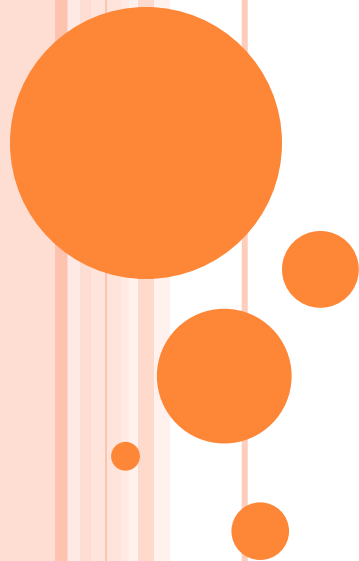


**22<sup>nd</sup> meeting of the Working Group of the  
Parties under the auspices of the Aarhus  
Convention**

**Geneva, 19-21 June 2018**

**Exceptions to the provision on  
environmental information and grounds for  
refusal in the Republic of Serbia**

**Gordana Petkovic**



# Legislative framework

- **Constitution of RS** ("OG of RS, No.98/06)
- **Law on Ratification Aarhus Convention** ("OG of RS- International Treaties", No. 38/09)
- **Law on ratification on PRTR Protocol** ("OG of RS- International Treaties", No. 8/11)
- **The Law on Free Access to Information of Public Importance** (OG of RS 120/04, 54/07, 104/09 and 36/10)
- **The Law on Environmental Protection (LEP)** (OG of RS 135/04, 36/09, 72/09, 43/11 and 14/16)

Justified public interest  
to know

## PRINCIPLES

**Proportionality**

**Equality**

**Non-discrimination**

**Principle reflecting the requirement of necessity**



# PRECLUSION AND LIMITATION OF FREE ACCESS TO INFORMATION ON PUBLIC INTEREST

## Exampmtions

- Expose to risk the life, health, safety
- Judiciary
- National defence, national and public safety
- International relations
- National economic welfare

## Exampmtions

- Classified information (state, official, commercial or other secret)



**Data on emissions risks from accidents, monitoring and inspection surveys shall not be classified as commercial, official or state secrets**



# CONFIDENTIALITY INFORMATION

## - LEGAL FRAMEWORK

No	Basic acts	Published “Official Gazette”
1	<b>Law on General Administrative Procedure</b>	No. 18/16
2	<b>Law on Administrative Disputes</b>	No. 111/09
3	<b>Law on State Administration</b>	No. 79/05, 101/07, 95/10 and 99/14
4	<b>Law on Data Secrecy</b>	No. 104/09
5	<b>Law on Protection of Personal Data</b>	No. 97/08, 104/09 and 68/12
6	<b>Law on Official Statistics</b>	No. 104/09
7	<b>Law on Police</b>	101/05, 63/09 and 92/11
8	<b>Law on Defence</b>	No. 116/07, 88/09 and 104/09
9	<b>Law on Foreign Affairs</b>	No. 116/07 and 41/09
10	<b>Law on Copyright and Related Rights</b>	104/09, 99 /11 and 119/12

# LEGISLATIVE FRAMEWORK

No	Other laws	Published “Official Gazette”
	<b>Law on Environmental Impact Assessment</b>	No. 135/04 , 36/09
	<b>Law on Integrated Environmental Pollution Prevention and Control</b>	No. 135/04 and 25/15
	<b>Law on Waste Management</b>	No. 36/09, 88/10,14/16
	<b>Law on Chemicals</b>	No. 36/09, 88/10, 92/11, 93/12,25/15
	<b>Law on Biocidal Products</b>	No. 36/09, 88/10, 92/11, 25/15
	<b>Law on GMO</b>	No. 41/09
	<b>Law on General Product Safety</b>	No. 41/09

# PRECLUSION AND LIMITATION

Abuse of free access to information

Privacy and Other Personal Rights

Limitation

Exceptional

Overriding interest

Necessary in a democratic society

Proportional

Information has already been published and made accessible in the country or on the Internet

Challenging of published information by a public authority

Extraction of information

FREE ACCESS TO ENVIRONMENTAL INFORMATION

Protection of life, health and environment

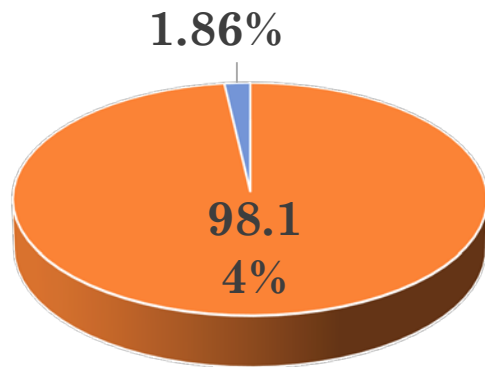


48 hours of receipt of the request



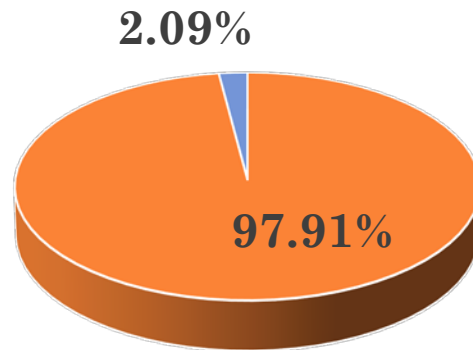
# COMPLAINTS - STATISTIC DATA

2014



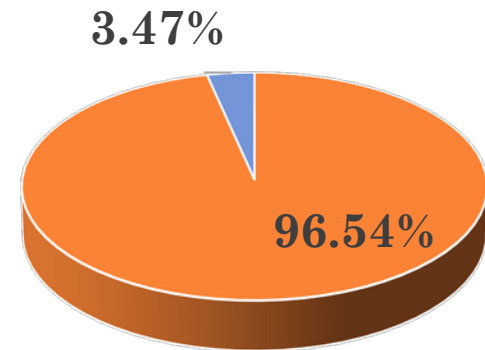
- Total number of complaints 3929
- Complaints regarding environmental protection 73

2015



- Total number of complaints 3821
- Complaints regarding environmental protection 80

2016



- Total number of complaints 3474
- Complaints regarding environmental protection 113



# PRACTICES AND EXPERIENCES

## Practices of Commissioner for Information of Public Importance

### o Negative administrative act

➤ **Case:** Access to informations based on reaserch of Institute for technology of nuclear and other mineral materials (**Commissioner's Decision – 8 February 2011**)

### o Partially denies the right of access to environmental information and partially acts upon a request

➤ **Case:** Access to information regarding a contract concluded between the City of Niš and one airline company (**Commissioner's Decision - 3 June 2010**)





# PRACTICES AND EXPERIENCES

## Practices of Commissioner for Information of Public Importance

- **Requested information is not available**
- **Case:** environmental information regarding a Report for the Construction of an Industrial Plant for the Recycling and Destruction of Waste (**Commissioner's Decision – 29 May 2009**)
- **Information has already been published and made available** (**Commissioner's response – 25 November 2005**)



# CONCLUSIONS

- Serbia has **legislative framework** on public access to information and fulfills its obligations resulting from the first pillar of the Aarhus Convention
- Need to regulate the issue of **confidentiality of commercial and industrial information** related to the development and implementation of the environmental impact assessment study
- Serbia undertakes **measures to fully comply with EU legislation** in this field and to improve existing legal framework regarding the preclusions and limitations.



**THANK YOU**

**Ministry of Environmental  
Protection of the Republic of  
Serbia**

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