



**Third meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Madrid, 26-28 November 2003**

## **Statement by Stanislava BABIC, Serbia and Montenegro**

Honorable Chairperson and participants,

I would like to greet you all on behalf of the Ministry for the Protection of Natural Resources and Environment and Minister Dr. Andjelka Mihajlov.

The Ministry for the Protection of Natural Resources and Environment participated on a number of international meetings of significance for sustainable development.

The delegation of Serbia and Montenegro participated on the World Summit held in **Johannesburg** on September 24 2002. Johannesburg Declaration on sustainable development, which was adopted on the Summit, also talks about the protection of **waters and health**. Commitment to sustainable development is reflected as well in the increased access to basic needs such as clean water, hygiene and sanitation, health care... Initiatives and statements from the Summit concerning **water and sanitation** are reflected in investments of Project on hygiene conditions by means of donations. Key conclusions of the Summit are the aspirations to decrease the number of people without access to safe drinking water and the number of people without access to basic sanitation ( PRS – Final Stage Serbia). The plan of enforcement of these conclusions is realized by **eradication of poverty** by actions such as providing basic health care for everyone and decrease of environmental health threat, providing safe drinking water and adequate sanitation. Also, it is realized through **protection and management of natural resources and economic and social development** by conducting actions, financial and technical help, in the aim of achieving one of the Millennium Development goals in field of safe drinking water.

The Memorandum/Agreement for cooperation in Environmental protection was signed in Johannesburg between Ministry for Territory and Environment of the Republic of Italy and Ministry for the Protection of Natural Resources and Environment of the Republic of Serbia.

Delegation of Serbia and Montenegro, representatives of the Ministry of Agriculture and Water of the Republic of Serbia, participated on the **Third World Water Forum** held in **Japan** in March 2003.

On the **Fifth Ministerial Conference** “Environment for Europe” in **Kiev**, Ukraine, from May 21-23 2003 delegation of Serbia and Montenegro also participated. On the initiative of Ministry for the Protection of Natural Resources and Environment, Serbia and Montenegro signed the following international contracts at this Conference:

- Protocol on strategic environmental impact assessment and Resolution under Protocol on strategic environmental impact assessment;

- Protocol of pollutant release and transfer registers and Resolution under Protocol of pollutant release and transfer registers;
- Framework Convention on protection and Sustainable Development of the Carpathians and Resolution under Framework Convention on protection and Sustainable Development of the Carpathians.

In regards to the Convention on Protection and Use of Transboundary Water Courses and International Lakes, the Delegation of Serbia and Montenegro, (Republic of Serbia) attended on the second meeting of signatory countries of the Protocol on Water and Health (July, 2<sup>nd</sup>-4<sup>th</sup> 2003), held in **Geneva**. The delegation used the occasion of this meeting to present the state in the Republic of Serbia and to emphasize 3 potential projects, with the objective to enable their realization. The Delegation of Serbia and Montenegro, (Republic of Serbia) was continuously following the Convention, as an observer, and attended on the Fourth meeting of the Working Group for Monitoring and Assessment (September, 12<sup>th</sup> –13<sup>th</sup> 2003) in **Holland**, where the development and realization of Monitoring and Assessment in the Republic of Serbia was presented. The Delegation of Serbia and Montenegro attended on Regional AIMS Meeting under REReP 1.12 in **Bulgaria** (19-21 November 2003) (3 UNECE Conventions).

### **Rivers in the Republic of Serbia**

All the rivers in Serbia are included in 3 sea basins: Black Sea Basin, Adriatic Basin and Aegean Basin. The Danube River flows through the Republic of Serbia (according to its length, the second European river, and the biggest in Serbia and Montenegro), whose main left tributary is the Tisza River, coming from Hungary. Its main tributaries are Begej, Tamis, Karas and Nera, all of them coming flowing from Romania. The navigable rivers Sava, Drina and Morava together with the Danube River, form the main water resources in the Country.

Having in mind the establishment of new states, in 2001 the initiative was started to proclaim the river Sava an international river with special focus on protection from pollution and favorable status from the aspect of use. Sava is the basic resource for water supply in Belgrade, either by direct use of surface water or exploitation of ground water springs. Having in mind this solution, our country is extremely interested for river Sava protection, as the source of water supply and watercourse of high ecological status, including the protection from aquatic diseases, and also protection of watercourses from toxic and hazardous substances discharged from the industries of former Yugoslav republics, but also from the Republic of Serbia.

**The Framework Agreement on the Sava River** (with Protocol on Navigation Regime to the Framework Agreement on the Sava River Basin.) was signed last year on behalf of Bosnia and Herzegovina, Republic of Croatia, Republic of Slovenia and FR Yugoslavia (Serbia and Montenegro).

### **International Cooperation and agreements**

Serbia and Montenegro are striving towards the full membership in the process of European Integration. The Ministry of Serbia has established the cooperation with the International Commission for Protection of the Danube River, and in terms of the Sofia Convention, which was ratified by the Republic of Serbia, through the Federal

Ministry of Foreign Affairs, i.e., Ministry of Serbia and Montenegro. The direct collaboration with the Italian Ministry for Environment, Slovenia and former Yugoslav Republic of Macedonia was established. With regards to the international agreements on waters, the Convention on Protection and Sustainable Use of the Danube River was ratified in 2003, preparatory actions related to adoption, implementation and ratification of the UNECE conventions are currently on-going: Convention on Protection and Use of Transboundary Water Courses and International Lakes, Convention on Transboundary Effects of the Industrial Accidents and an ESPOO Convention related to the Environmental Impact Assessment in the Trans-border Context.

### **Internal legislature**

I would like to point out the Constitutional documents of concern for the process of ratification of Convention on Protection and Use of Transboundary Water Courses and International Lakes, which are also regulating the water issues:

1. The Constitutional Charter of the State Union Serbia and Montenegro
2. Law on Ministries
3. Law on Environmental Protection
4. Draft Law on System of Environmental Protection
5. Law on Waters

1) **The Constitutional Charter of the State Union Serbia and Montenegro-article 14** of the *Constitutional Charter* refers to Serbia and Montenegro as one subject of the international law and member of international global and regional organizations, membership in which is subjected to the international subjectivity...*(The member countries can be members of the international global and regional organizations, where the international subjectivity is not the precondition for membership)*. In the **article 15** it is stated that Serbia and Montenegro establishes international relations with other states and international organizations and signs the international treaties and agreements...In the **article 16** it is stated that the ratified international agreements and generally accepted regulations of the international legislature, have precedence over the legislature of Serbia and Montenegro and the member states. **Article 19** refers to the competences of the Parliament of Serbia and Montenegro. The Parliament of Serbia and Montenegro decides upon the Constitutional Charter as the highest legal act of Serbia and Montenegro, in a way which is determined by the Constitutional Charter and enacts laws and other acts regarding A) application of the international legislature and conventions, which determine the obligation of Serbia and Montenegro to cooperate with the international courts, B) membership of Serbia and Montenegro, as the international legal subject in the international organizations, as well as rights and obligations deriving from this membership, with the prior approval of the competent authorities of the member states-issues related to standardization, trans-border affairs management, in compliance with the EU standards, ratification of international agreements and treaties. **Article 25** explains who can submit the Draft Law to the Parliament of Serbia and Montenegro, and this is Council of Ministers, Member of Parliament and Parliament of the member state.

The special role in the international relations domain, as well as implementation of the international agreements, by the Constitutional Charter is appointed to the scope of competences of 2 ministers: **Minister of Foreign Affairs** and **Minister for International Economic Relations**. Thus, the basic competence to conclude and implement the international agreements is divided among the **Parliament of Serbia and Montenegro** (ratification of international agreements and treaties, membership in the international organizations, application of the international legislature and international agreements which determine the obligation regarding the cooperation with international courts), **Council of Ministers** (proposes laws and other acts to the Parliament, enacts sub-legal acts, decisions and other general acts related to application of law of Serbia and Montenegro), **Minister of Foreign Affairs** (coordinates defining of the foreign policy, discusses the international agreements...) and the **President of Serbia and Montenegro** (announces the laws, enacted by the Parliament of Serbia and Montenegro and regulations, enforced by the Council of Ministers...), but the main role have two Republics (Republic of Serbia and Republic of Montenegro-on Republic level). When we talk about ratification International Agreements Ministry of Foreign Affairs must take opinion from two Republics and after that give proposal to Counsel of Ministers.

(Based on the present state of environment legislature all concerning environment are completely under competence of republics).

**2) Law on Ministries of the Republic of Serbia** – The State Union of Serbia and Montenegro is not authorized to conduct the activities in the environmental field. All activities which were performed by the Federal state within this field have been transferred to the member states. By adoption of the Law on Ministries, Serbia has taken over all the activities performed by the federal authority, based on the federal regulations, and especially the Law on Basic Principles of Environmental Protection (**article 20** of the Law on Ministries: Basic Principles of Environmental Protection, Protection of the Ozone Layer, Climate Changes Monitoring, Trans-border Air and Water Pollution, approval of the trans-border transport of waste and the protected plant and animal species, ecological inspection monitoring on the borders, etc. etc.). In the **article 22** it is stated that the ministries within their scope of activities establish and promote the cooperation, as well as provide harmonization with the regulations of the UN legislature.

**3) Law on Protection of Environment of the Republic of Serbia** – in the **article 24** it is stated that emission of waste waters, containing hazardous and dangerous substances in the ground and surface waters in concentrations, above the prescribed upper limits, is prohibited, as well as conduction of other activities which could worsen the prescribed water quality in the recipient. The **article 25** states that the system water investigation is performed in the water currents, lakes, accumulations and ground waters, according to the programme, established by the Government. The system water quality investigation is conducted on the places, in time intervals, according to parameters and to the methodology, prescribed by the Minister in charge of water management issues, agreed with the minister.

The Government establishes the middle-term plan related to water protection, according to the proposal of the Minister in charge of water management issues and the minister. The **article 26** states that the those companies, whose objects, plants and equipment are spilling waste waters are obliged to provide the system quality control of these waters, measurement and investigation of their impact on the recipients in a

prescribed manner. The minister in agreement with minister, in charge of water management issues prescribes:

1. Which substances in the wastewaters and in which amounts are considered to be hazardous and dangerous,
2. Ways and time limits of the measurements and recording of data on the determined quality of waste waters and their impact on the recipient, time limits for submission of data, as well as authorities which those reports and data are submitted to,
3. Methodology for creation and management of water polluters' cadastral survey.

#### **4) New Draft Law on System of Environmental Protection,**

The new framework law on Environmental Protection in R. of Serbia has been prepared with support of the international community. The main objective of **the new Serbian Law on System of Environmental Protection** (which is in the Parliament procedure now – waiting to be approve) is to transpose EU environmental legislation and other international standards. The Law is a high priority on the Serbian Reform Agenda and a part of necessary measures for achieving the SAA as a preliminary stage for EU Membership. The Law will establish an integrated environmental management to ensure prevention and control of environmental pollution and protection and sustainable use of natural resources. The Main issues covered by the Law comprise of: basic principles of environmental protection (air, water, soil, biota), protection of natural resources, norms and standards, licenses, restriction, orders and prohibitions, research, programming and planning in the field of environmental protection, environmental assessment, rehabilitation programs, monitoring and information system, reporting, financing of environmental protection, inspections, establishment of an environmental protection agency and penalties.

**5) Law on Waters of the Republic of Serbia** represents the legal basis for water protection, water management, and usage of resources of public concern, conditions and methods of execution of water plant activities, organization and financing of such activities, as well as monitoring and surveillance. The Law includes surface and ground waters, as well as drinking water, thermal-mineral waters, boundary and trans-border waters, water currents, and inter-republic authorities in Serbia.

We are preparing the new Law on Waters (wish is in Parliament procedure - That Law is compliance with EU Framework Directive on Waters).

**6) The Republic Hydro meteorological Survey** conducts the control of water quality and following water condition. Also the R.H.M.S. gives report to Government of Republic of Serbia.

One of the problems we are facing in the process of implementation and ratification of the international agreements is of administrative character. The decision-making procedure is often complicated, confused and long lasting. The Draft Law on System of Environmental Protection is still in the parliamentary procedure and is still not adopted.

Our objective is to ratify Water Convention, to compliance with the EU norms and application of EU Framework Directive on Waters.