

## Questionnaire for the

# REPORT OF                      ON THE IMPLEMENTATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

in the period 2010-2012

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

*In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.*

## Article 2 - Definitions:

1. Is the definition of plans and programmes for the purpose of the Protocol the same in your legislation as in article 2, paragraph 5? Please specify.

- a) Yes ☒
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There are no definitions of plans and programmes in the legislation ☐

Your comments: **Yes, in Article 3, paragraph 1** - Plans and programmes are all development and other plans and programmes, bases, strategies, including their amendments, which are prepared and/or adopted by the authority at the Republic, provincial or local level, or which are prepared by the competent authority for the purpose of adoption in the appropriate procedure by the National Assembly or Government of the Republic of Serbia, or the assembly or the executive authority of the autonomous province, or self-government units, as well as plans and programmes adopted pursuant to legislation.

2. Is the definition of “environmental, including health effect” in your legislation the same as in article 2, paragraph 7? Please specify.

- a) Yes ☒
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of “environmental, including health effect” in the legislation ☐

Your comments: **Yes in Appendix II**

3. Is the definition of “the public” according to article 2, paragraph 8, in your legislation the same as in the Protocol? Please specify.

- a) Yes ☒
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of the public in the legislation ☐

Your comments: **Yes, in Article 3, paragraph 5-** Public includes one or several natural or legal persons, their associations, organisations or groups.

4. Are there any conditions for non-governmental organizations to be able to take part in the assessment procedure? Please specify.
- a) Yes (please provide the conditions): Yes in Public participation process.
- b) No ☐

### **Article 3 – General provisions:**

5. Provide legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (you can choose more than one option).
- a) Law on SEA (please indicate number/year/name): „Official Gazette of RS“ no.135/2004 and 88/2010
- b) SEA provisions are transposed into another law(s) (please specify):
- c) Regulation (please indicate number/year/name):
- d) Administrative (please indicate number/year/name):
- e) Other (please specify):
- Your comments:

6. Indicate the specific legislation in your country, if any, that assures that the requirements of article 3, paragraphs 6 and 7, are met, and that these rights of the public are observed (you can choose more than one option).
- a) Constitution ☒
- b) Law on public participation (please indicate number/year/name):
- c) Law on SEA ☐
- d) Legislation which transposes the Protocol on SEA (please indicate number/year/name):
- e) Legislation which transposes the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (please indicate number/year/name):
- f) Other (please, specify):
- Your comments:

### **Article 4 – Field of application**

7. List the types of plans and programmes that require SEA in your legislation (art. 4, para. 2).

**Article 5 , paragraph 1-** The strategic assessment shall be carried out for all plans, programs, bases and strategies (hereinafter referred to as: plans and programss) in the areas of spatial and urban planning or land use planning, agriculture, forestry, fishery, hunting, energy, indutry, transport, waste menagement, water menagement, telecommunications, tourism, conversation of natural habitats and wild flora and fauna.

8. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2).

**Article 5 , paragraph 1** - Plans and programmes that set the framework for granting the approval for future development project defined by the environment impact assessment related regulation.

9. Explain how the terms “plans and programmes . . . which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation.

**Article 5 , paragraph 2** - In cases of plans and programmes which stipulate the use of smaller areas at the local level, or in cases of minor modifications to plans and programmes that do not require the formal adoption procedure, as well as of plans and programmes that are not listed in paragraph 1 of this Article, decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.

10. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4).

For any specific plan or program competent authority shall determine individually is there significant environmental impact.

## **Article 5 – Screening**

11. How do you determine which other plans and programmes should be subject to a SEA according to article 4, paragraphs 3 and 4 (art. 5, para. 1)? Please specify.

- a) On a case-by-case basis ☒
- b) By specifying types of plans and programmes ☐
- c) By using a combination of (a) and (b) ☐
- d) Other (please specify):

Your comments: Also according to **Article 5, paragraph 1** - The strategic assessment shall be carried out for all plans, programmes, bases and strategies (hereinafter referred to as: plans and programmes) in the areas of spatial and urban planning or land use planning, agriculture, forestry, fishery, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, conservation of natural habitats and wild flora and fauna, that set the frameworks for granting the approval for future development projects defined by the environmental impact assessment related regulations.

12. Describe the procedures required in your legislation for consulting the environmental and health authorities (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 1). If different in screening, scoping and on the draft plans and programmes and the environmental report, please specify.

**Article 21, paragraph 1-** The competent authority responsible for preparation for the plan and program may obtain the opinion of other authorised organisations or experts in certain fields, or organise an expert committee to evaluate the strategic assessment report.

13. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

If yes, please specify (you can choose more than one option).

- a) By sending written comments to the competent authority ☐
- b) By sending written comments to the local municipality ☐
- c) By providing answers to a questionnaire ☐
- d) By taking part in a public hearing ☐
- e) There are no opportunities for public participation in screening and/or scoping ☒
- f) Other (please specify):

Your comments: Our legislation does not provide public concern in phase of screening and scoping for the plans and programmes.

14. At what stage of the procedure for a plan or programme does your legislation require you to make the screening decision publicly available? What information do you provide in the screening decision (art. 5, para. 4)?

**Article 9, paragraph 5-** Screening decision shall be published in „Official Gazette of the Republic of Serbia“, Official Journal of the autonomous province, local self - government unit.

## **Article 6 – Scoping**

15. How do you determine what is relevant information to be included in the environmental report in accordance with article 7, paragraph 2 (art. 6, para. 1)? Please specify (you can choose more than one option).

- a) By using annex IV ☐
- b) By using the comments from the concerned authorities ☒
- c) By using the comments from the public concerned, if it has been consulted ☐
- d) As determined by the competent authority based on its own expertise ☒
- e) By using other means (please specify):

Your comments: Relevant information that shall be included in environmental report are listed in Appendix I – Criteria for determining the potential significant impact characteristics.

16. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify.

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

Your comments:

17. How do you ensure sufficient quality of the reports? Please specify.

- a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments ☐
- b) By using quality check lists ☐
- c) There are no specific procedures or mechanisms ☒
- d) Other (please specify):

Your comments:

18. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (you can choose more than one option).

- a) Through public notices ☒
- b) Through electronic media ☐
- c) Through other means (please specify):

Your comments:

19. How do you identify the public concerned (art. 8, para. 3)? Please specify (you can choose more than one option).

- a) Based on the geographical location of the plans and programmes ☒
- b) By making the information available to all public and letting them identify themselves as public concerned ☒
- c) By other means (please specify):
- d) Your comments:

20. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (you can choose more than one option).

- a) By sending comments to the relevant authority/focal point ☐
- b) By providing answers to a questionnaire ☐
- c) Orally ☐
- d) By taking part in a public hearing ☒
- e) Other (please specify):

Your comments:

21. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify.

- a) Yes (please provide the definition):
- b) No, the time frame is given by a number of days for each commenting period ☐
- c) No, it is defined case by case ☐
- d) Other (please, specify):

Your comments: Time frame is set by law regulating the plan and programme adoption procedure. If not, authority responsible for the plan and programme preparation shall make a decision on the plan and programme adoption, or shall make a special decision to organise public insight and debate.

**Article 19, paragraph 3 and 4** - Public insight and debate referred to in paragraph 2 of this Article shall be organised, as a rule, as a part of plan and programme presentation and public debating in compliance with law regulating the plan and programme adoption procedure.

If the law regulating plan and programme adoption procedure does not stipulate public insight and debate on the plan and programme, the authority responsible for the plan and programme preparation shall make a decision on the plan and programme adoption, or shall make a special decision to organise public insight and debating referred to in paragraph 2 of this Article.

### **Article 10 – Transboundary consultations**

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

- a) During scoping ☐
- b) When the draft plan or programme and the environmental report have been prepared ☒
- c) At other times (please specify):

Your comments: **Article 23, paragraph 2** - When implementation of plans and programmes may have significant adverse effects on the environment in another state, or when the state whose environment could be significantly threatened requests so, the Ministry shall submit to another state, in the procedure of participation of the authorities and organisations and public concerned, within the shortest possible period and at least simultaneously with informing its own public, the following information requesting its opinion:

- 1) The description of plans and programmes, together with all available information on their possible impact;
- 2) The nature of the decision that may be adopted;
- 3) The period within which another state can notify its intention to participate in the decision-making procedure.

23. As a Party of origin, what information, do you include in the notification (art. 10, para. 2)? Please specify.

- a) The information required by article 10, paragraph 2 ☒
- b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments: **Article 23, paragraph 2**

- 1) The description of plans and programmes, together with all available information on their possible impact;
- 2) The nature of the decision that may be adopted;
- 3) The period within which another state can notify its intention to participate in the decision-making procedure.

24. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify.

- a) Yes (please, indicate how long):
- b) No ☐

25. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify.

- a) Following those of the Party of origin ☒
- b) Following those of the affected Party ☐
- c) Other (please specify):

Your comments:

### **Article 11 – Decision**

26. When a plan or programme is adopted, explain how your country ensures that due account is taken of the (art. 11, para. 1).

- a) Conclusions of the environmental report:
- b) Mitigation measures:
- c) Comments received in accordance with articles 8 to 10:

Your comments:

27. How and when do you inform your own public and authorities (art. 11, para. 2)?

Information about adopted plans and programmes shall be published in Official Gazette of RS.

28. How do you inform the public and authorities of the affected Party (art. 11, para. 2)? Please specify.

- a) By informing the point of contact ☐
- b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public ☒
- c) By informing all the authorities involved in the assessment and letting them inform their own public ☐
- d) Other (please, specify):

Your comments:

### **Article 12 – Monitoring**

29. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2).

### **Article 13 – Policies and legislation**

30. Do you have national legislation on the application of principles and elements of the Protocol as regards policies and legislation (art. 13, paras. 1–3)? Please specify.



- a) Yes (please specify which articles of the Protocol apply):  
b) No ☒

Your comments:

## PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010 -2012

*In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.*

31. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object).

- a) Yes ☐  
b) No ☒

### DOMESTIC AND TRANSBOUNDARY IMPLEMENTATION IN THE PERIOD 2010–2012

32. Which competent authority/authorities are responsible for carrying out the SEA procedure in your country? Please specify.

- a) If they are different for different types of plans and programmes ☐  
b) If they are different at different levels (national, regional, local) ☒  
c) If they are different for domestic and transboundary procedures ☐  
d) Please name the responsible authority/authorities: Ministry, local self government and Autonomous province. If Ministry is responsible for carrying out plan and SEA report, then responsible authority for evaluation for SEA report is Ministry for environmental protection. If local self government is responsible for carrying out plan and SEA report, then responsible authority for evaluation for SEA report is environmental protection unit of local government. If Autonomous province is responsible for carrying out plan and SEA report, then responsible authority for evaluation for SEA report is Secretariat for the Environment protection

33. Does your SEA documentation always include a specific (sub) chapter on information on potential transboundary effects? Please specify.

- a) Yes ☐  
b) No, only when potential transboundary effects are identified ☒

### CASES DURING THE PERIOD 2010-2012

34. If possible, provide the (approximate) number of domestic and transboundary SEA procedures initiated during the given period and list them by referring to the sectors in article 4, paragraph 2.

In given period time we had 3 transboundary SEA.

## EXPERIENCE WITH THE STRATEGIC IMPACT ASSESSMENT PROCEDURE IN 2010-2012

35. If your country has had practical experience in implementing the Protocol, has this supported the integration of environmental, including health, concerns into the development of plans and programmes? Have the conclusions included in the environmental report influenced the drafting and resulted in altering of a plan or programme? Please, provide examples, if you have this information.

No

36. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them. Does your country work together with other Parties to find solutions? If not, how does your country overcome the(se) problem(s)? Please, provide examples, if available.

No

37. Please share with other Parties your country's experience of applying the Protocol in practice, if such information is available. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

a) Your country's experience with domestic procedures:

- i. Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes?

Yes, Spatial plans

- ii. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

No

b) Your country's experience with transboundary procedures:

- i. Translation is not addressed in the Protocol. How has your country addressed the question of translation? What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?

Communication was in English.

- ii. What does your country usually translate as a Party of origin?

SEA Abstract.

- iii. Has your country carried out transboundary public participation according to article 10, paragraph 4? If so, how? Was your country the Party of origin or the affected Party? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (E.g., have there been complaints from the public about the procedure?)

We have good experience.

- iv. Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes? If yes, describe such examples, if possible.

NGOs were also initiators of participators of Republic of Serbia in transboundary consultation of Strategic impact assessment for National Energy Program of Slovenia.

Strategic impact assessment of River Basin Management of the Republic of Croatia.

Strategic impact assessment for Energy development strategy of Monte Negro until 2030.

- v. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case within a "case study fact sheet" to be published on the website of the Convention and its Protocol?

No

#### COOPERATION BETWEEN PARTIES IN 2010–2012

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

No

#### EXPERIENCE REGARDING GUIDANCE IN 2010–2012

39. Are you aware of any use in your country of the Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment available online<sup>1</sup>? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.

No

40. Do you provide any assistance and guidance to the public? If yes, please specify.

No

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<sup>1</sup> [http://www.unece.org/env/eia/pubs/sea\\_manual.html](http://www.unece.org/env/eia/pubs/sea_manual.html)

41. Do you support associations, organizations or other groups that promote the Protocol? If yes, please specify which and how.

Yes, NGO

42. Has your country had difficulties implementing the procedure defined in the Protocol?

No

#### AWARENESS OF THE PROTOCOL

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

Improvement tru education and workshops

#### SUGGESTED IMPROVEMENTS TO THE REPORT

44. Please provide suggestions for how this report may be improved.

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