasks, composition and the manager, deadline for completion of tasks and other issues of significance for the work of the technical commission.

The technical commission shall without any delay deliver to the Ministry the opinion on compliance with the requirements referred to in Articles 60d and 60e of this Law.

The appointed president of the technical commission shall be an employee or a designated person with the Ministry.

Persons holding university degrees in a relevant profession, i.e. field of studies and with relevant professional achievements may be appointed members of the technical commission, among:

- the employees or designated persons with the Ministry;
- the employees or designated person with other authorities and organisations;
- the independent experts.

Commission members may not be the persons that:

- participated in drawing up of the Safety Report and Accident Prevention Plan;
- are founders of the legal person or an entrepreneur who drew up the Safety Report and Accident Prevention Plan or an employee with such persons;
- are operators or employees with the operator.

Obligation to Maintain Records

Article 60i

On the basis of the Safety Report and Notification, the Ministry shall lay down and maintain records of operators and of Seveso installations, i.e. establishments with increased probability of the occurrence of a chemical accident or with aggravated consequences of such an accident due to their location, proximity of similar installations or due to the type of hazardous substances stored.

The operators referred to in paragraph 1 of this Article shall be obliged to exchange information necessary in drawing up of the Safety Report and Accident Prevention Plan, so that account can be taken in such documents of the nature and scope of the common hazard from a chemical accident.

The Ministry shall inform the competent authorities about the operator, i.e. about the Seveso installation, i.e. establishment referred to in paragraph 1 of this Article in compliance with the regulations governing protection and rescuing, with a view to drawing up of external plans.

Register of Installations and Register of Reported Accidents

Article 60j

On the basis of the Safety Report and Notification, the Ministry shall maintain the register of installations, as well as the register of accidents reported.

Notification of the Accident

Article 60k

Immediately upon the chemical accident, the operator referred to in Article 58 of this Law shall be obliged to inform the Ministry, the local self-government unit and authorities in charge of activities in emergency situations in compliance with the regulations governing protection and rescuing, and specifically about: the circumstances related to the chemical accident, the hazardous substances present, data available for assessing the consequences of the chemical accident for people and for the environment and about the emergency measures taken.

The operator referred to in paragraph 1 of this Article shall be obliged to notify the competent authorities about any subsequently collected data that is impacting the previously determined facts and conclusions.

The operator referred to in paragraph 1 of this Article shall be obliged to notify the competent authorities, within a reasonable period of time, of the planned measures for the removal of medium-term and long-term consequences of the chemical accident and for the prevention of any recurrence of such an accident.

The operator referred to in paragraph 1 of this Article shall be obliged to implement the emergency, medium-term and long-term measures to remove the consequences of a chemical accident, as well as to, following a conducted analysis of all the aspects of the chemical accident, provide recommendations for future preventive measures.

The Ministry shall supervise and control the fulfilment of the obligations of the operator referred to in paragraphs 1 through 4 of this Article.

Obligations of Competent Authorities

Article 61

On the basis of the competences from the regulations governing protection and rescuing, the state authorities, the authorities of the autonomous province and of the local self-government units shall pass the external plans, which shall be integral parts of the response plans in emergencies.

Notification Concerning the Operators, i.e. Concerning Seveso Installations, i.e. Establishments Whose Activities May Cause a Chemical Accident with Trans-boundary Effects

Article 61a

On the basis of the Safety Report referred to in Article 60 of this Law, the Ministry shall determine the operators and Seveso installations, i.e. establishments the activities of which may cause a chemical accident with trans-boundary effects and shall notify the competent authority of the country that may be affected by the consequences of such an accident thereof, within the shortest possible timeframe, and at the latest at the time when it informs the domestic public thereof.

The Ministry shall maintain the records on operators and Seveso installations, i.e. establishments referred to in paragraph 1 of this Article.

If the competent authority of another country considers that the notification referred to in paragraph 1 of this Article does not include all the Seveso installations, i.e. establishments the activities of which may cause a chemical accident with consequences in their country, it shall require additional data from the Ministry.

If the Ministry concludes that the request of the competent authority of another country is ungrounded, it shall notify it of their position.

In case of a failure to reach agreement with the competent authority of the country concerned, this issue shall be resolved in compliance with the international treaty that is binding for the Republic of Serbia.

The Ministry shall notify the competent authority of another country of all the relevant facts from the Safety Report on the Seveso installation, i.e. establishment the activities of which may lead to the occurrence of a chemical accident with trans-boundary consequences, as well as of all the relevant facts from the Accident Prevention Plan for such installation, i.e. establishment.

The Minister shall prescribe the notification procedure, i.e. the procedure of data exchange on the Seveso installation, i.e. establishment the activities of which may lead to the occurrence of a chemical accident with trans-boundary effects.

*Obligation to Deliver Notifications of the Competent Authority
of Another Country*

Article 61b

The Ministry shall deliver the notification obtained from the competent authority of another country on a Seveso installation, i.e. establishment the activities of which may cause a chemical accident with effects in the territory of the Republic of Serbia to the domestic authorities whose competences are laid down in the regulations governing protection and rescue for the purpose of drawing up of external plans.

The notification in case of a chemical accident or immediate danger from a chemical accident with potential trans-boundary effects, as well as any mutual assistance shall be governed by the regulations on protection and rescue.

Exceptions from Application

Article 61c

The provisions of Article 38 and Article 58 through 61b of this Law shall not apply to: military installations; accidents caused by ionising radiation; the transport of hazardous substances in road, rail, water, air and maritime traffic, i.e. transport outside of the establishments covered by this Law, including loading and unloading, i.e. transport from and to other means of transport at docks, wharves or marshalling yards; transport of hazardous substances in pipelines, including pumping stations, outside Seveso installations, i.e. establishments covered by this Law; accidents during exploration and exploitation of mineral raw materials, except for the chemical and thermal processing or storage of the raw materials, which contain hazardous substances in prescribed quantities; waste land-fill sites, except for the operational tailings dumps, including artificial lakes, embankments and dams which involve hazardous substances, and in particular those originating from the chemical and thermal mineral processing.

Proclamation of the State of Endangerment

Article 62

In case of an accident, depending on the scope thereof, inside or outside the installation and the assessment of the consequences that may cause direct or deferred hazard for human health and the environment, the state of environmental endangerment shall be proclaimed, and the public shall be informed about the measures taken.

The state of environmental endangerment referred to in paragraph 1 of this Article shall be proclaimed by the Ministry, i.e. by the authority of the autonomous province, i.e. by the authority of the local self-government unit.

The Government shall proclaim the state of environmental endangerment in cases of accidents with trans-boundary effects.

Article 63

With a view to preventing further spreading of contamination caused by the accident, the legal and natural person shall immediately take the rehabilitation measures in accordance with the protection plans, at their own expense.

Should the polluter responsible for the accident be subsequently identified, the authority that bore the costs of removal of the consequences of environmental contamination shall require reimbursement of the costs.

4. Programs and Plans

National Program

Article 64

Environmental protection planning and management shall be provided for and realised through the implementation of the National Environmental Protection Program (hereinafter: the National Program) that shall be passed by the Government for a period of ten years at the minimum.

The National Program referred to in paragraph 1 of this Article shall provide for the integral protection of the environment and shall specifically include:

- 1) the description and assessment of the condition of the environment;
- 2) basic objectives and criteria for the implementation of environmental protection in general, for individual fields and spatial units with priority protection measures;
- 3) conditions for the implementation of optimum commercial, technical, technological, economic and other measures for sustainable development and environmental protection management;
- 4) long-term and short-term measures for the prevention, mitigation and control of pollution;
- 5) holders, method and dynamics of implementation;
- 6) means for implementation.

The National Program shall be implemented by means of action and rehabilitation plans that shall be passed by the Government for a period of five years.

Once in two years, the Ministry shall prepare the report on the implementation of the National Program in cooperation with other competent ministries, and submit it to the Government.

The National Program shall be published in the Službeni glasnik Republike Srbije.

Action Plan

Article 65

The action plan shall be a short-term instrument for the implementation of the National Program.

Regulatory and institutional activities, monitoring activities, studies, drawing up of project documentation, economic and financial instruments, information, education, management and capital investments shall be elaborated in the action plan.

Rehabilitation Plan

Article 66

The rehabilitation plan shall be passed when pollution in a certain area exceeds the effects of the measures taken, i.e. when the environmental capacity is jeopardised or where there is a risk from permanent impairment of quality of the environment or damage in the environment.

The Government shall pass a rehabilitation plan in a case:

- 1) where the level and scope of environmental degradation exceeds the rehabilitation potentials of the autonomous province, i.e. of the local self-government unit;
- 2) where the responsible entity is not known, and the environmental pollution causes adverse effects across the borders of the Republic of Serbia;
- 3) where the responsible entity is outside the jurisdiction of the Republic of Serbia, and environmental pollution causes adverse effects in its territory;
- 4) where the environmental pollution jeopardises an area of special significance for the Republic of Serbia or causes adverse effects therein;
- 5) where it is necessary to take emergency and intervention measures in emergency situations.

In case that the polluter responsible for contamination is subsequently identified, the authority that bore the costs of environmental rehabilitation shall require reimbursement of the costs.

The regulations on state aid for the rehabilitation of contaminated sites and other regulations on state aid which are necessary for the implementation of the regulations on state aid for the rehabilitation of contaminated sites shall be listed in the rehabilitation plan of the Government.

In case of an exceedance of the prescribed emission levels and other activities that have led to the environmental degradation, the polluter shall be obliged to draw up and realise the rehabilitation plan at their own expense.

Contents of the Plans

Article 67

The action and rehabilitation plans shall specifically include: the condition, measures, human health impact assessment in case of the endangered environment, the holders, method, dynamics and means for the realization of the plan.

The action and rehabilitation plans shall be prepared by the Ministry with the ministries in charge of the relevant field.

Programs and Plans of the Autonomous Province and Local Self-Government Unit

Article 68

The autonomous province and the local self-government unit shall pass the environmental protection program for their territories, i.e. the local action and rehabilitation plans, in compliance with the National Program and plans referred to in Articles 65 and 66 of this Law and their respective interests and specificities.

Two or more local self-government units shall pass a joint environmental protection program with a view to reducing the adverse effects on the environment or due to the reason of cost-efficiency (joint management of waste, waste waters, etc.).

IV MONITORING OF THE CONDITION OF THE ENVIRONMENT

1. Monitoring

Provision of Monitoring

Article 69

The Republic of Serbia, the autonomous province and the local self-government unit shall, within their respective competencies laid down by the law, provide for continuous control and monitoring of the condition of the environment (hereinafter: monitoring), in compliance with this Law and with special laws.

Monitoring shall be an integral part of the consolidated environmental information system.

The Government shall pass the monitoring programs on the basis of special laws.

The autonomous province, i.e. the local self-government unit shall pass the monitoring program for its territory which must be in compliance with the program referred to in paragraph 3 of this Article.

The Republic of Serbia, the autonomous province and the local self-government unit shall provide the financial means for the realisation of monitoring.

Scope and Method of Monitoring

Article 70

Monitoring shall include systematic following of the values of indicators, i.e. monitoring of the adverse effects on the environment, conditions of the environment, measures and activities taken with a view to reducing the adverse effects and improvement of the environmental quality level.

The Government shall lay down criteria for determining the number and distribution of measurement locations, network of measurement locations, scope and frequency of measurements, classification of phenomena to be monitored, methodology of work and environmental pollution indicators and monitoring method thereof, time limits and method of data delivery, on the basis of special laws.

Authorised Organisation

Article 71

An authorised organisation may perform the monitoring as well, providing that it complies with the conditions in respect of the staff, equipment, premises, accreditation for measuring of a given parameter and SRPS standards in the field of sampling, measurement, analyses and reliability of data, in compliance with the law.

(Deleted)

(Deleted)

(Deleted)

Monitoring of Polluters

Article 72

An operator of the installation, i.e. of the establishment that is a source of emissions and environmental pollution shall be obliged to perform monitoring, in compliance with the law, through the competent authority, authorised organisation or independently, providing that it complies with the legally prescribed conditions, i.e. to:

1) monitor the indicators of emissions, i.e. the indicators of the environmental impact of their own activities, indicators of the efficiency of the measures implemented to prevent the occurrence or to reduce the pollution levels;

2) provide for the meteorological measurements for large industrial establishments or facilities of special interest for the Republic of Serbia, autonomous province or a local self-government unit.

The polluter shall be obliged to draw up the monitoring plan, to regularly maintain records on monitoring and to deliver reports, in compliance with this Law.

The Government shall lay down the types of activities and other phenomena that are subject to monitoring, methodology of work, indicators, recording method, time limits for the delivery and keeping of data, on the basis of special laws.

The polluter shall plan and provide for the financial means for the realisation of monitoring, as well as for other measurements and impact monitoring of their own activities on the environment.

Delivery of Data

Article 73

State authorities, i.e. organisations, authorities of the autonomous province and of the local self-government unit, authorised organisations and polluters shall be obliged to deliver the data from monitoring referred to in Articles 70 and 72 of this Law to the Environmental Protection Agency in the prescribed manner.

2. Information System and Data Delivery Method

Information System

Article 74

With a view to efficient identification, classification, processing, monitoring and recording of natural values and environmental management in the Republic of Serbia, an environmental protection information system (hereinafter: the information system) shall be established and maintained.

The information system shall provide for establishing, classification, processing, maintenance, presentation and distribution of numerical, descriptive and spatial databases on: the quality of environmental media, monitoring of the condition and protection of the environment, legislative, administrative and organisational and strategic measures, scientific and technical information on planned prevention measures and exchange of information with other information systems, etc.

The information system shall be maintained by the Environmental Protection Agency.

The information system shall provide access to other information systems and harmonisation of all the relevant pieces of information and data on the national and international levels.

The Environmental Protection Agency shall establish and maintain the National Metaregister for Environmental Information (hereinafter: the National Metaregister) that shall be an integral part of the information system.

The National Metaregister shall be an electronic database and a portal to the existing databases and documents containing information from to the field of environment, which are possessed by different authorities and organisations.

Public governmental authorities shall be obliged to update data in the National Metaregister, in compliance with the law, once a year at the minimum or where necessary, at the request of the Ministry.

The Environmental Protection Agency shall be obliged to provide and maintain means for processing of environmental information.

The public governmental authorities referred to in paragraph 7 of this Article shall answer for the accuracy of updated data.

The Government shall prescribe in more detail the contents and method of maintenance of the information system, methodology, structure, common bases, categories and levels of data collection, as well as the contents of information that the public shall be regularly and mandatorily informed about.

Registers of Sources of Environmental Pollution

Article 75

With a view to monitoring of qualitative and quantitative changes in the environment and with a view to taking protection measures in the environment, national and local registers of environmental pollution sources shall be maintained in compliance with this Law.

The national register of environmental pollution sources shall be maintained by the Environmental Protection Agency.

The local register of environmental pollution sources shall be maintained by the competent authority of the local self-government unit.

Upon having obtained the opinion of the minister in charge of water management and mining and energy, the Minister shall prescribe the methodology for drawing up of the national and local register of pollution sources, as well as the methodology for types, methods and time limits for data collection.

The polluter shall be obliged to deliver the prescribed data in the manner and within time limits determined in compliance with the law, at their own expense.

Control of Data Delivery and Control of Accuracy of the Data Delivered for the National Register of Pollution Sources

Article 75a

The Environmental Protection Agency shall, independently or in cooperation with the competent inspection service, control the delivery of data for the National Register of Environmental Pollution Sources and accuracy of the data delivered.

The Agency shall initiate filing of offence proceedings against the persons obliged to submit reports for the National Register of Pollution Sources who has failed to supply

necessary data, failed to supply necessary data in the prescribed manner and within the statutory time limit, or those who has supplied inaccurate data.

3. Report on the Condition of the Environment

Report on the Condition of the Environment

Article 76

Once a year, the Government shall submit to the National Assembly the report on the condition of the environment for the Republic of Serbia.

The Environmental Protection Agency shall draw up the report referred to in paragraph 1 of this Article on the basis of the data and information collected and available, by 31 May of the current year at the latest.

The competent authority of the autonomous province, i.e. the competent authority of the local self-government unit shall be obliged to supply data for drawing up of the report referred to in paragraph 1 of this Article to the Environmental Protection Agency for each quarter, and specifically for the first, second and third quarter within two months from the expiry of the given quarter at the latest, and for the last quarter by 31 January.

The reports on the condition of the environment shall be published in the official journals of the Republic of Serbia, autonomous province and local self-government unit.

Contents of the Report on the Condition of the Environment

Article 77

The report referred to in Article 76 of this Law shall specifically include the data on:

1) condition and changes in the condition of the environment on the basis of the data and information obtained through monitoring of relevant indicators;

2) implementation of the Strategy, National Program and action plans;

3) rehabilitation plans and other measures taken;

4) financing of the environmental protection system;

5) (Deleted);

6) other data of significance for the management of natural values and environmental protection.

V PUBLIC INFORMATION AND PARTICIPATION

Access to Information

Article 78

State authorities, authorities of the autonomous province, authorities of the local self-government unit and authorised and other organisations shall be obliged to regularly, timely, completely and objectively inform the public about the condition of the environment, i.e. about the phenomena monitored in the course of monitoring of the pollutant and emission levels, as

well as about the warning measures or development of pollution that may present hazard for human life and health, in compliance with this Law and other regulations.

Access to information on the environment shall be realised in compliance with the law regulating access to the information of public importance.

In case where the request pertains to the information referred to in Article 3, paragraph 1, item 33a), sub-item (2) of this Law, and in relation to the measurement procedures, including analyses, sampling and pre-treatment of samples, which are employed in collection of information, the public governmental authority shall, in addition to the notification about the internet address where the information is available, deliver to the person requesting/applying for information the notification about the standard procedure used.

In case where, due to some technical reasons, a public governmental authority cannot deliver information on the environment in the form or format in which it was requested, it shall deliver it in some other form or format, with a statement of reasons for such action.

The public governmental authorities shall be obliged to keep information on the environment that is at their disposal or kept on their behalf, in the form or format that can be readily reproduced and that is available through electronic telecommunications or other electronic means.

Article 79

(Deleted)

Dissemination of Information on the Environment

Article 80

The public governmental authorities shall be obliged to take all the measures necessary and to ensure that information on the environment that they possess or that is kept on their behalf is actively and systematically disseminated to the public, by means of electronic telecommunication and/or electronic technology in particular.

The public governmental authorities shall be obliged to ensure that information on the environment gradually becomes available in the form of electronic databases that are easily accessible to the public through public telecommunication networks.

The public governmental authorities shall be obliged to regularly update and to regularly publish, i.e. disseminate information on the environment, and specifically:

- 1) texts of international treaties and agreements, as well as regulations in the field of environmental protection or related thereto;
- 2) strategies, plans, programs and other documents pertaining to the environment;
- 3) reports on the implementation of regulations in the field of environmental protection, including the implementation of international treaties, strategic documents, plans and programs in the field of environmental protection, where the public governmental authorities prepare them or keep them in electronic form;
- 4) reports on the condition of the environment;
- 5) data obtained on the basis of monitoring of the activities that affect or that may affect the environment;
- 6) permits and authorisations for conducting of the activities exerting significant impact on the environment;

7) treaties concluded with the aim of protecting the environment;

8) environmental impact assessment studies and risk assessments pertaining to the environmental constituents, as well as the decisions that are adopted in all the three phases of the impact assessment procedure.

The public governmental authority shall be obliged to inform the public without any delay through public media or in some other adequate manner about the existence of hazard for human life and health, the environment or material resources, regardless of whether the hazard is caused by human activity or it is a consequence of natural phenomena.

In case of any failure to act or failure to act in an adequate or timely manner in compliance with the obligation referred to in paragraph 4 of this Article, the public governmental authorities shall answer in accordance with the general rules for damage compensation.

Public Participation in Decision-Making

Article 81

Public and public concerned shall be entitled to, in compliance with the law, participate in the decision-making procedure on:

1) strategic impact assessment of plans and programs on the environment;

2) impact assessment of the projects the implementation of which may lead to environmental pollution or presents a risk for the environment and human health;

3) approval of operations of new, i.e. existing installations;

4) drawing up, modification, amendment, review and adoption of air quality plans, regional and local waste management plans, i.e. hazardous waste management plans, national waste management plan, waste prevention program, action plans for environmental noise protection, as well as the water pollution protection plan.

Public participation in respect of the strategic impact assessment shall be provided for within the presentation of the spatial and general plan, i.e. another plan or program referred to in Article 35 of this Law for public inspection.

Public participation in decision-making on environmental impact assessment of projects shall be realised within the public presentation of the project and the public discussion.

Public participation in decision-making on commissioning of new, i.e. existing installations shall be realised in the course of issuing of the permit for integrated pollution prevention and control.

The Government shall prescribe the procedure of public participation in the decision-making procedure for the decisions on drawing up, modification, amendment, review and adoption of the plans and programs referred to in paragraph 1, item 4) of this Article.

Right to Justice

Article 81a

The public concerned in the procedure of exercising the right to healthy environment as a party shall be entitled to initiate the procedure of decision reviewing before the competent authority, i.e. court, in compliance with the law.

Limitation of Public Participation in Decision-Making

Article 82

With a view to safeguarding the interests of the national defence and security, the Government may restrict public participation in decision-making referred to in Article 81 of this Law.

VI ECONOMIC INSTRUMENTS

Financing of Environmental Protection

Article 83

The Republic of Serbia, i.e. the autonomous province, i.e. the local self-government unit shall, within the scope of their respective powers, provide for the financing and realization of the objectives of environmental protection, in compliance with this Law.

Means for environmental protection may additionally be provided through donations, loans, means of international assistance, means of foreign investments intended for environmental protection, means from instruments, programs and funds of the EU, UN and international organisations.

1. Types of Economic Instruments

1.1. Fee for the Use of Natural Values

Article 84

The user of a natural value shall pay the fee for the use of natural values and shall bear the costs of rehabilitation and reclamation of the degraded space, in compliance with a special law.

The means acquired from the fee referred to in paragraph 1 of this Article shall be the revenues of the Republic budget and of the budget of the autonomous province, i.e. of the local self-government unit, in compliance with a special law.

1.2. Fee for Environmental Pollution

Article 85

Ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

Areas of Special Interest

Article 85a

Upon the proposal of the Ministry in charge of the environmental issues, the Government shall determine the areas of special interest for the state in the field of environmental protection.

The Government shall prescribe the criteria for determining the areas of special interest for the state referred to in paragraph 1.

Former paras. 3 and 4 ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

Refund, Exemption or Reduction of Fee for Environmental Pollution

Article 86

Ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

Fee for Environmental Protection and Improvement

Article 87

Former paras. 1 and 2 ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

The fee referred to in paragraph 1 of this Article shall be prescribed on the basis of:

Former items 1) and 2) ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

3) transportation of oil and oil derivatives, as well as of raw materials, products and semi-finished products of chemical and other hazardous substances from the industry or for the industry in the territory of the local self-government unit with the status of endangered environment in an area of significance for the Republic of Serbia.

Former paras. 4 and 5 ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

The persons obliged to pay the fee referred to in paragraph 3, item 3) of this Article shall be the owners of the freight vehicles, i.e. the legal and natural persons that conduct the transportation of oil and oil derivatives, as well as raw materials, products and semi-finished products of chemical and other hazardous substances from the industry or for the industry in the territory of the local self-government unit with the status of endangered environment in the area of significance for the Republic of Serbia.

Former paras. 7-11 ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

*****NOTE OF THE PUBLISHER:** *The provisions of Article 87 paragraph 3 item 3) and paragraph 6 of the Law ceased to be valid on 1 March 2019 (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267).*

Fee Payment Securing

Article 88

Ceased to be valid (see Article 278 of the Law on Fees for Use of Public Goods – 95/2018-267)

1.3. Budget Means and Means of International Financial Assistance

Means for Environmental Protection Financing

Article 89

Environmental protection shall be financed by applying the “user pays” principle, the “polluter pays” principle and the “liability” principle.

The means for financing of environmental protection in the Republic of Serbia shall be provided from the budget means of the Republic of Serbia, from the budget of the autonomous province and the local self-government unit, from the means of other states, international organisations, financial institutions and bodies, as well as of the domestic and foreign legal and natural persons, funds of the European Union and other international funds, donations, gifts, contributions, assistances, etc.

The means of the funds of the European Union referred to in paragraph 2 of this Article shall be used for financing of projects in compliance with the accredited management system of the European Union funds.

The infrastructural projects shall be financed on the basis of a consolidated list of priority projects, in compliance with the methodology for selection and prioritization of infrastructural projects.

1.4. The Green Fund of the Republic of Serbia

The Green Fund of the Republic of Serbia

Article 90

The Green Fund of the Republic of Serbia shall be established as a budget fund with a view to recording of means intended for financing the preparation, implementation and development of the programs, projects and other activities in the field of environmental conservation, sustainable use, protection and improvement.

The budget fund shall be established for an indefinite period of time, in compliance with the law regulating the budget system.

The Ministry shall manage the budget fund.

Means of the Green Fund of the Republic of Serbia

Article 90a

Means for financing of the activities referred to in Article 90, paragraph 1 of this Law shall be provided from:

- 1) appropriations in the budget of the Republic of Serbia for the current year;
- 2) donations and credits;
- 3) other public revenues.

Allocation of Means

Article 90b

The means of the Green Fund of the Republic of Serbia shall be allocated to the beneficiaries of means for the purpose of financing the protection and improvement of the environment, on the basis of a public call that shall be announced by the Ministry.

Notwithstanding paragraph 1 of this Article, the means of the Green Fund of the Republic of Serbia shall be allocated to the beneficiaries of means without conducting of a public call in case where the activities referred to in *Article 90c, items 5a), 16) and 21)** of this Law are financed.

The beneficiaries referred to in paragraph 1 of this Article shall be the legal and natural persons with the seat, i.e. residence in the territory of the Republic of Serbia that fulfil the conditions for allocation of means on the basis of a public call referred to in paragraph 1 of this Article.

The Ministry shall conclude the agreement on allocation of means with the beneficiaries of means.

The Ministry shall monitor, analyse and supervise the realisation of projects and the use of means.

The Government shall prescribe the mandatory conditions for the beneficiaries of means, conditions and method of allocation of means, criteria and benchmarks for the assessment of applications for allocation of means, the monitoring method for the use of means and the agreed rights and obligations in more detail, as well as other issues of significance for the allocation and use of means of the Green Fund of the Republic of Serbia.

The Minister shall prescribe the conditions for allocation and use of means of the Green Fund of the Republic of Serbia in more detail.

Use of Means

Article 90c

The means of the Green Fund of the Republic of Serbia shall be used in compliance with the law, national program of environmental protection and strategic documents, as well as with the list of priority infrastructural projects in the field of environment, and specifically for:

1) protection, preservation and improvement of the quality of air, water, land and forests, as well as for the reduction of impact of climate changes and for taking the adaptation measures, including ozone layer protection;

2) rehabilitation of dumping sites, reduction of waste production, reuse, treatment, i.e. recovery and disposal of waste;

3) programs, projects and other investment and operational activities in the field of waste management, in compliance with the law regulating waste management;

4) introduction of cleaner production for the operations of installations and conducting of activities, as well as for the adaptation to the requirements of environmental protection;

5) technologies and products that reduce the burden for and pollution of the environment;

*5a) financing of the procurement of biological, biotechnical and chemical substances and preparations needed to combat harmful organisms (animal, plant, etc.), their communities and habitats, carriers of the virus, which pose a threat to human health and the environment; **

* Published in the *Službeni glasnik RS*, No. 76/18 of 12 October 2018.

6) protection and preservation of biodiversity, care for the injured, ill, seized or confiscated specimens of wild flora and fauna, including active measures of protection such as the reintroduction, repopulation and maintenance of habitats;

7) promotion of sustainable use of protected areas;

8) improvements and construction of infrastructure for environmental protection, especially for the protection from noise, as well as for drawing up of strategic noise maps and action plans;

9) promotion of the use of renewable resources;

10) promotion of ecologically acceptable mode of transport;

11) promotion of sustainable development, except the energy efficiency improvement projects;

12) operational work and further development of monitoring and information system;

13) improvement of the system of information on the condition of the environment, monitoring and assessment of the condition of the environment, as well as for the introduction of the system of environmental management;

14) promotion of educational, research and developmental studies, programs, projects and other activities in the field of environmental protection, including the demonstration activities;

15) financing of preventive measures for the purpose of accident prevention;

16) financing of intervention measures under emergency circumstances of environmental pollution, reclamation and rehabilitation of polluted space in compliance with Article 66 of this Law;

17) elimination of the sources of ionising radiation from radioactive lightning conductors and disposal of the abandoned sources of ionising radiation of an unknown owner, i.e. user;

18) improvement and construction of infrastructure for the protection from ionising and non-ionising radiation;

19) reclamation and rehabilitation of historical pollution (tailings dump, industrial landfill and the similar);

20) financing of the programs of environmental education and strengthening of public awareness of the issues of environmental preservation and sustainable development;

21) *preparation and co-financing of the projects funded from the pre-accession assistance of the European Union in accordance with Article 89, paras. 3 and 4 of this Law, as well as unforeseen costs related to realisation of such projects;**

21a) *co-financing of the projects funded from the international developmental assistance and other sources of funding that require co-financing;**

22) financing of the national contributions in compliance with the ratified international conventions and protocols;

23) development of public-private partnerships in the activities on the protection and improvement of the environment;

24) financing of other activities in compliance with the law.

The beneficiaries of means shall be obliged to use the means for the intended purposes, in the manner and within the time limits determined in the agreement on the use of such means.

Should a beneficiary of means fail to use the means allocated to them in the manner and for the purposes determined in the agreement, they shall be obliged to repay the misapplied means to the budget of the Republic of Serbia, and they shall be liable for any damage incurred

* Published in the *Službeni glasnik RS*, No. 76/18 of 12 October 2018.

in the manner laid down in the agreement on the use of means and in compliance with the general rules of the law regulating contracts and torts.

The means of the Green Fund of the Republic of Serbia may additionally be used to finance/co-finance the programs, projects and other activities in the territory of the Republic of Serbia for the projects referred to in paragraph 1 of this Article, providing that these are organised and financed by the international organisations, financial institutions and bodies or other legal persons, as well as providing that these are organised and financed through bilateral assistance.

Maintenance of Records

Article 90d

The Ministry shall be obliged to maintain the records of fee payers for all fees in the field of environmental protection.

The records referred to in paragraph 1 of this Article shall mandatorily include the data on: the fee amount, maturity of the liability, interest calculation, notices issued and debt amount, enforced collection procedures and other pieces of data.

The fee payer referred to in paragraph 1 of this Article shall be obliged to report to the Ministry and the Environmental Protection Agency the cessation of trading, any changes of the status and/or the changes in the business activity, a change in ownership, lease or another right of the fee payer, the commencement of the operation of the new individual source of pollution, as well as the date of permanent closure of an existing source of pollution.

The fee payer shall be obliged to deliver the report referred to in paragraph 3 of this Article within 30 days from the date of occurrence of such a change.

The Minister shall prescribe the contents, appearance and method for maintenance of the records referred to in paragraph 2 of this Article.

Activities of the Fund

Articles 91 through 99

Ceased to be valid (see Article 33 of the Law on Environmental Protection Fund – 72/2009-164)

Autonomous Province and Local Self-Government Unit

Article 100

The autonomous province and the local self-government unit shall open the budget fund in compliance with the law regulating the budget system.

The budget fund referred to in paragraph 1 of this Article shall be financed from the revenues made in the territory of the autonomous province, and for the local self-government units on the basis of Articles 85, 85a and 87 of this Law and from other sources, in compliance with the law.

The budget fund means shall be used for financing of environmental protection and improvement, on the basis of a determined program for the use of budget fund means that shall be passed by the competent authority of the autonomous province, i.e. of the local self-government unit in compliance with the action and rehabilitation plans referred to in Article 68

of this Law, upon obtaining prior consent of the Ministry on the intended purpose for the use of means.

The autonomous province and the local self-government unit shall deliver the report on the use of the budget fund means to the Ministry by 31 March of the current year for the previous year at the latest, i.e. at the request of the Ministry.

The Minister shall prescribe the form for the program for the use of budget fund means and for the report on the use of budget fund means, the manner and time limits for the delivery thereof.

1.5. Economic Incentive Measures

Types of Incentive Measures

Article 101

For the legal and natural persons that employ technologies, produce and place on the market products the impact of which is more auspicious than other similar ones, i.e. that use the renewable sources of energy (sun, wind, biogas, etc.), equipment and devices that serve directly for the protection of the environment, tax, customs and other reliefs or exemptions from payment obligations may be determined, under conditions and in the manner laid down by a special law.

For the consumers that return the used and useless devices or parts thereof, products or packaging thereof in an organised manner, for the producers of plastic bags – carrier bags, operators of installations for reuse and recovery of waste, collectors and for other entities in the system of waste management, special incentive measures may be determined: incentives, subsidies, deposits and refund thereof, under conditions and in the manner laid down by this Law and by the special law.

The Government shall prescribe the type, amount, criteria, conditions and manner of allocation of incentive means and classification of beneficiaries of incentive means referred to in paragraph 2 of this Article for the purpose of allocation of incentive means, taking into account the classification of operators and other entities of waste management prescribed by the law regulating the management of waste.

IPARD Funds Incentives Beneficiaries*

*Article 101a**

*Beneficiaries exercising the right to IPARD incentives in the field of agriculture and rural development shall be obliged to fulfil the appropriate conditions of environmental protection.**

*The minister and the minister in charge of agriculture and rural development affairs, shall by mutual agreement prescribe the conditions referred to in paragraph 1 of this Article, which must be fulfilled by the IPARD incentives beneficiaries.**

* Published in the *Službeni glasnik RS*, No. 76/18 of 12 October 2018.

VII LIABILITY FOR ENVIRONMENTAL POLLUTION

Obligations of Legal and Natural Persons

Article 102

A legal and natural person shall be obliged to provide for the protection of the environment in conducting their activities, and specifically:

- 1) through application and implementation of the regulations on environmental protection;
- 2) through sustainable use of natural resources, goods and energy;
- 3) through introduction of energy more efficient technologies and through the use of renewable natural resources;
- 4) through the use of products, processes, technologies and practice that jeopardise the environment less;
- 5) through taking preventive measures or removal of consequences of jeopardizing of and damage to the environment;
- 6) through maintenance of records in the prescribed manner on the consumption of raw materials and energy, release of pollutants and energy, on classification, characteristics and quantities of waste, as well as on other data and delivery thereof to the competent authorities;
- 7) through control of activities and operation of the installations that may present a risk or cause danger to the environment and human health;
- 8) by means of other measures in compliance with the law.

The measures of environmental protection referred to in paragraph 1 of this Article shall be taken by the legal and natural person independently or through an authorised organisation.

Liability for Pollution

Article 103

A polluter that causes environmental pollution shall be held liable for the damage caused in accordance with the principle of objective liability.

Both a legal and a natural person that enabled or allowed environmental pollution through illegal or irregular activities shall be held liable for the pollution of the environment.

Obligation of the Polluter

Article 104

The polluter that through their actions or inaction causes environmental pollution shall be obliged, without any delay, to take the measures laid down in the accident prevention plan and rehabilitation plan, i.e. to take the necessary measures for the purpose of environmental damage reduction or removal of further risks, hazards or rehabilitation of damage to the environment.

If the damage caused to the environment cannot be rehabilitated through adequate measures, the person that caused the damage shall be liable for compensation amounting to the value of the good destroyed.

Liability for Damage

Article 105

The polluter shall be liable for the damage caused to the environment and space and shall bear the costs of damage assessment and removal thereof, and specifically:

- 1) the costs of emergency interventions taken at the time when the damage occurred, which were necessary to contain and prevent the effects of damage to the environment, space and health of population;
- 2) the direct and indirect costs of rehabilitation, establishing of a new condition or restoration of the previous condition of the environment and space, as well as of the monitoring of effects of rehabilitation and effects of the damage to the environment;
- 3) the costs of prevention of the same or similar damage to the environment and space;
- 4) the costs of compensation to the persons directly threatened by the damage to the environment and space.

The polluter shall be obliged to provide financial or other types of guarantees as securities for the payment of compensation costs referred to in paragraph 1 of this Article, in the course of and following the activities.

The Government shall prescribe the type of guarantees referred to in paragraph 2 of this Article, the amount of means and validity term of the guarantee provided by the polluters.

Obligation to Insure

Article 106

The polluter whose installation or activity presents a high level of hazard to human health and environment must get insurance from liability for damage caused to third parties due to an accident.

Damage Compensation

Article 107

Anyone that has suffered damage shall be entitled to the compensation of damage.

The request for damage compensation may be submitted directly to the polluter or the insurer, i.e. to the financial guarantor of the polluter with whom the accident occurred, if such insurer, i.e. financial guarantor exists.

If a number of polluters are liable for the damage caused to the environment, and in case that it is not possible to determine the respective shares of individual polluters, the costs shall be borne jointly and severally.

The limitation period for initiating the procedure for damage compensation shall be three years from the moment when the injured party has learnt of the damage and the person that caused the damage. The limitation period for such a claim shall in any case be 20 years from the moment when the damage was incurred.

The procedure before the court for damage compensation shall be urgent.

The Republic of Serbia shall reserve the right to damage compensation if there are no other persons entitled to such right.

Mutatis Mutandis Application of the Law

Article 108

The general rules of the Law on Contracts and Torts shall apply to any issues of liability for the damages caused to the environment that were not specifically regulated by this Law.

VIII SUPERVISION

Inspection Supervision

Article 109

Supervision of the implementation of the provisions of this Law and regulations passed on the basis of this Law shall be conducted by the Ministry, unless prescribed otherwise by this Law.

The Ministry shall conduct inspection supervision through the inspectors for environmental protection (hereinafter: the inspector) within the scope determined by this Law.

The autonomous province shall conduct inspection supervision of the performance of tasks entrusted by this Law and regulations passed on the basis of this Law.

The local self-government unit shall conduct inspection supervision of the performance of the tasks entrusted by this Law and regulations passed on the basis of this Law.

Supervision of Work

Article 109a

The Ministry shall conduct supervision of work of the Environmental Protection Agency, authorities in charge of environmental protection of the autonomous province and of the competent authorities of the local self-government unit, as well as of the authorised legal persons, in the conduct of entrusted tasks.

Rights and Obligations of Inspectors

Article 110

In conducting the inspection supervision, the inspector shall have the right and duty to determine:

1) whether the management, i.e. sustainable use and protection of natural resources and goods are conducted in accordance with the strategic documents and conditions and measures determined in compliance with this Law;

2) whether the collecting or placing on the market of the wild flora and fauna, the developmental forms and parts thereof is conducted in compliance with the prescribed conditions;

3) whether the import, export and transit of endangered and protected species of wild flora and fauna, the developmental forms and parts thereof is conducted in compliance with the prescribed conditions;

4) whether the measures and conditions for environmental protection are implemented in planning and construction;

5) whether the quality requirements of the environment and of the emission are fulfilled;

6) whether the conditions for operation of installation and conducting of activity are fulfilled;

7) (Deleted)

8) (Deleted)

9) whether the domestic or imported technologies or processes are applied, i.e. whether the production and placement on the market of the products, semi-finished products and raw materials are conducted in compliance with the prescribed norms of environmental protection;

10) whether the prescribed bans on production and marketing of certain products and conduct of certain activities are applied;

11) whether the ecological sign for products, processes or services is used in the prescribed manner;

12) whether the import and export of ozone-depleting substances are performed in compliance with this Law;

13) whether the import, export and transit of waste are conducted in compliance with this Law;

14) whether the hazardous substances in the production, use, marketing, processing, storage and disposal are handled in compliance with the prescribed measures;

14a) whether the operator possesses the prescribed documents and whether they take the measures for prevention of a chemical accident and containment of the impact of such an accident on human lives and health and the environment laid down in such documents;

15) whether the National Program, action and rehabilitation plans are implemented;

16) whether the monitoring of the condition of the environment is conducted;

16a) whether the action plan for gradual achievement of limit values for the emission of pollutants in waters, inclusive of the determined time limits for gradual achievement thereof, is adopted and whether the activities are conducted according to such an action plan, in compliance with Article 23 of this Law;

17) whether the information system and register of the sources of environmental pollution are maintained;

18) whether the means of the fund are used for intended purposes;

19) whether the obligations from ratified international treaties in the field of environmental protection are implemented;

19a) the identity of the persons subject to supervision and of other persons on the basis of the personal identity card, passport and other documents;

20) whether other prescribed measures and conditions for environmental protection are implemented.

The control of import, export or transit referred to in paragraph 1 of this Article shall occasionally be conducted by the republic inspector on the border.

Powers of the Inspector

Article 111

In conducting the tasks referred to in Article 110 of this Law, the inspector shall be authorised to:

1) order that the irregularities in the implementation of environmental protection, reclamation and rehabilitation measures in the use of natural resources and goods be removed within a specified time limit;

2) prohibit the use or employment of natural resources without or contrary to the consent for the environmental protection and rehabilitation project during and following the use of the resource and to order rehabilitation, i.e. taking of other relevant protection measures in compliance with Article 15 of this Law;

2a) order that the rehabilitation and remediation projects be drawn up and that the rehabilitation and remediation be conducted in compliance with Article 16 of this Law;

2b) prohibit rehabilitation and remediation where consent to the project is not obtained;

2c) order that an action plan for gradual achievement of limit values of pollutants' emission into waters be passed, that the time limits for the gradual achievement thereof be determined therein and to order acting in compliance with such an action plan, in compliance with Article 23 of this Law;

3) prohibit bringing in and cultivation of flora and fauna of foreign origin with a view to free colonising in nature, which could endanger the autochthonous species and their distribution;

4) prohibit destruction or damaging of wild flora and fauna and their habitats;

5) prohibit collecting or placing on the market of the wild flora and fauna, the developmental forms and parts thereof without a permit;

6) prohibit the import and export of endangered and protected species of wild flora and fauna, their developmental forms and parts the marketing of which is prohibited by international treaties;

7) prohibit the import and export of endangered and protected species of wild flora and fauna, of their developmental forms and parts the marketing of which is permitted, if conducted without a permit;

8) prohibit the construction and use of installations, i.e. establishments and conduct of activities where the prescribed requirements and norms in respect of the emission and level of pollutants are not fulfilled, where adequate and faultless equipment and devices that reduce or prevent the emission of pollutants or energy is lacking, or where other measures and conditions for environmental protection have not been taken;

9) prohibit the production and trade in the means of transport that do not comply with conditions in respect of the emissions for mobile sources of pollution;

10) prohibit the release of pollutants and hazardous substances, waste waters or energy in the air, water and land in the manner and in quantities, i.e. concentrations or levels exceeding the prescribed ones;

11) (Deleted)

12) prohibit the operation, use or employment of a technology, technological process, which are not permitted in accordance with the provisions of this Law;

13) prohibit the use or employment of products, semi-finished products or raw materials that are not permitted in accordance with the provisions of this Law;

14) order that in case of any doubt a certain technology, storage, a technological process, product, semi-finished product or a raw material be tested in respect of the potential adverse impact on the environment thereof and temporarily prohibit the use or employment thereof until the results of the tests are submitted for inspection;

15) suspend the operation of devices until the efficiency of devices used to eliminate or purify the pollutants for which no limit values are prescribed is tested;

16) prohibit placing on the market of raw materials, semi-finished products or products without a visible indication on potential harmful impact on the environment;

16a) order that the data referred to in Article 90d, paragraph 3 of this Law be delivered to the Ministry and to the Environmental Protection Agency;

17) prohibit the use of ecological sign contrary to the provisions of this Law;

18) prohibit the import of hazardous waste, in compliance with the law;

19) prohibit the import, export and transit of waste contrary to the provisions of this Law and order it to be returned to the sender;

20) prohibit the operations of a Seveso installation, i.e. establishment where the measures, stipulated in the Accident Prevention Policy or Safety Report or Accident Prevention Plan, are not implemented or are insufficiently implemented;

21) order that the Accident Prevention Policy or Safety Report or Accident Prevention Plan be drawn up and that adequate preventive and other measures of environmental protection from hazardous substances be taken, in compliance with this Law;

21a) order that the Accident Prevention Policy document be aligned with Article 58a of this Law;

22) prohibit the operations of a Seveso installation, i.e. establishment if, within the specified time limit, the Notification, Accident Prevention Policy or Safety Report or Accident Prevention Plan is not delivered;

23) in case of an accident, order the implementation of intervention measures and accident response procedures, implementation of measures in compliance with the Accident Prevention Plan, employment of people, means and taking of rehabilitation and preventive measures from chemical accident pollution spreading;

24) order the monitoring to be conducted in a prescribed manner;

25) order the implementation of measures of environmental protection, in compliance with this Law;

26) prohibit disposal of means from the account of a legal person, entrepreneur and natural person on the basis of an executive conclusion;

27) take samples of the land, water, waste, air through an authorised organisation;

28) in the procedure of coercive enforcement of a decision, seal the premises, installation, i.e. establishment, equipment or space due to which pollution or damage to the environment have been caused or might have been caused, in compliance with the law;

29) order the implementation of other prescribed obligations within a specified time limit.

An appeal may be filed against the decisions of the inspector referred to in paragraph 1 of this Article, unless prescribed otherwise by this Law.

The appeal referred to in paragraph 2 of this Article shall be filed to the competent authority within 15 days from the date of decision receipt and it shall not have suspensive effect on the enforcement of the decision.

The decision of an inspector referred to in paragraph 1, items 6), 7), 19) and 20) of this Article shall be final.

An administrative dispute may be initiated against the decision referred to in paragraph 4 of this Article.

Article 112

In conducting of the activities referred to in Articles 110 and 111 of this Law, an inspector may temporarily seize the objects, goods or devices the use of which is not permitted or that were created, i.e. by means of which illicit activities were committed.

In case that the inspector has temporarily seized the goods acquired through an illegal activity, which is perishable or cannot be handled adequately or if the required keeping expenses thereof are significant, it shall be sold, in the manner laid down by the law, and any means thus acquired shall be the revenues of the budget of the Republic of Serbia.

In conducting supervision of the implementation of the measures of environmental protection, an inspector shall have both the powers and duties laid down by a special law.

Article 113

If in the course of an inspection supervision, the inspector assesses that, in addition to the infringement of this Law, other laws and regulations governing the issues of significance for environmental protection or an individual part thereof, he/she shall be obliged to, in addition to taking measures within his/her powers, notify another competent authority thereof.

The other competent inspection authority shall notify the inspector of the measures taken.

In cases where the inspector determines such infringements of the law for which at the same time competences of other inspection authorities are prescribed, he/she shall be obliged to immediately notify the Minister thereof in order to jointly conduct the supervision and take adequate measures.

Article 114

The Minister shall pass the decision on the appeal against the first instance decision of the competent municipal, i.e. urban authority, i.e. authority of the City of Belgrade, which is passed in the course of conducting of entrusted tasks.

The competent authority of the autonomous province shall pass a decision on the appeal against the first instance decision of the competent municipal, i.e. urban authority from the territory of the autonomous province that was passed in the course of conducting of entrusted tasks.

The Minister shall pass a decision on the appeal against the first instance decision of a district unit of the Ministry.

The Minister shall pass a decision on the appeal against the first instance decision of a competent authority of the autonomous province.

The Government shall pass a decision on the appeal against the first instance decision of the Ministry.

Article 115

The inspector shall have the official identification document, badge and adequate equipment.

The Minister shall prescribe the form of the official identification document, the appearance and contents of the badge and the type of equipment.

IX PENAL PROVISIONS

1. Economic Offences

Article 116

A fine from RSD 1,500,000 to RSD 3,000,000 shall be imposed to a legal person for an economic offence if they:

1) use the natural resources or goods without the consent of the Ministry (Article 15, paragraph 3);

2) fail to conduct remediation or in some other manner fail to rehabilitate the degraded environment (Article 16, paragraph 1);

3) conduct remediation or in some other manner rehabilitate the degraded environment, without the consent of the Ministry (Article 16, paragraph 2);

3a) fail to pass an action plan for gradual achievement of limit values for the pollutants' emission into waters and fail to determine therein the time limits for the gradual achievement thereof (Article 23, paragraph 3);

3b) fail to act in compliance with the action plan for gradual achievement of limit values for the pollutants' emissions into waters (Article 23, paragraph 3);

4) collect or place on the market certain species of wild flora and fauna, the developmental forms and parts thereof, without a permit of the Ministry, i.e. contrary to the conditions laid down in the permit (Article 27, paragraph 4);

5) conduct the cross-border trade in the specimens of wild flora and fauna (import, export, bringing in, bringing out, re-export) and of the developmental forms and parts thereof without a permit, i.e. a document that is to be issued by the Ministry (Article 28, paragraph 2);

6) fail to take all the necessary prevention, protection, safety and rehabilitation measures on the occasion of management of hazardous substances (Article 29, paragraph 2);

7) construct and use the installations, i.e. establishments and conduct the activities where the prescribed limit values of the emission and level of pollutants, conditions in respect of the equipment and devices used to reduce or prevent the emission of pollutants or energy have not been complied with, as well as where other measures and activities have not been taken to provide for the prescribed conditions of the protection of the environment (Article 40, paragraph 1);

8) release pollutants and hazardous substances, waste waters or emit energy in the air, water or land in the manner and in quantities, i.e. concentrations or levels exceeding the prescribed ones (Article 40, paragraph 2);

9) apply a domestic or imported technology or process, i.e. produce, store and place on the market products that do not comply with the requirements in respect of the environment, i.e. product quality requirements or if the technology, process, product, semi-finished product or the raw material is prohibited in the country of export (Article 51, paragraph 1);

10) use the devices serving to eliminate or purify the pollutants for which no technical requirements have been laid down in the technical regulations contrary to Article 51, paragraph 4 of this Law;

11) import hazardous waste (Article 57, paragraph 1);

12) import, export or conduct transit of waste without a permit of the Ministry (Article 57, paragraph 3);

13) fail to act in compliance with the provisions of Article 58, paragraph 1 of this Law;

14) fail to act in compliance with Article 60k of this Law;

15) fail to take the rehabilitation measures at their own expense (Article 63, paragraph 1);

16) fail to draw up or realise a rehabilitation plan referred to in Article 66, paragraph 4 of this Law;

17) fail to insure themselves in the case of damage incurred to third persons due to an accident (Article 106).

A fine proportionate to the amount of the damage incurred, outstanding liability or the value of goods or another object that is subject to the economic offence may be imposed for the economic offence referred to in paragraph 1 of this Article, and up to twentyfold amount of the

damage incurred, outstanding liability or the value of goods or other object that is subject to the economic offence at the maximum.

For an economic offence referred to in paragraph 1 of this Article, the responsible person in the legal person shall additionally be sanctioned with a fine from RSD 100,000 to RSD 200,000.

2. Offences

Article 117

A fine from RSD 500,000 to RSD 1,000,000 shall be imposed on a legal person for an offence if they:

1) produce and/or place on the market the means of transport that do not comply with the conditions in respect of the emission for the mobile sources of pollution (Article 40, paragraph 3);

2) (Deleted)

3) on the declaration of a raw material, semi-finished product or a product fail to warn against the environmental pollution and damage to human health that such raw material, semi-finished product or product, i.e. the packaging thereof causes or may cause in the environment (Article 52, paragraph 1);

4) use the ecological sign contrary to the provisions of Article 53 of this Law;

5) fail to deliver the Notification referred to in Article 59, paragraph 1 of this Law;

6) fail to deliver the Safety Report and Accident Prevention Plan to the Ministry with the data referred to in Article 60a of this Law;

7) fail to act in compliance with Article 60c of this Law;

8) fail to act in compliance with Article 60k of this Law;

9) conduct monitoring without authorisation (Article 71, paragraph 1);

10) fail to conduct monitoring and following of other impacts on the condition of the environment (Article 72);

11) fail to deliver the monitoring data in the prescribed manner (Article 73);

12) fail to deliver data of significance for maintenance of the register of environmental pollution sources in the prescribed manner (Article 75, paragraph 5);

12a) fail to deliver to the Ministry and to the Environmental Protection Agency the data referred to in Article 90d, paragraph 3 of this Law;

13) fail to enable the inspector to conduct control, i.e. fail to act in compliance with the decision of the inspector (Article 111).

A fine proportionate to the amount of the damage incurred or liability outstanding, value of goods or other object that is subject to the offence, and up to the twentyfold amount of such values, may be imposed for the offence referred to in paragraph 1 of this Article.

The responsible person in the legal person shall also be fined RSD 25,000 to RSD 50,000 for the offence referred to in paragraph 1 of this Article.

A protective measure comprising the ban on conducting certain activity with the validity term of up to three years and to the responsible person on conducting certain tasks with the validity term of up to one year may also be imposed for the offence referred to in paragraph 1 of this Article.

Article 117a

A fine from RSD 250,000 to RSD 500,000 shall be imposed on an entrepreneur for an offence if they:

1) use the natural resources and goods, without the consent of the Ministry (Article 15, paragraph 3);

2) fail to conduct remediation or in some other manner rehabilitate the degraded environment (Article 16, paragraph 1);

3) conduct remediation or in some other manner rehabilitate the degraded environment, without the consent of the Ministry (Article 16, paragraph 2);

3a) fail to pass an action plan for gradual achievement of limit values of pollutants' emissions into waters and fail to determine therein the time limits for gradual achievement of limit values (Article 23, paragraph 3);

3b) fail to act in compliance with the action plan for gradual achievement of limit values of pollutants' emissions into waters (Article 23, paragraph 3);

4) collect or place on the market certain species of wild flora and fauna, the developmental forms and parts thereof, without a permit of the Ministry, i.e. contrary to the conditions laid down in the permit (Article 27, paragraph 4);

5) conduct the cross-border trade in the specimens of wild flora and fauna (import, export, bringing in, bringing out, re-export) and developmental forms and parts thereof without a permit, i.e. a document that is to be issued by the Ministry (Article 28, paragraph 2);

6) produce and/or place on the market the means of transport that do not comply with the conditions in respect of the emissions for mobile sources of pollution (Article 40, paragraph 3);

7) on the declaration of a raw material, semi-finished product or product, fail to warn against the pollution of the environment and of the damage to human health that the raw material, semi-finished product or product, i.e. the packaging thereof causes or may cause in the environment (Article 52, paragraph 1);

8) fail to act in compliance with the provisions of Article 58, paragraph 1 of this Law;

9) fail to deliver the Notification referred to in Article 59 of this Law;

10) fail to deliver the Safety Report and Accident Prevention Plan to the Ministry with the data referred to in Article 60a of this Law;

11) fail to act in compliance with Article 60c of this Law;

12) fail to act in compliance with Article 60k of this Law;

13) conduct monitoring without authorisation (Article 71, paragraph 1);

14) fail to conduct monitoring and following of other impacts on the condition of the environment (Article 72);

15) fail to deliver the monitoring data in the prescribed manner (Article 73);

16) fail to deliver data of significance for maintenance of the register of environmental pollution sources in the prescribed manner (Article 75, paragraph 5);

16a) fail to deliver to the Ministry and the Environmental Protection Agency the data referred to in Article 90d, paragraph 3 of this Law;

17) fail to enable the inspector to conduct control, i.e. fail to act in accordance with the decision of the inspector (Article 111).

A protective measure comprising the ban on conducting activity with the validity term of up to three years may also be imposed for the offence referred to in paragraph 1 of this Article.

Article 118

A fine from RSD 5,000 to RSD 50,000 or a prison sanction of up to 30 days shall be imposed on a natural person for the offence if he/she:

1) disturbs, abuses, harms and destroys the wild fauna, i.e. devastates the habitats thereof (Article 27, paragraph 2);

2) destroys, plucks or in some other manner devastates the wild flora, i.e. destroys or devastates the habitats thereof (Article 27, paragraph 3);

3) collects or places on the market certain species of the wild flora and fauna, the developmental forms and parts thereof, without a permit of the Ministry, i.e. contrary to the conditions laid down in the permit (Article 27, paragraph 4);

4) exports or imports the protected species of the wild flora and fauna, the developmental forms and parts thereof, without a permit of the Ministry (Article 28, paragraph 1).

(Deleted)

Article 118a

A fine amounting to RSD 5,000 shall be imposed for the offence on the parent, guardian, i.e. responsible person in the guardianship institution, if, due to the failure to conduct due supervision of the underage person, the underage person commits an offence referred to in Article 118, paragraph 1, items 1), 2) and 3) of this Law.

Article 119

(Deleted)

Article 120

The fine of RSD 25,000 to RSD 50,000 shall be imposed for an offence on the responsible person in the administration authority, i.e. local self-government unit, i.e. the organisation exercising public authorisations if he/she:

1) issues an approval for the use of a natural resource or good, without the consent of the Ministry (Article 15, paragraph 1);

2) issues the consent for a rehabilitation and remediation project which is drawn up contrary to the prescribed contents for rehabilitation and remediation projects, without following the prescribed procedure for granting the consent for the project, contrary to the prescribed conditions for granting the consent for the project, and without the prescribed documentation that is to be submitted along with the application for consent granting (Article 16);

3) issues a permit without having obtained the opinion from the organisation in charge of nature protection (Article 27, paragraph 4);

4) issues a permit, i.e. a document without the prescribed documentation or fails to maintain the register of issued permits in the prescribed manner (Article 28);

5) prepares the spatial or general plan without the conditions for the provision of the measures of environmental protection referred to in Article 34 of this Law;

6) fails to inform the public and fails to pass an act on introduction of special measures in cases referred to in Article 42, paragraph 1 of this Law;

7) (Deleted)

8) fails to maintain the records of certificates issued for the purpose of inclusion in the EMAS system (Article 44, paragraph 9);

9) (Deleted)

10) fails to pass the external plans referred to in Article 61 of this Law;

11) fails to proclaim the state of environmental alert and fails to inform the public of the measures taken (Article 62);

11a) fails to pass the action plan, i.e. the rehabilitation plan (Article 68);

12) fails to conduct monitoring (Article 69);

13) fails to deliver the monitoring data in the prescribed manner (Article 73);

14) fails to maintain the environmental protection information system (Article 74);

15) fails to maintain the register of environmental pollution sources (Article 75, paragraph 2);

16) fails to act in compliance with Articles 78, 80 and 81 of this Law;

16a) fails to deliver to the Ministry and to the Environmental Protection Agency the data referred to in Article 90d, paragraph 3 of this Law;

16b) fails to deliver the report referred to in Article 100, paragraph 4 of this Law.

17) Ceased to be valid (see Article 33 of the Law on Environmental Protection Fund – 72/2009-164)

18) Ceased to be valid (see Article 33 of the Law on Environmental Protection Fund – 72/2009-164)

In addition to the fine imposed, a protective measure comprising the ban on conducting certain tasks with the validity term up to one year may be imposed for an offence referred to in paragraph 1 of this Article to the responsible person in the administration authority, i.e. local self-government unit, i.e. organisation performing public authorisations.

Article 121

For the offence referred to in Articles 117, 117a, 118 and 118a of this Law, in addition to the fine, a protective measure comprising the seizure of the objects that were used or intended for committing the offence, i.e. that originated or were acquired through committing the offence, may also be imposed.

X TRANSITIONAL AND FINAL PROVISIONS

Article 122

The legal and natural persons shall align their business operations with the provisions of this Law within one year from the date of entry into force of this Law.

Article 123

The National Assembly shall adopt the following within one year from the date of entry into force of this Law:

1) the National Strategy for Sustainable Use of Natural Resources and Goods referred to in Article 12 of this Law;

2) the National Environmental Protection Program referred to in Article 64 of this Law.

Article 124

The Government shall adopt, within one year from the date of entry into force of this Law, the act referred to in Article 43, paragraph 3 of this Law, and, within two years from the date of entry into force of this Law, the action plans referred to in Article 65 of this Law, as well as the program referred to in Article 69, paragraph 3 of this Law.

Until the adoption of the Strategy and of the national action plans, the basis for the use of natural resources and goods shall comprise the bases of natural resources (of the water management, forestry, geology, mineral raw materials, pedology, agriculture, spatial protection and other environmental and spatial bases) as special documents on the potentials of a natural resource, i.e. good that are drawn up or updated on the basis of the determined or estimated balances and other categories in compliance with the Spatial Plan of the Republic of Serbia and other spatial and general plans.

Article 125

The Environmental Protection Fund shall become operational within six months from the date of entry into force of this Law at the latest.

Article 126

The Government shall appoint the President and the members of the Managing and Supervisory Boards, as well as the Director of the Fund, within 60 days from the date of entry into force of this Law.

The Managing Board shall pass the Statute of the Fund within 30 days from the appointment date.

Article 127

The provisions of the law and other regulations governing the management of natural resources and goods, as well as planning and construction that are contrary to this Law shall not apply.

Article 128

Until passing of the regulations on the basis of authorisations from this Law, the regulations that were passed on the basis of the following shall apply:

- 1) The Law on the Basics of Environmental Protection (Službeni list SRJ, Nos. 24/98, 24/99 and 44/99);
- 2) The Law on Environmental Protection (Službeni glasnik RS, Nos. 66/91, 83/92, 53/93, 67/93, 48/94 and 53/95).

Article 129

As of the date of entry into force of this Law, the following shall cease to apply:

- 1) The Law on the Basics of Environmental Protection (Službeni list SRJ, Nos. 24/98, 24/99 and 44/99);
- 2) The Law on Environmental Protection (Službeni glasnik RS, Nos. 66/91, 83/92, 53/93, 67/93, 48/94 and 53/95) except for the provisions governing the protection of air, the protection of natural goods and protection from noise.

Article 130

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije.

* * *

ARTICLES NOT INCLUDED IN THE FINAL TEXT

LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON ENVIRONMENTAL PROTECTION

(Službeni glasnik RS, No. 36/09)

Article 72

The act referred to in Article 5, paragraph 3 and Article 18, paragraph 1 of this Law shall be passed by the Government within one year from the date of entry into force of this Law.

The act referred to in Article 51, paras. 2 and 3 and Article 52, paragraph 7 of this Law shall be passed by the Government within six months from the date of entry into force of this Law.

The Government shall pass the following within one year from the date of entry into force of this Law:

- 1) the National Strategy for Sustainable Use of Natural Resources and Goods;
- 2) the National Environmental Protection Program.

The Minister shall, within one year from the date of entry into force of this Law, pass the acts referred to in Article 4, paragraph 3, Article 5, paragraph 4, Article 7, paragraph 3, Article 20, paragraph 3, Article 22, paragraph 3, Article 26, paragraph 1, Article 29, paragraph 2, Article 30, paragraph 4, Article 31, paragraph 2, Article 32, paragraph 6, Article 35, paragraph 7 and Article 42, paragraph 4 of this Law.

Article 73

The local self-government units shall be obliged to:

- 1) open the budget fund in compliance with the law regulating the budget system by 31 December 2009;
- 2) harmonise the applicable regulations on the fee for the protection and improvement of the environment by 31 December 2009.

Ceased to be valid (see Decision CC – 43/2011-88)

Article 75

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije.

* * *

ARTICLES NOT INCLUDED IN THE FINAL TEXT
LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON ENVIRONMENTAL
PROTECTION

(Službeni glasnik RS, No. 14/16)

Article 33

Legal persons and entrepreneurs releasing their waste waters in a recipient or public sewers, except the installations that are subject to issuing of integrated permits, shall be obliged to adopt the action plan referred to in Article 6 of this Law, within six months from the date of entry into force of this Law.

The autonomous province, i.e. the local self-government units shall be obliged to adopt the environmental protection program, action, i.e. rehabilitation plans referred to in Article 68 of the Law on Environmental Protection within one year from the date of entry into force of this Law.

Article 34

Regulations that are to be passed based on this Law shall be passed within one year from the date of entry into force of this Law.

Until the adoption of the regulations that are to be passed on the basis of this Law, the regulations passed on the basis of the Law on Environmental Protection (Službeni glasnik RS, Nos. 135/04, 36/09, 36/09 – other law, 72/09 – other law and 43/11 – CC) shall apply.

Article 35

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije, except for the provisions of Articles 22 and 23 of this Law, which shall apply as of 1 January 2017.

* * *

ARTICLES NOT INCLUDED IN THE FINAL TEXT
LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON ENVIRONMENTAL
PROTECTION

(Službeni glasnik RS, No. 76/18)

Article 4

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije.