

Pursuant to Article 45, paragraph 1 of the Law on Government (Official Gazette of the Republic of Serbia, Nos. 55/05, 71/05 – amendment, 101/07, 65/08 and 16/11),

the Government hereby adopts

the Strategy for Implementing the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters the Aarhus Convention

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Editors:

Tina Janjatović

Nebojša Pokimica

Authors:

Anita Pirc Velkavrh - Copenhagen, Denmark/Ljubljana, Slovenia

Slavko Bogdanović - Novi Sad, Republic of Serbia

Andjelka Mihajlov - Belgrade, Republic of Serbia

Dragoljub Todić - Belgrade, Republic of Serbia

Ivan Jarić - Belgrade, Republic of Serbia

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Strategy for
Implementing the
Convention on
Access to Information,
Public Participation
in Decision-making
and Access to Justice
in Environmental
Matters – The Aarhus
Convention

Section 1. Introduction	7
Section 2. International and European Context of the Aarhus Convention	13
2.1. Role and Aims of the Aarhus Convention in an International Context.....	13
2.2. The Aarhus Convention and the European Community.....	14
Section 3. Assessment of Conditions and Gap Analysis	19
3.1. Definitions	22
3.2. Access to Environmental Information	26
3.3. Public Participation in Environmental Decision - making	37
3.4. Access to Justice in Environmental Matters.....	43
3.5. Assessment of Overall Legislative Support for Aarhus Convention Implementation	46
3.6. Assessment of Institutional Set-Up and Stakeholder Participation for Supporting Aarhus Convention Implementation	52
3.7. Assessment of Information System Development and Access to Information	57
3.8. Assessment of Aarhus Convention Requirements on Genetically Modified Organisms....	61
3.9. Education and Awareness of Rights of Access to Information, Participation in Decision Making, and Access to Justice in Environmental Matters.....	64
3.10. Summary of the Strategy of the Republic of Serbia for Full Implementation of the Aarhus Convention	68
3.11. Assessment of Financial Resources for Realisation of the Strategy for Implementing the Aarhus Convention	74
3.12. Strategy Implementation Plan and Activities Envisaged in the Area of Aarhus Convention Enforcement.....	74
3.13. Final Provision	74
Section 4. Action Plan	75
4.1. Analysis of Strengths, Weaknesses, Opportunities and Threats of the Implementation of the Action Plan for Implementing the Aarhus Convention.....	75
4.2. Aims, Principles and Priorities of the Action Plan	77
4.3. Plan of Activities for the Implementation of the Aarhus Convention.....	79
Annexes	
Annex 1	Access to Environmental Information- Accordance with the Aarhus Convention Requirements
	98
Annex 2	Public Participation - Accordance with the Aarhus Convention Requirements
	108
Annex 3	Access to Justice - Requirements of the Aarhus Convention Accordance with Legislation, Gaps and Problems in Implementation in the Republic of Serbia
	112
Annex 4	Responsible Institutions in the Republic of Serbia for Aarhus Convention Implementation
	119
Annex 5	Elements of the National Environmental System Available On-line, and other Databases Relevant for Aarhus Convention Implementation (November 2011).....
	129
Annex 6	Selected Legal Provisions on Pollution Registers, Aarhus Convention/PRTR Protocol, and Legal Comparisons Between EU and Republic of Serbia Legal Systems.....
	133
Tables	
Table A.1	International Conventions and Instruments Related to the Aarhus Convention, and their Implementation in the Republic of Serbia
	14
Table B.1	Compliance with Basic Standards of Article 4 of the Aarhus Convention
	19
Table B.2	List of Reviewed Environmental Laws (see selection criteria in Subsection 3.5)
	21
Table B.3	Comparison of Definitions of Key Terms in Both the Aarhus Convention and the Legislation the Republic of Serbia
	22

Table B.4	Accordance of the Legislation in the Republic of Serbia with Aarhus Convention Access-to-Information Requirements	27
Table B.5	Criteria in National Legislation for Refusal to Disclose Information, and their Accordance with Aarhus Convention Provisions	31
Table B.6	Public Participation: Accordance of the Legislation in the Republic of Serbia with Aarhus Convention Requirements	38
Table B.7	Accordance of the Legislation in the Republic of Serbia with Aarhus Convention Access-to-Justice Provisions	44
Table C.1	Actions and Initiatives of General and/or Cross-cutting Nature	79
Table C.2	Actions and Initiatives for Access to Information.....	82
Table C.3	Action and Initiatives for Public Participation in Environmental Matters	88
Table C.4	Actions and Initiatives for Access to Justice	93
Table Annex 1	Access to Environmental Information- Accordance with the Aarhus Convention Requirements, Problems in Implementation and Gaps	98
Table Annex 2	Public Participation - Accordance with the Aarhus Convention Requirements, Problems in Implementation and Gaps	108
Table Annex 3.1	Access to Justice Accordance with Law on Environment Protection, Law on Environmental Impact Assessment and Law on Strategic Impact Assessment on the Environment.....	113
Table Annex 3.2	Access to Justice Accordance with Law on Integrated Pollution Prevention and Control, Law on Chemicals and the Law on Protection against Noise	116
Table Annex 6	Selected Legal Provisions on Pollution Registers, Aarhus/PRTR Protocol, and Legal Comparisons between EU and Republic of Serbia Legal Systems	133

Abbreviations Used 136

1. Rationale for Developing the Strategy for Implementing Aarhus Convention

The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter: the Aarhus Convention), one of the world's most advanced international agreements concerning the environment, both guides sustainable development and strengthens basic democratic principles. It requires that all environment-related data be managed openly, and that civil society and all relevant stakeholders have access to information, are allowed to participate in policy making and have the right to live in a healthy environment.

In order to protect the right of “present and future generations” to live in a healthy environment, Article 1 of the Aarhus Convention requires signatory Parties to guarantee rights of: access to information, public participation in decision-making, and access to justice in environmental matters.

The rapid and sophisticated development of information- and data-management technologies, as well as increased available information, demands and enables more accurate responses, both from those creating modern policies and those impacted, either directly or indirectly, by these policies.

The Republic of Serbia ratified the Aarhus Convention in 2009. The country has also initiated the process of accession to the European Union, and is gradually transposing EU regulations – as well as implementing them – into the legal system of the Republic of Serbia. This is a complex and demanding task. The EU's regulatory system will bear fruit only when its most important components are functioning. On the other hand, it is possible to achieve significant progress towards Aarhus Convention implementation even without the whole environmental structure yet in place. Aarhus Convention implementation thus provides an opportunity to enhance the EU accession process in a cost-effective way.

The introduction of modern, long-term policies towards sustainable development, the democratisation of policy making, and easing of the EU accession process are sufficient reasons for implementing the Aarhus Convention's Strategy, and this in turn will in the short run bring benefits to the Republic of Serbia.

2. Aims of the Strategy for Implementing the Aarhus Convention

The Strategy for Implementing the Aarhus Convention (hereinafter: the Strategy) aims to provide a process for feasible, effective, step-by-step implementation of Aarhus Convention requirements, but is also geared to accommodate conditions specific to the Republic of Serbia. The Strategy also provides implementation principles to be followed, which are linked to EU regulation. The implementation plan also includes follow-up actions to support EU-related requirements.

The Strategy aims for Aarhus Convention implementation in the Republic of Serbia are:

- to provide an accurate status overview of those fields most relevant to implementation of the Convention provisions;
- to identify gaps and inconsistencies between the implementation system and the legislation in the Republic of Serbia;
- to propose actions for compliance with Aarhus Convention obligations, and to address existing gaps and inconsistencies with respect to institutional and legal norms in the Republic of Serbia;

- to provide basic conditions for further improvements and advanced best practices related both to the Aarhus Convention and other related conventions;
- to stimulate other policy actions, provide compliance and apply guiding principles along an advanced path towards sustainable development;
- to liaise and enhance the EU accession process; and
- to provide a basis for implementation of monitoring mechanisms.

3. Strategy Preparation Process and Structure

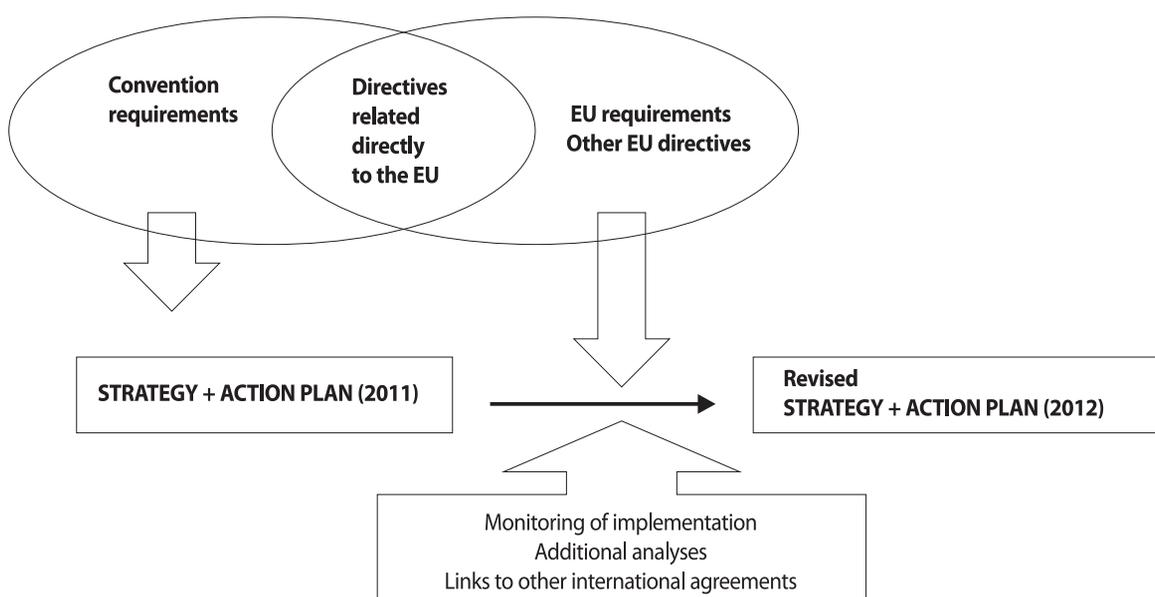
a) Preparation team

A group of four national experts, led by an international expert, prepared this Strategy for the Republic of Serbia between November 2010 and January 2011. Within this short time frame the team developed a Strategy that is flexible for adjustment to current political developments and open to fresh analysis. On-going monitoring and adjustment will make the Strategy adaptable to future processes.

b) Scope of the Strategy

The Strategy meets Aarhus Convention requirements and is linked to EU directives related directly to the Convention. The Strategy is also designed to work with other EU directives at least partly related to the Convention, such as the Water Framework Directive, waste- and climate change-related directives, the INSPIRE Directive, the EC's Shared Environment Information System and other directives (see Section 2).

The Strategy provides a general assessment of the Aarhus Convention's Pollution Release and Transfer Register Protocol (hereinafter: PRTR) and Global Monitoring for Environment and Security Initiative (GMES) amendment, but without going into specifics; thus providing a basis for rapid further implementation in this context.



4. Structure and Analytical Approach

Section 2. provides some international background of the adoption process and the degree of Aarhus Convention implementation. It also shows how the Strategy is linked to other relevant conventions, as well as to EU implementation of the Aarhus Convention. The Republic of Serbia's status of implementation and commitments to related international requirements is also explained in this section.

The analysis of EU and international information presented in Sections 2. and 3. were drawn from expert knowledge, referenced literature and web-based information, including the UN's Environment Performance Reviews: Republic of Serbia, as well as UN and EU websites related to the Aarhus Convention.

Section 3. provides article-by-article analysis of accordance of the legislation in the Republic of Serbia, problems of implementation and gap analysis with regard to Aarhus Convention requirements.

Complete, in-depth analysis is available in Annex to the Strategy. Part of the project documentation is included in the Excel file showing accordance by article; this can be used as an aid for monitoring the Strategy implementation process in the future and to support further analysis of links to EU directives.

Regarding the compliance with the legislation in the Republic of Serbia as of October 10, 2010, this document reviews 17 environmental laws and four related non-environmental laws. Bylaws are not covered (See the criteria for selection and list of laws covered in Section 3.).

Material on access to information is drawn from reference literature, information available online, expert analysis and interviews with persons from key institutions responsible for Aarhus Convention implementation (e.g. the Environmental Protection Agency, Office of the Commissioner for Information of Public Importance and Personal Data Protection, Statistical Office of the Republic of Serbia, Institute for Nature Conservation of Serbia, and the Standing Conference of Towns and Municipalities). Often taken into account are relations and requirements pertaining to the cooperation of the Republic of Serbia with the European Environment Agency and within the European Environment Information and Observation Network (EIONET).

Information concerning public participation was sourced from reference literature, information available online and expert analysis.

Information on access to justice is drawn from legal analysis based on selection criteria (See Subsection 3.5. on legislation), online information and expert analysis.

Analysis of the institutional framework and other crosscutting activities are based on referenced literature and online information.

Amendment on the genetically modified organisms (GMOs) and PRTR were analysed according to existing national legislation, referenced literature and online information.

Section 4. provides an analytical summary of strengths, weaknesses, opportunities and threats of employing the Action Plan for implementing the Aarhus Convention (SWOT analysis of the situation in the Republic of Serbia).

A plan of action is provided in Section 4. including guiding principles that were used to design the implementation plan. The Strategy implementation period covers five years, but it needs to be integrated more deeply into the EU accession plan as the accession process develops.

Planning activities were designed on the basis of gap analyses in Section 3. gap analysis. All planning activities are presented in ways that clearly identify links to core Strategy objectives. Actions are provided mostly in tabular format to illustrate proposed actions, key implementation tasks, target dates and responsible institutions and partners for consultation and engagement. Monitoring of implementation will be supported by identified success indicators. Financial needs and other partners and stakeholders involved in implementation should be elaborated in forthcoming stages of the Strategy implementation process. All planning activities are presented in ways that clearly identify links to core Strategy objectives. A text summary of the Strategy is also provided.

Summary of the Strategy for Implementing the Aarhus Convention

In order to establish a transparent and consistent framework for implementation of all provisions of the Aarhus Convention, the Action Plan identifies a set of legislative and regulatory measures, as well as necessary operational procedures.

Public authorities at all levels require established policies and mechanisms from which high-quality environmental information can be routinely provided and disseminated to the public in user-friendly manner, while making full use of electronic tools where available. To this end, the Strategy proposes establishing minimum legislative support for as broad a definition of 'environmental information' as can be found in both the Aarhus Convention and EU acquis. This will not only enhance Aarhus Convention implementation, but will also encourage EU-level cooperation in many areas, such as implementation of SEIS, EEA-EIONET, EUROSTAT, INSPIRE and GMES (the Global Monitoring for Environment and Security Initiative), and to take first steps towards building an EIONET-based information reporting system that will streamline, prioritise, harmonise and improve information quality at the national level. This will hopefully provide a good start for long-term, continuous information system development. Another key activity is further development of a national Protocol on Pollutant Release and Transfer Registers (PRTR), along with the Aarhus Convention make this information available online (a.k.a. E-PRTR).

Aarhus Convention provisions are included in most of Serbia's existing legislation, but the need remains to ensure that Convention terminology will be applied throughout the entire legal system in order to address gaps and avoid ambiguities. This effort relates primarily to the right of free access to information in all relevant environmental legal documents, and to the establishment of a clear definition of 'environmental information'. This in turn requires, but is not limited to: a clearer definition of access-to-information exemption criteria, along with appropriate guidance for application; harmonisation of time frames for providing information; a solid legal foundation upon which to build an information system and ensure effective data flow; upgrading and improving of legal foundations and procedures for implementation of strategic environmental assessment (SEA) and transboundary environmental impact assessment (EIA) (including determining the proper competent authorities), as well as IPPC Directive decision making; public participation in drafting of laws and sub-laws and removing or reducing financial and other barriers to access to justice.

Also important is to harmonise the Strategy implementation process with the EU accession process and other international agreements. To this end, it is proposed that some in-depth analysis be carried out to establish a harmonized legislative framework in relevant sectors.

The Aarhus Convention strongly emphasises enhanced public activity and responsibility concerning the environment, and promotes widespread education concerning rights provided under the Convention. In this respect, the Strategy proposes immediate establishment of a practical system for involving the public and other stakeholders and informing them about their rights. This will involve the creation of websites that include, among other things, easy-to-understand information about rights under the Convention, guidelines, procedures and templates for action and a metadata register of available information. This information should be made available on websites of ministries responsible for environment and also on the websites of the associations¹.

The Strategy also proposes immediate design and implementation of a training programme targeting all administrative-level stakeholders. This corresponds with the need to strengthen education and training (formal and informal) of various actors (i.e. decision makers, judges, journalists, teachers and civil society – especially civil society organisations). It also addresses the need to start conducting nationwide campaigns and yearly conferences for monitoring the implementation process and exchanging good practices with stakeholders. Guidelines, handbooks and accessible web publishing are key parts of this exercise.

Tools for vertical and horizontal communication and cooperation need to be used and improved. This will help to create an administrative culture open to advice, and will support Aarhus Convention aims of good governance.

Public authorities should regard public participation as an integral part of planning and programme preparation. In order to enhance stakeholder participation, the Strategy proposes preparing an analysis of how Aarhus Convention provisions are to be encompassed in all relevant plans and programmes.

¹ The Law on Associations defines an association as a voluntary, non-governmental, non-profit organisation, founded upon the freedom of association of several natural or legal entities, established for the purpose of achieving and improving a specific joint or common object and interest, provided that these are not prohibited by the Constitution or other laws (Article 2, Paragraph 1).

To ensure implementation, access to justice needs to be expanded and made accessible to the public in a clear, effective and inexpensive way.

All recommended measures should be undertaken and implemented in close collaboration with associations. This is to ensure that recommended measures are implemented in conjunction with other efforts to harmonise the environmental legislation in the Republic of Serbia with the EU environmental acquis, which is already in compliance with Aarhus Convention requirements.

According to the Strategy, associations acting as project leads will carry out initial activities in parallel with other activities by responsible actors to be carried out according to the Strategy for Implementing the Aarhus Convention. This will strengthen cooperation of associations with government, and with neighbouring and regional countries, which will in turn improve the capacity of decision makers to recognise associations' efforts and assess their usefulness and influence.

The Aarhus Convention stresses the overall importance of strengthening the awareness of all actors, but places special emphasis on its importance for public authorities, as they need to provide sufficient budgets in compliance with Convention aims. In terms of budget requirements, the Strategy indicates short-term needs (e.g. immediate commencement of short-term projects) and support for long-term needs (ensuring sustainability of the implementation process, structural changes and merging with the EU accession process). The Strategy recommends, for example, immediate allocation of budget funds for a certain period after the Strategy adoption for associations to undertake initial, coordinated action on: establishing websites; holding annual conferences, campaigns and training programmes for participation in EIA processes, the EU accession process and Aarhus Convention-related meetings, for cooperation with neighbouring countries, and for skills training and capacity building. Additional funds should be allocated for supporting priority emerging projects and assessments, as provided in the action plan. The Strategy also recommends detailed study related to long-term financial requirements (e.g. activity cost assessments) and human resources needs.

A credibly transparent institutional set-up is needed to support governance and implementation. Actions are proposed to reduce overlapping or ambiguous responsibilities and to address non-allocated responsibilities. This will also help to establish effective data-flow mechanisms at all levels. The main problem here, however, lies in implementation, so monitoring mechanisms are being proposed that will be made available to the public. The establishment of a 'green ombudsman' and other possible bodies are also in the pipeline to assist associations and civil society.

The Strategy also recommends preparing for ratification of Aarhus Convention amendments on genetically modified organisms (GMOs) and the PRTR Protocol.

Not of least importance is a proposal to create a Strategy monitoring mechanism. This would entail various approaches in a wide range of guises: participative and formal, official and non-governmental, hard copy storage, national and local level, simple and complex.

International and European Context of the Aarhus Convention

2.1. Role and Aims of the Aarhus Convention in an International Context

The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter: the Aarhus Convention) was adopted on June 25, 1998 in Aarhus, Denmark at the Fourth 'Environment for Europe' Ministerial Conference. The Aarhus Convention is an international agreement that enables individuals and groups of people to actively participate in environment protection and sustainable development. It is one of the mechanisms which followed the UN Conference on Environment and Development (Earth Summit) held in Rio de Janeiro, Brazil in 1992. It was at this meeting that 'sustainable development' was introduced as a link between development and demands on the environment. This led to support for an economic development approach that is linked with environmental concerns.

“Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of Principle 10 of the Rio Declaration, which stresses the need for citizens' participation in environmental issues and for access to information on the environment held by public authorities. As such, it is the most ambitious venture in the area of environmental democracy so far undertaken under the auspices of the United Nations.”

Kofi A. Annan, former Secretary-General of the United Nations (1997-2006)

As of August 19, 2010 there were 44 Parties to the Convention, 27 Parties to the Protocol on Pollutant Release and Transfer Registers (the PRTR Protocol entered into force October 8, 2009) and 26 Parties to the amendment on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMOs).

At the 1992 Earth Summit, the Federal Republic of Yugoslavia signed the final document, as well as the Framework Convention on Climatic Change and Convention on Biodiversity. It was insisted at the World Summit on Sustainable Development at Johannesburg in 2002 that these agreements be implemented for the sake of sustainable development.¹ The Republic of Serbia ratified the Aarhus Convention on July 31, 2009, becoming the 43rd Party to the Convention, but has not yet ratified the GMO amendment. There is an opportunity to do so in 2012, the twentieth anniversary of the Earth Summit. This would provide further confirmation of the Aarhus Convention's further elaboration of Rio's historic aims.

The Aarhus Convention heralds an aspiration to contribute to democratic and sustainable development. It is one of the clearest statements in international law to date of a fundamental right to a healthy environment.² It establishes environmental rights as a basic human right, and stresses the importance of access to information, access to justice and public participation as basic conditions towards achieving sustainable and environmentally sound development. This is achieved through a broad definition of 'environmental information' that includes not only the quality of the environment, but factors that influence environment, along with information related to health and safety and economic and policy formation. Furthermore, the Convention considers all stakeholders and provides for their rights; it also stimulates education and awareness rising. All of this contributes to long-term development objectives while ensuring the same rights for present and future generations.

1 Republic of Serbia, Ministry for Health and the Environmental Protection, Directorate for Environmental Protection: recent document prepared in cooperation with other relevant sectors.

2 http://ec.europa.eu/enlargement/index_en.htm

Aarhus signatory governments believe that improved access to information and broader participation of the public in decision-making processes are essential for: building trust in communities and support for progress towards common goals; greater accountability from public authorities; and better overall environmental policy. Access to justice creates greater transparency and openness in environmental matters and contributes towards society's goals of sustainable, environmentally sound development. The Convention does not set environmental standards, but lays down clear rules for the public's right of access to information and participation in permitting procedures (e.g. granting emission licenses for power plants) and, a bit less firmly, for development of plans, programmes and laws. The Convention does not provide ceilings, but rather safeguards the future by building on a solid foundation of best practices and genuine commitments.

There are also other international conventions related to Aarhus Convention provisions that have been implemented in the Republic of Serbia, a few examples of which are provided in the table below.

Table A.1: International conventions and instruments related to the Aarhus Convention, and their implementation in the Republic of Serbia

Convention or international instrument	Ratification by the Republic of Serbia	Evidence, after ratification, of implementation in Serbia in the context of Aarhus Convention provisions
Rio Declaration on Environment and Development, Principle 10	1992	On-going commitment to participation of all concerned citizens in environmental issues; active involvement in development of UNEP Guidelines for Enhancing Rio Principle 10. ³
Agenda 21	1992	Continuous promotion of Local Agenda 21 by developing documents for a number of local communities (LEAP, LSSD).
Framework Convention on Climate Change	2001	Limited promotion of public participation in addressing climate change and its effects; provides for public access to data on climate change and its effects; no facilitation of public participation, and no development of adequate response.
Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) Protocol on Strategic Environmental Assessment to the Convention on EIA in a Transboundary Context (Kiev, May 21, 2003)	2007 2010	No knowledge of any EIA case that in practice includes a transboundary EIA procedure; transboundary EIA procedure is prescribed by law; Republic of Serbia participates in the activities of institutional mechanisms (e.g. COP). Not yet implemented
Convention to Combat Desertification	2007	So far no systematic national campaign aimed at raising awareness of the idea of combating desertification and land degradation has been launched. The specific requirements of the Convention have not been introduced in the local development plans and local administration work plans. Integrated information system for the thematic area of desertification and land degradation does not exist.
Convention on the Transboundary Effects of Industrial Accidents (Helsinki, 1992)	2009	Compliance details unknown
Convention on Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992)	2009	Compliance details unknown

2.2. The Aarhus Convention and the European Community

All EU countries but one (Ireland) have ratified the Aarhus Convention. The European Community signed the agreement in 1998 and became Party to the Convention in May 2005.

Negotiations during the preparation of the Aarhus Convention drew heavily from EU experience with access to information, and primarily from Directive 90/313/EEC. Bearing in mind the directive's shortcomings, a

³ <http://www.unep.org/GC/GC25/dailyupdates/day4-specialevents.asp>

new information directive was adopted in 2003 (Directive 2003/4/EC on Public Access to Environmental Information and Repealing Council Directive 90/313/EEC)⁴ in response to Articles 4 and 5 of the Aarhus Convention. Member States were obliged to transpose the 2003 directive into national law by 2005. A guidance document was prepared and made available to assist Member States with reporting activities under this directive.⁵ The new directive extends the definition of 'environmental information' to include cost-benefit analysis and other economic indicators and policies, as well as health and safety information. Also, the term 'public authority' is made clearer and now covers secondary bodies, which received delegated functions during the privatisation process. All considered exemptions from disclosure of environmental information must be weighed against the public interest, and information concerning emissions must be disclosed. Still problematic, however, is the question of fees pertaining to requests for information. Information should be made available for a reasonable fee, as many associations with limited finances may otherwise encounter numerous difficulties. In situ information, meanwhile, should be made available free of charge.

Subsection A.1: European Environment Agency (EEA)

The European Environment Agency (EEA) is the key European provider of environment-related information. It is an EU agency designed to provide sound, independent information about the environment, and is a major information source for those involved in developing, adopting, implementing and evaluating environmental policy, including the general public. The EEA currently has 32 member countries.

The Aarhus Convention Protocol on Pollutant Release and Transfer Registers (PRTR Protocol) was adopted during the Fifth 'Environment for Europe' Ministerial Conference in May 2003 with the aim of providing more concrete obligations pertaining to access to information about industrial pollution. In response, the European Union adopted a regulation on the establishment of a European Pollutant Release and Transfer Register (E-PRTR), which came into force on February 24, 2006.

Subsection A.2: European Pollutant Release and Transfer Register (E-PRTR)

The European Pollutant Release and Transfer Register (E-PRTR) is a new Europe-wide register that provides easy-to-access environmental data from industrial facilities in EU Member States, Iceland, Liechtenstein and Norway. It replaces and improves on the previous European Pollutant Emission Register (EPER). This new register contains data reported annually by some 24,000 industrial facilities covering 65 economic activities across Europe.

For each facility, information is provided about amounts of pollutant releases into air, water and land, as well as off-site transfers of waste and pollutants into wastewater. This information is drawn from a list of 91 key pollutants, including heavy metals, pesticides, greenhouse gases and dioxins. Some information about releases from diffuse sources is also available and will be updated. The register contributes to transparency and public participation in environmental decision making, and is implemented on behalf of the Aarhus Convention.

To support the second pillar of the Aarhus Convention, public participation in decision-making processes, a new EU directive was adopted in 2003 (Directive 2003/35/EC on Public Participation in the Drawing up of Plans and Programmes Relating to the Environment) in response to Aarhus Convention Articles 6, 7 and 9 (Paragraph 2). The directive amends public participation rights elaborated in Directive 85/337/EEC on the Assessment of the Effects of Certain Public and Private Projects on the Environment (EIA directive)⁶ and Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC).⁷ EU Member States were required to transpose the new directive into their respective national legislation by 2005.

The new directive ensures public participation rights for neighbouring countries as well, and at the same time lays down rules for public participation in plans and programmes drawn up within the following directives: 1975 Framework Waste Directive (75/442), 1991 Batteries Directive (91/157), 1991 Agricultural Nitrate Pollution Directive (91/676), 1991 Hazardous Waste Directive (91/689), 1994 Packaging Directive (94/62), 1996 Ambient Air Quality Directive (96/62/EC), and 1999 Waste Landfill Directive (99/31). Both Directive

4 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0004:EN:NOT>

5 <http://ec.europa.eu/environment/aarhus/guidance.htm>

6 <http://eur-lex.europa.eu/Notice.do?val=115894:cs&lang=en&list=172228:cs,115894:cs,&pos=2&page=1&nbl=2&pgs=10&hwords=&checktexte=checkbox&visu=#texte>

7 <http://eurlex.europa.eu>

2003/4 on Access to Environmental Information and Directive 2003/35 on Public Participation in the Drawing up of Community Programmes contain provisions on access to justice.

The loophole allowing exemption from public participation in GMO-related decision-making processes was drawn tighter by a Convention amendment adopted in Almaty, Kazakhstan, though the amendment is not yet in force.

Provisions for public participation in environmental decision making are to be found in a number of other environmental directives, such as: Directive 2001/42/EC on the Assessment of Certain Plans and Programmes (SEA Directive); Directive 2000/60/EC on Establishing a Framework for European Community Action in the Field of Water Policy (Water Framework Directive), and in the Seveso Directives: Council Directive 82/501/EEC (Seveso 1), amended by Council Directive 87/216/EEC (Seveso 2), amended by Council Directive 88/610/EEC (Seveso 3) on Major Accident Hazards of Certain Industrial Activities and Council Directive 96/82/EC on the Control of Major Accident Hazards Involving Dangerous Substances.

Several EU initiatives and laws go into greater detail concerning access to environmental information, such as the Global Monitoring for Environment and Security Initiative (GMES), Galileo (Europe's new space and Earth observation policy) and INSPIRE.

The Global Monitoring for Environment and Security Initiative (GMES)⁸ provides reliable and up-to-date information on how our planet and its climate are changing. Six thematic areas have been developed: marine, land, atmosphere, emergency, security, and climate change. A land-monitoring service, marine-monitoring service and atmosphere-monitoring service contribute directly to climate change monitoring and assessment of mitigation and adaptation policies. Two additional GMES services provide for emergency response (floods, fires, technological accidents, humanitarian aid) and security-related aspects (maritime surveillance, border control). All GMES services are designed to meet common data and information requirements and have a global dimension. Galileo will be Europe's own global navigation satellite system, providing a highly accurate, guaranteed global positioning service under civilian control.

New European legislation on spatial data infrastructure, INSPIRE (Directive 2007/2/EC Establishing an Infrastructure for Spatial Information in the European Community), and an extension of e-government via the Shared Environment Information System (SEIS) (EC COM/2008: Towards a Shared Environmental Information System) will provide an information system based on the latest information and communication technology, thus granting decision makers at local to European levels easy access to real-time environmental data.

The Europe-wide network EIONET (European Environment Information and Observation Network) is coordinated by the EEA⁹ with the aim of ensuring data flows between national and European information systems.

European Commission implementation of the Aarhus Convention is weakest when it comes to access to justice. In 2003 the EC prepared a draft directive on access to justice in environmental matters,¹⁰ but the proposed directive has yet to be adopted.

In 2006, the EC also adopted a regulation on the application of Aarhus Convention principles for EC institutions and bodies (EC Regulation No. 1367/2006); this extends to EC Regulation No. 1049/2001 regarding public access to European Parliament, Council and Commission documents for all Community institutions and bodies. 'Bodies' refers not only to the European Parliament, Council Commission, Court of Justice and Court of Auditors, but also to other entities (e.g. Economic and Social Committee), all agencies (e.g. European Environment Agency) and all entities performing public functions, depending on the extent to which they act in a judicial or legislative capacity. In principle, the Council would be subject to Convention obligations when deliberating on international environmental conventions. Meanwhile, the Commission should not, according to the meaning of the Convention, be considered as acting in a 'legislative capacity'. Furthermore, this regulation

8 EC decision of February 5, 2010 setting up the GMES Partners Board (2010/67/EU), Brussels, October 28, 2009.

9 <http://www.eionet.europa.eu>

10 <http://ec.europa.eu/environment/aarhus/index.htm>

requires these institutions and bodies to guarantee public participation in the preparation, modification and review of “plans and programmes relating to the environment”, but falls short of requiring the same for policies, legislation and financial programmes. The regulation also enables environmental associations meeting certain criteria to request, under environmental law, an internal review of acts adopted, as well as of any omissions by EC institutions and bodies. Any person (not just EU citizens) may file a request for information.

Furthermore, the European Commission has adopted two decisions to further implement this regulation:

- Commission Decision 2008/50/EC lays down detailed rules of application for EC Regulation No. 1367/2006 on the Aarhus Convention concerning requests for internal review of administrative acts.
- Commission Decision 2008/401/EC amended rules of procedure regarding the application of EC Regulation No. 1367/2006 concerning Community institutions and bodies.

Subsection A.3: EU Directives for Aarhus Convention Implementation

The Aarhus Convention is implemented in the European Community and supported by four EU Directives.

1. 2003/4/EC Public Access to Environmental Information

The objectives of this directive are to guarantee the right of access to environmental information and to establish basic terms and conditions of and practical arrangements for its exercise; and to ensure that environmental information is progressively made available and disseminated to the public in order to achieve the widest possible availability. To this end, the use of computer and/or electronic technology, where available, shall be promoted.

2. 2003/35/EC Public Participation and Access to Justice

The objective of this directive is to contribute to the implementation of obligations arising under the Aarhus Convention, particularly by (a) ensuring public participation in the drawing up of plans and programmes related to the environment and (b) improving conditions for public participation and establishing provisions for access to justice within Council Directives 85/337/EEC and 96/61/EC.

3. 2003/98/EC Re-use of Public Sector Information

This directive establishes minimum criteria for governing re-use of existing documents held by public sector bodies of Member States, such as museums, libraries, archives, orchestras, operas, ballets and theatres, which are exempted. Also, according to the directive, citizens and companies interested in obtaining access to documents are not required to prove a particular interest.

4. 2007/2/EC Infrastructure for Spatial Information in the European Community

In May 2007, a major development entered into force establishing infrastructure for spatial information in Europe to support EC environmental policies and activities. This directive requires that common implementation rules are adopted in a number of specific areas, such as: metadata, data specification, network services, data and service sharing, and monitoring and reporting.

Environmental legislation in the Republic of Serbia is only partly harmonised with the EU legislative framework, and total transposition is required, which will happen in the next stages of the accession process. However, the Aarhus Convention can be successful in its own right, as it introduces democratic principles into policy making and provides grounds for implementation in ways acceptable to broad reaches of society. Adherence to Aarhus Convention principles also contributes to the efficiency and cost-effectiveness of transposition and implementation of the EU’s environmental acquis.

Section 3.

Assessment of Conditions and Gap Analysis

Key Findings

The Aarhus Convention establishes minimum standards to be respected by all signatory countries.

Table B.1: Compliance with basic standards of Article 4 of the Aarhus Convention

Defined standard in the Aarhus Convention	Compliance in the Republic of Serbia
The Convention recognises the right of access to “official documents”, which is very broadly defined as any information in any form held by public authorities. There are exemptions.	Yes The same exemptions are found in the law in the Republic of Serbia.
Anyone may request access to information, and without having to submit a statement of interest.	Yes
States may allow public authorities to impose a charge for supplying information, but charges must not be excessive. ¹ During decision-making processes, states must provide free of charge all relevant information available upon request. ²	Yes
The right of access to information can be exercised in all: a) public administration bodies, ³ b) except bodies or institutions acting in a judicial or legislative capacity, ⁴ c) plus any other natural or legal persons having public responsibilities or functions, or providing public services ⁵	a) Yes b) Yes c) Yes
There is a limited list of exceptions; namely, cases when a request for information may be refused. The public interest served by disclosure, and whether the information requested relates to emissions into the environment, must each be taken into account, in which case no exceptions shall apply.	Not fully and accurately implemented. Some examples indicate a trend towards fully incorporating the Aarhus Convention (e.g. laws on EIA, SEA, IPPC, chemicals and biocidal products). ‘Public interest’ is defined in the Law on Free Access to Information, though no clear criteria are established to apply such provisions in practice. Emissions data may not be protected as confidential. Requests for information related to safety and health in the Law on Biocidal Products should not be refused.
Parties submitting requests shall have access to an expeditious and inexpensive review procedure by a court of law or an independent body other than a court of law.	No (lacking procedural definition) Yes

1 Aarhus Convention, Article 4, Paragraph 8

2 Ibid., Articles 6 and 1.b

3 Ibid., Article 2, Definition 2 (under b)

4 Ibid., Article 2, Definition 2 (last sentence)

5 Ibid., Article 2, Definition c (under b)

6 Ibid., Article 4, Paragraph 4

Commitment to Aarhus Convention Objectives

The Federal Republic of Yugoslavia committed to sustainable development principles at the 1992 Earth Summit in Rio de Janeiro. In 1993 the Yugoslav Government signalled its commitment to the agreement by passing a resolution on environment protection policy.

The Republic of Serbia continues this high-level commitment to making environmental information accessible to public, providing conditions for public participation in decision-making procedures, and establishing a legal framework for access to justice in environmental matters.

Continued commitment is evident from a number of activities that have taken place since the year of political changes in 2000, in the Republic of Serbia. Of special significance are the following: ratification of environmental treaties containing provisions corresponding to Aarhus Convention requirements (e.g. UNECE multilateral treaties and similar treaties); commitment to transpose the EC acquis into the legal system of the Republic of Serbia (directives on environmental protection fully in compliance with the Aarhus Convention); national policy documents containing commitments to develop a system of environmental protection based on Aarhus Convention values; and adoption of laws with legally binding provisions in accordance with the Aarhus Convention.

The Aarhus Convention is one of the clearest statements in international law of a fundamental right to a healthy environment.⁷ The Aarhus Convention enshrines 'environmental rights' as a basic human right, and identifies access to information, public participation and access to justice as fundamental conditions for achieving sustainable and environmentally sound development. The Aarhus Convention's legal distinction lies in its broad definition of 'environmental information', which includes not only quality of environment, but factors that influence environment, economic and policy information, and related health and safety concerns. Furthermore, the Aarhus Convention takes into consideration the rights of all stakeholders, and supports and stimulates education and raising awareness. This contributes to long-term development objectives that ensure equal rights for present and future generations.

The Constitution of the Republic of Serbia, established in 2006, declares that citizens have the right to a healthy environment and the right to be informed about the state of the environment, but also a responsibility to protect it.

Furthermore, the Law on Environment Protection in the Republic of Serbia (2004) guarantees the right to a healthy environment and access to the judiciary for citizens or groups of citizens, their associations, and professional and other organisations. These aims and principles are also elaborated in the Sustainable Development Strategy adopted in 2008, and in the 2010 National Environmental Protection Programme.

According to Article 16 of the Constitution of the Republic of Serbia generally accepted rules of international law and confirmed international treaties are composite parts of Serbia's legal order and shall be implemented directly. Confirmed international treaties must be in accordance with the Constitution. The Law on Ratification of the Aarhus Convention (Official Gazette of the Republic of Serbia, International Treaties, No. 38/09, May 12, 2009) incorporated the Convention into the legal system of the Republic of Serbia.

Environmental and other supporting legislation is currently being updated, including the preconditions required for the implementation of the Aarhus Convention defined in the convention itself.

The on-going activities in the country aim to fulfil Convention obligations (e.g. First National Communication to the Conference of Parties).

The Republic of Serbia is a potential candidate for EU membership, and signed a Stabilisation and Association Agreement (SAA) in 2008. The country's application for EU membership was submitted in 2009. The European Commission's Progress Report for 2009⁸ noted positive performance of the Republic of Serbia regarding horizontal legislation and ratification of the Aarhus Convention. The 2010 Progress Report concludes that the Republic of Serbia needs to strengthen capacity for implementation and enforcement of legislation, including measures related to public participation.

7 http://ec.europa.eu/enlargement/index_en.htm

8 http://ec.europa.eu/enlargement/index_en.htm

Accordance of the Law in the Republic of Serbia with Aarhus Convention Requirements

Accordance of the legislation in the Republic of Serbia with the articles of the Aarhus Convention has been analysed in detail. Seventeen environmental laws are analysed here; two of them are amending laws to previously enacted laws. Four other laws, which are closely related, have also been analysed (see selection criteria in Subsection B.4).

Table B.2: List of reviewed environmental laws (see selection criteria in Subsection B.4)

No.	Title	Official publication	Abbreviation
Environmental Laws			
1	Law on Environmental Protection	Official Gazette of RS, No. 135/04	LEP
2	Law on Environmental Impact Assessment	Official Gazette of RS, No. 135/04	LEIA
3	Law on Strategic Impact Assessment of the Environment	Official Gazette of RS, No. 135/04	LSEA
4	Law on Integrated Pollution Prevention and Control	Official Gazette of RS, No. 135/04	LIPPC
5	Law on Protection against Ionising Radiation and on Nuclear Safety	Official Gazette of RS, No. 36/09	LPAIRNS
6	Law on Protection against Non-Ionising Radiation	Official Gazette of RS, No. 36/09	LPANIR
7	Law on Chemicals	Official Gazette of RS, No. 36/09	LCh
8	Law on Biocidal Products	Official Gazette of RS, No. 36/09	LBP
9	Law on Amendments to the Law on Environmental Impact Assessment	Official Gazette of RS, No. 36/09	LEIA(am)
10	Air Protection Law	Official Gazette of RS, No. 36/09	APL
11	Nature Protection Law	Official Gazette of RS, No. 36/09	NPL
12	Law on Protection Against Noise in Environment	Official Gazette of RS, No. 36/09	LPANE
13	Law on Sustainable Use of Fish Reserves	Official Gazette of RS, No. 36/09	LSUFR
14	Law on Waste Management	Official Gazette of RS, No. 36/09	LWM
15	Law on Packaging and Packaging Waste	Official Gazette of RS, No. 36/09	LPPW
16	Law on Amendments to the Law on Environmental Protection	Official Gazette of RS, No. 36/09	LEP(am)
17	Water Law	Official Gazette of RS, No. 30/10	WL
Other laws			
18	Law on Free Access to Information of Public Importance	Official Gazette of RS, Nos. 120/04, 54/07, 104/09 and 36/10	LFAIPI
19	Law on General Administrative Procedure	Official Gazette of the FRY, Nos. 33/97 and 31/01; and Official Gazette of RS, No. 30/10	LAP
20	Law on Courts	Official Gazette of RS, No. 116/08	LC
21	Law on Administrative Disputes	Official Gazette of RS, No. 111/09	LAD

3.1. Definitions

Key Findings

1. The concept of ‘environmental information’ as envisaged in the Aarhus Convention has yet to be established in the Republic of Serbia’s legal system. Different contexts are apparent in the legal provisions analysed here; as a consequence, many provisions related to access to information, access to justice and exemptions from disclosure are difficult to interpret and implement. Thus it is necessary to establish a comprehensive legal definition of ‘environmental information’ in the legal system of the Republic of Serbia that is fully in accordance with that of the Aarhus Convention.
2. The definitions of ‘public’ and ‘public concerned’ as applied in the Convention have been transposed into some environmental laws in the Republic of Serbia, but not in all of those under review here; thus the terms must be adjusted accordingly.
3. Other terms related to EU directives are not sufficiently defined, ‘emission’ being one notable example. This leads to significant regulatory discrepancies between various laws. There are similar discrepancies concerning definitions of PRTR and genetically modified organisms (GMOs), terms which are discussed in later chapters but which require follow-up analysis.

Assessment of terms

Table B.3 provides a summary overview of the accordance of the legislation in the Republic of Serbia with Aarhus Convention article requirements.

Table B.3: Comparison of definitions of key terms in both the Aarhus Convention and the legislation the Republic of Serbia

Term	As defined in the Aarhus Convention	As defined in the legislation of the Republic of Serbia	Accordance of legal definitions in the Republic of Serbia with Aarhus Convention requirements
‘Public authority’	Government bodies, natural or legal persons performing public functions. May also refer to regional economic integration organisations, such as the European Community, but does not apply explicitly to bodies acting in a judicial or legislative capacity.	Public authorities are: state authorities, authorities of territorial autonomy, local authorities, or organisations granted public authority (Article 3 of the LFAIPI). When public functions are delegated or devolved, these bodies must provide access to information as well.	Yes – Defined in three environmental laws. There is no specific definition of ‘public authority’, but competences and responsibilities are defined.
‘Environmental information’	A broad definition referring not just to information on the state of the environment or information held by an environment ministry, but includes information on: environmental quality and emissions; factors that influence environmental quality and health; and information concerning decision making and analysis.	No definition exists, though the issue is partially regulated: e.g. the public may access data on the state of the environment (Article 9 of the LEP).	No – There is no definition in legislation of the Republic of Serbia. Furthermore, reasons for refusal of access to environmental information are not regulated in accordance with Article 4 of Aarhus Convention.
‘Information’	See Subsections B.1. and B.2. detailing the application of definitions in EU legislation.	Documented information, in which the public may have justifiable interest, that is held by a public authority and was created during (or related to) said authority’s operations (see LFAIPI).	Partly – In some legal documents, ‘document’ is frequently used instead of the ‘information’, which greatly narrows interpretation of the right of access to information, as the former refers only to physical documents and published material.

Term	As defined in the Aarhus Convention	As defined in the legislation of the Republic of Serbia	Accordance of legal definitions in the Republic of Serbia with Aarhus Convention requirements
'Information of public importance'	Pertains to information in written, visual, aural, electronic or any other material form. Any other material forms not mentioned here, whether existing or to be developed in the future, also fall under this definition.	According to Article 2 of the LFAIPI, this concerns documents containing information in which the public has a justified right to know, and which is held by a public authority; the source of information is a public authority or other entity, while the medium of documentation is not relevant.	Partly – The basic definition is valid only in the context of specific legislation, and no obligation exists for strict compliance with the Aarhus definition; the context of the Aarhus definition, however, is actually much broader.
'Public'	Natural or legal persons, as well as organisations or groups of persons.	Comprises one or more natural or legal persons, their associations or groups of persons (LEP, LEIA, LSEA, LIPPC and LAP). The Law on General Administrative Procedure includes the involvement of any natural and legal person, as well as, inter alia, groups of persons without personal legal status, though under conditions that they may have legal rights, obligations or interests subject to administrative procedure.	Yes – The term is in accordance with Aarhus Convention, however, only in several environmental laws and the Law on General Administrative Procedure. No – The Water Law uses the term 'broader public'. No – The Constitution uses the term 'anybody'.
'Public concerned'	Those who are affected or likely to be affected by or having an interest in environmental decision-making processes. Associations need only to promote environmental protection and meet requirements under national law to fit the definition of 'public concerned'.	Comprises members of the public affected or likely to be affected by a project, including associations providing evidence of competent authority (e.g. LEP, LEIA). Also comprises members of the public with an interest in decisions concerning environmental protection, including associations providing evidence of competent authority.	Partly – Defined in four environmental laws (LEP, LEIA, LSEA and LIPPC), but not mentioned in other laws analysed here.

Article 2 of the Aarhus Convention provides definitions of the terms 'party', 'public authority', 'environmental information', 'public' and 'public concerned'. EU-directive terminologies for GMOs and PRTR are analysed in their respective chapters.

Aarhus definitions of 'public' and 'public concerned' are transposed into some environmental legislation in the Republic of Serbia, but not into all the environmental laws under review here. The word 'everyone' (svako) in Article 74 of the Constitution needs either to be changed or elaborated further, as it does not spell out the necessary difference between 'public' and 'public concerned'. An authoritative interpretation (i.e. in line with the Constitution) would enable proper regulation concerning both terms in the environmental law in the Republic of Serbia. Other laws in the Republic of Serbia do not distinguish between the two terms, though such a distinction is necessary, as can be seen in the Republic of Serbia laws on EIA, SEA and IPPC. Furthermore, legal definitions of 'public' and 'public concerned' in accordance with the Aarhus Convention are applied in only a few laws in the Republic of Serbia. There is no proper definition that is implemented consistently throughout the entire legal system.

The term 'environmental information' has yet to be established in the legal system of the Republic of Serbia in accordance with the Aarhus Convention. A definition of what relates to environment is of central importance for determining the scope of the Convention, and a definition of environmental information is a minimum requirement, though parties may use a broader definition. A different scope of content can be drawn from those provisions of laws in the Republic of Serbia examined here. It is necessary for the Republic of Serbia to establish a comprehensive legal definition of 'environmental information' in accordance with the Aarhus Convention and apply it throughout the entire legal system of the country in a uniform manner. Legal inconsistency regarding access to information results in a potentially limited right to know as defined in Article 4 of the Convention and limits the effectiveness of access-to-justice mechanisms.

Subsection B.1: Different Approaches Concerning Information Made Available to the Public

Several countries in the UN/ECE region do not differentiate between environmental information and other kinds of information held by public authorities. In these countries, legislation or administrative tradition dictates that all information held by public authorities, with certain limitations, must be made accessible to the public. Finland, the Netherlands, Sweden, Ukraine, the United Kingdom and the United States are among those countries with general access-to-information laws that do not require a distinction between 'environmental information' and other information. Denmark has both a General Information Law and a more specific Law on Environmental Information. Where both kinds of laws exist, attention should be paid to consistency. For example, the EU's Aarhus regulation is concerned with access to environmental information in any form, whereas the transparency regulation, which applies also to non-environmental information, refers only to access to 'documents'.

Source: Implementation Guide for the Aarhus Convention

In summary, it is of basic importance to have harmonised definitions of 'public', 'public concerned' and 'environmental information' for a proper system of access to information and access to justice (see details in Subsections B.1. and B.3.). Similar conclusions may be drawn for some other definitions: 'emission' and 'pollution inventory' are only partly in accordance with requirements of EU directives, and this has an effect on what kind of information is collected and made accessible to the public.

Subsection B.2: Examples of Definitions as Applied in EU Legislation

EC Regulation (EC) No. 1367/2006, Article 2 – On the application of Aarhus Convention provisions to all European Community institutions and bodies

For the purpose of this Regulation:

- (a) 'applicant' means any natural or legal person requesting environmental information;
- (b) 'public' means one or more natural or legal persons, associations, organisations or groups of such persons;
- (c) 'Community institution or body' means any public institution, body, office or agency established by, or on the basis of, the Treaty except when acting in a judicial or legislative capacity. However, the provisions under Title II shall apply to Community institutions or bodies acting in a legislative capacity;
- (d) 'environmental information' means any information in written, visual, aural, electronic or any other material form on:
 - (i) the state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
 - (ii) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment affecting or likely to affect the elements of the environment referred to in point (i);
 - (iii) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in points (i) and (ii), as well as measures or activities designed to protect those elements;
- (iv) reports on the implementation of environmental legislation;
- (v) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in point (iii); and
- (vi) the state of human health and safety, including contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures in as much as they are or may be affected by

the state of the elements of the environment referred to in point (i) or, through those elements, by any of the matters referred to in points (ii) and (iii);

(e) 'plans and programmes relating to the environment' means plans and programmes:

(i) which are subject to preparation and, as appropriate, adoption by a Community institution or body;

(ii) which are required under legislative, regulatory or administrative provisions; and

(iii) which contribute to, or are likely to have significant effects on, the achievement of the objectives of Community environmental policy, as laid down in the Sixth Community Environment Action Programme, or in any subsequent general environmental action programme.

General environmental action programmes shall also be considered as plans and programmes relating to the environment.

This definition shall not include financial or budget plans and programmes, namely those which determine how particular projects or activities should be financed or those related to proposed annual budgets, internal work programmes of a Community institution or body, or emergency plans and programmes designed for the sole purpose of civil protection;

(f) 'environmental law' means Community legislation which, irrespective of its legal basis, contributes to the pursuit of objectives of Community policy on the environment as set out in the Treaty: preserving, protecting and improving the quality of the environment, protecting human health, prudent and rational utilisation of natural resources, and promoting measures at international level to deal with regional or worldwide environmental problems;

(g) 'administrative act' means any measure of individual scope under environmental law, taken by a Community institution or body, and having legally binding and external effects;

(h) 'administrative omission' means any failure of a Community institution or body to adopt an administrative act as defined in (g).

Source: EC website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:264:0013:0013:EN:PDF>

3.2. Access to Environmental Information

Key Findings

1. The provisions of this pillar are implemented to a certain extent in the Republic of Serbia legal system, though improvement and narrowing of terminological gaps would simplify implementation (see points 2-6).
2. The right of access to information is either not clearly defined or missing altogether in many laws relevant to environment (e.g. Law on Ionising Radiation and on Nuclear Safety, Water Law, Law on Strategic Impact Assessment on the Environment, Law on Sustainable Use of Fish Resources).
3. Exemptions from the right of access to information and criteria for refusing requests for disclosure of information are fairly ambiguous, and interpretation of these stipulations in national legislation is somewhat arbitrary; for example, it seems up to public authorities to decide on the precise meaning of data that “impede the achievement of justified economic interests” (Law on Free Access to Information, Article 9). There is a need for clear and precise ‘rules of conduct’, including more precise criteria at national level for refusal of information disclosure.
4. Legal definitions of persons or entities with the right to request information are not consistent. The Law on Administrative Procedures requires an official statement of interest, while environmental laws and the Law on Access to Public Information do not.
5. Lack of a definition of ‘environment information’ impedes implementation of several provisions, such as establishing an environment information system, preparing ‘state of the environment’ reports, and determining which environmental information is to be made public or withheld.
6. Information on the implementation of laws and policies and on international environmental agreements is not frequently made available to the public, and lack of information concerning progress of implementation is especially pronounced.
7. Practical arrangements for access to information (contact points, established practice and procedures, metadata registers and guidelines) are often absent. There is a lack of available information online, but also in general especially at local level. This makes inquiry more time consuming and also more expensive for providers.
8. A developed information system can better support Aarhus Convention requirements, for example by establishing a reporting information system that provides a framework and common basis for basic data-collection needs.
9. Environmental analysis can be improved with monitoring systems, data-quality control and harmonisation of standards with the EU (e.g. providing comparable levels of nation-wide and international information to fill gaps between the information system and environmental statistics), continuous capacity building and clearly defining institutional responsibilities.
10. Some stipulations of the existing legislation in the Republic of Serbia are actually stricter than those of the Aarhus Convention. According to the Law on Free Access to Information, information must be made available more quickly, persons requesting information should be informed about the refusal to disclose information promptly, and information must be provided free of charge to journalists, human rights associations and all persons requesting information regarding threats to public health and/or the environment.

Assessment of the right of access to information

Access to environmental information, the public's right to know, is the first fundamental pillar of Aarhus Convention requirements. An inquirer has the right to obtain information upon request (Article 4) and has the right to be informed about the state of the environment (including, for example, information on emissions) and environmental policies and programmes (Article 5). The public also has the right to know which information is collected, and which public authority holds the information. Public awareness needs to be enhanced, and a system must be established to engage and help the public to formulate requests properly. There are also clearly defined standards for time limits, charges and exemptions.

Table B.4. provides a summary overview of the accordance of the legislation in the Republic of Serbia with Articles 4 and 5 of the Aarhus Convention.

Table B.4: Accordance of the legislation in the Republic of Serbia with Aarhus Convention access-to-information requirements

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
4.	Access to information	
4.1	1. Each Party shall ensure that, subject to the following paragraphs of this article, public authorities, in response to a request for environmental information, shall make such information available to the public: (a) without requiring a stated interest; (b) in the form requested unless: (i) it is reasonable for the public authority to make it available in another form, in which case justification shall be given; or (ii) the information is already available to the public in another form.	Yes – Law on Environmental Protection, Constitution, Law on Chemicals, Law on Biocidal Products, Law on Nature Protection, etc. Partly – In the Law on Free Access to Information of Public Importance, this right is applied only if there is a threat to or a need for protection of public health and the environment. It does not provide the same rights concerning the state of the environment. No – The General Law on Administrative Procedure requires proven interest, and 'public interest' is not clearly defined. The main national institution for the control of free access to information is the Commissioner for Information of Public Importance and Personal Data Protection.
4.2	2. The environmental information referred to immediately above shall be made available as soon as possible and, at the latest, within one month after the request has been submitted, unless the volume and complexity of the information justify an extension of up to two months after the request is filed. The applicant must be informed of any extension, along with reasons to justify the extension.	Yes – Even stricter stipulations apply for some types of environment information in the Law on Free Access to Information of Public Importance: i.e. as soon as possible and, at the latest, within 15 days of receiving a request; if the information concerns health or environmental protection, a response must come within 48 hours; possible extensions, with justification, may be granted up to 40 days. The Law on Environmental Protection stipulates that a response must come within 30 days, while an extension up to 60 days may be granted for voluminous data or a longer-than-necessary preparation period.
4.3	3. A request for environmental information may be refused if the authority is not in the possession of the requested information, if the request is deemed either unreasonable or too general, or if the material is in the course of being completed or concerns internal communications of public authorities.	Yes – Law on Free Access to Information of Public Importance

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
4.4	<p>4. A request for environmental information may be refused if the disclosure would adversely affect:</p> <ul style="list-style-type: none"> (a) confidentiality; (b) international relations, national defence or public security; (c) the course of justice, (d) confidentiality of commercial and industrial information; (e) intellectual property rights; (f) confidentiality of personal data; (g) interests of a third party supplying the information; or (h) the environment to which the information relates, such as the breeding sites of rare species. <p>The aforementioned grounds for refusal shall be interpreted in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information requested relates to emissions into the environment.</p>	<p>Partly – Law on Free Access to Information of Public Importance, Law on Protection of Personal Data and Law on Environmental Protection (see Table B.5 for clarification). Furthermore, the Law on the Free Access to Information of Public Importance limits the right to privacy where particular data are concerned: “Such information relates to a person, event or occurrence of public interest, especially a holder of public office or political figure, insofar as the information bears relevance to the duties performed by that person”, as well as when “a person’s behaviour, in particular concerning his/her private life, has provided sufficient justification for a request for such information.” Also, the Law on Biocidal Products states that the data concerning human and animal health and safety and environmental protection may not be categorised as ‘protected business information’.</p>
4.5	<p>5. When a public authority does not hold the environmental information requested, it shall either inform the applicant of the information’s whereabouts or transfer the request for information to a competent authority.</p>	<p>Partly – Not defined in all relevant laws.</p>
4.6	<p>6. Each Party shall ensure that if certain information is exempted from disclosure under Paragraphs 3 (c) and 4, the remainder of non-exempted information shall be made available</p>	<p>Partly – Not defined in all relevant laws. It is defined in the Law on Free Access to Information, but this Law pertains only to certain environment-related information. Yes – Law on Chemicals and Law on Biocidal Products</p>
4.7	<p>7. Refusal of a request for information shall be in writing if the request was in writing, and be made as soon as possible – within one month at the latest. The applicant shall be informed of any extension, along with reasons to justify the refusal.</p>	<p>Yes</p>
4.8	<p>8. Each Party may allow its public authorities to charge a fee for supplying information, though the charge must not be excessive.</p>	<p>Yes</p>
5.	<p>Collection and dissemination of environmental information</p>	
5.1	<p>1. Each Party shall ensure that public authorities possess and update environmental information in order ensure adequate flow of information and, in the event of any imminent threat to human health or the environment, that the information is disseminated without delay to members of the public who may be affected.</p>	<p>Partly – The Environmental Protection Agency (an institutional structure established within the Ministry of Environment, Mining and Spatial Planning) is the main responsible institution for maintaining the national environmental information system. Record keeping is also defined by all other laws analysed here, as well as in the Law on Free Access to Information of Public Importance, the Constitution, etc. Information flow and reporting is regulated in many cases, but not often in a satisfactory way. The Law on Environmental Protection, Law on Air Protection and Food Safety Law and Law on Chemicals elaborate communication and alert systems concerning information on threats to the environment and human health; however, most laws lack definitions of threat thresholds. No – There is a lack of coordination between different institutions in terms of the information they collect and hold in their possession; this is due not only to murky divisions of responsibility between institutions, but also to a lack of bylaws defining data flows.</p>

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
5.2	2. Each Party shall ensure that environmental information made available to the public shall be transparent and accessible by: (a) providing the type and scope of information, and basic terms and conditions of the process by which it can be obtained; (b) establishing and maintaining practical arrangements, such as: (i) providing publicly accessible lists, registers or files; (ii) requiring officials to support the public in seeking access to information under this convention; and (iii) identifying points of contact; and (c) providing free-of-charge access to environmental information contained in lists, registers or files as referred to in above subparagraph (b) (i).	Yes – (a, b-i, b-ii, c) According to the Law on Free Access to Information of Public Importance, all government bodies are obliged to publish at least once a year a directory containing key facts about its operations. No – (a, b-iii) There is presently no national-scale metadata register; responsible institutions generally possess some type of metadata register, primarily for internal use. Partly – (b-iii) Key institutions, such as the Environmental Protection Agency and Institute for Nature Conservation, possess clearly defined points of contact; many institutions, however (especially within local government, and in public and private enterprises), lack clearly defined points of contact.
5.3	3. Ensure that the following environmental information becomes available progressively in electronic databases that are easily accessible: (a) reports on the state of the environment; (b) texts of legislation concerning or related to the environment; (c) relevant policies, plans and programmes; and (d) other relevant information.	Partly – Reports on the state of environment are published regularly; some environmental data are published online by the Statistical Office of the Republic of Serbia; texts of policies, plans and programmes and laws uploaded regularly to the internet (the Ministry of Environment, Mining and Spatial Planning, Institute for Nature Conservation of Serbia, Agency for Chemicals, National Assembly of the Republic of Serbia and Aarhus Centre in Kragujevac are good examples).
5.4	4. At regular intervals, not exceeding three or four years, Parties shall publish and disseminate a national report on the state of the environment, including information on environmental quality and pressures on the environment.	Yes –The Environmental Protection Agency publishes reports annually; the Statistical Office of the Republic of Serbia also publishes some environmental data on a regular basis (monthly, quarterly and annually). Information needs, however, to be of higher quality and updated more frequently.
5.5	5. Governments are required to publish legislation and documents related to the environment.	Partly – These are uploaded regularly to the internet by the Ministry of Environment, Mining and Spatial Planning, Institute for Nature Conservation of Serbia, Agency for Chemicals, National Assembly of the Republic of Serbia, Aarhus Centre in Kragujevac and others. All legal documents are also published in the Official Gazette of the Republic of Serbia. Details concerning project/programme implementation and progress reports on implementation are very rarely made available.
5.6	6. Applies to the public dissemination of privately held information, such as frameworks for voluntary eco-labelling or eco-auditing schemes.	Partly – The Law on Environmental Protection includes provisions on the EMAS system and eco-labelling. The Rulebook on Terms and Procedures for Obtaining Rights to Use Ecological Sign, Elements, Appearance and Procedures for the Use of Ecological Sign Products, Processes and Services (2009), establishes clear criteria for a national eco-labelling system.
5.7	7. Requires governments to publish information concerning environmental decision-making and policy-making.	Partly – The Law on Free Access to Information of Public Importance stipulates that all government bodies shall publish, at least annually, a report containing key facts about its operations.

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
5.8	8. Requires mechanisms for disseminating environment-related product information to consumers, which enables consumers to make informed choices.	Partly – Provisions on product information are provided in the Law on Protection of Consumer Rights, Law on Environmental Protection, Law on Chemicals, Law on Biocidal Products, Law on Packaging and Packaging Waste, Rulebook on the Organic Farming Control and Certification and Organic Farming Methods, Rulebook on Declaration and Marking of Packaged Foodstuffs, etc. The Food Safety Law states: “The interests of consumers must be protected to the largest extent possible. Food business operators shall provide the final consumer with information that will make it possible for him/her to choose products in a way that is not misleading with regard to composition, properties and purposes of products.” However, practical mechanisms are insufficiently regulated and need to be improved and defined in clearer terms.
5.9	9. Concerns the development of national systems for maintaining information on pollution releases and transfers; these shall constitute: a harmonised, nationwide system; a structured, computerised, publicly accessible database; and data compilation through standardised reporting.	Yes – The Environmental Protection Agency is the responsible institution for establishing and maintaining a PRTR register as one of the subsystems of the National Register of Pollution Sources, the results of which are to be published online. Local authorities are responsible for establishing and maintaining local registers of environmental pollution sources. A bylaw specifying responsibilities and information flow has been adopted - Rulebook on National and Local Pollution Sources Register Development Methodology and on Methodology related to the Data Collection Types, Manners and Deadlines published in the Official Gazette of the Republic of Serbia, No. 91/10.
5.10	10. Nothing in this article may support or encourage the right of Parties to refuse disclosure of certain environmental information in accordance with Article 4, Paragraphs 3 and 4.	Yes

Within the national legislation of the Republic of Serbia, the general right of access to information is defined most extensively in the Law on Free Access to Information of Public Importance. According to Article 4 of the Law: “Justified public interest to know [...] shall be deemed to exist whenever information held by a public authority concerns a threat to, or protection of, public health and the environment.” Further elaboration of the access to information is provided in Article 5: “Everyone shall have the right to be informed whether a public authority holds specific information of public importance and/or whether such information is otherwise accessible to him/her. Everyone shall have the right to access information of public importance by being allowed to examine a document containing information of public importance, by being entitled to make a copy of that document, and by being entitled to receive a copy of such document upon request, by mail, fax, electronic mail or otherwise.”

The right of access to information is also established in other legal documents that regulate issues of environmental protection, such as the Law on Chemicals (Article 84), Law on Protection against Non-Ionising Radiation (Articles 3 and 11), Law on Biocidal Products (Article 47) and Nature Protection Law (Article 115).

According to the Law on Free Access to Information of Public Importance (Article 4), the right to receive information always pertains when related to environmental protection; and Article 15 stipulates that applicants are not obliged to specify reasons for a submitting a request for information. On the other hand, the Law on General Administrative Procedures (Article 70) stipulates that an applicant must prove interest.

However, right-of-access-to-information stipulations are absent or not clearly defined in many legal documents within the field of environmental protection (e.g. Law on Protection against Ionising Radiation and on Nuclear Safety, Water Law, Law on Sustainable Use of Fish Resources, Law on Environmental Impact Assessment, Law on Strategic Impact Assessment on the Environment, etc.).

Exemptions from the right of access to information and criteria for refusal of a request for information disclosure are generally ambiguous. As a result, interpreting such stipulations in national legislation is arbitrary to an extent, and it appears to be up to public authorities to decide, often case by case, on the precise meaning of such provisions. For instance, it is fairly arbitrary how one would interpret the meaning of data that “impede the achievement of justified economic interests”, or whether a request is “unreasonable”, “frequent”, if “too much information is requested” (Law on Free Access to Information of Public Importance, Articles 9 and 13), or if a request is not in accordance with the “public interest” (Law on General Administrative Procedures, Article 70, Official Gazette of FRY, Nos. 33/97 and 31/01). Table B.5. presents a general overview of stipulations covering refusal of information disclosure criteria in national legislation, and their accordance with Aarhus Convention provisions. There is a need to establish guidelines and clear, precise criteria – if possible, at national level – concerning the refusal to disclose information. According to the Law on Free Access to Information of Public Importance (Article 12), if the requested information is provided only in part, the remainder of the information must be extracted and provided as well to the applicant.

Table B.5: Criteria in national legislation for refusal to disclose information, and their accordance with Aarhus Convention provisions

Aarhus Convention criteria for refusal to disclose information (Article 4, Paragraphs 3 and 4)		The Republic of Serbia's legal documents in which such provisions exist (relevant article number is in brackets)
4.3	Authority does not hold the environmental information requested	LFAIPI
	Request is manifestly unreasonable or formulated in too general a manner	LFAIPI, LAP
	Material is in the course of being completed or concerns internal communications of public authorities	LFAIPI
4.4.		
(a)	Confidentiality	LEP (80), LFAIPI (9), LEIA (27), LFAIPI (9), LIPPC (23), LCh (85), LBP (46), NPL (115), LWM (69), LAP (70)
(b)	International relations, national defence or public security	LEP (80), LFAIPI (9)
(c)	Course of justice	LEP (80), LFAIPI (9), LAP (70)
(d)	Confidentiality of commercial and industrial information	LEP (80), LIPPC (23), LFAIPI (9)
(e)	Intellectual property rights	LEP (80)
(f)	Confidentiality of personal data	LEP (80), (14)
(g)	Interests of a third party that has supplied information	LEP (80) LFAIPI requires disclosure even in such cases
(h)	Environment to which the information relates, such as breeding sites of rare species	LEP(am) (80)
	The aforementioned grounds for refusal shall be tested against public interest served by disclosure and whether the information requested relates to emissions into the environment.	LAP (70) LCh, LBP, Law on Nature Protection (especially), etc.
	Documents lacking defined criteria for refusal of disclosure	LSEA, LPAIRNS, LPANIR, APL, LPANE, LPPW, LSUFR, WL

Legal criteria concerning who has the right of access to information vary from document to document. While the Law on Free Access to Information of Public Importance (Article 5) prescribes that everyone is entitled to this right, some laws draw a distinction between the ‘public’ and ‘public concerned’, granting right of access only to the latter. For instance, in the Law on Environmental Impact Assessment (Article 2), the ‘public concerned’ includes the “public affected by or likely to be affected by the project, including associations that promote environmental protection and are registered with the competent authority”; in the Law on Strategic Impact Assessment on the Environment (Article 3), the ‘public concerned’ includes the “public affected or public likely to be affected by the plan or programme and/or having interest in decisions related to environmental protection, including non-governmental organisations involved in environmental protection and registered with the competent authority.” This distinction is present in the Law on Integrated Pollution Prevention and Control (Article 2), and is also established within the Law on Environmental Protection via introduction of the term ‘public concerned’ in the Law on Amendments to the Law on Environmental Protection.

National legislation generally lacks a clear definition of 'information', as well as criteria defining which information may be deemed information of public importance. The most detailed definition is provided in the Law on Free Access to Information of Public Importance (Article 2), according to which, it is that "information held by a public authority body, created during or relating to the operation of a public authority body, which is contained in a document and concerns anything the public has a justified interest to know. For information to be considered information of public importance, it shall be irrelevant whether the source of information is a public authority or another person, which medium carries the document containing the information (paper, tape, film, electronic media, etc.), on which date the information was created or in which way the information was obtained, nor shall any other similar properties of such information bear any relevance for this purpose." In some legal documents (e.g. the Law on Free Access to Information of Public Importance, Law on General Administrative Procedures, and Law on Environmental Impact Assessment) the term 'document' is frequently used instead of the term 'information', which can result in a much narrower understanding of the right of access to information when it refers only to documents and published material. It is, however, important to note that the practice of using the term 'official document' instead of 'information of public importance' is also present in many international documents, as well as in legal documents of the European Union.

The key national institution for providing and coordinating access to environmental information is the Environmental Protection Agency, which was established in 2004 as an administrative body within the Ministry of the Environment, Mining and Spatial Planning. The lack of a meta-register and of clearly identified contact points in other institutions as well as an underdeveloped environmental information system, are some of the obstacles to performing this task efficiently. The responsible authority for controlling free public access to information is the Commissioner for Information of Public Importance and Personal Data Protection, whose authority is established through the Law on Free Access to Information of Public Importance. The Commissioner is responsible for monitoring the compliance of public authorities with obligations stipulated by this law.

The Aarhus Convention establishes time limits for the disclosure of requested information. The Law on Environmental Protection (Article 79) stipulates the same time limits as the Convention. However, the Law on Free Access to Information of Public Importance (Article 16) sets even stricter time limits: information must be disclosed as soon as possible, but not later than 15 days after an application is submitted, and no later than 48 hours if the information concerns health or environmental protection. Possible extensions for voluminous or complex data may be granted, but only up to 40 days. Lack of harmonisation between these two laws is a potential source of confusion for public authorities. Similarly, the Law on Free Access to Information of Public Importance sets much shorter time limits for replying to applicants in case of refusal to grant a request; a reply must be submitted as soon as possible, but no later than 15 days from the submission of a request, and with no possibility of extending this period. The Aarhus Convention allows, and even recommends, Parties to impose stricter standards than those stipulated by the Convention. Furthermore, according to the Constitution of the Republic of Serbia (Article 20), civil rights, once achieved, may not be diminished.

While the Aarhus Convention allows public authorities to impose a reasonable charge for supplying information, national legislation generally prohibits payment for the supplying of information. According to the Law on Free Access to Information of Public Importance (Article 17), "access to a document containing requested information shall be granted free of charge." Only the costs of making document copies and postal expenses may be charged, and the schedule of charges is defined in a bylaw, the Decree on Compensation for the Necessary Costs of Issuing Copies of Documents (Official Gazette of RS, No. 8/06). Furthermore, according to the same Article in the Law on Free Access to Information of Public Importance, journalists, human-rights associations and all persons requesting information regarding threats to or protection of public health and environment, are exempted from any kind of cost incurred in the provision of information (e.g. copying of documents or postal expenses).

There are a number of problems in applying legal provisions on access to information. There is low overall awareness, both within the general public and with public authorities, regarding Aarhus provisions and related stipulations in national legislation. Their level of public interest in seeking information on the state of environment is generally low, and public authorities are still unprepared to provide or actively share relevant information. (See Subsection B.3. below.)

Subsection B.3: Article 5: Collection and Dissemination of Environmental Information

Ekoportral <www.ekoportal.pl> (Poland)

This website provides detailed information about environmental protection, and focuses especially on Polish legislation and projects. Ekoportral also assists environmental administration units at regional and local levels with maintaining registers of documents concerning the environment and environmental protection. These documents are in electronic format and available to the public.

Source: REC web site: <<http://web.rec.org/documents/earhus/overview-of-the-cases.pdf>>

Regarding the proactive provision of environmental information on the web or in the form of publications, campaigns or press conferences, public authorities and institutions responsible for monitoring, record keeping, reporting and providing data flow to the Environmental Protection Agency generally lack the financial, technical and human capacity to work efficiently on gathering and disseminating information. Quality is unsatisfactory, and there are gaps in coverage of environmental information. Research and monitoring related to biodiversity and other elements of the environment remains far from systematic, and reporting to responsible institutions is inadequate. General data flow between public authorities and from pollution emitters to the Environmental Protection Agency needs improving, and there is a need for additional bylaws to define record-keeping, monitoring and reporting systems for operators more clearly and in greater detail – especially concerning procedures and time limits for adequate flow of information to public authorities. Exceptions regarding data publication are not clearly defined in the legislation in the Republic of Serbia, and there is a need for more precise criteria. Organisations that are obliged to submit environmental information to the Environmental Protection Agency frequently designate certain data as unavailable for public disclosure, especially ‘raw data’. The control of organisations responsible for providing relevant environmental information, and control of data-flow processes to public authorities, remains inefficient. There is also need to tighten control of products on the market, as well as the disclosure of product information. Also lacking is an efficient system of external control regarding the adequacy and objectivity of data provided concerning situations posing an imminent threat to human health or the environment.

Subsection B.4: Availability and Flow of Environmental Information in the Republic of Serbia

The Environmental Protection Agency of the Republic of Serbia (SEPA) has made a good progress in the area of information dissemination (so called “Priority Data Flows”) by increasing data flows to European Environment Agency from 17% in 2004 to 75% in 2010

(<http://www.eionet.europa.eu/dataflows/pdf2011/benchmarking?year=2010>). Furthermore, both the SEPA and Ministry of Environment, Mining and Spatial Planning regularly provide information and implementation reports to the implementing bodies of various international conventions and agreements. According to the Reporting Obligations Database <<http://rod.eionet.europa.eu>> within EIONET, there were 98 pending and 19 completed reporting obligations for Serbia at the end of 2010.

Meteorological and climate data for the Republic of Serbia are publicly available on the website of the Republic Hydrometeorological Service of Serbia (<http://www.hidmet.gov.rs/>). The Republic of Serbia has developed The First National Communication under the United Nations Framework Convention on Climate Change (UNFCCC) which is available on the website of the Ministry of Environment, Mining and Spatial Planning (http://www.ekoplan.gov.rs/srl/upload-centar/dokumenti/razno/inicijalna_nacionalna_komunikacija.pdf).

The cooperation within the Danube Convention has also led to a greater availability of higher quality and more reliable information.

The Rulebook on National List of Environmental Indicators has been adopted (“Official Gazette of RS”, No. 37/2011) on the basis of which the Report on the State of the Environment in the Republic of Serbia for 2010 has been prepared (http://www.sepa.gov.rs/download/Izvestaj_o_stanju_zivotne_sredine_za_2010_godinu.pdf).

Sources: EPR Serbia II, EEA Western Balkan Report, SEPA EEA Report

<<http://www.eea.europa.eu/publications/eionet-priority-data-flows-may-2008-april-2009>>

The support system for responding to requests for information is not evenly developed (see Subsection B.5. below). Contact points and persons have to be defined more clearly in all institutions holding relevant data on the state of environment (i.e. those institutions listed in the Catalogue of Public Authorities, as required by the Law on Free Access to Information of Public Importance). Also, a clear, updated and integrated metadata register on environmental information is lacking. Responsible institutions generally own some type of metadata register, but these are mostly established for internal use and are not sufficiently comprehensive and harmonised. Some types of general information are often available online, but not in sufficient detail.

Subsection B.5: Article 4: Basic Conditions and Procedures for Receiving Information (U.K. good practice)

A meta-info system <<http://www.defra.gov.uk/corporate/opengov/index.htm>> in the United Kingdom contains specially prepared web pages to assist anyone wishing to obtain information from the Department for Environment, Food and Rural Affairs.

Source: REC web site: <<http://web.rec.org/documents/earhus/overview-of-the-cases.pdf>>

According to data from the Office of the Commissioner for Information of Public Importance and Personal Data Protection, there have been few complaints filed thus far for refusal to disclose environment-related information, but this is due mostly to lack of public awareness of environmental issues.

Low awareness of these issues and lack of capacity are most pronounced within local government. Many municipalities, especially those which are less developed, lack financial, technical and human capacities to effectively and efficiently process and disclose information. Many municipalities do not have regular internet access (e.g. 10–20% of municipalities lack their own website), lack clearly defined points of contact for requested information and have insufficiently trained personnel for the processing of requests. On the other hand, many municipalities which do have their official websites do not publish on them the most important environmental information, e.g. relevant strategic documents such as local environmental action plans, local waste management or spatial plans and strategic impact assessments related to the local environment etc. Another major problem is lack of available metadata (i.e. information about the type and scope of data held by each public authority) that could facilitate the processing of submitted requests for information from interested parties. There is urgent need for establishing a nationwide metadata register for indicating to which public authority an interested party should submit a request for information.

Other laws designate different public authorities as responsible for specific registers relevant to environment protection; however, some bylaws are still missing due to a lack of defined responsibilities and coordination between institutions and ministries. Record keeping and active dissemination of information on the state of environment are also defined in the Law on Environmental Impact Assessment, Law on Integrated Environmental Pollution Prevention and Control, Law on Chemicals, Law on Biocidal Products, Air Protection Law, Nature Protection Law, Law on Protection Against Noise in the Environment, Law on Waste Management, Law on Packaging and Packaging Waste, Food Safety Law, Law on Free Access to Information of Public Importance, and others.

The Environmental Protection Agency is responsible for establishing and maintaining the electronic National Information System, which should be publicly available on the Internet. Even though the information system is in the last phase of construction, plenty of data and many analyses are already available on the website of the Agency (<http://www.sepa.gov.rs/>). Some topics are not yet sufficiently included in the information system, such as traffic, chemical usage, biodiversity and noise monitoring.

The Serbian Environmental Protection Agency (SEPA) is the main responsible institution for keeping databases on environmental information and dissemination of environmental information. In accordance with Article 74 of the Law on Environmental Protection, the SEPA shall establish and maintain an information system that will “procure formation, classification, maintenance, presentation and distribution for numerical, descriptive and spatial databases on: quality of the environmental media, monitoring of the status and protection of the environment, legal, administrative and organisational and strategic measures, scientific-technical information about planning measures of prevention and exchange of information with other information systems, etc.” The SEPA is also an institution responsible for establishing the Environmental Pollution Sources Register, which is in principle harmonised with PRTR Protocol and E-PRTR Regulation and data are being submitted (see Subsection 3.7).

Regular publication of a “national report on the state of environment” is elaborated in the Law on Environmental Protection (Articles 76 and 77). In accordance with this Law, the SEPA must publish a national report on an annual basis. Some environmental data is also published regularly (monthly, quarterly, annually) by the Statistical Office of the Republic of Serbia. All reports are available online. Furthermore, according to the Law on Free Access to Information of Public Importance, all government bodies are obliged to publish, at least once a year, a “directory of key facts about operations of public bodies” containing information, such as: duties, internal organisation, budget, types of services, manner and place of storing information mediums, types of stored information, types of accessible information, description of procedures for submitting requests, rules and decisions of government bodies concerning transparency of operations, working hours, addresses, contact details, accessibility for persons with special needs, access to sessions, permissibility of audio and video recording, regulations on limitations of work transparency, and rationale for said limitations. A more detailed description of the directory contents can be found in the bylaw titled Instruction for the Creation and Publication of the Information Booklet on Public Authority Work (Official Gazette of RS, No. 68/10).

Information dissemination in the event of any imminent threat to human health or the environment is detailed in a number of documents: Law on Environmental Protection (Articles 42 and 62), Law on Air Protection (Article 23), Food Safety Law (Articles 9, 38 and 40).

Subsection B.6: Communication to Stakeholders and the Public: Practice in the Republic of Serbia

The SEPA and the MEMSP websites provide some information, albeit incomplete, about their activities and the state of the environment. Neither the Agency nor the Ministry issue bulletins, newsletters, briefings or press releases on a regular basis, though the situation has improved somewhat in recent years. By contrast, the Institute for Nature Conservation reaches out quite effectively to various stakeholders, such as schools and newspapers. The MEMSP Sector for Control and Surveillance regularly uploads on the MEMSP website its biannual and annual reports as well as the results of the implemented activities etc.

Source: The Second Environmental Performance Review, Republic of Serbia (2007)

The Environmental Protection Agency has established cooperation with a number of international reporting bodies, and regularly submits data on the state of environment to the European Environment Agency through the European Environment Information and Observation Network (EIONET). Data flow has increased notably in the last few years. The SEPA has also established regular communication with the Global Monitoring for Environment and Security (GMES) system and Shared Environmental Information System (SEIS). The Geodetic Authority of the Republic of Serbia is the responsible institution for cooperation with the Infrastructure for Spatial Information in the European Community (INSPIRE). The MEMSP Sector for Control and Surveillance is a member of the ECENA network (Environmental Compliance and Enforcement Network for Accession) and submits reports drafted by an independent expert to the ECENA Secretariat.

Most national legislation, policies, plans, programmes, and agreements are available online. Online databases of legislation are now in place at the Ministry of Environment, Mining and Spatial Planning, Institute for Nature Conservation of Serbia, Agency for Chemicals, National Assembly of the Republic of Serbia, Aarhus Centre in Kragujevac and other authorities. All legal documents are also regularly published in the Official Gazette of the Republic of Serbia.

Ratified international agreements are published in the Official Gazette of the Republic of Serbia as elements of national legislation. The Ministry of Environment, Mining and Spatial Planning, Environmental Protection Agency, Institute for Nature Conservation of Serbia and other institutions are publishing internet reports of their dealings with environmental protection. However, the scope of information provided is not exhaustive; details of policy proposals for framing major environmental policies are rarely made available online. Furthermore, information that is available on the internet is seldom presented systematically, and frequently lacks verifiable sources.

National eco-labelling and eco-auditing frameworks are still in their initial phase of development. The Law on Environmental Protection includes provisions on the EMAS system (Articles 44–50) and eco-labelling (Articles 53 and 54). The Rulebook on Terms and Procedures for Obtaining Rights to Use Ecological Signs,

Elements, Appearances and Procedures for Use of the Ecological Sign for Products, Processes and Services (Official Gazette of RS, No. 3/09), which entered into force in 2009, established clear criteria for a national eco-labelling system. It is important to note that this system is harmonised with the EU's eco-labelling system. Key institutions responsible for these systems are the Institute for Standardisation of Serbia (regarding the ISO 14000 system), Accreditation Board of Serbia (for certification procedures) and the Food Quality Group within the Ministry for Agriculture, Forestry and Water Management (regarding ISO 22000:2005 food-safety standards, HALAL and KOSHER standards, and GLOBALG.A.P. certification system, etc.). In its reports on the state of the environment in the Republic of Serbia, the Environmental Protection Agency publishes data on the ISO 14001 certified companies and enterprises which introduced cleaner production as well as on the eco label licences. However, public awareness and interest in eco-labelling in the Republic of Serbia is very low, which results in low interest from producers and private enterprises to become involved in eco-labelling and certification systems.

Provisions regarding mechanisms to ensure that sufficient product information is made available to the public are provided by: the Rulebook on Declaration and Labelling of Packaged Foodstuffs (Official Gazette of SCG, Nos. 4/04, 12/04 and 48/04), Law on Environmental Protection (Article 52), Warning in the Declaration (Articles 53 and 54), Law on Chemicals (Articles 9, 16–23), Law on Biocidal Products (Article 37), Rulebook on Classification, Packaging, Labelling and Advertising of the Chemical and Certain Product (Official Gazette of RS, Nos. 59/10 and 25/11), Rulebook on Classification, Packaging, Labelling and Advertising of the Chemical and Certain Product in accordance with the UN Globally Harmonised System for Classification and Labelling (Official Gazette of RS, Nos. 64/10 and 26/11) and Rulebook on Specific Requirements related to Packaging, Labelling and Advertising of Biocidal Product (Official Gazette of RS, Nos. 59/10 and 26/11), Law on Packaging and Packaging Waste (Article 15), Rulebook on Organic Farming Control and Certification and Organic Farming Methods (Official Gazette of RS, No. 48/11), Rulebook on the Manner of Marking Agricultural and Food Products from Genetically Modified Organisms (Official Gazette of SCG, No. 6/03), etc. Article 8 of the Food Safety Law states: “The interests of consumers must be protected to the largest extent possible. Food-business operators shall provide the final consumer with such information as will make it possible for him/her to choose products in a way that will not mislead the consumer with regard to the composition, properties and purpose of products.”

3.3. Public Participation in Environmental Decision - making

Key Findings

1. The Republic of Serbia undertook steps to implement the Aarhus Convention ten years prior to ratifying it. It has developed a set of procedures for public participation, primarily via the Law on Environmental Protection (2004), Law on EIA⁹ (2004), Law on SEA (2004), and Law on IPPC (2004). These new laws provide a legal framework for public participation that can be implemented.
2. Some legal requirements regarding public participation are not yet fully harmonised. For example, implementation of public participation-related provisions in SEA and IPPC are not feasible without supporting articles in other sectoral laws and sub-laws, such as the Law on Physical Planning and Building.

Capacity and practical mechanisms for conducting transboundary EIAs are lacking; this is particularly important when bearing in mind geographical size and possible new energy- and renewable energy facilities and natural gas infrastructure. There is a lack of legal requirements concerning transboundary mechanisms for previously signed bilateral agreements with neighbouring countries (except for IPPC). Also missing are procedures to implement transboundary impact assessments when countries lack bilateral or multi-country implementation agreements (even for IPPC); these are needed, as nearly all relevant countries are party to the Espoo Convention.

3. Awareness of opportunities for participation in decision making (e.g. hearings, forums, regular stakeholder participation) is not well developed, and communication instruments themselves need to be developed further. Activities to support and develop public awareness are limited.
4. Inter-sectoral cooperation and cooperation between different spatial entities at different levels (national, province, local) is not developed sufficiently to carry out efficient public-participation procedures.
5. Public participation is rarely seen by decision makers at any level as an essential component for taking good and legitimate decisions, and environmental capacities are especially low at local levels. Also, environmental associations have very low knowledge and skill levels for participating in decision-making processes. There is little or no support (financial mainly, but also operational) for capacity building of associations for their participation in decision making and cooperation with neighbouring countries and other associations. Evaluations from decision makers concerning the influence of associations are also lacking. Facilitation of public participation and involvement should be improved and trust built, especially in climate change-related matters, EIA and SEA procedures, and procedures for preparation of laws.

Assessment of rights to public participation

The second pillar of the Aarhus Convention relies upon the other two pillars for its effectiveness: the information pillar ensures that the public can participate in an informed fashion, while the access-to-justice pillar ensures that participation rights can happen in reality and not just on paper.

The first part of this pillar concerns participation by a public that might be affected by or is otherwise interested in decision making concerning a specific activity (Article 6); the second part concerns public participation in the development of plans, programmes and policies relating to the environment (Article 7). Finally, public participation in the preparation of laws, rules and legally binding norms is covered in Article 8.

To achieve the aims of these provisions, efforts should be made to actively seek the participation of relevant actors in a transparent, consultative manner. If such participation is excluded, clear and transparent standards and criteria for this should be developed. Processes should benefit from public participation at an early stage and provide reasonable time frames for different stages and allow sufficient time for informing the public; finally, the public concerned should be given ample time to prepare and participate effectively during decision-making processes. The public should be informed in due time of opportunities, procedures and criteria for public participation in decision-making processes. Also, the promotion public participation outcomes in final decisions should be promoted.

⁹ Related to Article 6 of the Aarhus Convention: public participation in decisions on specific activities with a potential significant effect on the environment.

Table B.6: Public participation: accordance of the legislation in the Republic of Serbia with Aarhus Convention requirements

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
6.	Public participation in decisions on specific activities	
6.1	1. Requires Parties to guarantee public participation in decision-making processes involving potentially significant environmental impact. See also: list of activities (Annex), non-listed activities, and exemption due to national defence concerns.	Partly – Accordance: Law on Environmental Impact Assessment; Decree on establishing a list of projects for which an Environmental Impact Assessment is mandatory and a list of projects for which an Environmental Impact Assessment may be requested (Official Gazette of RS, No. 114/08). Lists of activities are not fully in accordance with the EU regulations and the Aarhus Convention list. Non-listed activities: Decree on types of activities and plants for which an integrated license may be obtained (Official Gazette of RS, No. 84/05), as a bylaw based on the Law on Integrated Environmental Pollution Prevention and Control (2004), states the list of activities to which this procedure applies. An exception in terms of application is related to national defence requirements.
6.2	2. Sets requirements for notifying the public concerned about decision making: early on in the process; in an adequate, timely and effective manner; and meeting basic minimum content requirements.	Partly – The public is involved early enough in the process according to the LEIA and IPPC, but not nearly early enough in other laws, such as Seveso Directives and the Nature Law. No studies are available on the adequacy, timeliness and effectiveness of public notification. Preliminary expert opinion on public notification is that it is not effectively implemented, especially at the local level. The LEIA defines a minimum content of information required in public notification. The public shall be notified if activity is of a transboundary nature, though this provision is differently interpreted as to what constitutes an 'early stage' or whether Aarhus requirements are fulfilled. As far as the IPPC is concerned, all these aspects are well regulated.
6.3	3. Public participation procedures shall include reasonable time frames for different phases, allowing sufficient time for informing the public in accordance with Paragraph 2 above, and for the public to prepare and participate effectively during the decision-making process.	Yes
6.4	4. Each Party shall provide for early public participation when all options are open and effective public participation can take place.	Partly – Yes in LEIA and LIPPC; not in other laws, including Seveso directives and the Law on Nature. No – Performance or quality standards do not exist for public participation, which often results in pro forma public participation.
6.5	5. Each Party should, when appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of an application before applying for a permit.	Yes – LEP, LIPPC, LEIA, LSEA No – Certain laws regulate this matter where the possibility for enforcement of this provision does not exist.
6.6	6. Paragraph 6 requires Parties to impose an obligation on public authorities to provide the public concerned with access to all available information relevant to a decision-making procedure covered by article 6, subject to certain limitations.	Yes – The laws provide for the availability of all information (e.g. delivery of documents upon request concerning the issuing of permits or draft Integrated Pollution Prevention and Control permit).
6.7	7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analysis or opinions deemed relevant to the proposed activity.	Yes

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
6.8	8. Each Party shall ensure that due account is taken of the outcome of public participation in any environmental decision-making process.	Partly – Yes for EIA, IPPC, Seveso, though, in practice imprecisely regulated not effectively implemented; No for the Nature protection law. More study is needed concerning outcomes of public participation in decision-making processes, but preliminary assessments point to shortcomings. Written explanations of how public comments are taken in account are rarely applied, and feedback is not provided.
6.9	9. Each Party shall ensure that, when a public authority takes a decision, the public shall be promptly informed of the decision in accordance with appropriate procedures. Each Party shall make accessible to the public the text of the decision, along with considerations and reasons for taking a decision.	No – Regulations require that details of outcomes be provided, but detailed texts are not required (LEIA, IPPC, Seveso).
6.10	10. Defines public participation for reconsidered, changed or updated; activities the responsible public authority is to apply Paragraphs 2–9 accordingly.	Yes – IPPC, LEIA, Seveso directives. No – Provisions concerning updated activities need to be made more specific.
6.11	11. Paragraph applies to decisions taken on genetically modified organisms (GMOs).	No – See Subsection 3.7. on GMOs.
7.	Public participation concerning plans, programmes and policies relating to the environment	
7.1	1. Requires parties to provide for public participation during preparation of plans and programmes relating to the environment in a transparent and fair manner, and to provide necessary information.	Partly – SEA implementation is not required for plans and programmes related to agriculture, forestry, fishing, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, preservation of natural habitats and wildlife (flora and fauna), which is the relevant scope detailed in Article 5 of the Law on Strategic Environmental Impact Assessment (2004). Procedures for assessing the impact of plans and programmes on environment and health have not been developed; nor has operational cooperation between competent ministries been established; thus the public concerned is denied the opportunity to participate in the review of plans and programmes, as stipulated in Article 9. The Law on Strategic Environmental Impact Assessment regulates conditions, methods and procedures according to which impact assessments of certain plans and programmes are to be carried out (Article 1). Strategic assessment is to be carried out with regard to spatial and urban planning or land use, and is the responsibility of the urban planning authority. The Law on Planning and Construction supports the implementation of strategic environmental assessment. A strategic assessment report and the results of participation of authorities, organisations, the public concerned – and other states in cases involving transboundary impact – shall each play integral roles in the documentation of plans and programmes (Article 24). The Law on Waters (2010) stipulates participation of the wider public in the preparation of a water management plan (Article 38), but not to a sufficient degree: opportunities to work out a joint implementation strategy, as defined in the Water Framework Directive, have not been seized. The Law on Environment Protection (2009), in its plan for protection against chemical accidents, does not establish criteria for public participation; only a final security report shall be submitted to the public. The legal basis for participation of the public and associations in decision-making process is growing continuously: see the Law on Nature Protection (2009) and Law on Genetically Modified Organisms (2009).

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
8.	Public participation during the preparation of executive regulations and/or generally applicable, legally binding normative instruments	
8.1	1. The Convention recognises that, in addition to the right to take part in basic decisions affecting their lives, members of the public also have a role to play in the development of laws and normative acts.	Partly – Laws and executive legislation do not require any public participation in these development processes. The Law on State Administration (Article 77) stipulates that a public debate has to be organised during preparation of a law that would change in essence the legal regime within a particular field, or regulate issues of particular relevance to the public. A public debate may, within limits, be considered a means of granting full public participation in the decision-making process; but this comes down to the quality and effectiveness public consultation made available beforehand.

The first initiatives related to the Aarhus Convention started in Serbia in 1999, and were initiated by the Regional Environmental Centre for Central and Eastern Europe (REC) and REC Serbia. Promotion was conducted through continuous activity, such as workshops and the preparation of guidelines. In this respect, Serbia undertook steps to implement the Aarhus Convention in advance of its ratification.

During this ten-year Aarhus Convention pre-ratification period, the Republic of Serbia developed a set of procedures for public participation, primarily the Law on Environmental Protection (2004), Law on EIA¹⁰ (2004), Law on SEA (2004) and Law on IPPC (2004). With this series of new laws, public participation is adequately inscribed within a legal framework that can be implemented, although monitoring and impact assessment needs to be strengthened. With regard to implementing the Law on EIA, there are cases where all steps have been implemented and where comments from associations and the public are numerous. An adequate implementation overview of the Law on Environmental Impact Assessment (EPR 2007) is lacking, however.

In May 2005, the Ministry of Environment developed a communication strategy called 'Strengthening Environmental Management at the Directorate for Environmental Protection: a Dialogue for 2005–2006'. The overall objective was to support enhanced communication between the Directorate – at that time within the Ministry of Science and Environmental Protection – and all stakeholders in the country interested in environmental protection. The strategy describes the objectives and organisation of the communication, as well as activities for reaching the stated goals. Upcoming phases include the development of more detailed action plans to support the strategy. However, implementation of the strategy has been progressing slowly because of other priorities in the Ministry (EPR 2007). The new government re-established a separate ministry competent for environment in 2007.

Ten years of preparation succeeded with the Republic of Serbia 2009 ratification of the Aarhus Convention. The country then began to implement the EU accession process, which is its first priority. It is expected that the 'journey' towards EU membership will grant more status and importance to the Aarhus Convention and public participation. A questionnaire recently provided to gauge opinion of the accession of the Republic of Serbia to the EU¹¹ includes questions about public participation, which should apply more pressure to implement the second pillar of the Aarhus Convention.

Cooperation with associations and the public is crucial for Aarhus Convention implementation. The legal basis for participation of the public and associations in the decision-making process is now stronger with, for example the Law on Nature Protection (2009), Law on GMOs (2009), Law on Water (2010) and, to a certain extent, other laws connected to environment. However, public consultation on content and impact of draft laws remains insufficient. The governmental bodies lack harmonised rules and practices for public consultation (e.g. media presentations on laws or strategies are classified as 'public participation' in some cases), which indicates a fundamental lack of understanding of the concept. Here the main problems are not only regulations or lack of public awareness, but very often the lack of basic working conditions (adequate space, equipment, communication, networks, financial resources) which makes it impossible for the civil associations to bring

10 Related to Article 6 of the Aarhus Convention concerning public participation in decisions on specific activities with potential significant effect on the environment.

11 Information requested by the European Commission to the Government of Serbia for preparation of an opinion on Serbia's application for European Union membership (November 2010).

together citizens interested in participating in public debates and to educate them about certain environmental problems thus enabling their efficient participation in discussions. Creating conditions for the operation of associations as stakeholders (strengthening the capacity of associations) cannot be an issue of certain donors' interest, but a deliberate policy, both at national and especially at local level enabling their systemic active participation in decision-making processes, from the earliest stages to the implementation of strategic and other documents, regulations, policies, programmes and plans.

The Republic of Serbia public is generally not included in public debate, which is mostly because the public does not understand invitations concerning public insight and debates except in concrete cases when property rights have been jeopardised. As things stand now, the public gets involved too late – that is, after projects have been approved and implementation is underway. There have been situations in which attempts have been made to exercise rights by turning to authorities that are, in fact, not responsible for protecting the environment in the cases in question. On the other hand, the public sometimes participates in campaign discussions (often politicised) that are launched with the sole aim of preventing a project from being implemented. Intolerance, lack of readiness to engage in dialogue, lack of expertise with reference to one's own role, and mistrust of institutions are all apparent.

Facilitation of public participation and involvement should be improved, especially in climate change-related matters.

Performance and quality standards for public participation remain undeveloped. This is characterised by: pro forma public participation; large segments of civil society not participating in consultations; results of outcomes of public participation exercises not taken into consideration in final decisions; low levels of transparency in citizen-oriented administrative practice in environmental matters; and lack of established mechanisms for informing the public on decisions reached. Field surveys reveal that citizens lack trust in environmental data, and reasons for this should be analysed further.

There is little budgeted financial support for public participation, especially concerning continuous financial support for analytic and assessment work. It is necessary to establish precise criteria for allocating finances in alignment with environmental protection objectives and indicators, and to ensure funds at both national and local levels.

Public participation in the preparation of laws and regulations is limited; while there is some evidence of public participation at early stages of law drafting, public participation in the drafting of bylaws is minimal to non-existent. Public consultation on content and impact of draft laws remains insufficient.

Public participation in EIA procedures has not been developed because of a lack of criteria establishing the meaning of 'association'. There is need for a legal regulation to establish eligibility criteria for participation of associations; competent authorities must also be obliged to grant participatory status to associations.

As for procedures concerning public participation in the environmental impact assessment process, there are open questions about the possibilities of procedural abuse, such as obstruction of decision making in order to achieve other aims, and lack of clear understanding of copyright infringements in cases where access to information is requested – namely, in the copying of documents. Besides, there are also problems in coordinating activities for obtaining the approval of EIA studies and informing inspection authorities about such procedures. At the same time, it is recommended that informing the public about launching appropriate EIA-related procedures must include informing competent administrative entities about implementation problems at all levels (communal, municipal, provincial and national) on whose territory a project is to be carried out. All of this requires in-depth analysis; thus implementation and monitoring of adopted legislation needs to be improved and made more effective.

Public participation in decisions on specific activities is regulated by the Law on Environmental Impact Assessment (2004) and Law on Integrated Pollution Prevention and Control. Implementation of EIA and IPPC requirements is not feasible without supporting articles in other sectoral laws and sub-laws, such as the Law on Physical Planning and Building or legislation on emission limit values for waters.

Procedures governing public insight, presentation and debate about EIA studies are specified in corresponding rulebooks. There are also standards and guidelines regarding the quality of relevant information and procedures to supervise how competent authorities treat public opinion. Documents classified as business-, official- or state secrets are excluded from mandatory public disclosure, though this does not prevent the disclosure of data relating to emissions, risks from accident, monitoring results and inspection surveys.

Articles 5 and 6 of the Aarhus Convention are related, respectively, to the collection and dissemination of environmental information and public participation in decision making on specific activities during the preparation of laws and regulations. Examples of good practices can be found in the Czech Republic, Denmark, France, Slovakia and the U.K (see Subsection B.7. below).

Subsection B.7: E-portals that Support Public Participation

Information system on environmental assessments <eia.enviroportal.sk> (Republic of Slovakia)

This website, provided by the Ministry of Environment of the Republic of Slovakia, offers a complex information system on environmental impact assessment and strategic impact assessment.

Public hearing on types of nature and species in Natura 2000 sites <www.Borger.dk> (Denmark)

In order to manage and protect species and nature types included in the EU Habitats Directive, it is important to be aware of their presence in Natura 2000 sites. During a one-month public hearing, the Danish Ministry of Environment presented the results of site inventories and asked for comments and supplementary input. The hearing was published on [Borger.dk](http://www.Borger.dk), a common platform for electronic dialogue between authorities and citizens in Denmark.

LEGESE <www.legese.org> (U.K., Czech Republic, France)

LEGESE is an e-participation action project that pilot-tested a new service to encourage easy communication and information exchange for effective public participation in the implementation phase of European-initiated legislation at local and regional levels. LEGESE provides a single point of access for easy understanding of the huge corpus of EU legislation, which is the source and driver of much of the legislation that is implemented at national and regional levels throughout Europe.

Source: REC web site: <<http://www.rec.org>>

The competent planning authority shall provide for public participation in its consideration of a strategic assessment report, prior to submitting an application for approval of the report (Article 19). The public shall consider the report within the procedure of making plans and programmes available for public scrutiny and during the public debate, if not legally stipulated otherwise. The competent planning authority shall inform the public about methods and deadlines for gaining insight into the content of the report and submission of opinions, as well as about the time and place of public debate organised in accordance with laws regulating procedural adoption of plans and programmes. The authority in charge of preparing the plan and programme (and this applies as well to transboundary activities) shall compile a report on the participation of authorities, organisations and the public concerned, which shall include all opinions (Article 20). The report shall be compiled within 30 days from the date of completing public debate, and shall include an explanation for accepting or rejecting all opinions.

Examples of practical inclusion of the public in the preparation of laws are rare, and the practice is non-existent in the preparation of regulations and bylaws.

Subsection B.8: Public Participation in Law Development and Adoption in the Republic of Serbia

A good example of public participation in decision making was seen during the drafting of the Law on Environmental Protection in 2003, including comprehensive discussions in nearly 40 towns, including: Čačak, Užice, Šabac, Valjevo, Pirot, Niš, Zrenjanin, Novi Sad, Sombor, Subotica and Sremska Mitrovica. This example was highlighted at the first meeting of member countries of the Aarhus Convention.¹²

Following the adoption of legal acts under the Aarhus Convention (14 in all), the Ministry of Environment, Mining and Spatial Planning of the Republic of Serbia posts the information on its website and welcomes public comment and suggestions.

¹² <http://www.unece.org/env/pp/mop1/docum.statements.htm>

3.4. Access to Justice in Environmental Matters

Key Findings

1. It is highly unlikely that a proper system of access to justice will be established in a national system of environmental law without accurate and harmonised definitions of 'public', 'public concerned' and 'environmental information', and other relevant definitions.
2. A preliminary review procedure in cases related to public participation was introduced in stages one and two of the EIA procedure. No preliminary review procedure is allowed in cases of final decisions on EIA, SEA and IPPC permits; instead, the procedure instigated before the Administrative Court is provided for.
3. The environmental laws in the Republic of Serbia provide no access-to-justice provisions in accordance with the Aarhus Convention concerning decisions on protection against radiation and nuclear safety, non-ionising radiation, air protection, nature protection, protection against noise in environment, sustainable use of fish reserves, waste management, packaging and packaging waste, and water protection, planning and management.
4. It seems in most cases, however, that adequate solutions can be found in other laws regulating certain basic issues of the legal system. These laws were adopted prior to the ratification of the Aarhus Convention in the Republic of Serbia, but their respective provisions seem to be fully satisfactory nevertheless.
5. Competent authorities for dealing with issues and requirements of the third pillar of the Aarhus Convention exist not only at state level, but also at municipal, city and provincial levels. The latter are bound to the same national-level legislative framework. An investigation to assess and implement the same legal framework at different levels of public authorities is highly recommended.

Assessment of the right of access to justice

Article 9 of Aarhus Convention regulates access to justice in environmental matters. There is need for an appropriate mechanism to guarantee that rights afforded by other pillars of the Convention are in place under national environmental law, such as:

- review procedures relating to information requests;
- review procedures relating to public participation;
- review procedures for public review of acts and omissions of private persons or public authorities;
- minimum standards applicable to access-to-justice procedures, decisions and remedies; and
- facilitation of effective access to justice via information on access to administrative and judicial review procedures and appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.

Table B.7. illustrates the accordance of the legislation in the Republic of Serbia with Article 9 requirements of the Aarhus Convention.

Table B.7: Accordance of the legislation in the Republic of Serbia with Aarhus Convention access-to-justice provisions

Aarhus Convention Article	Aarhus Convention provisions (paraphrased: see Annex for exact wording)	Accordance of the legislation in the Republic of Serbia with Aarhus Convention provisions (see Annex for detailed explanations and article references)
9.	Access to justice	
9.1	1. Review procedure requirements relating to information requests under Article 4, such as: <ul style="list-style-type: none"> • judicial or other independent and impartial review; • expeditious and inexpensive reconsideration or procedural review; • Actively ensuring the right to initiate procedures; • binding final decisions; and • written justification for decisions taken. 	Partly – Yes for LEP, LEIA, LIPPC. No for SEA. Only insufficient provisions in noise legislation regarding presentation of strategic maps. The Law on Free Access to Information of Public Importance is the only law that could be implemented in other cases.
9.2	2. Review procedure requirements related to the review of decisions on public participation under Article 6 and other relevant provisions of the Convention, including: <ul style="list-style-type: none"> • judicial or other independent and impartial review; • possibility for preliminary administrative review; and • standing requirements of existing national legislation. 	Partly – Yes for LEP, LEIA, LIPPC. No for omissions of private persons or public authorities concerning national law relating to the environment. Provisions of the Law on General Administrative Procedure shall apply for all procedural issues not regulated by special administrative procedures (regulated, for example, by LEIA, LIPPC and SEA). The LEIA covers the first two phases of EIA; appeal against a first-instance administrative decision (third phase) is not allowed. The status of environmental associations should be clearly regulated by the Law on Associations; The status of associations is established in several laws (e.g. EIA, SEA and IPPC), but not specifically in the Law on Associations (2009).
9.3	3. Public review procedure requirements related to the acts and omissions of private persons or public authorities concerning national law relating to the environment. This pertains to: <ul style="list-style-type: none"> • administrative review procedures; and • judicial review procedures 	Partly – No with regard to environmental laws; also, in many cases, relevant procedures are either lacking or under-regulated. No administrative procedure is available in the event of an industrial accident, though anybody may make a civil claim for compensation against damages.
9.4	4. Requirements regarding the standards applicable to access-to-justice procedures, decisions and remedies include: <ul style="list-style-type: none"> • adequate and effective remedies, including injunctive relief; • fairness; • equity; • timeliness; • non-prohibitive costs; • recorded decisions in writing; and • decisions being made available to the public. 	No – Such provisions do not exist in environmental laws, but do exist in other types of laws. Further research is required concerning costs of access to justice.
9.5	5. Requires Parties to facilitate effective access to justice. This includes providing: <ul style="list-style-type: none"> • access to information concerning administrative and judicial review procedures; and • appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice. 	No – Support by environmental authorities for associations and academic initiatives is notably weak.

Access to justice based on Aarhus Convention requirements, and in cases related to public participation (Article 9, Paragraph 2), is fairly modest in the Republic of Serbia. It is to be found only in those laws regulating EIA, SEA and IPPC, and is insufficiently present in the Nature Protection Law (regarding the establishment of protected areas) and the Environmental Protection Law (regarding safeguarding against chemical accidents).

A preliminary review procedure of cases related to public participation was introduced in stages one and two of the EIA procedure. A review procedure has yet to be allowed regarding cases of final decisions on SEA permitting; a review procedure regarding the decision on issuing IPPC permits may only be initiated before the Administrative Court. The possibility of a procedure of preliminary administrative review is regulated by the Law on General Administrative Procedure. If a specific law prohibits expressis verbis such a review (i.e. a complaint registered against a first-instance decision of an administrative organ), the law must contain a provision guaranteeing the possibility of instigating an Administrative Court procedure against the decision.

No access-to-justice provisions in accordance with the Aarhus Convention are included in the environmental laws in the legislation in the Republic of Serbia concerning protection against radiation and nuclear safety, non-ionising radiation, air protection, nature protection, protection against noise in environment, sustainable use of fish reserves, waste management, packaging and packaging waste, and water protection, planning and management.

It seems that, in most cases, adequate solutions can be found in other laws regulating certain basic issues of the legal system. These laws were adopted before the Republic of Serbia ratification of the Aarhus Convention, but their respective provisions seem to be fully satisfactory nevertheless. They show that the legal tradition of the Republic of Serbia, in some aspects important for implementation of the Convention, offers fertile ground for upgrading a fully satisfactory body of basic law. It seems that the current trends in the development of legislation also support this observation, at least as far as laws are concerned, such as the Law on General Administrative Procedure and the Law on Free Access to Information of Public Importance, outlined below.

Law on General Administrative Procedure

Provisions of this Law shall be applicable for all procedural issues not regulated by legal provisions concerning special administrative procedures, such as decision-making procedures concerning EIA, SEA, IPPC and 'Seveso' facilities.

Some principles upon which the Law on General Administrative Procedure is based upon (and, consequently, a number of specific provisions) may be assumed as fully or mostly in line with Aarhus Convention provisions requiring expeditious and inexpensive review procedures for registering complaints against first-instance decisions, which sometimes must be taken in the form of second-instance or final administrative decision prior to bringing any lawsuit to the court. The Administrative Court shall decide on court expenses.

Terminology concerning who has the right to take part in such procedures may be assumed to be in accordance with the Aarhus Convention's definition of 'public' and respective definitions found in several environmental laws. It should be noted here that the terms 'public' and 'public concerned' in Serbia's environmental laws, insofar as they are in accordance with the Aarhus Convention, are valid only in their isolated legal contexts. The national legal system lacks consistent application of this particular terminology. (See Subsection 3.4.)

Law on Free Access to Information of Public Importance

This law aims to provide the public's right to know and to achieve a free democratic order and open society. The law guarantees access to information held by a public authority which concerns a threat to or protection of public health and the environment. It provides grounds for further development towards full compliance with the Aarhus Convention, but at present fulfils this aim only partially.

The rights guaranteed by this law apply to everyone under equal conditions, but are limited in this case to what in the Aarhus Convention is referred to as "health and safety information". The public's right to know is always justified where information concerning threats to human health and the environment is concerned (Article 4), and the 'public' and 'public concerned' have the right to address the Commissioner for Information of Public Importance and Personal Data Protection, along with the power to request access to desired information. Access to justice in such cases is granted only through the Commissioner.

These legal provisions, not fully in accordance with the Aarhus Convention, are open to rather arbitrary refusal by public authorities. Aarhus provisions require support for the development of conditions amenable to public access to justice.

3.5. Assessment of Overall Legislative Support for Aarhus Convention Implementation

Key Findings

1. At least 17 environmental laws were adopted between 2004 and October 2010. The first set of these laws (i.e. LEP, LEIA, LSEA, IPPC, adopted in 2004) are harmonised to a great extent with Aarhus Convention requirements.
2. The second set of legislation (i.e. APL, LBP, LCh, LEP (am), LEIA (am), LSUFR, LPANE, LPANIR, LPAIRNS, LPPW, LWM, NPL, WL, all adopted in 2009, except WL which was adopted in 2010), most of which were drafted and adopted in parallel with Aarhus Convention ratification, are harmonised to a great extent with the Aarhus Convention. However, some of these laws are not in accordance with the Aarhus Convention requirements.

Accordance assessment of legislation

There is no specific law regulating Aarhus Convention implementation in the Republic of Serbia; nor is there a legal foundation for ensuring the existence of all the necessary conditions for compliance with the Convention. A number of environmental laws – several of them ‘horizontal laws’ regulating cross-cutting issues, and others being ‘sectoral’ laws – were enacted in the 2004–2010 period, not taking into account laws that entered into force in December 2010 and which mostly amended environmental laws adopted in 2009. The first set of laws (2004) (LEP, LEIA, LSEA and LIPPC) are harmonised to a great extent with Aarhus Convention requirements, though not at the same level (strengths and weaknesses of each of these laws are broadly elaborated elsewhere in this document); surprisingly, however, this set of laws is arguably better harmonised with Aarhus Convention requirements than those laws adopted in the second set of environmental laws adopted in 2009 and 2010 (LPAIRNS, LPANIR, NPL, LPANE, LSUFR, LWM, WL). This is primarily due to the speed in passing of the laws from 2009.

The aim of this assessment was not to investigate the reasons for these significant omissions. Instead, effort was focused on providing as accurate gap assessment as possible on and on formulating proposals to change the situation and steer the legislative situation towards full compliance with the Aarhus Convention.

The scope of this assessment was designed to provide an accurate review of the environmental legislative framework in the Republic of Serbia in place, as of October 1, 2010, namely, compliance of all the laws forming part of that framework with the three pillars of the Aarhus Convention. Seventeen laws, designated as environmental laws, are analysed in this context, two of them amending laws to previously enacted laws. The relevant elements of four other laws supporting the implementation of environmental laws are also analysed. (For the list of reviewed laws, see Table B.2.)

Selection criteria for analysing the Republic of Serbia’s legal compliance with Aarhus Convention requirements

There are five main criteria considered in this section, detailed below.

1. Laws included are ‘environmental’ laws. The key designating criterion here for ‘environmental law’ is an assumption that the original intent of the legislator is to transpose respective elements of the EC acquis into the legal system of the Republic of Serbia.
2. Bylaws are not included. Following the adoption of these environmental laws, a great number of bylaws were adopted. These are not dealt with in this context, in spite of the fact that there are cases when they fall within the ambit of Aarhus Convention implementation.

The bylaws developed by the Republic of Serbia’s executive branch and regulating environmental issues constitute part of the body of legislation that guarantee human and civil rights in the country. This is due to the fact that the Aarhus Convention is an international legal instrument connecting environment with human rights. Gap analysis of this body of law would certainly require a much broader approach, starting from an examination of the rule-of-law principle in the legal system in the Republic of Serbia. This in turn would require a comprehensive, detailed review and assessment of relations between

parliamentary and executive branches of power in terms of their scope of law-making competence. It appears that these constitutional issues, along with connected legal issues, are fundamental components for practical implementation and development of Serbia's constitutional and legal system, and should be highlighted from a much broader platform, and not from the standpoint of analysing compliance with an international treaty or one particular sector – in this case, the environment sector.

3. Some related non-environmental legislation is analysed. This legislation includes: the Law on General Administrative Procedures, Law on Free Access to Information of Public Importance, Law on Courts, and Law on Administrative Disputes. Other related laws (e.g. spatial planning legislation that the SEA procedure, regulated by LSEA, also relies on) have not been analysed. This is also the case for a number of other items of legislation, such as the Law on Forestry and laws concerning mining and infrastructure, in addition to executive legislation adopted subsequently for implementation purposes.
4. Civil law remedies and most provisions of penal law related to the environment are not analysed. Details concerning fines and penalties contained in the investigated environmental laws are discussed briefly, merely to illustrate situations in which legal sanctions are necessary. Also, in some instances the fines prescribed may be deemed in accordance with Aarhus provisions.
5. Legislation included in the assessment is adopted prior to October 1, 2010. The effort should be made that the regulations adopted after this date comply with the Aarhus Convention provisions.

Gap analysis concerning access to justice in cases connected to public participation (in accordance with Aarhus Convention Article 9, Paragraph 2) shows that certain laws in the Republic of Serbia contain provisions on public participation, most notably those laws regulating EIA, SEA, IPPC and protected nature areas (the latter of which have some EIA procedural resemblance). The review procedure stipulated in the Convention (Article 9, Paragraph 2, Sub-paragraph 1) is allowed in the earlier stages of the EIA procedure (Articles 11 and 15), but no review procedure regarding the approval of an EIA study is allowed. The first-instance decision on the approval of an EIA study is final, although a lawsuit may be brought before the Administrative Court (Article 26). No review procedure is allowed in case of the decision the granting an IPPC permit either; but a procedure before an Administrative Court can be initiated (Article 15, Paragraph 7). Neither a procedure allowing a review of first-instance decisions nor access to justice is provided in the legislation with regard to SEA.

The Law on Environmental Protection (LEP) contains declarative provisions providing for public participation (Articles 7 and 9, Basic Principle 10), but those provisions are of little relevance due to the law's actual legal nature. Most provisions of the LEP as actually formulated are valid only in the scope of that particular Law; for example, all terms and definitions apply specifically in the context of the LEP. Actually, 'public participation' (and, respectively, all definitions and legal institutions) must be regulated in detail via 'sectoral' laws. Numerous LEP provisions exist parallel to such 'sectoral' legal provisions – and cannot be applied; it is only with regard to a 'Seveso installation' that such provisions make sense and may be applicable (i.e. links are established between the LEP and EIA); it is only with regard to a 'Seveso installation' that such provisions make sense and may be applicable in conjunction with the provision of Article 60a concerning the procedure of public insight, presentation and public hearing on the Security Report, and that they must be identical to respective provisions regulating those elements of EIA procedure (Article 32 of the Law on Amendments to the Environmental Protection Law). The formulation of this provision is not clear in the sense that there are no clear legal grounds to specify whether a review request and/or lawsuit against ministerial approval of the Security Report may be allowed. Surprisingly, any operator's plan to protect against accidents at a 'Seveso installation' is subject to ministerial approval (only for upper tier installations), while operators are only obligated to provide information on security measures and procedures in case of chemical accident contained in such a plan; this information must be provided to legal persons and public institutions, as well as natural persons possibly affected. However, the Law does not require increased participation of the public in the adoption of that plan nor does it stipulate any fines or penalties for failure to provide the public with such information.

The so-called sectoral laws do not provide access to justice regarding decisions on protection against radiation and nuclear safety, except when a civil lawsuit is filed in the event of injury (Article 75 of the Law on Protection against Radiation and on Nuclear Safety).

No access to justice is provided under the Law on Non-Ionising Radiation. This law declares that the public may access data on non-ionising radiation (Article 3, Principle 3), and recommends informing the population about the health effects of non-ionising radiation, protection measures and levels of exposure. However, no

enforcement measures or penalties are established for failure of competent authorities to carry out these measures.

Access to justice regarding information is allowed under the Law on Chemicals (Article 85, Paragraph 7). Appeals against a respective ministerial decision are not allowed, but a lawsuit may be brought before the Administrative Court. The Law on Biocidal Products takes the same approach. Adequate provisions concerning data confidentiality can be found in both of these laws (Articles 84 and 47, respectively).

The Air Protection Law does not provide for public participation in the adoption procedure of a strategy for air protection; nor are there any sanctions for violating or ignoring provisions stipulating obligations of public authorities (Articles 65 and 66). This law does not provide access to justice in accordance with the Aarhus Convention.

The Law on Nature Protection (LNP) contains several declarations concerning public participation and the public's right to know; it is fair to say, however, that the law provides no provisions guaranteeing access to justice in accordance with the Aarhus Convention.

The provision concerning nature-protection measures is "informing the public on the state of nature, and participation of the public in decision making on nature protection" (Article 7, Paragraph 10) is very important. Another provision, however, obliges local, state and provincial authorities, the Institute for Nature Conservation and other bodies to place data concerning nature protection at public disposal, but only under condition that those data are not classified under any special legislation (Article 115, Paragraph 1).

The right of public participation is declared in LNP Article 116 concerning procedures for drafting legislation, proclamations of protected natural goods, plans for management of protected areas, and plans for exploitation of natural wealth. The fact is that public participation in these cases can be managed in accordance with this law only. Article 43 of the LNP provides for public participation in the adoption of protected-area studies with cartographic documentation; this comprises public insight, public presentations and hearings and publicising outcomes. There are no provisions concerning the duty of competent authorities to take public opinion into account, nor to guarantee a review procedure on access to justice.

The Law on Protection against Noise contains some insufficient provisions granting the ministers competent for environment protection and transport the powers to jointly regulate how strategic noise maps are to be presented to the public (Article 7). The minister competent for environmental protection is also empowered to regulate methodology for drafting action plans to protect against environmental noise (Article 22, Paragraph 2), which must contain the results of public participation in the plan's drafting procedure (Article 22, Paragraph 1, Line 9). The law contains no access-to-justice provisions in accordance with the Aarhus Convention.

The Law on Sustainable Use of Fish Reserves contains no provisions at all relevant to this assessment.

The Law on Waste and Law on Packaging and Packaging Waste do not contain provisions guaranteeing access to justice in accordance with the Aarhus Convention.

The Water Law does not contain relevant provisions concerning access to information and public participation. Despite a visible attempt to transpose the Water Framework Directive into the legal system of Republic of Serbia, this law makes no use of the recommendations regarding public participation in decision-making process, put forward in the Common Implementation Strategy for the Water Framework Directive. This Law does not guarantee access to justice.

Gap analysis shows that the 17 environmental laws adopted in the Republic of Serbia, considered here, typically lack provisions covering certain issues set forth in the Aarhus Convention. In most cases, adequate solutions could be found in other basic regulatory laws adopted prior to Serbia's ratification of the Aarhus Convention. The fact that these provisions seem to be fully satisfactory shows that the Republic of Serbia's legal tradition was geared already towards Convention compliance, and provides fertile ground for shaping into a satisfactory body of law. The current trend of legislative activity also supports this notion.

These existing laws are treated insofar as their provisions are relevant and connected to legal provisions of the environmental laws under discussion.

We turn now to the Law on General Administrative Procedure (Official Gazette of FRY, Nos. 33/97 and 31/01 and Official Gazette of RS, No. 30/10). All laws regulating environmental protection issues in the Republic of Serbia depend on the implementation of the provision of the Law on General Administrative Procedure.

Elements of special administrative procedures have been established for decision making on EIA, SEA and IPPC permit issuance procedures (Law on IPPC) and the adoption of certain decisions concerning nature protection. Provisions of the Law on General Administrative Procedure shall be applicable for all procedural issues not regulated by environmental laws.

All state authorities deciding on administrative cases, directly implementing legislation, or deciding on rights, obligations or legal interests of natural or legal persons or other parties, must act in accordance with provisions of the Law on General Administrative Procedure (Article 1). If the peculiarities of an administrative case require a departure from the rules of general administrative procedure in certain sectors (e.g. environmental protection), other laws may establish procedure providing that they are in accordance with the basic procedural principles established by the Law on General Administrative Procedure (Article 3). Several environmental laws (on EIA, SEA, IPPC, nature protection, etc.) lay out special administrative procedures – say, with regard to access to information and public participation – that diverge from general administrative procedure when access to justice is at issue, such as instigating a procedure before the Administrative Court.

Some of the principles on which the Law on General Administrative Procedure is based on – and, consequently, a number of specific provisions – may be assumed to be very much in line with Aarhus Convention provisions requiring expeditious and inexpensive procedures established under law for the reconsideration of first-instance decisions prior to their being submitting to a court of law. These principles:

- require the following obligations of competent authorities: to provide parties during the administrative procedure the realisation and protection of rights and interests in the easiest possible way, while at the same time protecting public interest (Principle of Protection of the Rights of Citizens and Protection of Public Interest, Article 6, Paragraph 1); and to provide successful and quality realisation and protection of rights and legal interests of natural and legal persons and other parties (Principle of Efficiency, Article 7);
- ensure that appeals against first-degree decisions shall always be allowed, except when expressly legally forbidden, in which case the protection of rights and legal interests must be provided by other means (Principle of Second-Instance Decision Making, Article 12, Paragraph 2): only the law may ban a complaint in the administrative procedure (Article 12, Paragraph 2);¹³
- require that the procedure be conducted as quickly as possible, and at least possible cost to the parties involved (Principle of Procedural Economy, Article 14); and,
- oblige the competent authority to inform the parties insofar as possible about their legal rights and interests (Principle of Providing Procedural Help to Parties, Article 15).

The Law on General Administrative Procedure grants that the procedures concerned pertain to any natural or legal person, as well as groups of persons lacking legal status, providing that they might have legal rights, obligations or legal interests according to the administrative procedure in question (Article 40). This provision may be assumed as being in accordance with the Aarhus Convention definition of ‘public’, as well as respective definitions in several environmental laws. It is worth repeating here that the terms ‘public’ and ‘public concerned’, as they appear in the environmental legislation in the Republic of Serbia are to be interpreted according to the context in which they are used in each law, and not strictly in accordance with the Aarhus Convention definitions; there are no proper definitions of these terms that are implemented consistently throughout the entire legal system in the Republic of Serbia. Article 70 establishes the right of parties to have access to administrative files and copy what is needed at their own expense. Some other relevant provisions can be mentioned here: Article 110 (exemption from paying expenses), Article 196 (regarding the form and content of decisions), Article 196, Paragraphs 2 and 3 (requiring written rationale for any decision), Article 200 (instruction on remedies), Article 236 (appeal in the event of administrative non-response), and Article 264, Paragraph 3 (requiring an ex officio ruling for public-interest cases or at the parties’ request).

The Law on Free Access to Information of Public Importance (Official Gazette of RS, Nos. 120/04, 54/07, 104/09 and 36/10) establishes a general framework for public authority transparency and guarantees the public’s right to know, which are conditions vital to democratic order and an open society (Article 1, Paragraph 1). This Law defines ‘Information of public interest’ as “information in possession of a public authority, originating as a result of work or connected to work of a public authority, which is contained in a certain document and relates to everything that the public has a justified interest to know, regardless of the source of information, medium of information (paper, tape, film, etc.), date of origin of information, or any other feature of information” (Article

¹³ In such cases, several environmental laws provide for the possibility of instigating an Administrative Court procedure.

2, Paragraph 2). 'Public authorities' are "state authorities, authorities of territorial autonomy, local authorities or organisations conferred with public authority" (Article 3). The public's right to know is always justified when information in possession of the public authority: "relates to jeopardy to or protection of human health and the environment" (Article 4). Rights guaranteed under this law apply equally to everybody regardless of citizenship, place or duration of residence or origin, race, religion, national or ethnic determination or sex (Article 6).

Rights guaranteed under this law may be limited if it is deemed necessary to protect democratic society from a serious injury or a prevailing interest that violates the Constitution or other laws of the country (Article 8). If information is to be made available to the public, the public authority shall provide details of the source and medium of information (Article 10). The competent authority shall not provide access to information of public interest if the seeker abuses the right to access to information of public interest. Such abuses include: unreasonable requests, repeated requests for previously delivered information and requests for unreasonably large volumes of information (Article 13). Parties seeking information are not required to provide reasons for submitting a request for information (Article 15, Paragraph 4). If the request for information relates to jeopardy to or protection of human health and environment, the public authority possessing the information in question must inform the seeker of the information's whereabouts and deliver photocopied documents within 48 hours of receiving the request (Article 16, Paragraph 2). If the public authority does not respond, the seeker may submit an appeal to the Commissioner for Information of Public Importance and Personal Data Protection (Article 16, Paragraph 4). All persons shall be exempted from paying for the photocopying of documents when the requested information relates to jeopardy to or protection of human health and the environment.

The protection of the right of access to information in accordance with this law comprises the possibility for submitting a complaint to the Commissioner against acts and omissions of public authorities concerning the holding of information of public interest – or instigation of an Administrative Court procedure (Article 22, Paragraph 2), with regard to acts or omissions of high state authorities (e.g. the People's Assembly, Government, Supreme Court of Cassation, President of the Republic). An ombudsman's decision may be subject to a lawsuit brought before the Administrative Court (Article 27).

According to this Law, access to justice applies only to cases in which the information in question relates to health and the environment, which is a much narrower scope than is provided in the Aarhus Convention. Actually, the law's legal definition contains a fragment of the Convention's 'subparagraph (c)' on access to justice in the following: "the state of human health and safety, [...] inasmuch as they are or may be affected by the state of environment or, through those elements, by the factors, activities or measures referred to in subparagraph (b) above)." In any case, the Law would clearly benefit from a definition of 'environment'.

Furthermore, provisions of the LFAIPI concerning limitations on providing access to information are not nearly as specific as those found in Article 4 of the Aarhus Convention. According to the laws of the Republic of Serbia, grounds for limitation exist "if it is necessary for democratic society to avoid serious injury to prevailing interest based on the Constitution or law" (Article 8, Paragraph 1). This provision gives public authorities an easy means of arbitrary refusal to grant access to information. It is therefore clear that precise definitions in accordance with the Aarhus Convention are needed in order to prevent abuse by public authorities and to guarantee the conditions that will improve public access to justice. An acceptable balance can be achieved only through full transposition of Aarhus Convention Article 4 into the Republic of Serbia's legal regime. This, combined with full transposition of the Aarhus Convention definition of 'environmental information', will ensure the declared rights of the public that are available to everyone under equal conditions, as established in Article 6 of the existing LFAIPI.

The Law on Free Access to Information of Public Importance does provide a good general framework, but Serbia's environmental laws require provisions that are much more specific. The right of access to justice, as it pertains to the public and public concerned in sectors regulated under the laws considered in this assessment, if not ensured and protected in accordance with Aarhus Convention provisions, may be realised only through the LFAIPI (Official Gazette of RS, No. 120/04), and only in a limited number of cases. In other words, members of the public shall have the right to address the Commissioner, as well as the power to officially request access to desired information. The law does not provide direct access to justice for the 'public' and 'public concerned' in accordance with the Aarhus Convention, but indirectly through the Commissioner; this lies within the general framework for transparency of work of public authorities in the Republic of Serbia.

The Republic of Serbia's court system is established by the Law on Organisation of Courts (Official Gazette of RS, No. 116/08), and provisions related to administrative disputes came into effect on January 1, 2010. Article 11, Paragraph 4 of the Law on Courts established the Administrative Court, seated in Belgrade, while three affiliate courts were established in Novi Sad, Kragujevac and Niš. The Supreme Court of Cassation of the Republic of

Serbia presides as the last resort against Administrative Court rulings. Administrative Court decisions must be respected universally (Article 3, Paragraph 4). The Court is competent to resolve administrative disputes (Article 29). If a party in an administrative case believes that the Court is wilfully delaying proceedings or violating lawful procedure in any way, a complaint may be submitted to the President of the Court (Article 8), who must consider the evidence provided. If a charge of wrongdoing is deemed valid, the complaint must then pass to the President of an immediately higher instance court – or, depending on the nature of the case – to the Ministry competent for the judiciary or the High Judicial Council of the Republic of Serbia (Article 55, Paragraph 2).

Specific court procedural rules for administrative disputes are covered by the Law on Administrative Disputes (Official Gazette of RS, No. 111/09). According to procedure, the court shall, within a reasonable time frame, decide according to legal and factual evidence provided at a verbal, public hearing (Article 2 on the equitability of bringing suit in an administrative dispute). According to the Law on Administrative Disputes (Article 8, Paragraph 1), the Administrative Court resolves an administrative dispute while in the process of requested review of court decisions against the decision of the Administrative Court a final ruling is issued by the Supreme Court of Cassation (Article 9, Paragraph 1). Any person, regardless of legal status, who believes that an administrative act has violated his/her legal rights, may instigate an Administrative Court procedure (Article 11).

Two provisions are concerned with the court's failure to issue a ruling. If a second-instance competent authority does not decide on an appeal against a first-instance authority's decision within 60 days (or less, depending on the law), and if the second-instance authority fails to respond within seven days following an appellate request, the appellant may initiate court proceedings on grounds of 'administrative non-response' (Article 19, Paragraph 1). The other provision applies if a first-instance authority fails, within a time frame determined by law, to issue a decision on a refusal to grant an appeal; if the authority fails to respond within seven days to a request from a party in the dispute, the party is thereby allowed to initiate court proceedings on grounds of "failure to take a decision" (Article 19, Paragraph 2). In such cases, the Administrative Court shall either order the competent authority to take action, or take its own decision based on the nature of the request and the evidence provided (Article 44).

In order to make the court system more accessible, there are a number of ways to bring a case before the Administrative Court (Article 20): in writing, directly, by mail, in electronic form and/or on record before the court. Reasons for instigation of a lawsuit could be inter alia if the law was not or was wrongfully applied in the administrative procedure, if a decision was taken by a non-competent authority, if the administrative procedure was not respected, or if facts in the case are found to be incomplete, inaccurate, misleading or false, or if on the basis of rightly found facts it was decided on the basis of wrong conclusions (Article 24).

At the request of the Administrative Court, all state authorities, authorities of autonomous provinces and units of local self-government, as well as other bodies having public responsibilities, must submit documents in their possession within a time frame determined by the Court, and must ensure the confidentiality of the requested documents. If the authorities fail to respond to such a request, the Administrative Court shall demand an explanation from the authority in question (Article 31). If the authority fails to respond to this request, the Court shall demand payment of fine ranging between RSD 10,000 and RSD 50,000, or even more in specific cases (Article 75).

The Administrative Court has a wide range of possibilities at its disposal for taking decisions appropriate to different cases (see Articles 42, 43 and 45). Any Administrative Court decision and the reasons upon which it is based on shall be made public (Article 46). The Republic of Serbia environmental laws often contain provisions to deal with such cases. For example, no appeal is allowed against a first-instance competent authority's ruling on an EIA study; such a decision is final, and only the initiation of Administrative Court proceedings is allowed (Article 26 of the Law on EIA). The Administrative Court shall decide also on the cost of the proceedings (Article 67).

Other laws in the Republic of Serbia, such as Civil Procedure Law, Criminal Code, Law on Execution of Criminal Sanctions and Law on Mediation, may be considered as supporting compliance with Aarhus Convention principles.

Authorities competent to decide on issues and requirements of the Aarhus Convention exist at state, provincial, city and municipal levels. The legal frameworks established in the legislation examined in this section (i.e. environmental laws, as well as laws regulating administrative procedures and competences) apply as well to all levels of public authority. Lower-level public authorities have powers of decision making, but only within

their specific legal framework. Thus the singular legal framework should be investigated and assessed only according to the level of public authority.

Finally, adopted legislation needs to be more effectively and efficiently implemented, more closely monitored, and the provisions more strictly enforced.

3.6. Assessment of Institutional Set-up and Stakeholder Participation for Supporting Aarhus Convention Implementation

Key Findings

Existing legislation of the Republic of Serbia defines the responsibilities of individual authorities, organisations and bodies that are important for Aarhus Convention implementation. However, there are a number of problems affecting performance of duties and the standards of Convention implement, including:

1. Lack of capacity necessary for implementing the Aarhus Convention at all levels, especially at local levels; an inefficient institutional structure greatly exacerbates this situation.
2. Lack of cooperation between authorities responsible for carrying out activities, and problems regarding the coordination of activities between certain competent authorities and organisations; this situation is complicated further by overlapping competences that are not clearly defined.
3. Insufficient training of civil servants and administrative staff members.
4. Lack of technical equipment necessary for proper functioning of competent authorities.
5. Lack of physical capacity at the Office of the Commission for Information of Public Importance.
6. Lack of physical capacity at the Environmental Protection Agency
7. Insufficient training of associations regarding the Aarhus Convention.
8. Lack of associations that regularly update their websites.
9. Infrequent use by associations of free content-management-system applications.
10. Lack of activity coordination and information exchange in the sector of associations.
11. Cooperation among the associations is weak and lacks national, European and international recognition; regional and international cooperation efforts must be strengthened.

Assessment of institutional set-up and stakeholder participation

Article 3 of the Aarhus Convention identifies general guiding principles for its implementation. According to these guiding principles, public authorities shall assist and guide the public, promote environmental education and awareness, recognise and support environmental associations within a legal context, accept the Convention as a 'floor' and not a 'ceiling', promote Convention principles in the international arena, refrain from harassment of groups or individuals, and strive to not influence the powers of national courts to award reasonable costs in judicial proceedings.

Moreover, many other articles of the Aarhus Convention refer to the need for each country to provide the institutional capacity necessary to implement this international agreement.

The institutional framework for implementing the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters in the Republic of Serbia is determined by strategic aims in the field of environmental protection and other relevant fields of importance concerning the environment, current legislation in the Republic of Serbia and provisions of the Aarhus Convention.

The National Environmental Protection Programme (Official Gazette of RS, No. 12/10), as the basic document concerning environmental protection, contains a general remark anticipating that “institutional capacity in the area of environmental protection is generally insufficient, especially at the local level, thus limiting the ability to fully meet all the obligations defined by the range of institutional competences. This is further complicated by the inefficient structure of institutions in charge of environmental protection. Intuitive weaknesses in the domain of policy and environmental management include: frequent institutional changes, failure to fully implement laws; lack of staff-related, financial and other capacities that provide the basis for efficient operational work in the field of environmental protection; insufficient application of mechanisms for establishing institutional links between professional organisations specialising in monitoring (namely, collection, processing and delivery of information on the environment and the Environmental Protection Agency); insufficient capacity of the majority of existing institutions, especially related to policy planning and evaluation, economic instruments, funding in the domain of the environment, project preparation and management; lack of specialised educational institutions and special programmes focusing on environmental protection at all levels of the education system.”¹⁴

General issues concerning institutional aspects of importance for implementing the Aarhus Convention are regulated by the Law on Ministries (Official Gazette of RS, No. 16/11) and other legislation concerning state administration.

The following entities and institutions are responsible for implementing the Aarhus Convention (see Annex 4 for a detailed description of these responsibilities):

- National authorities
- National agencies, institutes and other organisations
- Organs and organisations of the Autonomous Province of Vojvodina
- Independent national organs and independent bodies
- The capital city, towns and municipalities
- Public health institutes
- Public companies and other legal entities with public powers and/or majority state ownership
- Public companies, institutions and public services of the Autonomous Province of Vojvodina
- Chambers of commerce
- Scientific institutes
- Educational institutions
- Competent and authorised institutions and organisations involved in protection against ionising radiation, monitoring levels of non-ionising radiation in the environment, measuring emissions and immissions, measuring levels of environmental noise, and waste treatment and disposal
- The judiciary
- Bar associations
- Regional Aarhus Centres in Kragujevac and Subotica

Competences of the Republic of Serbia

Competences of the Republic of Serbia are defined in Article 97 of the Constitution of the Republic of Serbia, the provisions of which refer, among other things, to: exercising and protecting freedoms and rights of citizens;

¹⁴ National Environmental Protection Programme, Government of the Republic of Serbia, Belgrade, 2010. <<http://www.ekoplan.gov.rs/src/7-Ostala-dokumenta-127-document.htm>>

constitutionality and legality; proceedings before courts and other state bodies; liabilities and sanctions for violating freedoms and rights of citizens stipulated by the Constitution, and violating laws, other regulations and general acts; pardoning and amnesty for criminal offences; sustainable development; systems of environmental protection and improvement; and, protection and improvement of flora and fauna.

Responsible Republic-Level Institutions

Ministry of Environment, Mining and Spatial Planning

Environmental Protection Agency

Environmental Protection Fund

Agency for Chemicals

Serbian Radiation Protection and Nuclear Safety Agency

Ministry of Agriculture, Trade, Forestry and Water Management, which includes:

Agricultural Inspection Sector;

Veterinary Administration;

Plant Protection Administration;

Forests Administration and

Water Directorate of the Republic of Serbia

Ministry of Health

Institute of Public Health of Serbia “Dr Milan Jovanović Batut”

Ministry of Infrastructure and Energy

Energy Efficiency Agency

Ministry of Economy and Regional Development

Ministry of Education and Science

Ministry of Justice

Ministry of Culture, Information and Information Society

National Information Technology and Internet Agency

Statistical Office of the Republic of Serbia

Hydro-meteorological Service of the Republic of Serbia

Republic Geodetic Authority

Institute for Nature Conservation of Serbia

Autonomous Offices of the Republic and Independent Bodies

Commissioner for Information of Public Importance and Personal Data Protection

Ombudsman¹⁵

Mediator

Competences of the Autonomous Province of Vojvodina

Article 183 of the Constitution stipulates that autonomous provinces shall regulate matters of provincial interest in various fields concerning environment and the Aarhus Convention. Competences of the Autonomous Province of Vojvodina are specified in more detail in the Law on Establishing Competences of the Autonomous Province of Vojvodina (Official Gazette of RS, No. 99/09). Several provincial bodies, secretariats placed in charge of different areas, are especially important with regard to Convention implementation.

Local Self-Government¹⁶

Article 20 of the Law on Local Self-Government states that municipal bodies shall: provide citizens with legal assistance services in accordance with the law (Article 9 of the Aarhus Convention); ensure that the public receives information of local importance and creates conditions for informing the public in Serbian and languages of ethnic minorities present in the territory or municipality (Article 5 of the Aarhus Convention); prescribe offences related to violations of municipal regulations; and establish inspection authorities to determine whether regulations and other general pieces of legislation within the jurisdiction of the municipality are being implemented (Article 9 of the Aarhus Convention).¹⁷

Towns and the Capital City

Pursuant to Article 24 of the Law on Local Self-Government, a town may undertake affairs from within the rights and duties of the municipality, as well as other responsibilities and tasks entrusted to it in accordance with the law. As far as institutional capacity is concerned, the key problems related to Convention implementation in the nation's capital stem from the fact that the Secretariat for Environmental Protection of the City of Belgrade does not have qualified staff to perform the required duties (e.g. carrying out and developing activities to educate and inform the public, citizen awareness raising, developing and maintaining databases and websites, and providing regular information updates). There is also a lack of technical equipment for providing requested information in a timely manner (large documents, for example, are photocopied at another city administration department). The Secretariat website is not functioning, and its database is not available online. Staff-related issues and lack of appropriate infrastructure are also major problems in the city of Niš, while the town of Vranje has reported similar problems.

Novi Sad's Environmental Protection Department maintains that better coordination and information exchange at all levels, especially between all organisations focusing on environmental protection, are necessary in order to improve implementation of Aarhus Convention principles, especially with regard to capacity and solutions specified in existing regulations.

Public Health Institutes

Public health institutes are responsible for monitoring air quality in local urban areas, as well as the quality of surface waters where they flow through urban areas.

15 <http://www.ombudsman.rs/>

16 Pursuant to Article 188 of the Constitution of the Republic of Serbia, municipalities, towns and the City of Belgrade are units of local self-government.

17 A municipal statute may stipulate the appointment of assistants to the mayor in charge of certain areas, such as economic development, urban planning, primary health care, agriculture, etc. (Article 58).

Administration Of Justice

Article 11 of the Law on Organisation of Courts (Official Gazette of RS, No. 116/08)¹⁸ states that judicial power in the Republic of Serbia is vested in courts of general and special jurisdiction. Courts of general jurisdiction are basic courts, higher courts, appellate courts and the Supreme Court of Cassation. Courts of special jurisdiction are commercial courts, the Commercial Appellate Court, misdemeanour courts, the Higher Misdemeanour Court, and the Administrative Court. The Supreme Court of Cassation is the court of highest instance in the Republic of Serbia, while other courts established for the territory of the Republic of Serbia are the Commercial Appellate Court, Higher Misdemeanour Court, and the Administrative Court (Article 13).

Associations

The Ministry of Human and Minority Rights, Public Administration and Local Self-Government is the body responsible for regulating the position of associations. The Law on Associations contains the legal framework for defining the position of associations (Official Gazette of RS, No. 51/09). The Register of Associations and Register of Foreign Associations are maintained by the Business Registers Agency.¹⁹

Serious problems regarding the institutional capacity of associations include lack of expertise, inadequate technical equipment, lack of websites and databases, and poor coordination of activities. These deficiencies weaken the power of associations when participating in decision-making processes. Associations' staff members are seriously undertrained, and very few environmental associations are familiar with the Aarhus Convention.²⁰ Very few organisations have websites or web pages that are regularly updated. Also, associations seldom take advantage of free content-management-system applications. There is a need, and not only for associations, to build a database containing information about associations, legislation, institutions, journalists, the media and the business sector. Environmental associations in the Republic of Serbia are, however, becoming increasingly effective (see Subsection B.9.). Other types of associations are also gaining interest in environment-related issues.

Any forthcoming statistics on the number of associations active in the environmental sector (Item 83 in the EC questionnaire) will very much depend on establishing criteria on what it means to be 'active' in the environmental sector. Public awareness-raising activities need to be developed further. There is also a strong case to be made for associations receiving state funds (Item 84 of the EC questionnaire). Consumer organisations are still weak and lack adequate resources, and this continues to hamper overall effectiveness.

Strengthening associations at all levels and providing them with clear roles will trim the Government workload; this is especially important with the Government deeply involved in the EU accession process. Such developments would enhance Aarhus Convention implementation, and the government could gain accountable partners to provide assistance with the accession process.

Subsection B.9: Associations in the Republic of Croatia and the Republic of Serbia and Establishment of the Aarhus Centres in Kragujevac and Subotica (Republic of Serbia)

Republic of Croatia

GONG <<http://www.gong.hr>> is a non-partisan citizens' association that was established in 1997 with the aim of motivating citizens to play a more active role in political processes. GONG conducts non-partisan monitoring of the election process, educates citizens about their rights and duties, encourages mutual communication between citizens and their elected representatives, promotes transparency within the public-service sector, manages public advocacy campaigns, and assists citizens with self-organising initiatives.

The GONG website²¹ contains many studies and guidelines for accessing information, identifying rights and dealing with possible problems. Examples of such documents are: GONG's annual report on implementation of the Law on the Right of Access to Information, analysis of the official report on the

18 Entered into force on January 1, 2010.

19 Visit <<http://www.apr.gov.rs>> and the Centre for Non-Profit Sector Development directory at <<http://www.crnp.org.rs/direktorijum-nvo>>.

20 This claim is based on the EkoForum experience and direct contact established during workshops intended for NGO representatives held in 2009 in nine towns in Serbia, as part of the 'Zelena info mreža' (Green Info Network) project.

21 <http://www.gong.hr/page.aspx?PageID=69>

same subject, and annual appraisals of access-to-information requirements – a response time frames, for example.

GONG has also gained wider regional recognition, partly through a new project called 'Enforcement of the Aarhus Convention in the Adriatic Region Countries', which involves partners from Croatia, Belgium, Bosnia and Herzegovina, Italy and Montenegro. The project aims to improve implementation standards of the weakest pillar of the Aarhus Convention, namely, access to justice in the domain of environment, as well as access to information and public participation in decisions regarding environment protection in Croatia, Bosnia and Herzegovina and Montenegro.

Another influential Croatian association is Transparency: <<http://www.transparency.hr>>.

Republic of Serbia

At least two thematic networks have been built in the recent years: the Natura 2000 Resources Centre of Serbia²² and the BELLS Movement.²³ Within the Environment Forum²⁴ three associations from Serbia were selected in a transparent process as representative associations for coordinating environmental dialogue related to the EU accession process.

The Aarhus Centre in Kragujevac²⁵ was established on April 28, 2010 on the basis of a memorandum of understanding signed by the Ministry of Environment and Spatial Planning and the Town of Kragujevac with the OSCE support. The goal of the project is to establish collaboration between citizens and local self-government, thereby enabling democratic processes in the field of environmental protection in accordance with Aarhus Convention principles. The project's target groups are citizens, local authority representatives and media representatives.

On the basis of the Memorandum of Understanding signed by the Ministry of Environment, Mining and Spatial Planning, the Town of Subotica and Subotica Open University, the Aarhus Centre Subotica was established, with the OSCE support, on 4 March 2011. The aim of the Centre is to improve access to environmental information, enhance environmental knowledge, provide mechanisms for public participation in decision-making and increase the capacity of different target groups for better implementation of the Aarhus Convention provisions in the Autonomous Province of Vojvodina.

3.7. Assessment of Information System Development and Access to Information

Key Findings

1. The Environmental Protection Agency is responsible for establishing and maintaining the National Information System, which should be publicly available online. Although the information system is in the last phase of construction, a great portion of data and analyses are currently available on the web site of the Agency.
2. The National network of stations for automatic monitoring of air quality (39 stations) has been established and the real time data are available on the website of the Agency.
3. Standardisation of data and methodologies needs to be improved, and connections with other databases should be established, especially reporting through key international initiatives and mechanisms such as EIONET, SEIS, GMES, INSPIRE and EUROSTAT.
4. The National Environmental Pollution Sources Register is generally in line with the PRTR Protocol and E-PRTR Regulation. It has not yet been published on the website of the Agency. Existing legislation establishes that each local government must keep and maintain its own local pollution register.

22 <http://ngonatura2000.blogspot.com/>; <http://www.mis.org.rs/>

23 <http://www.bellsmovement.org/>; <http://www.ambassadors-env.org>

24 <http://www.envforum.eu>

25 <http://www.aarhuskg.rs/>

5. The Ministry of Environment, Mining and Spatial Planning and a number of other key institutions maintain an online register of legal and strategic documents relevant for environmental protection. However, these registers are incomplete, not systematised and infrequently updated.

Assessment of development of the environmental information system

Establishment of the National Information System for environmental protection is prescribed by the Law on Environmental Protection (Article 74). Article 78 of the law says: "State authorities, autonomous province authorities, local self-government units and other authorised organisations shall be obliged to inform the public in a regular, timely and objective manner of the status of environment and the results of monitoring emissions and immissions, to issue warnings when pollution may pose a threat to human life and health, and report in compliance with this Law and other regulations. The public is entitled to access statutory registers and/or records containing information and data in compliance with this Law."

The institution responsible for development and maintenance of the National Information System is the Environmental Protection Agency, which is also responsible for the Environmental Pollution Sources Register (formerly: Integrated Polluter Cadastre; LEP Article 75 and Article 42 of LEP amended). As defined in the Law on Environmental Protection, the National Information System "shall procure formation, classification, maintenance, presentation and distribution for numerical, descriptive and spatial databases on: quality of environmental media, monitoring of the status and protection of the environment, legal, administrative and organisational and strategic measures, scientific-technical information about planning measures of prevention and exchange of information with other information systems, etc." The information system should be also connected to other information systems and provide harmonisation of all relevant information and data at both national and international levels.

There is, however, an evident gap between existing legal provisions and current levels of implementation. The Environmental Protection Agency has established an information system that currently contains: an Environmental Pollution Sources Register (mostly harmonised with PRTR Protocol) and data on water quality, air quality (real-time data from the system for automatic air and water quality monitoring, data from manual monitoring, pollen monitoring), land use and degradation and soil quality, waste and landfills, climate change, biodiversity, data on the trend of economic activities as well as on the environmental financing. The biodiversity database contains lists of vertebrate species, butterflies and relevant invertebrate species with data concerning levels of endangerment and protection status based on both national and international regulations (Bern Convention, Bonn Convention, CITES). There are also databases on forestry, hunting and fishing, and protected areas (CDDA). Though the information system is in the last phase of construction, a great portion of gathered data and analyses are available on the website of the Agency. This includes: a state network for monitoring air quality, real-time data from the system for automatic air-quality monitoring; the Serbian Water Quality Index; a list of priority and priority-hazard substances; weekly bulletin of water quality conditions in the Republic of Serbia; a map of municipal waste landfills, and a waste and landfills database that includes illegal landfills; division of the land in the Republic of Serbia according to the manner of utilization; data on the concentration of pollen in the air. Data on the soil quality, economic activities and environmental financing will soon be available on the website of the Agency.

The key measure for facilitating the process of active information dissemination and information-system development is the establishment of efficient reporting through key international initiatives and mechanisms, such as EIONET, SEIS, GMES, INSPIRE and EUROSTAT. The European Environment Information and Observation Network (EIONET), which is maintained by the European Environment Agency, is the EU's central environmental information system. While the Republic of Serbia has increased data flow to EIONET within the basic reporting requirements (from 17% of requested data in 2004 to 75% in 2009), there is room for improving wide-scale reporting through this mechanism. Similarly, the Republic of Serbia has established general communication and participation within the Shared Environmental Information System (SEIS) and Global Monitoring for Environment and Security (GMES) through the Environmental Protection Agency, but no actual reporting mechanisms have been established to date. The Statistical Office of the Republic of Serbia is the responsible institution for reporting to EUROSTAT, while reporting through the Infrastructure for Spatial Information in the European Community (INSPIRE) is managed by the Geodetic Authority of the Republic of Serbia that under the Law on State Survey and Cadastre (Official Gazette of RS, Nos. 72/09 and 18/10) is responsible for establishing and maintaining the National Spatial Data Infrastructure (NSDI) in accordance with the INSPIRE Directive. In 2009, the Geodetic Authority of the Republic of Serbia established the NSDI National Geportal (www.geosrbija.rs) that enables professional users but also general public to access services related to search and review of metadata, sets and spatial data via the Internet. The National Agency for Spatial Planning has also established active cooperation through INSPIRE. It is believed that the establishment of an

adequate and efficient reporting system to serve these international mechanisms and initiatives will at the same time facilitate the establishment of effective information dissemination systems at national level in an efficient and streamlined manner.

In 2008 and 2009 the Environmental Protection Fund of the Republic of Serbia provided funds to the Environmental Protection Agency for establishing the Information System and National Pollution Sources Register as well as for purchasing necessary equipment. Until the Information System becomes fully operational and available on the website of the Agency, information is available by request and through an annually published report on the state of the environment. The Agency as an associate member of the European Environment Agency regularly provides data through the priority data flows as well as necessary indicators. The submitted data were published in EEA Report SOER 2011, as well as in many other EEA publications and reports. Furthermore, biodiversity-related information will also become available online through the Convention on Biological Diversity's clearinghouse mechanism web portal.

The register of legal and strategic documents relevant to environmental protection is maintained online by the Ministry of Environment, Mining and Spatial Planning. Besides the Ministry, many other institutions, both governmental and non-governmental, have made national environmental legislation available online, such as the Office of the Commissioner for Information of Public Importance and Personal Data Protection, Institute for Nature Conservation of Serbia, Agency for Chemicals and National Assembly. The Aarhus Centre in Kragujevac maintains one of the most exhaustive legislation databases.

Subsection B.10: Establishment of the Reporting System in Slovenia (EIONET-SI)

EIONET-SI <<http://nfp-si.eionet.europa.eu/>> is a platform of various tools and systems that directs users to environment-related information at both national and international levels. It does so through established reporting system components, such as Eurowaternet, Airnet, Wastenet, KOS (an information system of environmental indicators in Slovenia) and a catalogue of metadata.

EIONET-SI aims to respond to questions such as the following:

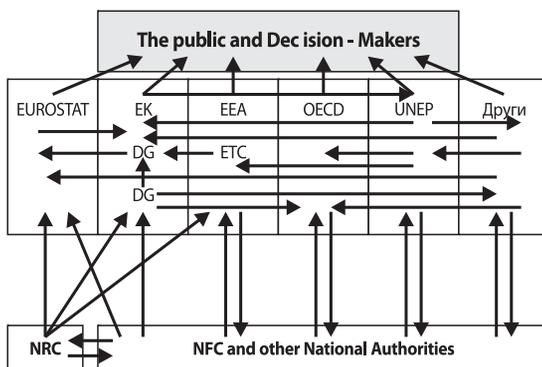
What kind of environment-related information is available?

What is the state of the environment? And what are the driving forces influencing it? Where do we stand in comparison with other countries?

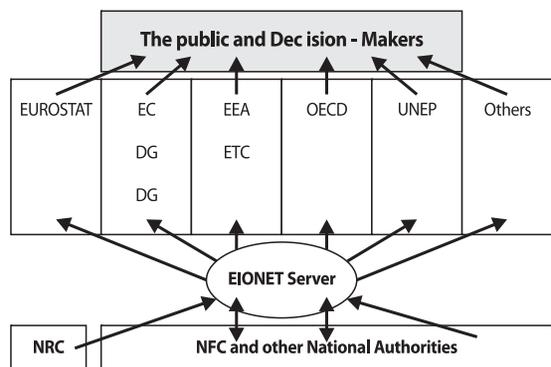
What do we need to report out of the country? To whom, when and how do we report?

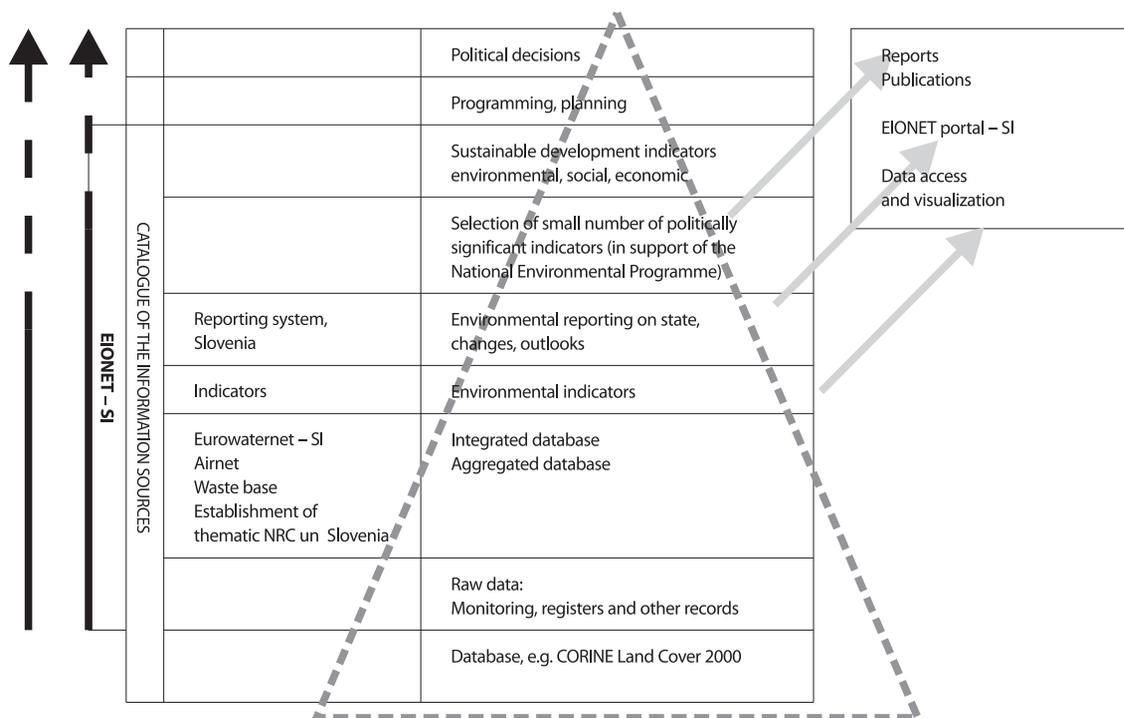
How do we offer information to users in transparent and informative ways, and how do we enable access?

Current Situation: Overlapping Data Flows



Target Situation: Streamlined Data Flows





Author: Anita Piric Veljkavrh

Data control and timely reporting, especially from private enterprises, should be improved. The national network of monitoring stations is still largely incomplete and currently covers only a smaller segment of the country. Standardisation of data and methodologies should be also improved, and connections with other databases should be established. Data gaps are still evident for transport, chemicals and noise. Within the information system, the Geographic Information System (GIS) needs to be developed further in order to harmonise different elements within the system, integrate with external systems, and enable easier access to information and data analysis. One of the key measures in this direction would be active involvement within the INSPIRE initiative.

A number of other institutions maintain registers that are relevant to environment protection and Aarhus Convention implementation, such as: a central register of protected areas (Institute for Nature Conservation of Serbia); a register of protected areas in the Autonomous Province of Vojvodina (Institute for Nature Conservation of AP Vojvodina); a register of ‘mobile protected natural objects’ (Natural History Museum of Belgrade); information systems on chemicals (Agency for Chemicals), radioactive substances and waste and nuclear objects (Serbian Radiation Protection and Nuclear Safety Agency); an information system related to food and its producers (Ministry of Agriculture, Trade, Forestry and Water Management); and a catalogue of public authorities concerning the Law on Free Access to Information of Public Importance (Commissioner for Information of Public Importance and Personal Data Protection). Furthermore, the Statistical Office of the Republic of Serbia plans to publish environmental statistics online in the near future.

A national PRTR has been established through the National Environmental Pollution Sources Register and the adoption of the Rulebook on National and Local Pollution Sources Register Development Methodology and Data Collection Types, Manners and Deadlines Methodology, published in the Official Gazette of RS, No. 91/10. According to LEP Article 75, and its subsequent amendment, “a national and local Environmental Pollution Sources Register shall be maintained in accordance with this Law to monitor qualitative and quantitative changes in the environment and measures for the protection of the environment. [...] The Minister responsible for environmental affairs, after the received opinion of ministers responsible for water management and energy, shall prescribe methodology for an integrated cadastre of polluters, as well as the type, manner, classification and deadline of data submission. The polluter is obliged to submit mandatory data at its own cost in the manner and within timeframes prescribed by this Law.” The Environmental Pollution Sources Register has not yet been made available online. The PRTR Protocol was ratified on the basis of the Law on Ratification of the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Official Gazette of RS – International Agreements, No.8/11). (See Annex 6 for a comparative analysis of accordance of selected legal provisions regarding aims, definitions, scope and access to information on pollution registers in the AC PRTR Protocol, EU and the legal system in the Republic of Serbia.)

Autonomous provinces, towns and municipalities are responsible for maintaining their own environmental information dissemination systems and local pollution registers (LEP, Articles 75 and 78). However, relationships, responsibilities and data flows between local and national registers are not clearly defined. Moreover, many units of local government in Serbia have very weak capacity for internet access, environmental monitoring and informing the public. The National Information Technology and Internet Agency is the key institution for improving use of information technologies in governmental institutions, at both national and local levels.

3.8. Assessment of Aarhus Convention Requirements on Genetically Modified Organisms

Key Findings

1. The Republic of Serbia has not yet ratified the Aarhus Convention amendment on genetically modified organisms (GMOs). The basic elements of GMO policy of the Republic of Serbia can be found in several strategic documents.
2. Existing legislation in the Republic of Serbia regulating the domain of GMOs contains some solutions that partially resemble those incorporated in the Convention's GMO amendment. On the whole, however, these solutions are not in line with Aarhus provisions, and for a number of reasons, such as: lack of precision in several provisions, absence of norms (especially procedural norms) regulating certain issues concerning public participation in decisions on deliberate release of GMOs into the environment and placement on the market of GMOs and GMO-based products, and non-harmonisation of certain provisions in national legislation.
3. It is necessary to pass a new law that will fully incorporate into national legislation those requirements concerning public participation as stated in the Convention's GMO amendment.
4. A number of circumstances are important to consider before drawing any final conclusions about the Republic of Serbia's need and ability to accept those responsibilities set out in the GMO amendment, as they could unduly sway a decision in favour of ratification. For example:
 - a) The GMO amendment to the Aarhus Convention is not specifically mentioned in the National Environmental Protection Programme or the Biodiversity Strategy of the Republic of Serbia in connection with the draft Action Plan for the Period 2010–2017 or the National Programme for Integration into the European Union.
 - b) The Biodiversity Strategy of the Republic of Serbia with the draft Action Plan for the Period 2010–2017, in the section on strategic areas, aims and measures for preserving biodiversity, includes in its definition of activities in this field: "promoting public participation in decision-making processes on GMO-related issues."
 - c) The National Programme for Integration into the European Union already incorporates plans to prepare and adopt changes to the Law on Genetically Modified Organisms, as well as to adopt accompanying bylaws with the aim of bringing them in line with corresponding EU regulations.
 - d) The Republic of Serbia is a member of the Aarhus Convention (Official Gazette of RS, International Agreements, No. 38/09), and the Convention's PRTR Protocol has been ratified (Official Gazette of RS, International Agreements, No. 8/11).
 - e) The Republic of Serbia is a member of the Convention on Biodiversity (Official Gazette of RS, International Agreements, No. 11/01), the Cartagena Protocol (Official Gazette of SaM, International Agreements, No. 16/05) and other relevant international agreements.
 - f) The requirements featured in the GMO amendment to the Aarhus Convention represent minimal standards ensuring the application of basic principles (i.e. only in the part concerning public participation in a field of particular concern to the public.

- g) Compared to existing environmental legislation in the Republic of Serbia regulating public participation in the decision-making process, the GMO amendment requirements break no new ground, neither in terms of legal framework nor practice.
- h) The current overall process of bringing national regulations in line with EU legislation, which involves aligning GMO-related regulations with corresponding EU legislation, etc..²⁶

Assessment of GMO requirements

Members of the Aarhus Convention adopted Decision II/1 (ECE/MP.PP/2005/2/Add.2) on genetically modified organisms (GMOs) at the Second Meeting of the Parties, held in Almaty, Kazakhstan in 2005, as well as the amendment to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.²⁷ This decision alters Article 6, Paragraph 11 of the Aarhus Convention. The amendment introduces a new article (Article 6 bis) establishing rules of public participation when permitting deliberate release of GMOs into the environment and placing them on the market. This article also stipulates the obligation that requirements made by Parties should be complementary and mutually supportive to provisions of their national biosafety framework, as well as consistent with objectives of the Cartagena Protocol on Biosafety²⁸ to the Convention on Biological Diversity.

Aarhus Convention Article 6 bis

Each Party shall provide early and effective information and public participation prior to making decisions on whether to permit deliberate release into the environment and placing on the market of GMOs.²⁹ This entails inclusion of a reasonable time frame in order to give the public an adequate opportunity to express its opinion(s) on such proposed decisions. The amendment (Annex I bis) stipulates that a Party may provide certain exceptions to the public-participation procedure concerning deliberate release of a GMO³⁰ into the environment for any purpose other than its placing on the market if such a release under comparable biogeographical conditions has already been approved, or if sufficient experience has been gained previously with the release of the GMO in similar or comparable ecosystems. Moreover, a Party may grant an exception to the public-participation procedure when placing a GMO on the market if the product has already been approved within the regulatory framework of the Party concerned, and if it is intended for research purposes or culture collections.

The amendment further stipulates that each Party shall make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain authorisation for deliberate release of a GMO into the environment or for placing a GMO on the market in its territory, as well as an assessment report (where available) in accordance with its national biosafety framework. It is specified that Parties shall in no case consider the following information as confidential: a general description of the GMO concerned; the name and address of the applicant for the authorisation of deliberate release, intended uses and, if appropriate, location of the release; methods and plans for monitoring GMOs and for emergency response; and results of an environmental risk assessment.

Each Party shall ensure transparency of decision-making procedures and provide public access to relevant procedural information, such as: the nature of possible decisions; the public authority responsible for making the decision; public-participation arrangements; the public authority from which relevant information may be obtained; the public authority to which comments may be submitted and the time frame for transmittal of comments. Furthermore, Parties to the amendment shall provide that, when decisions are taken on whether to permit the deliberate release of GMOs into the environment, due account shall be taken of the public-participation procedural outcome, and the text of the decision must be made publicly available along with reasons and considerations upon which it is based.

26 Potential financial implications of GMO amendment ratification are not examined here in any detail.

27 <http://www.unece.org/env/pp/gmoamend.htm>

28 For more information, see: <<http://bch.cbd.int/protocol/>>

29 'Contained use' is beyond the scope of this amendment, although this aspect of GMOs was also discussed. See: Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms, submitted by the Secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters through the Ad Hoc Working Group of Senior Officials, Background document, MPPP/2003/3 KIEV.CONF/2003/INF/7.

30 Certain terminological dilemmas in this field are not discussed here; they should be resolved in the context of possible ratification of the GMO amendment – namely, the aligning of national legislation with EU legislation.

Status in the Republic of Serbia

1) The basic elements of Serbia's GMO policy can be found in a number of strategic documents. The implementation of effective measures for controlling the release of GMOs is one of the pre-defined short-term aims (until 2014) of national policy in the domain of protecting natural resources, biodiversity and forests,³¹ as well as of the National Sustainable Development Strategy, in accordance with EU practice.³² The Strategy for Agricultural Development in Serbia, adopted in 2005, provides instruments for ensuring appropriate levels of protection and control when handling GMOs, and specifies that competent institutions must align GMO-related regulations with EU legislation.³³ In addition, the draft Biodiversity Strategy of the Republic of Serbia with the Action Plan for the Period 2010–2017 states that there is mounting evidence to suggest that GMOs can present threats to autochthonous biodiversity when deliberately or accidentally released into the environment; these impacts could, in turn, result in further chain reactions and a negative overall impact on conservation and sustainable use of biological diversity.³⁴ Also featured in the same document is Aim 8.3, which concerns the involvement of local residents and communities in planning, decision making and implementation related to biodiversity conservation.

Bodies competent for carrying out GMO-related duties

2) The Ministry of Agriculture, Trade, Forestry and Water Management monitors the implementation of legal provisions and relevant regulations via phytosanitary inspectors (Plant Protection Administration) and veterinary border inspectors (Veterinary Administration) (see the chapter on Institutional framework and responsibilities). Three laboratories are designated to perform identification and quantification of genetic modification in GMOs and GMO-based products, as required by the Ministry. The Expert Council for Biological Safety, consisting of a team of experts from a number of fields, was established with the aim of providing expert assistance when considering applications for working with GMOs.³⁵ A national database containing information on modern biotechnology is being set up as part of the biodiversity clearinghouse mechanism, thereby facilitating the exchange of biological safety-related information.

Basic legislation

3) The basic relevant legislation in the Republic of Serbia is the Law on Genetically Modified Organisms (Official Gazette of RS, No. 41/09). In accordance with Article 51, the adoption of new bylaws based on the Law on Genetically Modified Organisms (Official Gazette of FRY, No. 21/01 and Official Gazette of RS, No. 101/05) shall apply "unless they are contrary to this Law". The following four rulebooks were adopted on the basis of this law: Rulebook on Commercial Release of Deliberate Release of GMO and GMO Products, Rulebook on Contained Use of Genetically Modified Organisms, Rulebook on Deliberate Release of GMO and GMO products into the Environment and Rulebook on Regulation on Content and Data of the Register of GMOs and GMO-derived Products. Moreover, the Food Safety Law (Official Gazette of RS, No. 41/09) features certain provisions of importance for GMOs. Similar provisions can be found in a number of other regulations relevant in a broader sense to the GMO domain.

3. a) Law on Genetically Modified Organisms

The Law on Genetically Modified Organisms specifies the procedure for issuing approvals for GMO use in closed systems and for deliberate release of GMOs and GMO-derived products into the environment (Article 1). Article 2 of the law specifies that trade in GMOs or products containing GMOs, or their cultivation for commercial use, is prohibited in the territory of the Republic of Serbia.³⁶

31 National Environmental Protection Programme, Government of the Republic of Serbia, Belgrade, 2010, p. 93. <<http://www.ekoplan.gov.rs/src/7-Ostala-dokumenta-127-document.htm>>

32 National Sustainable Development Strategy, Government of the Republic of Serbia, Belgrade, p. 83. <<http://www.odrzivi-razvoj.gov.rs/assets/download/Nacionalna-strategija-odrzivog-razvoja-Republike-Srbije.pdf>>. Official Gazette of the Republic of Serbia, No. 57/08.

33 It should be added that UNEP–GEF carried out the "Development of National Biosafety Framework for Serbia and Montenegro" project in 2006 <www.unep.org/biosafety/files/YUNBFrep.pdf>.

34 Draft Biodiversity Strategy of the Republic of Serbia with the Action Plan for the Period 2010–2017, Ministry of Environment, Mining and Spatial Planning, Belgrade, October 2010, p. 54.

35 Amended National Programme for Integration of the Republic of Serbia into the European Union, Government of the Republic of Serbia, Belgrade, 2009, p. 591. <http://www.seio.gov.rs/upload/documents/NPI/Revidirani_NPL_2009.pdf>

36 Agricultural products of non-animal origin are not considered GMOs if they contain up to 0.9% of genetically modified organisms and impurities of genetically modified organisms. Seed and reproductive material are not considered GMOs if they contain up to 0.1% of genetically modified organisms and impurities originating from genetically modified organisms (Article 3).

3. b) Law on Ratification of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, with annexes

The Republic of Serbia ratified the Cartagena Protocol on Biosafety in 2005 (Official Gazette of SaM, International Agreements, No. 16/05). The protocol applies to transboundary movement, transit, handling and use of all living modified organisms that can have adverse effects on conservation and sustainable use of biological diversity, taking also into account risks to human health (Article 4).³⁷

3. c) Food Safety Law

Article 63 of the Food Safety Law (Official Gazette of RS, No. 41/09) contains a provision that the business operator concerned shall submit in writing any data specified by law to the recipient of genetically modified food or feed upon placing on the market genetically modified food and genetically modified feed, including the product(s) in bulk quantities.

3.9. Education and Awareness of Rights of Access to Information, Participation in Decision Making, and Access to Justice in Environmental Matters

Key Findings

If the provisions of Article 3, Item 3 of the Aarhus Convention are interpreted to mean that the state has a double obligation to

- (a) promote environmental education and environmental awareness among the general public and
- (b) to promote environmental education and citizen awareness of access to information, participation in decision-making and obtaining access to justice in environmental matters, the following conclusions may be drawn:
 1. The obligation to promote environmental education and awareness among the general public has already been incorporated into important national legislation as one of the duties of competent authorities and other actors.
 2. Concerning the latter obligation, it may be assumed that the legislation analysed here contains no concrete solutions applicable to the stated requirements. Given the context and lack of clarity of the general obligation of competent bodies specified in Aarhus Item 1, it is difficult for competent authorities to fulfil this obligation. This must not be overlooked, as certain actors have recently taken concrete measures to create preconditions necessary for improving awareness of specific rights and obligations regarding all three pillars of the Convention.

Assessment of education to support to Aarhus Convention aims

The need for environmental education and awareness about the Aarhus Convention is stipulated in Article 3 of the Convention.

The Republic of Serbia's National Programme for Environmental Protection opens with the statement that "previous surveys and everyday practice indicate that the level of public awareness of the need for environmental protection and application of environmental standards in the Republic of Serbia is unsatisfactory."³⁸ Consequently, one of the seven general aims of Serbia's environmental protection policy is "improvement of both formal and informal education about environmental protection and energy efficiency, which should be based on the National Strategy of Environmental Education." The Aarhus Convention is mentioned explicitly in the context of aims related to raising the level of awareness through better dissemination of information,

³⁷ A total of 160 parties signed the protocol, among which is the European Union. <<http://bch.cbd.int/protocol/parties/>>

³⁸ National Programme for Environmental Protection, Government of the Republic of Serbia, Belgrade, 2010, p. 147.

communication with the public, and development of a mechanism for public participation in environmental decision making, in accordance with the Aarhus Convention.

The UNECE Strategy for Education for Sustainable Development has been translated into Serbian, but further implementation remains to be done (EPR 2007).³⁹

It is noteworthy that the National Programme for integration into the European Union (NTI), in the section focusing on environment, does not specify any planned activities aimed at enhancing public awareness or education about environmental protection as directed by the Aarhus Convention.⁴⁰ However, in a number of other important fields that the Convention regulates, public awareness and education are highlighted in several ways, such as strengthening the capacity of consumer protection associations, traffic safety, gender equality and combating corruption. Meanwhile, the section of the 2010 Report on the Progress of Serbia in the European Integration Process dedicated to environment gives no special emphasis to developing public awareness, especially concerning activities related to environmental education; this pertains both to previous activities and those to be implemented in the forthcoming period.⁴¹

The formal education system in the Republic of Serbia is now being reformed. Elements of environmental education and sustainable development (ESD) have been incorporated into various subjects at primary and secondary schools, though environmental awareness among Serbia's general population remains low.

Subsection B.11: Environment Education Opportunities in Serbia

More than 20 faculties have set up departments or study groups for teaching environmental issues at graduate and postgraduate levels. To improve their knowledge and background, teachers can choose from 190 accredited training programmes, 21 in ecology and 19 in biology.

Source: EPR II

Education in the legislation of the Republic of Serbia and Aarhus Convention obligations

The regulations currently in force in the Republic of Serbia related to criteria defined in Article 3 of the Aarhus Convention are classified here in several groups: state administration regulations, environmental legislation, significant environmental regulations, education legislation, and regulations that do not contain provisions on education.

1. The Law on Civil Servants (Official Gazette of RS, Nos. 79/05, 81/05, 83/05, 64/07, 67/07, 116/08 and 104/09) stipulates in a very general way that only a "civil servant shall have the right and obligation to improve professionally in accordance with the needs of state authority. Funds for training shall be provided in the budget of the Republic of Serbia" (Article 96).⁴²

The Law on State Administration (Official Gazette of RS, Nos. 79/05, 101/07 and 95/10) and Law on General Administrative Procedure (Official Gazette of the FRY, Nos. 33/97, 31/01 and Official Gazette of RS, No. 30/10) do not contain provisions on the environment and public awareness. However, the Law on General Administrative Procedure features provisions related to, among other things, the principle of providing assistance to parties (Article 15).

2. Serbia's environmental legislation adopts several approaches to promoting public awareness and education about the environment, detailed below:

³⁹ Environment Performance Review, 2007, p. 45 in the Serbian version, p. 42 in the English version.

⁴⁰ This does not apply to the section related to previous activities of the Commissioner for Information of Public Importance and Personal Data Protection, the establishment of the working group for research, development and education in the field of geo-information, the application of regulations on chemicals and biocidal products and strengthening the capacity of the Chemicals Agency, competent inspection bodies, chemical industry, educational, scientific and research institutions related to implementation of the REACH regulation and chemical risk assessment. Amended National Programme for Integration of the Republic of Serbia into the European Union, Government of the Republic of Serbia, Belgrade, 2009, pp. 490, 573, 595 and 596.

⁴¹ 2010 Report on the Progress of Serbia in the European Integration Process, Brussels, SEC 2010 (1330), November 9, 2010, pp. 39-40. It should be kept in mind, however, that the importance of public awareness and education is stated in a number of other places (respect for human rights, p. 11; consumer protection, p. 28; marking and registering animals, p. 38) and a general conclusion has been drawn that a "certain level of progress has been achieved" in the field of education (p. 35).

⁴² Ever year the government adopts the General Professional Training Programme intended for civil servants working in state administration and government bodies proposed by the HR Department. The programme of special professional training for civil servants in state administration is approved by the line manager every year depending on particular state needs.

a) Article 6 of the Law on Environmental Protection stipulates the obligation of state authorities, scientific-, educational-, information- and cultural institutions, as well as other members of society to encourage, direct and ensure better awareness concerning the importance of environmental protection. Raising awareness about the importance of environmental protection is provided through the education system, scientific research and technological development, and informing the public about and popularising environmental protection efforts. The Law on Environmental Protection includes measures aimed at stimulating the development of educational programmes focusing on environmental protection; namely, it announces the possibility of awarding “honours and prizes for contributing to the protection of the environment” (Article 55).⁴³ The section of the law related to action plans says that an “action plan details the regulatory and institutional activities, monitoring-related activities, studies, the drawing up of project documentation, economic and financial instruments, dissemination of information, education, management and capital investment.” Moreover, an action plan is defined as a “short-term instrument for implementation of the National Programme.”

b) Article 17 of the Law on the Environmental Protection Fund (Official Gazette of RS, No. 72/09) specifies that financial resources provided from the Environmental Protection Fund are to be used especially for encouraging the drawing up of education-, research- and development-oriented studies, programmes, projects and other demonstration activities such as funding programmes for environmental education and developing public awareness about environmental protection and sustainable development.

c) Article 117 of the Law on Nature Protection (Official Gazette of RS, No. 36/09) stipulates that the ministry responsible for education must ensure conditions for improving the quality of education about environmental protection. Ministries, competent authorities of autonomous provinces, and institutes and legal persons with public powers are obliged to inform the public about natural resources, nature conservation, threats to the environment and factors and consequences of threats to the environment. Article 7 of the Law, pertaining to Nature Conservation Measures, states that nature conservation is carried out especially through “encouraging and promoting nature conservation, and raising awareness about the need to protect the environment throughout the educational process” (Item 11). In Article 29, the definition of the term ‘special nature reserve’ is formulated by taking into account how a protected area is used, which may include scientific, research and educational purposes. Similar provisions on national parks are incorporated in Article 30, while Article 32 focuses on protected habitats.

d) According to Article 51 of the Law on Air Protection (Official Gazette of RS, No. 36/09), legal persons and entrepreneurs specialising in the production of goods and equipment that contain substances harmful to the ozone layer must provide their staff with training that is in line with the professional training programme laid down by the ministry in collaboration with the ministry responsible for education and professional organisations.

e) Article 40 of the Law on Waters (Official Gazette of RS, No. 30/10) specifies that the water-management measures programme to be applied in water areas (Article 27) may feature other measures aimed at professional activities, scientific research on waters, educating the public, etc. The same law stipulates that activities of the National Water Conference shall include educating the public about important water protection issues and the need to reduce water consumption (Article 143).

f) Article 6 of the Law on Forests (Official Gazette of RS, No. 30/10) states that forests have multiple-use and economic functions.

g) The Law on Protection and Sustainable Use of the Fish Stock (Official Gazette of RS, No. 36/09) defines fishing organisations as “citizens’ associations for recreational or game fishing, popularising fishing, educating fishermen, as well as organising and registering them.”

3. Some important environmental regulations also incorporate provisions of significance for promoting environmental education and environmental public awareness-raising, such as the following:

a) Article 57 of the Law on Consumer Protection (Official Gazette of RS, No. 79/05) states that consumers have the right to acquire knowledge about their rights and obligations, and how to exercise those rights necessary for making correct, safe choices regarding the purchase and use of products and services. The right to consumer education is exercised in educational institutions (pre-school institutions, schools and university faculties), consumer associations, and through the organising of special courses, seminars and conferences in accordance

⁴³ This is in addition to several other reasons related to development- and research-oriented projects in the field of environmental protection, such as: contribution of an individual to the development and improvement of environmental protection or contribution to international co-operation, as well as the contribution of professional and other organisations and NGOs to developing and improving protection of the environment, contribution in the domain of nature conservation, prevention of environmental pollution, and best environmental solutions in the production process.

with programmes developed by a competent body and transmitted via the media (radio, newspapers, television, etc.).

b) Article 32, Item 12 of the Law on Data Secrecy (Official Gazette of RS, No. 104/09) specifies that general measures for protecting secret data include, among other things, “determining special educational and training programmes for the protection of domestic and foreign secret data.”

c) According to Article 5 of the Law on Scientific Research Activities (Official Gazette of RS, No. 110/05), scientific research activities are based on a number of principles, including: scientific research ethics, connection with higher-education systems, international scientific and technological cooperation, and concern for sustainable development and environmental protection.

4. The Law on Fundamentals of the Education System (Official Gazette of RS, No. 72/09) contains a general provision on the objectives of education, among which are sustainable development awareness-raising, protection and preservation of nature and the environment, ecology-related ethics and the importance of animal protection (Article 4, Item 11).⁴⁴ The obligation stated in Article 112 should be interpreted in a similar manner: the article stipulates that students must be vigilant about protecting the environment and act in an environmentally ethical way. Obligations related to improving environmental education are incorporated into bylaws regulating different levels of education.

As an educational subject, environmental protection is part of Serbia’s secondary school curriculum. Environmental issues are included in a number of ways in the general education curriculum (e.g. chemistry, physics, biology, geography) and presented for a number of professional orientations. Grammar schools are among those institutions offering general education; environmental protection is not featured as a separate subject in grammar schools, although environmental issues are incorporated into the science curriculum.

At university level, environmental protection is studied at five universities founded by the Republic of Serbia (Belgrade, Niš, Novi Sad, Kragujevac and Priština (the seat of the latter is currently in Kosovska Mitrovica)). More than 20 university faculties now have departments, chairs or courses focusing on environment, both at undergraduate and graduate levels.

Subsection B.12: Educational Good Practice: Swedish Portal Provides the Latest Environmental Knowledge

The Planet Infact <www.forskning.se/theplanet> (Sweden)

This website aims to enhance public awareness about the planet. It contains hundreds of animations, games, educational stories and interactive videos based on the latest environmental research.

5. The Law on Free Access to Information of Public Importance, Law on Environmental Impact Assessment, Law on Integrated Environmental Pollution Prevention and Control, and Law on Strategic Environmental Impact Assessment do not contain special provisions concerning the promotion of environmental education and public awareness.

The Law on the Judicial Academy (Official Gazette of RS, No. 104/09), Law on Judges (Official Gazette of RS, No.116/08), Law on Bar Examination (Official Gazette of RS, No. 16/97); Law on Public Prosecution (Official Gazette of RS, Nos. 63/01, 42/02, 39/03, 44/04, 61/05, 46/06, 106/06 and 116/08); Law on the Public Prosecutor’s Office (Official Gazette of RS, No. 43/91) and Law on Mediation (Official Gazette of RS, No. 18/05) do not contain special provisions on environmental education.

The Law on Court-Appointed Experts (Official Gazette of RS, No.45/10) does not contain special provisions on education, except Article 6, which refers to mandatory higher-education qualifications for court-appointed experts.

The Law on Free Access to Information of Public Importance does not feature separate provisions for promoting environmental education and public awareness. It does, however, contain provisions (Articles

⁴⁴ A number of strategic documents adopted by the competent authorities of the Republic of Serbia contain provisions outlining the attitude towards environmental education; namely, the National Sustainable Development Strategy, National Programme for Integration into the European Union, National Youth Strategy, and Strategy for Adult Education.

37–44) related to “measures to improve the transparency of public authority operations”. Among other powers, the commissioner may take “necessary measures to train employees of government bodies and to advise them on their duties regarding the rights to access information of public importance, with a view to ensuring effective implementation of this law” (Article 35, Paragraph 1, Item 4).⁴⁵

3.10. Summary of the Strategy of the Republic of Serbia for Full Implementation of the Aarhus Convention

Built on the aforementioned principles, the Strategy frames activities in such a way as to build on existing domestic achievements. The most important basis for implementation is general awareness and education, which is why the plan first considers the need to build basic partnerships and awareness of objectives and rights of the Aarhus convention. The next step would be to build a legislative basis based on the most urgent priorities, and to understand the relationship of activities to the EU accession process – all of which should be monitored.

1. Establish a basic practical system for involving the public and other stakeholders, and for informing them about their rights. This is easy to implement, and efforts can begin immediately following adoption of the Strategy.
 - i. Establish and maintain Aarhus Convention websites; these should include explanations, forms, instructions and guidelines for access to rights under the Convention.
 - Immediately after adoption
 - General actions:⁴⁶ 1, 2 and 13
 - Actions on access to information: 25, 26 and 27
 - Actions on public participation: 22, 41 and 44
 - Actions on access to justice: 13 and 15
 - ii. Conduct campaigns targeting different stakeholders to promote access to information, participation and access to justice as an easy, inexpensive and accessible right for everyone. Activities should be included in the plans of all stakeholders and at all levels (see preliminary list in subsection 3.5).
 - Immediately after adoption; efforts are to be on-going
 - General actions: 12 and 13
 - Actions on access to information: 25 and 43
 - Actions on public participation: 36, 37 and 42
 - Actions on access to justice: 10 and 14
 - iii. Conduct conferences for all stakeholders to report on effectiveness of implementation, major obstacles and good practices. Conferences should be organised in cooperation with the Ministry of Environment, Mining and Spatial Planning and associations.
 - Immediately after adoption; to continue on an annual basis
 - General actions: 1, 12 and inter alia
 - Actions on access to information: 11 and inter alia
 - Actions on public participation: 9, 30 and inter alia
 - Actions on access to justice: 10, 12 and inter alia

⁴⁵ A manual for implementation of the Law on Free Access to Information of Public Importance has been published. See: <<http://www.poverenik.org.rs/images/stories/dokumentacija-nova/vodic/prirucnikzaprimenuzakonacir.pdf>>

⁴⁶ Numbers refer to activities in the Action Plan

- iv. Design and implement training programmes targeting all stakeholders at different administrative levels (children, students, teachers, civil servants, judges, politicians, etc.). These should be designed and coordinated by the Ministry of Environment, Mining and Spatial Planning and Ministry of Education and Science in close cooperation with associations.
 - Programme establishment in 2011–2012; implementation to be on-going
 - General actions: 8
 - Actions on access to information: 9, 10, 11 and 38
 - Actions on public participation: 31, 32 and 40
 - Actions on access to justice: 14
2. Establish basic coherent legislative conditions for implementing the Aarhus Convention.
- i. Ensure access to information, public participation and access to justice in all relevant laws and sub-laws in ways that can be harmonised with the Aarhus Convention and implemented accordingly (starting with definitions of key environmental terminology).
 - 2012 onwards
 - ii. Conduct analysis in accordance with the EU acquis and other related conventions
 - Immediately after adoption; preliminary analysis and on-going implementation
- For i. and ii.:
- General actions: 7 and 13
 - Actions on access to information: 1, 2 and 7
 - Actions on public participation: 8 and 18
 - Actions on access to justice: 1–4
3. Enhance and accelerate all activities related to building information systems and data flows to establish bases for the EU accession process and implementation of environmental objectives.
- i. Establish a metadata register of information providers, contact points, information databases and conditions for accessing information.
 - Immediately after adoption; project design
 - General actions: 13
 - Actions on access to information: 15
 - ii. Start with an EIONET-based reporting system that can provide the most effective outcome; this will streamline domestic reporting, avoid unnecessary repetition, and provide basic standards and methodological guidelines for building a national reporting system involving data flows, databases, core monitoring, etc. This system will prioritise EU guidelines and activities, and will enable streamlining of national activities and harmonising of reporting standards (it will also connect to SEIS, EEA-EIONET, EUROSTAT, GMES, INSPIRE, etc.).
 - Immediately after adoption; project design; yearly implementation starting with priority areas (e.g. EEA data flows)
 - General actions: 13
 - Actions on access to information: 6, 15, 17 and 18

- Actions on access to justice: 1
4. Establish rationale and coherence with the EU accession process.
 - Immediately after adoption; continue with on-going analysis
 - General actions: 7
 - Actions on access to information: 16, 17 and 20
 - Actions on public participation: 6, 14, 15 and 23
 5. Establish a process for ratifying international agreements linked to Aarhus Convention requirements (PRTR Protocol and amendment, etc.).
 - Immediately after adoption; begin with analysis (on-going)
 - Actions General: 10, 11 and 13
 6. Establish a system for monitoring Strategy implementation.
 - Immediately after adoption (on-going)
 - General actions: 3, 4, 6, 7, 8 and all success indicators for all three fields
 - Actions on public participation: 9, 30 and 45
 - Actions on access to justice: 10 and 12

There are a number of other activities fitting these categories that are not detailed here due to their longer-term nature.

3.10.1. Access to information: summary of needs

In order to establish efficient public access to environmental information in the Republic of Serbia, a wide range of necessary measures needs to be implemented, such as the following.

1) Measures related to legislative and procedural harmonisation. It will be necessary to ensure harmonisation between national legislation and Aarhus Convention provisions, as well as all relevant national legal documents. It is necessary in this sense to consider amendments or bylaws to the Environmental Protection Law, Law on Free Access to Information of Public Importance, Law on Environmental Impact Assessment, Law on Strategic Impact Assessment on the Environment, Law on Integrated Pollution Prevention and Control, Law on Sustainable Use of Fish Resources, Law on Protection Against Ionising Radiation and on Nuclear Safety, Water Law, Law on Administrative Procedures, and all other relevant legal documents that do or would provide, among other things: a clearly defined right of free access to information in all relevant environmental legal documents; a clear definition of 'environmental information'; clearer definitions of criteria for exemptions from the right of access to information, and the omission of all ambiguous stipulations regarding these criteria; harmonisation of time frames for providing information or refusal of a request for information disclosure; omission of stipulations requiring proven interest when making a request for information disclosure; inclusion of specific penalty provisions in all relevant legal documents for impairment of the right of free access to environmental information; ensuring dissemination of environment-related product information to consumers, including clearly defined measures and criteria; clear and precise record keeping, monitoring and reporting systems for operators, and especially procedures and time limits for ensuring adequate flow of information to public authorities and the general public.

2) Measures related to institutional arrangements and responsibilities from state to local level, as well as institutional performance, capacity building and training. The first step should be the establishment of a network or council of all key institutions and stakeholders at national level, which would: facilitate implementation of the right of free access to information and information dissemination; act as a national advisory body and communication and information-exchange platform; and facilitate implementation of related provisions within the Strategy. The possibility of adjusting the status of the Environmental Protection Agency in accordance with

the EU integration process will also have to be assessed. Moreover, it will be necessary to conduct gap analyses within all relevant institutions, such as the Environmental Protection Agency, Ministry of Environment, Mining and Spatial Planning, Commissioner for Information of Public Importance and Personal Data Protection, and local government units; this would assist the capacity building efforts of these institutions. Clear points of contact and responsible persons for dealing with the public's right to free access to information and information dissemination within each public authority will have to be identified, and a network of responsible persons to facilitate easier information flow will have to be established. The Serbian Aarhus Centre in Kragujevac and other similar examples of good practice have proved to be effective for local-level dissemination of environmental information, so the establishment of such local centres should be encouraged and continued. The efficiency of local- and national-level inspectorates to impose control mechanisms for access to information and information dissemination performance must be improved. An efficient alerting system for disseminating information on imminent threats to human health or the environment will have to be established, mainly through defined danger thresholds and the establishment of a clear set of procedures, time frames, means of communication, responsible institutions and persons for monitoring and information dissemination, and the establishment of an external control mechanism to ensure proper functioning of the alert system and objectivity of the data provided. Furthermore, it will also be necessary to establish an efficient system of environmental monitoring, data maintenance and information dissemination from managers of protected areas to local communities and the general public, which will make an effective contribution to the public's right of free access to information. The control of products on the market and product information disclosure should be also improved.

3) Measures related to the establishment of an efficient information system, PRTR and publications. The first step should be to establish a national metadata register containing detailed information on: types and scope of documentation, collected and maintained data, institutions responsible for holding information, links to documents and data available online, and points of contact and procedures for requests for data that is unavailable online. Associations and other entities have a deep need for databases containing information about associations, legislation, experts, institutions, journalists, the media and the business sector.

One key activity will be to further develop the National Environmental Information System and national Environmental Pollution Sources Register (EPSR) within the Environmental Protection Agency, and to provide full online access to the National Information System and national EPSR. Also important is to establish the national EPSR in concordance with the PRTR and E-PRTR protocols. National Information System and national EPSR functionality should be improved, mainly by boosting capacity within the Environmental Protection Agency to ensure more efficient database input; this will provide a more effective data validation system and encourage the application of GIS-based technologies within the National Information System, thereby enhancing harmonisation of different elements within the system and their integration with external systems; this will also enable easier access to information and data analysis and strengthen links with other national and international databases (e.g. EIONET, SEIS, GMES, EUROSTAT and INSPIRE). It is also important to establish efficient reporting and data flow through these international mechanisms and initiatives.

Furthermore, data flow to Environment Protection Agency of the Republic of Serbia and other responsible public authorities should be improved, as well as the national research and monitoring system. As defined by national legislation (LEP amendment), local EPSRs should be established and improved within all local government units, but their relationship and harmonisation with the national EPSR should be clearly defined. It will also be necessary to improve data maintenance, information dissemination and reporting within all local government units, and to improve active environmental information dissemination to the public from private and public enterprises. There should be increased access to all relevant documents published online, such as national environmental legislation, relevant strategic documents, plans, programmes, agreements, all international treaties, conventions, agreements and other relevant international documents (including relevant EU legislation), all reports and information on the dealings of public authorities with the environment, and any significant details concerning the framing of major environmental policy proposals. All databases with relevant documents should be systematically designed and presented, regularly updated, user-friendly, and contain adequate references for validating data. It should be ensured that the Environmental Protection Agency regularly publishes a National Environmental Report, and that public authorities publish directories on a regular basis containing key details about their operations. It must be possible to validate and verify the information published in these environmental reports.

4) Measures related to awareness-raising. Awareness-raising programmes and activities regarding provisions of the Aarhus Convention and the Law on Free Access to Information of Public Importance should be carried out for the general public and public authorities. Public awareness of the right to free access to information and procedures for obtaining information should also be improved; public awareness should also be raised about national eco-labelling, organic food-labelling frameworks, eco-auditing and certification systems.

5) Measures related to policy settings and better practices. It will be an important step to adopt action plans to specify concrete activities aimed at stimulating active public participation to solve everyday environmental problems. This may involve creating websites for Serbian towns and municipalities in Serbia, 'green chairs' in local assemblies and similar activities to make citizens more aware of their role in environmental preservation and protection.

The key institutions for implementing the described measures are the Ministry of Environment, Mining and Spatial Planning, Environmental Protection Agency, Commissioner for Information of Public Importance and Personal Data Protection, and local government units. Efficient implementation will require active involvement with a wide range of stakeholders such as the Ministry of Agriculture, Trade, Forestry and Water Management, Ministry of Human and Minority Rights, Public Administration and Local Self-Government, Ministry of Science and Technological Development, Ministry of Culture, Information and Information Society, Ministry of Health, Ministry of Defence, Ministry of Finances, Environmental Protection Fund, Institute for Nature Conservation of Serbia, Statistical Office of the Republic of Serbia, Republic Hydrometeorological Service of Serbia, National Information Technology and Internet Agency, Agency for Chemicals, Institute for Standardisation of Serbia, Accreditation Board of Serbia, Serbian Radiation Protection and Nuclear Safety Agency, National Assembly of the Republic of Serbia, and Standing Conference of Towns and Municipalities, in addition to scientific research and monitoring institutions, managers of protected areas, environmental associations and the media.

3.10.2. Public participation and stakeholder awareness-raising

A wide range of measures need to be implemented in order to achieve effective public participation, such as the following:

1) Good legal framework and developed procedures and tools. It will be necessary to develop and support: a Strategic National Action Plan of Associations for Implementing the Aarhus Convention; a framework and procedures for adequate implementation of public participation in national and transboundary contexts; monitoring mechanisms; dialogue and communication between the public and decision makers; dialogue instruments such as joint delegations, teams and hearings; harmonisation of legal requirements; harmonisation of relevant EU Accession and MEA implementation practices, performance and quality standards of public participation; cooperation of associations with neighbouring and regional countries; effective implementation and monitoring of adopted legislation; involving civil society in consultations; decision makers recognising the role and influence of associations; inter-sectoral and inter-level cooperation; proper budgeting to support public participation, transparency and citizen-oriented, environment-related administrative practice; mechanisms for informing the public about decisions reached; upgraded legal bases and procedures (as well as determining proper competent authorities) for SEA strategy implementation, as well as for action plans on energy, transport, agriculture, forestry, hunting, industry, waste management, water management, telecommunications, tourism, natural habitats and wild flora and fauna protection; public participation in addressing climate change and its effects; facilitation of public participation and developing adequate responses; tools for public participation in the preparation of laws and regulation; establishing criteria for defining representative 'associations' active in the environment sector; determining an institutional contact route-matrix for public participation at national, provincial, city and municipal levels for EIA and IPPC, transboundary EIA and IPPC decision making; preparing a bylaw on procedure to be strictly followed through public participation in EIA and IPPC; developing, via bylaws, guidelines providing contact institutions and persons, including criteria and standards for representative environmental associations involved in EIA processes at various levels; identifying core representative associations with capacities and skills for EIA public participation; mapping representative associations at different levels; preparing an active-association directory; allocating national, provincial, city and municipal budget funds for minimum three-year support for core representative associations (as determined by previously developed criteria) in order to assure public participation in EIA; environmental education; presence of associations at main Aarhus Convention conferences and related international meetings, as well as inclusion in official delegations; cooperation of national associations with those from neighbouring countries in order to generate capacity and power for public participation within regional projects, plans and activities; instruments for effective implementation of public participation related to environmental health impact (e.g. environmental health indicators, monitoring tools, information chains); activities and projects focused on decision makers, parliamentarians and political parties in order to instil a culture of public participation in environmental matters; drafting legally binding rules for public participation in sub-laws, coherent rules and practices for public consultations in both the environmental sector and other related sectors; developing tools for effective implementation and monitoring of adopted legislation; assessment and evaluation of practices and lessons learned, with a focus on evidence of recognising opinion of the public and associations; and welcoming follow-up opinions.

2) Education and training to upgrade capacity of various actors, such as government officials and civil society. To upgrade the capacity of various actors it is important to underline the importance of: environmental education and training; strengthening knowledge and skills of associations and environmental decision makers at all levels; strengthening capacity to implement and enforce legislation; catalysing civil society to take part in consultations; strengthening local environmental capacities; allocating budget funds for supporting public participation; strengthening consumer organisations and eco-consumer organisations; boosting capacity for associations involved in educational and training activities; supporting formal or informal courses related to public participation in decision-making processes; training officials and executives at all levels of administration to communicate with the general public; and providing support for formal and informal environmental educational programmes, including tools for public participation.

3) Measures related to awareness-raising. It will be necessary to conduct awareness-raising programmes and activities focused on the general public and public authorities, including but not limited to support for: environmental civil society organisations for related campaigns; increased awareness of politicians, decision makers and the public; promotion of public participation in addressing climate change and its effects; facilitating public participation and developing adequate responses; disseminating information to the public on participatory procedures through basic means of communication; improving staff trainings related to the Aarhus Convention; organising campaigns for the association sector that include workshops, roundtable discussions, lectures, online activities, putting up posters, and distributing leaflets and brochures in order to raise public awareness of the Aarhus Convention; securing the support of print, electronic and local media; training journalists about the importance of the Aarhus Convention; and establishing a 'Green Ombudsman' or other form of legal institution to provide assistance to the association sector.

4) Measures related to better partnership. It is necessary to establish horizontal and vertical cooperation at different levels of the environment-protection system, including strengthening partnerships between governmental and non-governmental sectors. We propose to improve communication between local authorities and Non-governmental organizations in a manner in which each self-government unit will appoint a staff member responsible for continuous and active cooperation with civil society organizations in each department, that would be formalized by introducing these activities into terms of reference that is, description of duties of this post.

Efficient implementation will require active involvement of a wide range of institutions and stakeholders, including associations and the media.

3.10.3. Access to justice: summary of needs

Complex measures should be implemented during the coming four-year period (2011–2014) in order to fulfil all access-to-justice requirements as defined by Pillar III of the Aarhus Convention. Such provisions should guarantee present and future generations the right of access to environmental information, the right to participate in decision-making procedures on environmental matters, and protect their rights in the cases when acts and omissions of private persons and public authorities contravene legal provisions related to the environment.

1) Measures concerning procedures and legislation. It is first of all necessary to apply specific Aarhus Convention terminology within the Republic of Serbia's entire legal system: i.e. the same environmental terminology would apply in both 'horizontal' and 'sectoral' laws. It is furthermore recommended that each piece of current environmental legislation be analysed in depth, so as to provide a standard methodology for incorporation of Aarhus Convention requirements throughout the Republic of Serbia. Detailed plans for amending all environmental legislative instruments should also be adopted, as should appropriate legal grounds for establishing mechanisms to help reduce financial and other barriers to access to justice in accordance with the Aarhus Convention. These mechanisms should be established to operate in a synergetic way with the Commissioner for Information of Public Importance and Personal Data Protection. This would also contribute to strengthening the existing Aarhus Centres and establishing new ones. This would also support capacity building of associations and academic institutions.

Strong legal grounds should be adopted for establishment of a compulsory, national-level Aarhus Convention clearance mechanism. Such a mechanism should be used to measure accordance of all drafts of environmental legislation and bylaws with Aarhus Convention provisions, and to render opinions on draft texts prior to the adoption procedure. Such a mechanism would be composed of the staff of the ministry responsible for the issues relating to the environment, other interested ministries and governmental institutions, independent

experts, associations' representatives and other stakeholders. Opinions would be made public and accompany any draft legislation.

Special measures should be incorporated into all environmental laws to prevent or minimise omissions or transgressions of rights set out in the Aarhus Convention, and these measures should then be transposed into national environmental legislation.

2) Measures relating to public information and awareness-raising. One key task is to develop a comprehensive, user-friendly handbook on access to justice in environmental matters; this handbook should be made easily available and broadly disseminated. Also, websites containing information on access to justice require significant improvement in terms of user-friendliness, accessibility, professional design and accuracy of information. General awareness-raising for the general public and public authorities needs to be stepped up, especially at local levels and among the judiciary.

All recommended measures should be undertaken and implemented in close collaboration with associations. Efficiency and effectiveness in undertaking these measures will ease efforts to harmonise environmental legislation of the Republic of Serbia with the EU's environmental acquis, which complies with Aarhus Convention requirements.

Successful implementation of Pillar III of the Aarhus Convention will also require continued support from the international community.

3.11. Assessment of Financial Resources for Realisation of the Strategy for Implementing the Aarhus Convention

Financial resources needed for the realisation of the Strategy for Implementing the Aarhus Convention will be provided within the scope of funds earmarked for the Ministry of Environment, Mining and Spatial Planning for the upcoming period in accordance with the Law on Budget. Beside the means provided from the budget, it is anticipated that the activities will also be supported by foreign donations.

3.12. Strategy Implementation Plan and Activities Envisaged in the Area of Aarhus Convention Enforcement

The Strategy Implementation Plan and activities envisaged in the area of Aarhus Convention enforcement are incorporated in the Action Plan which forms an integral part of this Strategy.

3.13. Final Provision

This Strategy is to be published in the Official Gazette of the Republic of Serbia.

05 no: 151-5828/2011

In Belgrade, 2011

THE GOVERNMENT

PRESIDENT OF GOVERNMENT

4.1. Analysis of Strengths, Weaknesses, Opportunities and Threats of the Implementation of the Action Plan for Implementing the Aarhus Convention

Strengths

- In some areas, the implementation of the Action Plan for Implementing the Aarhus Convention (hereinafter: Action Plan) was in place for some time prior to Aarhus Convention ratification; the priority is to retain functioning good practices and to exchange them at all state levels.
- Existing strategic political documents already incorporate many objectives relevant to the Aarhus Convention.
- Existing environmental and GMO legislation provide a good base for further harmonisation with Aarhus Convention requirements.
- The Environmental Protection Agency has been established, through which regular cooperation with EIONET and the EEA prior to EU accession provides opportunities to learn EU practices and become acquainted with EU requirements.
- There is an available core of well-educated and dedicated environmental experts.
- A Commissioner for Information of Public Importance and Personal Data Protection has been established and his Office is becoming more effective.
- The court system has put into place an adequate procedure of access to justice.

Weaknesses

- There is a lack of administrative capacity (especially in terms of enforcement of environmental legislation) and a lack of human resources at competent environmental institutions. Capacity to implement and enforce legislation needs to be strengthened.
- Political will and support is lacking.
- There is low awareness among all stakeholders, from the general public to competent authorities.
- Social and economic problems take political precedence over environmental issues and Aarhus Convention priorities.
- Associations are weak, understaffed and undertrained.
- The information system is underdeveloped and lacks data (related to transport, operational monitoring, climate change).
- There are gaps in sectoral legislation, a lack of bylaws for operational implementation, non-harmonised provisions, non-implementation of existing legislation and poor basic structure for functionality (e.g. defined institutional responsibilities, procedural methodologies), which makes the system costly and inefficient.

- The Environmental Protection Agency is not an independent institution. The status of the Agency is regulated in accordance with the Law on Environmental Protection (Official Gazette of RS, No. 135/04)
- There is a lack of environmental capacity in the business sector.

Future opportunities

- Accede to the EU and transpose legislation.
- Develop an action plan (already well developed in certain areas) and proceed with implementation, applying the following principles:
 - a. prioritise activities in order to first remove the greatest obstacles to an effectively functioning system (i.e. defining terms, harmonising existing provisions, issuing necessary bylaws);
 - b. simultaneously take in account EU legislative requirements;
- The analysis of legislative alignment with the Aarhus Convention and formulation of legislative solutions should always take into account the necessity to comply with the provisions of Directive 2003/4/EC on public access to environmental information and Directive 2003/35/EC on public participation in development of environmental plans and programmes and on access to justice.
- Make better use of EEA/EIONET cooperation to gather best practices and employ effective, inexpensive solutions; participate in other international activities, such as INSPIRE and GMES.
- Link Aarhus Convention implementation with other international treaties.
- Link Aarhus Convention implementation with democratisation efforts.
- Strengthen the role of associations, particularly through the regional Aarhus Centres, in order to support an effective accession process and Aarhus Convention implementation.
- Decide on areas of the Aarhus Convention in which to be active, innovative and take a leading role.
- Make use of accession-process cooperation through revision and further upgrading of relevant legislation, in addition to implementation and enforcement.
- The Action Plan offers greater use of and access to available European and international financing.
- Strengthening the court system and provide adequate access to justice.

Future threats

- The EU accession process could slow down.
- The complexity of solutions can sometimes postpone implementation. A transparent step-by-step implementation action plan should be developed to avoid rejecting broad, complex and demanding tasks.
- Awareness-raising is a basic requirement, as there is low awareness among the public and political decision makers of environment-related issues.
- The justice system should be arranged so as to contribute to the effective implementation of the Aarhus Convention provisions.
- In times of economic crisis, governmental institutions cannot function at full capacity.

- The lack of valid and quality environmental data can make it difficult to enjoy the right of access to information; if a high-quality data system is not in place, various public and interested public requirements might be falsely interpreted.
- There is a current lack of political will to improve relevant legislation.

4.2. Aims, Principles and Priorities of the Action Plan

The aims of the Republic of Serbia Action Plan are closely related to those of the Aarhus Convention, but also reflect the country's current situation within the EU accession process. The plan is designed in such a way that implementation can start immediately without further analysis, but requires in parallel additional analysis of environmental and other issues to follow and build upon long-term objectives, and to manage broader concerns, such as the EU accession process, spatial levels and other sectors. This is also a process requiring continuous monitoring and improvement. The first step is to adapt the Action Plan to the current status of the EU accession plan, and to ensure synergies and harmonised outputs. Basic conditions to start the process are contained in this document.

The Action Plan prioritisation principles for the next five years are listed below:

- Start immediately with simple, cost-effective basic activities; involve the public and other stakeholders in environmental decision-making processes; educate (by making use of TWINNING projects, TAIEX and other possibilities) and raise awareness about Aarhus Convention aims and rights.
- Build on the existing situation and the advantages it offers; there is already a basic platform available for functioning, which allows for continual upgrading and filling in of existing gaps.
- Determine activities so that after first outcomes are available they can be easily integrated into the accession process when negotiations start.
- Examine activities in a transboundary and international context and establish the necessary links.
- Aim to keep up with developing e-system trends.

Subsection C.1: The Aarhus Convention on Public Assistance, Guidance, Education and Awareness

National Aarhus portal <<http://www.aarhus.be>> (Belgium)

This Belgian portal aims to provide the public with first-hand information about the Aarhus Convention and the public's rights within the Convention framework. It is a joint initiative of federal and regional environmental authorities.

See also Subsection B.9 on the role of Croatian associations in Aarhus Convention implementation.

Monitoring mechanisms

The Action Plan is designed to be flexible for revision over time and linked to developing political processes. The Action Plan proposes mechanisms to this end, as well as for monitoring effects, implementation and need for revision. Exact procedures and institutional/stakeholder responsibility will be established after the plan's adoption.

The following tools and mechanism are proposed in the Action Plan:

- the government and associations should select sets of indicators for measuring Action Plan implementation, as well as the effects of implementation;
- select indicators for measuring the success of Action Plan implementation;
- develop a table of accordance, which is to be updated regularly (e.g. every two years) and expanded as needed to relate to EU directives and other laws;
- arrange and hold conferences for a wide range of stakeholders to track implementation of Action Plan by various actors and users; assist and guide implementation through the exchange of good practices and discussion forums;
- the government and associations should report and make news and information available online;
- report to the Aarhus Convention Secretariat;
- make budget allocations to implement activities; and
- continue financial support to government and associations for monitoring activities.

4.3 Plan of Activities for the Implementation of the Aarhus Convention

4.3.1 Actions and Initiatives of General and Cross-cutting Nature

Table C.1: Actions and initiatives of general and/or cross-cutting nature

Proposed Action	Responsible institution	Partners to consult / engage	Target Dates	Success Indicator
1. Connecting relevant stakeholders, Establish a Aarhus Convention web site with nation-wide information on the convention rights, instructions and guidelines and forms to be used by users, monitoring indicators and reports provided: governmental and NGOs site, Regional Aarhus center site.	MEMSP	All stakeholders	After adoption of the Strategy	Funds allocated in the budget. Web sites published Monitoring reports and indicators published The network of representatives of relevant stakeholders established
2. Develop guidelines for public and public administration how to deal with requests for public information.	MEMSP Associations selected in the selection process; Regional Aarhus centers	All stakeholders, particularly Aarhus centers	After adoption of the Strategy	Funds allocated in the budget. Guidelines published.
3. Review of all sectoral policies on the inclusion of Aarhus Convention requirements and needs, including monitoring mechanisms.	MEMSP	All stakeholders, particularly Aarhus centers	After adoption of the Strategy	Included in the Strategy Monitoring mechanisms for all sectors evident.
4. Long-term analyses of human resources for implementation of Aarhus Convention.	MEMSP	All stakeholders, particularly Aarhus centers	After adoption of the Strategy	Included in the Strategy.
5. Financial requirements in order to enable implementation.	MEMSP	All stakeholders, particularly regional Aarhus centers.	After adoption of the Strategy	Included in the Strategy.
6. Establishing monitoring mechanisms: - indicators developed by government and associations - table of accordance updated in time and in scope (EU, other laws.) - reporting to the secretariat of the Aarhus Convention - public survey	MEMSP	CIPIPP, SEPA, INCS, LG, Associations, media and all other relevant public authorities and stakeholders, particularly Regional Aarhus centers.	After adoption of the Strategy	Funds allocated in the budget aimed at implementing the activities. Continued financial support for monitoring (to associations and government) Included in the Strategy. Established bodies or committees. Reports to the Aarhus Convention Secretariat. Indicators published by associations.

Proposed Action	Responsible institution	Partners to consult / engage	Target Dates	Success Indicator
7. Further reviews of legislative accordance: with other laws, updated laws and sub-laws as necessary, with all the relevant EU directives (access to information and all others which only in parts relates to Aarhus Convention) and international conventions.	MEMSP	Relevant ministries	After adoption of the Strategy	Organized workshops including all stakeholders involved in adjusting the legislative framework. Amended Strategy with results of gap analyses
8. Long term analyses of the institutional set up (especially from the point of view of the organs and organizations which directly implement the laws of importance for the Aarhus convention; in the fields of education, work-related training, dissemination of information through public media and popularization of environmental protection and the Aarhus Convention)	MEMSP	Government	Pre-accession negotiations.	
9. Long-term analyses of the roles of regional and local communities and associations.	MEMSP	Relevant regional and local partners, particularly Regional Aarhus centers.	Pre- accession negotiations.	Strategy for regional and local actors prepared.
10. Ratification of the Protocol on Pollutant Release and Transfer registers (PRTR).	MEMSP		Pre- accession negotiations.	Ratified protocol.
11. Ratification of GMO amendment.	Ministry of Agriculture, Trade, Forestry and Water Management, MEMSP		Before accession negotiations.	Ratified amendment.
12. Establish conferences for exchange of good practices, campaigns and training programmes for implementation of the Aarhus Convention. Conferences are preceded by workshops intended to inform stakeholders about the Aarhus Convention provisions and goals. During the workshops, proposals of activities for implementing the Aarhus Convention will be drafted.	MEMSP	Ministry of Education and Science, associations, media and other stakeholders, particularly Regional Aarhus centers.	After adoption of the Strategy	Funds allocated in the budget for organizing workshops, conferences and campaigns and for developing an education programme. Programme published and adopted. Conferences carried out. Participation in other conferences (international and local level events, outside the country etc.). Formal and non-formal educational activities carried out.
13. Accelerate cooperation and exchange of good practice with the European Community and in international activities.	MEMSP	Other stakeholders, particularly Regional Aarhus centers.		

	Proposed Action	Responsible institution	Partners to consult / engage	Target Dates	Success Indicator
14.	Building mechanisms ensuring the promotion of the Aarhus Convention principles in international environmental decision-making processes, including the participation of the public in decision-making processes related to international activities taken by competent authorities in the field of the environment;	Ministry of Foreign Affairs;	Ministry of the Environment, Mining and Spatial Planning and other competent authorities;	2012;	An Act regulating the activities of the competent authorities with the aim of achieving the predefined aim; providing access to information and participation of the public in activities related to international co-operation in the field of environment.
15.	Monitoring and analysing the implementation of the Aarhus Convention with regard to anti-discrimination measures (fighting discrimination on the grounds of citizenship, place of residence of legal persons regardless of their registered seat or the actual centre of activities;	MEMSP	Ministry of the Environment, Mining and Spatial Planning and other competent authorities;	2012	Report on the implementation of Article 3, Paragraph 9 of the Aarhus Convention;

4.3.2 Actions and Initiatives for Access to Information

Table C.2: Actions and initiatives for access to information

Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator
Legislation and procedures					
1. Harmonization of the LEP with Aarhus Convention principles on free access to information	Include clear definition of the environmental information in clearer manner the criteria for exemptions from the right of access to information, and omit all ambiguous stipulations regarding these criteria	MEMSP	Associations, SEPA, Regional Aarhus Centers	2012	Amendments to the law published.
2. Harmonization of the LEP with the stipulations of the LFAIPI	Modify stipulations of the LEP regarding timeframes for providing information or a refusal of information disclosure in accordance with timeframes provided by the LFAIPI	MEMSP	CIIPDP, Associations, SEPA, Regional Aarhus centers	2012	Amendments to the law published.
3. Harmonization of the LFAIPI with Aarhus Convention principles on free access to information	Define in clearer manner the criteria for exemptions from the right of access to information, and omit all ambiguous stipulations regarding these criteria	CIIPDP	MEMSP, Associations, SEPA, Regional Aarhus centers	2013 or during pre-accession negotiations	Amendments to the law published.
4. General harmonization of the national environmental legislation with Aarhus Convention principles on free access to information	Include clearly defined right of free access to information in all relevant environmental legal documents, especially in LEIA, LSEA, LIPPC, LSUFRR, LPAIRNS,WL. Include specific penalty provisions in all relevant legal documents for the impairment of the right of free access to environmental information. Subregulate the issue of dissemination of environment-related product information to consumers with the inclusion of clearly defined measures and criteria.	MEMSP	Other relevant ministries, associations	Before accession negotiations	Amendments to the law published.
5. Define in clear and precise manner record-keeping, monitoring and reporting systems for operators, and especially procedures and time limits for quality checking and adequate flow of information to public authorities and general public	Develop an additional bylaw or guidelines that would define these issues in a clear and precise manner.	MEMSP	SEPA	2013	Amendments to the law published.
6. Establish a clear definition of environmental information and the public right of access, as well as clear and precise set of national criteria for refusal of information disclosure. Within the existing legislation introduce AN ALTERNATIVE MEASURE INSTEAD OF CHANGES TO PRIMARY LAWS.	Develop an additional bylaw that would define these issues in a clear and precise manner.	MEMSP	CIIPDP, associations and SEPA	2013	By-law published.

Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator
7. Establish harmonization of laws with EU requirements related to the information system, i.e. INSPIRE or national regulations to improve cooperation with the EEA (nomination of contact points, reporting protocols...), SEIS, GMES as appropriate. Institutional arrangements and responsibilities, from state to local level, institutional performance, capacity building and training.	Develop by-laws, guidelines, and instructions or other forms of agreement to provide information	MEMSP	Data providers	Start 2011 with the EEA Proceed in steps	Reporting requirements and contact points nominated. Defined formats of documents (guidelines, instructions memorandums of understanding) established for cooperation in data flows to support European and international requirements.
8. Improve the efficiency of responsible public authorities to deal with the right of free access to information and information dissemination.	Assess the adjustment of the status of SEPA in accordance with the EU integration process. Develop and implement capacity building programme for CIIPDP regarding its ability to process requests and complaints, as well as to monitor implementation of the LFAIPI. Develop and implement capacity building and training programmes for SEPA, MEMSP and other relevant public authorities regarding their ability to process information disclosure requests. - Define clear points of contact and identify responsible persons to deal with the public right to free access to information and information dissemination within each public authority, and establish a network of responsible persons to facilitate information flow.	MEMSP CIIPDP MEMSP MEMSP	FEP, CIIPDP, MEMSP, SEPA, associations, Regional Aarhus centers, media and all other public authorities identified as relevant for these activities.	2012	Relevant documents published. Published dates of project reports; Published dates of project reports; Total number and percentage of public authorities that have established clear points of contact, and which have identified responsible staff to deal with the public right to free access to information and information dissemination; Date of establishment of the network and estimation of the amount of information flow through the network.
9. Improve the efficiency of the local government institutions to deal with the right of free access to information and information dissemination	- Conduct an analysis of the gaps and needs within local government institutions, regarding their ability to deal with these issues. - Develop and implement specific training and capacity building programmes for local government institutions, according to the analysis of gaps and needs. - Define clear points of contact and identify responsible persons to deal with the public right to free access to information and information dissemination within each local government unit. - Establish local environmental information dissemination centres, based on the example of the Aarhus Centre Kragujevac and other examples of good practice.	MEMSP	MHMRPALSG, LG, FEP, SCTM, NITIA, associations, Regional media, Regional Aarhus centers	2012 2013 2012 2014	Project reports published. Total number and percentage of local government units that have established clear points of contact, and which have identified responsible staff to deal with the public right to free access to information and information dissemination. Number of local government units with established environmental information dissemination centres.
10. Improve efficiency of inspectorates, both on national and local level, to impose control mechanisms on the access to information and information dissemination performance.	- Develop and implement capacity building and training programmes for inspectorates, both on national and local level, regarding their ability to impose efficient control mechanisms.	MEMSP	MHMRPALSG, LG, CIIPDP, SEPA, FEP	2012	Project reports published

	Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator
11.	Establish an efficient alarm system for dissemination of information on the imminent threat to human health or the environment.	<ul style="list-style-type: none"> - Define thresholds for the alarm system. - Define a clear set of procedures; time-frames, means of communication, responsible institutions and persons for monitoring and information dissemination in cases of the imminent threat to human health or the environment. - Establish an external control of the proper functioning of the alarm system and objectivity of the data provided. 	MEMSP	SEPA, LG, MoD, RPNSA, associations, media.	2012	Thresholds for the alarm system defined; publication date. Alarm system functional; Date of publishing of alarm system procedures.
12.	Establishment of the efficient system of environmental monitoring, data maintenance and information dissemination by protected area managers to local communities in the region and to the general public, and deal with the public right of free access to information	<ul style="list-style-type: none"> - Establish a permanent system within each protected area that would actively gather and distribute relevant information on the state of the protected area through Internet presentations and regularly published reports. - Define clear points of contact and identify the persons responsible to deal with public right to free access to information. - Improve efficiency of the networking of data maintenance and reporting systems among protected area managers through INCS. 	MEMSP	INCS, PAM, LG, SEPA, associations, media, Regional Aarhus center	2013 2012 2013	Percentage of protected areas that have established efficient monitoring, data maintenance; information dissemination and reporting systems; Percentage of protected areas that regularly publish reports on the state of protected areas and have made all relevant information available on the Internet. Total number and percentage of protected areas that have established clear points of contact, and which have identified responsible staff to deal with the public right to free access to information and information dissemination.
13.	Improve control of products on the market and product information disclosure. Improve environmental concerns in business and industry (EMAS, ISO 14000) Information system, EPSR register, publications	<ul style="list-style-type: none"> - The Inspectorate should impose stricter and more efficient control of products on the market and product information disclosure. 	MATFWM	MEMSP, MH, ACh, associations, media, regional Aarhus centers	2013	Number of product information disclosures; Number of fines issued for nonconformity with legal provisions. Standards applied
14.	Establish a national metadata register, which would contain detailed information on types and scope of the documentation, information and collected and maintained data, the institutions which are holding it or are responsible to hold it, links to the documents and data available on the Internet and points of contact and procedures for requests for the data that is unavailable online.	<ul style="list-style-type: none"> - Strengthening capacity of the AEPRS to enable the establishment of a national metadata register. Provide a full public access to the register on the Internet. Establish a "green phone" and an Internet portal, as composite parts of the national metadata register, which would serve as a general portal for inquires on environmental information and means of obtaining it. 	SEPA	MEMSP, All public authorities and stakeholders identified to hold relevant information, associations, media, Regional Aarhus center.	2012 2013 2013	Establishment of a national metadata register. Metadata placed on the Internet. Establishment of a "green phone" and Internet portal.
15.	Finalize establishment of the National Information System and national EPSR within SEPA in accordance to European and international requirements	<ul style="list-style-type: none"> - Finalize development of all elements of the National Information System and national EPSR within SEPA. - Provide full public access to the National Information System and national EPSR on the Internet. 	SEPA		2012	National Information System and National EPSR are fully established. Quality of data available to the public on the Internet National Information System and National EPSR are placed on the Internet.

Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator
16. Improve the functioning of the National Information System and national EPSR.	<ul style="list-style-type: none"> - Improve capacities within SEPA to ensure more efficient database input. - Establish effective data validation system for all information within the National Information System and national EPSR. - Enhance the application of GIS based technologies within the National Information System, in order to enhance harmonization of different elements within the system and their integration with external systems, as well as to enable easier access to information and data analysis. - Enhance the networking and harmonization of the National Information System with the other national and international databases, especially with the EIONET, SEIS, GMES, EUROSTAT and INSPIRE. - Establish efficient reporting and data-flow through EIONET, SEIS, GMES, EUROSTAT and INSPIRE. 	SEPA	MEMSP, FEP, NITIA, SO, EIONET, SEIS, GMES, EUROSTAT, INSPIRE	2012 2013 2015 2013 2013	The quantity of data within the National Information System that have been georeferenced, and the amount of georeferenced data which is made available on the Internet. An efficient system of cross-checking the data is established. Amount of annual data flow through these international mechanisms and initiatives.
17. Improve data flow to SEPA and other responsible public authorities	<ul style="list-style-type: none"> - Inspectors should continue imposing stricter and more efficient control of organizations responsible for providing relevant environmental information to SEPA, which are entered into the National Information System and EPSR - Conduct gap analyses within all institutions responsible for monitoring, record keeping, reporting and providing data flow to the Environmental Protection Agency, and conduct training and capacity building programmes accordingly. 	MEMSP	SEPA, FEP, all identified operators, associations, Regional Aarhus centers	2012 2014	Number of product information disclosures; Number of fines that are issued for nonconformity with legal provisions, published in annual reports every year. Project reports are published; Capacities of SEPA are strengthened.
18. Improve research and monitoring system and data quality	<ul style="list-style-type: none"> - Expand the network of monitoring stations to cover the entire country and enable the monitoring of all relevant elements of the environment Improve the use of international biodiversity indicators (based on those developed by EEA and CBD) within environmental monitoring. Improve the efficiency of the research and monitoring activities related to the state of biodiversity and other elements of the environment in such way that it becomes sufficiently systematic and harmonized, as well as to improve reporting to responsible institutions. 	- MEMSP - SEPA - MSTD	MEMSP, MSTD, SEPA, SRMI, FEP, SO, PAM, RHS, LG, associations, media, Regional Aarhus centers.	2015 2012 2015	National coverage provided by the network of monitoring stations; Number and percentage of environmental information that is monitored. Number of international biodiversity indicators applied.
19. Establish and improve EPSR within all local government units	<ul style="list-style-type: none"> Finalize development of the EPSR within all local government units. Define relationship and ensure harmonization between local EPSR and the national EPSR, and establish efficient networking systems. Provide full public access to all local EPSR on the Internet. 	- LG - SEPA - LG	LG, SEPA, MEMSP, MHMRPALSG, FEP, SCTM, NITIA, MCIIS	2014	Number of local government units that have fully developed EPSR Level of harmonization and data exchange among local EPSR and between local and national EPSR Number of local EPSR that are fully accessible on the Internet.

	Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator
20.	Improve data maintenance, information dissemination and reporting within all local government units.	<p>Conduct an analysis of the gaps and needs within local government institutions, regarding their ability to deal with these issues.</p> <p>Develop and implement specific training and capacity building programmes for local government institutions, according to the analysis of gaps and needs.</p> <p>Develop adequate internet presentations of all local government units that would enable efficient provision of environmental information.</p> <p>Inspectorates should continue to impose stricter and more efficient control of information maintenance, information dissemination and reporting by the responsible local government institutions.</p>	MEMSP, MEMSP LG, MEMSP	LG, MEMSP, MHMRPALSG, SEPA, FEP, SCTM, NITIA, MCIS, associations, media, Regional Aarhus centers.	2014	Reports on gap analysis, training and capacity building projects are published. Number of local government units that have established efficient data maintenance, information dissemination and reporting systems.
21.	Improve active environmental information dissemination to the public by private and public enterprises.	<p>Introduce adequate stimulation systems (e.g. through taxation benefits, eco-labelling and eco-auditing) that would encourage a active environmental information dissemination to the public by private and public enterprises.</p>	MEMSP	MF, MATFWM, ISS, ABS, associations, media, regional Aarhus centers	2014	Number of enforced stimulation mechanisms Number of private and public enterprises that have established efficient information dissemination mechanisms. EMAS or ISO 14000 standards
22.	Improve availability of all relevant documents on the Internet.	<ul style="list-style-type: none"> - Make complete national environmental legislation available on the Internet, as well as all relevant strategic documents, plans, programmes, and agreements. - Make all international treaties, conventions, agreements and other relevant international documents, including relevant EU legislation, available on the Internet. - Improve the availability on the Internet of all reports and information on the dealings of public authorities with the environment, as well as of the facts and analyses of facts important in framing major environmental policy proposals. - Ensure that all databases with relevant documents are systematically presented, regularly updated, user-friendly, with adequate references and validation of data reliability (representing information on environment quality, factors which influence it, health and safety) 	MEMSP	NA and all other public authorities holding or being responsible for relevant documents, associations, Regional Aarhus centers.	2012	Total number and the percentage of national legal and strategic documents, plans, programmes, and agreements that are available on the Internet; dates of their placement on the Internet. Total number and the percentage of international treaties, conventions, agreements and other relevant international documents that are available on the Internet; dates of their placement on the Internet. Total number and the percentage of reports and information on the dealings of public authorities with the environment, as well as of the facts and analyses of facts important in formulating major environmental policy proposals that are available on the Internet, and the level of regularity of their publishing.
23.	Provide regular publication of the reports. Establish efficient system of reporting on the state of the environment (revise frequency of integrated reports, and supplement with yearly indicator reports and other types of reports or continuously updated on-line data-indicators (see practice EEA and other countries) Awareness raising	<p>SEPA should continue to develop and publish annual National Environmental reports.</p> <p>Establish regular publication of Environmental reports by local government units.</p> <p>Provide and implement effective data validation for information published in Environmental reports.</p> <p>All state authorities should regularly publish Directories containing key facts about their operations.</p>	SEPA, LG, MEMSP, CIIPDP	MEMSP, MHMRPALSG, SEPA, associations, media, Regional Aarhus centers	Annually, permanently	National Environmental reports are published, as well as indicator reports and other relevant reports Total number of local government units that regularly publish local Environmental reports. Total number of state authorities that regularly publish Directories; percentage of published Directories that are providing sufficient information in accordance with legal provisions.

	Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator
24.	Improve awareness of the general public, public authorities and other stakeholders regarding the provisions of the Aarhus Convention and the LFAIPI.	Conduct adequate awareness raising programmes and activities, for example campaigns.	MEMSP, CIPIPD	LG, associations, media, other stakeholders, regional Aarhus centers	2012	Project reports are published. Public awareness level (estimated through surveys as a percentage of general population that is sufficiently familiar with the provisions of the Aarhus Convention and the LFAIPI). Awareness level within relevant public authorities.
25.	Improve the awareness of the public regarding their right to free access to information and procedures for obtaining it.	Conduct adequate awareness raising programmes and activities.	MEMSP, CIPIPD	LG, associations, media, Regional Aarhus centers	2012	Project reports are published. Public awareness level (estimated through surveys as a percentage of general population that is sufficiently familiar with their right to free access to information and procedures for obtaining it).
26.	Improve the awareness of the public regarding the national eco-labelling, eco-auditing and organic food labelling frameworks, and certification systems.	Conduct adequate awareness raising programmes and activities.	MEMSP, MATFWM	ISS, ABS, LG, associations, media, regional Aarhus centers	2012	Project reports are published. Public awareness level (estimated through surveys as a percentage of general population that is sufficiently familiar with the national eco-labelling, eco-auditing and organic food labelling frameworks, and certification systems, and their importance).

4.3.3 Actions and Initiatives for Public Participation in Environmental matters

Table C.3: Action and initiatives for public participation in environmental matters

Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
Legislation and procedures					
1. Develop an Action Plan for associations for implementing the Aarhus Convention and support its implementation..	This Action Plan is prepared with associations involvement in the early stage of preparation.	Associations, regional Aarhus centers.	MEMSP	After adoption of the Strategy	Action Plan for associations published.
2. Improve the Implementation framework and procedures for adequate implementation of public participation in the context of national and transboundary activities, when needed.	Establish links to EU regulations, legislation and procedures, as well as with international agreements.	MEMSP	Associations, Regional Aarhus centers, other relevant ministries.	2015	By-law published together with relevant documents.
3. Improve monitoring mechanisms for public participation.	Establish links to EU regulations, legislation and procedures, as well as MEAs.	MEMSP	Associations, other relevant institutions, regional Aarhus centers..	2015	By-laws published along with other relevant documents.
4. Improve dialogue between the public and decision makers; enhance dialogue instruments (joint delegations, teams, hearings).	Establish links to EU regulations, legislation and procedures, as well as MEAs.	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2015	Amendments to by-laws published; the number of associations in official delegations, teams, hearings, relevant documents published.
5. Harmonize legal requirements related to public participation with the Aarhus Convention.	Establish link to EU regulations, legislation and procedures, including but not limited to harmonizing the EIA and Aarhus Convention lists.	MEMSP	Other relevant ministries and institutions.	2015	Amendments to laws and by-laws published.
6. Harmonize implementation of the relevant EU Accession requirements and implementation of MEAs.	Establish procedures and conduct analyses	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2015 2012 (analyses)	Approved procedures, possible by-laws, relevant documents published.
7. Development of practical mechanisms for Transboundary EIA.	Develop procedures	MEMSP	Other relevant ministries and institutions.	2013	By-laws published together with relevant documents.
8. Develop performance and quality standards of public participation.	Develop procedures	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2015	Approved procedures, relevant documents published.
9. Evaluate the rate at which decision makers recognize the role, value and significance of associations and other associations.	Develop evaluation/assessment	MEMSP/ associations	Other relevant ministries and institutions.	2013	Approved assessment, relevant documents published.

	Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
10.	Strengthen inter-sectoral and cross level cooperation (national, provincial and local), related to public participation	Develop procedures	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2012	Approved procedures, possible by-laws, relevant documents published.
11.	Develop proper budgeting to support public participation.	Evaluate needs and develop procedure	MEMSP, local self government units	Associations, Regional Aarhus centers, other relevant ministries and institutions.	Immediately after adoption of the Strategy	Funds provided in the budget for associations
12.	Improve the trust of citizens with regards to environmental information.	Improvement of procedures for providing transparency and citizen-oriented administrative practice when dealing with environmental issues. Conduct a public opinion poll regarding the information and guidelines available on the Internet and complaints related to the issue.	Associations, Regional Aarhus center.	MEMSP, other relevant ministries and institutions.	2012	Approved procedures, relevant documents published. Public survey carried out regarding information and guidelines published on the web and complaints related to the issue (criteria defined)
13.	Establish mechanisms for informing the public about decisions related to environmental activities and programmes	Improve mechanisms and set-up of this area.	MEMSP	Associations, Regional Aarhus centers and institutions.	2012-2013	Relevant documents published, possible by-law.
14.	Upgrade and improve legal basis and procedures (also determine proper competent authority) for implementation of SEA in the realm of strategies, and action plans in energy, transport, agriculture, forestry, hunting, industry, waste management, water management, telecommunications, tourism, natural habitats and wild flora and fauna protection.	Develop SEA amendments, changes to other laws and by-laws in accordance with EU directives	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2013	Law/by-laws adopted, relevant documents published.
15.	Improve procedures for public participation in addressing climate change and its effects, water framework directive and other relevant directives.	Develop law/by-laws coherent with the EU requirements and practice.	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2013	Amendments to laws and by-laws changes adopted, relevant documents published.
16.	Facilitate public participation and develop adequate responses.	Establish procedure.	MEMSP/ Associations	Other relevant ministries and institutions	2015	Approved procedure relevant documents published.
17.	Develop tools for public participation in preparing laws and regulations.	Establish procedure.	MEMSP/ Associations	Other relevant ministries and institutions.	After adoption of the Strategy	Approved procedure, relevant documents published.
18.	Define criteria for determining active (representative) associations that deal with environmental protection..	Define criteria.	MEMSP/ Associations	Other relevant ministries and institutions.	2012	Approved criteria, relevant documents published.

Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
19. Define an institutional set-up (with points of contact) for public participation at national, provincial, city and municipality level for EIA and IPPC, transboundary EIA and IPPC decision making.	Establish procedure/organogram.	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions	2015	Approved organogram, Relevant documents published. Total number of public authorities that have established contact points and staff responsible for public participation.
20. Prepare legislation defining procedures which must be fully applied during public participation in EIA and IPPC, defining the exact institutions points for contact.	Develop procedures.	MEMSP	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2015	Law adopted Total number of public authorities that have established points of contact.
21. Develop criteria and standards for representative associations that have sufficient knowledge and skills for public participation in EIA (at different levels).	Develop legal provisions Identify key representative associations with capacities and skills for implementing EIA public participation (with support to those associations).	MEMSP/ Associations	Other relevant ministries and institutions.	2015	Law adopted. Relevant documents published.
22. Establish a procedure for developing a registry of the representative associations at different levels; prepare a directory of active associations.	Establish procedure.	MEMSP/ Associations	Other relevant ministries and institutions.	2015	Procedure established, Relevant documents published, Directory of associations prepared.
23. Establish procedures and allocate budgetary funding (at national, provincial, city and municipal budget) for long-term support intended for representatives of key associations in order to ensure public participation in EIA, education, presence of associations representatives at the most relevant meetings related to the Aarhus Convention (and Aarhus Convention WG), related international gatherings, inclusion of associations in official delegations and in relation to EU accession.	Develop procedure, allocate budgetary funding.	MEMSP	Associations, Regional Aarhus center, other relevant ministries and institutions.	2012	Procedure established. Allocated funding for associations. The number of associations representatives at for a relevant for the implementation of the Aarhus Convention in official delegations.
24. Provide information to the public regarding procedures for public participation through simple means of communication.	Develop procedure.	Associations	MEMSP, NGO, Regional Aarhus centers, other relevant ministries and institutions.	2015	Procedures established, relevant documents published.
25. Develop tools to encourage and support cooperation between national and regional associations in order to improve their capacity and ability for public participation in regional projects, plans and activities.	Develop tools, allocate budgetary funding.	MEMSP	Associations, Regional Aarhus center, other relevant ministries and institutions.	2015	Relevant documents published. Funds allocated in the budget. Number of activities that emerged as a result of cooperation.

	Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
26.	Develop instruments for effective implementation of public participation related to environmental health impact (environmental health indicators, monitoring tools, information chain, etc.).	Develop tools, allocate budget.	MEMSP/MH	Associations, Regional Aarhus centers, other relevant ministries and institutions.	2015	Relevant documents published. Allocated budgetary funding. Number of public participation cases related to the impact of the environment on health.
27.	Develop tools for public participation.	Develop tools.	Associations	MEMSP, Regional Aarhus center	2012	Approved tools, relevant documents published. Use of tools in practice.
28.	Develop legal provisions for public participation in drafting by-laws.	Develop legal provisions.	MEMSP	Associations, Regional Aarhus centers, other relevant ministries.	2012	Relevant legal provisions and documents published.
29.	Establish harmonizes rules and procedures for public consultations in a) environmental sector, b) other environmentally-related sectors	Establish rules and procedures.	MEMSP, associations, Regional Aarhus center	Other relevant ministries.	2015	Rules and procedures established. Relevant documents published.
30.	Assess the practical implementation of public participation in environmental issues and related practices with respect to the recognition and application of contributions given by the public and associations.	Develop assessment.	Associations, MEMSP, Regional Aarhus centers	Other relevant institutions.	2015	Relevant documents-reports published. Evaluation criteria established.
31.	Education, training, capacity building Develop curricula for environmental education and trainings, relevant to public participation.	Evaluate existing curricula and conduct a needs assessment. Develop curricula	Associations, higher education institutions, Regional Aarhus centers	MEMSP, All stakeholders media.	2012 project design and allocation of funds, 2012 onwards	Relevant documents published. Programme prepared and adopted.
32.	Support to environmental civil society organizations by providing trainings and educational courses related to public participation.	Allocate budgetary funds. Prepare program (see activity 31)	MEMSP, associations, Regional Aarhus centers	Others	2012, continuously	Allocated budget. Number of supported trainings implemented by associations
33.	Develop capacity and establish mechanisms for transboundary EIA.	Develop capacities and establish mechanisms.	MEMSP	Others	2015	Capacities developed. Mechanisms established. Relevant documents published.
34.	Strengthen the capacity to legislation of competent authorities.	Strengthen capacities..	MEMSP	Others	2015	Capacities strengthened.
35.	Straighten local capacities for environmental protection.	Strengthen local capacities.	Local authorities	Others	2015	Local capacities strengthened.
36.	Support consumer organizations, and eco-consumer organizations.	Allocate budget.	Competent ministries	Others	2015	Funds allocated in the budget.

Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
37. Support education for public participation in addressing climate change issues and its effects.	Allocate budget.	MEMSP	Associations, Regional Aarhus centers, others	2015	Funds allocated in the budget. Number of supported associations with public participation knowledge and skills (various levels).
38. Support courses (as part of formal or informal education) related to tools for public participation in decision making process. Awareness raising	Develop a law on informal (environmental) education. Education.	Ministry of Education and Science	Others	2012	Law on informal education adopted. Number of courses supported.
39. Support civil society organizations dealing with environmental protection to develop awareness for public participation activities.	Implement relevant programs and activities aimed at raising awareness.	MEMSP, associations, Regional Aarhus centers		2012	Project reports published. Level of public awareness (estimated through surveys as a percentage of the general population).
40. Support activities aimed at developing public awareness and related advocacy campaigns.	Implementing relevant programs and activities targeted at raising awareness.	MEMSP, associations, Regional Aarhus centers		2012	Project reports published. Level of public awareness (estimated through surveys as a percentage of the general population).
41. Develop and disseminate information intended for the public regarding procedures for participation through simple means of communication.	Conduct adequate awareness raising programmes and activities.	MEMSP, associations, Regional Aarhus centers	Others	2012	Project reports published. Level of public awareness (estimated through surveys as a percentage of the general population).

4.3.4 Actions and Initiatives for Access to Justice

Table C.4: Actions and initiatives for access to justice

Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
Legislation and procedures					
1. Harmonize terminology in accordance with the Aarhus Convention and relevant EU provisions that would be used in the entire legal system (the same definitions with the same meaning).	Drafting legal provisions (e.g. new LEP).	MEMSP	Associations, Regional Aarhus centers	2012—2013	Law adopted.
2. Develop uniform legal/normative forms in the entire legal system of access to justice in cases related to access to environmental information and public participation, which should be fully harmonized with the Aarhus Convention and relevant EU provisions.	Implement a systematic (in-depth) analysis (review) of all "horizontal" and "sectoral" legal provisions related to environmental protection (i.e. laws and by-laws), which would lead to the adoption of a detailed plan for developing amendments related to environmental protection;	MEMSP	Associations, Regional Aarhus centers	Immediately after adoption of the Strategy	Legal provisions adopted.
3. Develop uniform legal/normative forms in the entire legal system of access to justice in cases related to challenging the acts and omissions of private persons or public authorities contravening provisions relating to the environment.	Preceding analysis (combined with activity number 2)	MEMSP	Associations, Regional Aarhus centers	Immediately after adoption of the Strategy	Legal provisions adopted.
4. Additional analysis of amendments from 2010 (enforced after 1 October 2010; i.e. those not included in analyses carried out prior to the development of this Strategy and by-laws adopted therewith.	An activity supplementary to the activity No. 2 above.	MEMSP	Associations, Regional Aarhus centers	Immediately after adoption of the Strategy	Report adopted & published. Action Plan amended.
5. Develop uniform normative/legal forms in all environmental laws in the Republic of Serbia, which regulate accessing justice related to accessing environmental information, fully harmonized with Aarhus Convention provisions.	Draft appropriate environmental legal norms related to: - first degree decisions; - "silence of the administration"; - preliminary review procedure (complaint against first degree decision and adoption of second degree decisions); - conditions for accessing justice (if an appeal against first degree decision is not permitted). Adoption of amendments and executive legal instruments.	MEMSP	Associations, regional Aarhus centers.	2012—2013	Law adopted.

	Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
6.	Develop uniform normative/legal forms in all environmental laws in the Republic of Serbia, which regulate accessing justice related to public participation in decision- making processes in environmental issues, fully harmonized with Aarhus Convention provisions.	<ul style="list-style-type: none"> - Drafting respective environmental legal norms which refer to: <ul style="list-style-type: none"> - first degree decisions; - "silence of administration"; - preliminary review procedure (complaint against first degree decisions and adoption of second degree decisions); - conditions for accessing justice(when an appeal against first degree decision is not permitted) - Adoption of amendments and executive legal instruments. 	MEMSP	Associations; Regional Aarhus centers	2012–2013	Law adopted.
7.	Establish uniform administrative and judicial procedures for all environmental laws in the Republic of Serbia, which would guarantee the public with the legal rights to challenge acts and omissions of private persons and public authorities that are in contrast to provisions related to the environment.	<ul style="list-style-type: none"> - Drafting respective environmental legal norms related to: <ul style="list-style-type: none"> - first degree decisions; - "silence of administration"; - preliminary review procedure (complaints against first degree decision and adopting second degree decisions); - conditions to access justice (if an appeal against first degree decision is not permitted) - Adoption of amendments and executive legal instruments. 	MEMSP	Associations; Regional Aarhus centers.	2012—2014	Law adopted.
8.	Draft legislation establishing appropriate mechanisms, which would contribute to the removal or reduction of financial and other barriers to achieving access to justice.	<ul style="list-style-type: none"> - Amend all the environmental laws in order to provide: <ul style="list-style-type: none"> - the public and public concerned with free-of-charge participation in administrative procedures related to access to environmental information and participation in decision making procedures; - financial (and other) means of support to institutional assistance mechanisms. 	MEMSP	Other relevant ministries and bodies/authorities, associations, Regional Aarhus centers.	2012—2013	Law adopted.
9.	Draft legislation for establishing mechanisms for exchange of information in relation to the Aarhus Convention (at national level).	<ul style="list-style-type: none"> - Amendments that would enable the establishment of such a mechanism, which would involve the MEMSP staff, independent experts, representatives of associations, representatives of Regional Aarhus centers and other stakeholders. 	MEMSP	Associations; Regional Aarhus centers	After adoption of the Strategy	Legislation adopted.
10.	Establish institutional assistance mechanisms.	<ul style="list-style-type: none"> - Removal or reduction of financial and other barriers to access to justice. - Work in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection. - Activity at all(levels (state, provincial and LSG). - Support to strengthening Regional Aarhus centres (at regional level); - Support to strengthening capacities of associations and higher education institutions 	MEMSP	Other relevant ministries; associations; higher education institutions.	2013	Institutional mechanisms in place, Sustainability ensured, Web site(s) functioning, Guidelines published.
11.	Establish a compulsory Aarhus Convention clearance mechanism (national level).	<ul style="list-style-type: none"> - Analyses of draft environmental legislation (laws and by-laws) and giving opinion on their accordance with the Aarhus Convention requirements. 	MEMSP	Other relevant ministries; associations; Higher education institutions.	2013	Clearance mechanism in place, Its sustainability ensured, Web site in operation, Info booklet published.

	Proposed Action	Milestone Tasks (Key tasks that need to be carried out to implement actions)	Responsible institution	Partners to consult or engage	Target Dates	Success Indicator (How you can measure / demonstrate that an action is complete or progressed)
12.	Establish a system of monitoring the compliance with the Aarhus Convention.	<ul style="list-style-type: none"> - Monitoring environmental legislation (and other provisions supporting their implementation) - Monitoring the practical implementation of environmental legislation (at state, provincial and LSG levels). 	MEMSP	Associations; Regional Aarhus centers; Provincial authorities; LSG(s).	After adoption of the Strategy	Monitoring system in place. Its sustainability ensured. Collection, verification of reliability and publication of data are regulated; Web site in operation; First report published.
13.	Develop a comprehensive user-friendly handbook for access to justice.	Dissemination of practical information related to: <ul style="list-style-type: none"> - guaranteed rights; - use of assistance mechanisms for exercising the guaranteed rights; - applicability and availability in the entire territory of the Republic of Serbia (state, provincial, LSG levels). 	MEMSP	Associations, regional Aarhus centers	After adoption of the Strategy	Handbook published (printed version); available in electronic form). Handbook distributed (in a sufficient number of copies) among LSGs and published on web sites.
14.	Improve awareness among the general public and public authorities (particularly at local level and all levels of the judiciary), with regards to provisions of the Aarhus Convention and all aspects of access to justice, embedded in environmental laws.	Conduct adequate awareness raising programmes and activities.	MEMSP, CIPIPP	LG, associations, Regional Aarhus centers, public news broadcasters.	After adoption of the Strategy	Plan for implementing programs and activities published. Information easily available. Broad advertising of forthcoming events. Periodical reports adopted and regularly published and distributed broadly.
15.	Provide availability of information concerning the Aarhus Convention requirements on access to justice and the corresponding legislation in the Republic of Serbia through the official web page and on web pages of associations (see general activity 1)	Detailed revision of the official web site, taking the following aspects into consideration: <ul style="list-style-type: none"> • user friendliness • accessibility; • professional design; • accuracy of information. 	MEMSP	Regional Aarhus center,	After adoption of the Strategy	Web site reconstructed and organized in a cost-effective, user-friendly way. Web-site regularly updated and supplied with complete reliable and easily accessible and understandable information.

ANNEX 1

Access to environmental information - accordance with the Aarhus convention requirements, problems in implementation and gaps

ANNEX 2

Public participation - accordance with the Aarhus convention requirements, problems in implementation and gaps

ANNEX 3

Access to justice - accordance with the Aarhus convention requirements, problems in implementation and gaps

ANNEX 4

Institutions in the Republic of Serbia responsible for implementation of the Aarhus convention

ANNEX 5

Elements of the national environmental system which are available on the web and other databases relevant for implementation of Aarhus convention

ANNEX 6

Selected legal provisions on pollution registers, AC / PRTR protocol, EU and RS legal systems comparison

ANNEX 1 Access to Environmental Information- Accordance with the Aarhus Convention Requirements

Table Annex 1: Access to environmental information- accordance with the Aarhus convention requirements, problems in implementation and gaps

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
4.1	<p>1. Each Party shall ensure that, subject to the following paragraphs of this article, public authorities, in response to a request for environmental information, make such information available to the public, within the framework of national legislation, including, where requested and subject to subparagraph (b) below, copies of the actual documentation containing or comprising such information:</p> <p>(a) Without an interest having to be stated;</p> <p>(b) In the form requested unless:</p> <p>(i) It is reasonable for the public authority to make it available in another form, in which case reasons shall be given for making it available in that form; or</p> <p>(ii) The information is already publicly available in another form.</p>	<p>YES Law on Environmental Protection, Constitution, Law on Chemicals, Law on Biocide Products; Law on Nature Protection, etc. PARTLY In the Law on Free Access to Information of Public Importance, this right is applied only if there is a threat to, or a need for protection of, public health and the environment: "It does not provide the same right, for example, when environmental information is concerned." NO Law on administrative procedures requires proven interest; however, the "public interest" is not clearly defined. The Commissioner for Information of Public Importance and Personal Data Protection is the key state body responsible for controlling free access to information is. Law on Free Access to Information of Public Importance for (a) - Article 15 (also Articles 4, 5), for (b) the Article 18, for (ii) the Article 10, also Law on Environmental Protection (Article 78, and the Principle of public information and participation in Article 9), Constitution (Articles 51 and 74), Law on Chemicals (Article 84), Law on Biocide Products (Article 47), Law on Nature Protection (Article 115) etc. According to the Law on Free Access to Information of Public Importance, "Justified public interest to know ... shall be deemed to exist whenever information held by a public authority concerns a threat to, or protection of, public health and the environment" (Article 4). Law on administrative procedures – requires proven interest however, "public interest" is not clearly defined (Article 70). The Commissioner for Information of Public Importance and Personal Data Protection is the main national institution for controlling the free access to information.</p>	<p>Low general awareness (both regarding general public and many public authority representatives) regarding provisions of the Aarhus Convention and the Law on Free Access to Information of Public Importance. According to staff in the office of the Commissioner for Information of Public Importance and Personal Data Protection, there were few complaints for refusal of disclosure of environmental information but this could be more related to the lack of public awareness and interest in environmental issues (i.e., lack of information disclosure requests), than to the scarcity of refusal cases related to information disclosure..</p>	<p>A need for the establishment of metadata register at national level, which is a database where interested parties could check which type of data can be found in which institution (information regarding information). A general deficiency related to the passive access to information occurs mostly due to the lack of capacity and awareness regarding these issues. At local level authorities don't have clearly defined contact points for receiving information request neither sufficient numbers of trained personnel that would process the request.</p>

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
4.2	<p>2. Environmental information referred to in paragraph 1 above shall be made publically available as soon as possible and at the latest within one month after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to two months after the request is submitted. The applicant shall be informed of any extension and of the reasons justifying it.</p>	<p>Accordance in the Republic of Serbia</p> <p>YES</p> <p>Even stricter stipulations are foreseen for some types of environmental information in the Law on Free Access to Information of Public Importance, i.e. information must be issued as soon as possible, or fifteen days, at the latest, from the date of submission of request. If the information is relevant for the protection of health or the environment, the reply must be received within 48 hours, extension of the deadline might be approved with justification and cannot be longer than 40 days; The Law on environmental protection provides a deadline of 30 days, extension is given up to 60 days for voluminous data or if their preparation requires a longer period of time.</p> <p>YES</p> <p>Law on Free Access to Information of Public Importance (Article 16) carries even stricter stipulations – as soon as possible, 15 days at the latest (if the information is relevant for protection of health or the environment the deadline is 48 hours), possible extension that can be approved with justification can be no longer than 40 days.</p> <p>The Law on environmental protection (Article 79) – up to 30 days, extension up to 60 days for voluminous data or if preparation takes a longer period of time.</p>	<p>Problems in implementation</p> <p>Lack of staff capacities in public offices prevents timely processing of requests for information disclosure .</p> <p>Non-harmonized stipulations in two aforementioned mentioned laws can lead to confusion among public authorities and other organizations.</p> <p>Established procedures, guidelines.</p>	<p>Gaps</p> <p>Non-harmonized laws – according to the Constitution (Article 20), achieved levels of human and minority rights cannot be reduced. It is therefore necessary to harmonize all relevant stipulations of the national legislation with deadlines provided by the Law on Free Access to Information of Public Importance.</p>
4.3	<p>3. A request for environmental information may be refused if:</p> <p>(a) the public authority to which the request is addressed does not hold the environmental information requested;</p> <p>(b) the request is manifestly unreasonable or formulated in too general a manner; or</p> <p>(c) the request concerns material in the course of completion or concerns internal communications of public authorities where such an exemption is provided for in national law or customary practice, taking into account the public interest served by disclosure.</p>	<p>Accordance in the Republic of Serbia</p> <p>YES</p> <p>Law on Free Access to Information of Public Importance.</p> <p>YES</p> <p>Law on Free Access to Information of Public Importance (Articles 10, 13).</p>	<p>Problems in implementation</p> <p>There is a need to define a clear and precise set of “rules of conduct” – more precisely criteria (at national level), for the refusal of information disclosure.</p>	

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
4.4	<p>4. A request for environmental information may be refused if the disclosure would adversely affect:</p> <p>(a) The confidentiality of the proceedings of public authorities, where such confidentiality is provided for under national law;</p> <p>(b) International relations, national defence or public security;</p> <p>(c) The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;</p> <p>(d) The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for the protection of the environment shall be disclosed;</p> <p>(e) Intellectual property rights;</p> <p>(f) The confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for in national law;</p> <p>(g) The interests of a third party which has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material; or</p> <p>(h) The environment to which the information relates, such as the breeding sites of rare species.</p> <p>The aforementioned grounds for refusal shall be interpreted in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information requested relates to emissions into the environment.</p>	<p>PARTLY</p> <p>Law on Free Access to Information of Public Importance, Law on Protection of Personal Data, Law on Environmental Protection Furthermore, Law on the Free Access to Information of Public Importance limits the right to privacy of personal data in certain cases, where: "...such information relates to a person, event or occurrence of public interest, especially in case of holder of public office or political figures, insofar as the information bears relevance on the duties performed by that person", as well as when "a person's behaviour, in particular concerning his/her private life, has provided sufficient justification for a request for such information".</p> <p>YES</p> <p>Law on Free Access to Information of Public Importance (Articles 9, 13, 14), Law on Protection of Personal Data, Law on Environmental Protection (Article 80). Furthermore, Law on the Free Access to Information of Public Importance (Article 14) limits the right to privacy of personal data in certain cases, where: "...such information relates to a person, event or occurrence of public interest, especially in case of holder of public office or political figures, insofar as the information bears relevance on the duties performed by that person", as well as when "a person's behaviour, in particular concerning his/her private life, has provided sufficient justification for a request for such information".</p> <p>Also, Law on Biocide Products (Article 47), states that the data that are protection cannot be labelled as protected business information.</p> <p>The Law on Chemicals (Article 84) also defines that certain data, i.e. data relevant for the health and security of humans and animals and protection of the environment can not be labelled as a "trade secret".</p>	<p>It is necessary to define a clear and precise set of "rules of conduct" - more precisely criteria (at national level) for refusal of information disclosure.</p>	
4.5	<p>5. When a public authority does not hold the environmental information requested, this public authority shall, as promptly as possible, inform the applicant of the public authority to which it believes it is possible to apply for the information requested or transfer the request to that authority and inform the applicant accordingly.</p>	<p>PARTLY</p> <ul style="list-style-type: none"> • Not defined in all relevant laws. • Defined by the Law on Free Access to Information but only for some types of environment information (for parts related to areas that fall in the scope of the law). <p>YES</p> <p>Law on Free Access to Information (Article 10).</p>		

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
4.6	<p>6. Each Party shall ensure that, if information exempted from disclosure under paragraphs 3 (c) and 4 above can be separated out without prejudice to the confidentiality of the information exempted, public authorities make available the remainder of the environmental information that has been requested.</p>	<p>PARTLY</p> <ul style="list-style-type: none"> It is not defined in all relevant laws. Defined by the Law on Free Access to Information but only for information pertaining to the environment (parts related to the areas that fall within the scope of the law). <p>YES</p> <p>Law on Free Access to Information (Article 12).</p>		
4.7	<p>7. A refusal of a request shall be in writing if the request was in writing or the applicant so requests. A refusal shall state the reasons for the refusal and give information on access to the review procedure provided for in accordance with article 9. The refusal shall be made as soon as possible and at the latest within one month, unless the complexity of the information justifies an extension of this period up to two months after the request is submitted. The applicant shall be informed of any extension and of the reasons justifying it.</p>	<p>PARTLY</p> <ul style="list-style-type: none"> Not defined in all relevant laws. Defined by the Law on Free Access to Information but only information pertaining to the environment (parts related to areas that fall in scope of the law) <p>Law on Free Access to Information provides much stricter time limits.</p> <p>YES</p> <p>Law on Free Access to Information (Article 16) provides much stricter time limits – only 15 days to reply, and without a possibility of extension.</p> <p>“A public authority ... shall have to duty to pass, without delay, and within 15 days of receipt of the request at the latest, a decision rejecting the request and provide rationale for such decision in writing, and shall furthermore be required to notify the applicant l of the available relief against such decision.”</p>	<p>Lack of staff capacities within public offices which prevent timely processing of requests for information disclosure.</p>	
4.8	<p>8. Each Party may allow its public authorities to make a charge for supplying information, but such charge shall not exceed a reasonable amount. Public authorities intending to make such a charge for supplying information shall make available to applicants a pricelist which may be levied, indicating the circumstances in which they may be levied or waived and when the supply of information is conditional to the advance payment of such a charge.</p>	<p>PARTLY</p> <p>It is not defined in all relevant laws.</p> <p>The Law on Free Access to Information carries more stringent provisions but only for certain types of environment information (parts related to areas that fall into the scope of the law).</p> <p>National legislation provides even stricter stipulations: According to the Law on Free Access to Information (Article 17), “access to a document containing requested information shall be granted free of charge.” Only issuing a copy (together with postal expenses) requires reimbursement, which is regulated by a separate provision – “Decree on the Amount of Reimbursement for Necessary Costs for Issuing Copies of a Document”.</p> <p>Furthermore, according to the same Article in the Law on Free Access to Information, journalists, human right associations, and all persons who request information regarding a threat or protection of public health and environment, are exempted from any kind of reimbursement (both for making copies or postal expenses).</p> <p>In practice (and according to national legislation), public authorities do not charge for providing requested information, and many of them also never charge costs for making copies.</p>		
5.	<p>Collection and dissemination of environmental information</p>			

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
5.1	<p>1. Each Party shall ensure that:</p> <p>(a) Public authorities possess and update environmental information in accordance with their functions;</p> <p>(b) Systems for mandatory information flow towards public authorities are established, regarding proposed and existing activities which may significantly affect the environment;</p> <p>(c) In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected.</p>	<p>Partly</p> <ul style="list-style-type: none"> Environmental Protection Agency (institutional structure established within the Ministry for Environment and Spatial Planning) is the main institution responsible for maintaining the national information system for environmental protection. Record keeping is also defined by all the analysed laws and in the Law on Free Access to Information of Public Importance, Constitution etc. Flow of information and reporting is regulated in many cases but often not in a satisfactory manner. <p>The Law on Environmental Protection, Law on Air Protection and Food Safety Law and Law on chemicals define the system for alerting and communicating information in cases of threats to the environment and human health. However, most laws do not contain definitions of thresholds for danger.</p> <p>NO</p> <p>Deficiencies in information held by institutions exist due to unclear division of responsibilities between institutions, and because of lack of by-laws which define the flow of information.</p> <p>(a, b) YES</p> <p>Environmental Protection Agency established as a central responsible institution for keeping an integrated database on environmental information and dissemination of environmental information (Law on Environmental Protection, Art. 74); Record keeping also defined by the Law on Environmental Impact Assessment (Art. 34), Law on Integrated Environmental Pollution Prevention and Control (Art. 6, 25), Law on Chemicals (Art. 38, 43, 44, 58), Law on Biocide Products (Art. 34), Law on Air Protection (Art. 13, 15, 17 and 68), Law on Nature Protection (Art. 50), Law on Protection from Noise in the Environment (Art. 6-8, 20, 26), Law on Waste Management (Art. 22, 75), Law on Packaging and Packaging Waste (Art. 42), Food Safety Law (Art. 15, 16), Law on Free Access to Information of Public Importance (Art. 41), in the Constitution (indirectly stipulated through Art. 51, 74) etc.</p> <p>(c) YES</p> <p>Law on Environmental Protection (Art. 42, 62). Also, Law on Air Protection (Art. 23), Food Safety Law (Art. 9, 38, 40). Monitoring, reporting, record keeping, adequate flow of information to public authorities all defined by the Law on Environmental Protection (Art. 69-75).</p>	<p>Unsatisfactory data flow towards public authorities. Environmental inspectorate (within the Ministry for Environment and Spatial Planning), is responsible for controlling the process of data flow towards public authorities, however supervision of organizations responsible for providing relevant environmental information is still not efficient. Lack of capacities (financial, technological – hardware and software, workforce, trained personnel) in institutions responsible for monitoring, record keeping, reporting and providing data flow to the Environmental Protection Agency (especially in private and public enterprises and within local government), as well as within the Environmental Protection Agency to work efficiently on the establishment and maintenance of the information system. Research and monitoring related to the state of biodiversity (as well as those related to some other elements of the environment), are still not systematic. Reporting on the results to responsible institutions are sporadic and inefficient. Lack of an efficient system of control for the adequacy and objectivity of the data provided in situations with imminent threat to human health or environment (i.e., whether full, objective and timely information is provided to the public).</p>	<p>An additional by-law is needed that would clearly and in greater detail define record-keeping, monitoring and reporting systems for operators; especially procedures and time limits for adequate flow of information to public authorities.</p>

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
5.2	<p>2. Each Party shall ensure that, within the framework of national legislation, the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible, inter alia, by:</p> <p>(a) Providing sufficient information to the public about the type and scope of environmental information held by the relevant public authorities, the basic terms and conditions under which such information is made available and accessible, and the process by which it can be obtained;</p> <p>(b) Establishing and maintaining practical arrangements, such as:</p> <p>(i) Publicly accessible lists, registers or files;</p> <p>(ii) Requiring officials to support the public in seeking access to information under this Convention; and</p> <p>(iii) The identification of points of contact; and</p> <p>(c) Providing access to environmental information contained in lists, registers or files as referred to in subparagraph (b) (i) above free of charge.</p>	<p>(a, b-i, b-ii, c) YES The Law on Free Access to Information of Public Importance. All government bodies are obliged to publish at least once a year a directory containing key facts about its operations. (a, b-iii) NO Currently, there is no national metadata register; responsible institutions generally own some type of metadata registers, mostly for their internal use. (b-iii) PARTLY Key institutions (such as the Environmental Protection Agency, Institute for Nature Conservation, etc.) possess clearly defined points of contact. However, many institutions (especially within local government, as well as in public and private enterprises) lack clearly defined points of contact. (a, b, i, ii) YES See list of regulations for the previous point. Furthermore, according to the Law on Free Access to Information of Public Importance (Art. 39, 40), all government bodies are obliged to publish at least once a year a directory containing key facts about their operations, containing information such as: authorization, internal structure, budgetary information, types of services provided, information regarding the manner and place of storing information holders, type of information held, type of publically accessible information as well as the description of procedure for submitting a request, rules and decisions of the government body related to the transparency of its operations, working hours, address, contact phones, accessibility for persons with special needs, access to sessions, permissibility of audio and video recording, regulations on limitations of the transparency of work with rationale. More detailed description on the contents of the directory is defined by the bylaw, instruction for the Creation and Publication of the Information Booklet on Public Authority Work. (a) NO: A clear and integrated national metadata register does not exist, responsible institutions generally own some type of metadata registers, but mostly for internal use, however, they are not detailed and unharmonized; some general information on types of information held by them is available on the Internet, but not in sufficient detail. (iii) YES Key institutions (such as Environmental Protection Agency, Institute for Nature Conservation, etc.) possess clearly defined points of contact. (iii) NO Many institutions (especially at local level, state and private companies), lack clearly defined points of contact. (c) YES</p>	<p>Contact points have to be defined in all institutions holding relevant data (i.e., all institutions listed in the Catalogue of public authorities in the sense of Law on Free Access to Information of Public Importance, established by the Commissioner for Information of Public Importance and Personal Data Protection (http://www.poverenik.rs/index.php/sr/zakon-i-podz-akti-htm)). Under this Convention, there is a need to oblige public authorities to provide more efficient support to the public in seeking information. A need for awareness raising programs for the general public on access to environmental related information and means of obtaining it.</p>	<p>A need for the establishment of a national metadata register – a database that would lay out the type and content of collected data as well as data stored in institutions holding them, links to data available on the Internet and points of contact and procedures for disclosure of data unavailable on the Internet.</p>

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
5.3	<p>3. Each Party shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks. Information accessible in this form should include:</p> <p>(a) Reports on the state of the environment, as referred to in paragraph 4 below;</p> <p>(b) texts of legislation on or relating to the environment;</p> <p>(c) as appropriate, policies, plans and programmes on/or related to the environment, and environmental agreements; and</p> <p>(d) other information, to the extent that the availability of such information in this form would facilitate the application of national legislation providing for the implementation of this Convention, provided that such information is already available in electronic form.</p>	<p>ACCORDANCE</p> <p>PARTLY</p> <p>Reports on the state of environment regularly published, some environmental data are also published and placed on the Internet by the Statistical Office of the Republic of Serbia.</p> <p>Text on policies, plans and programmes and laws are regularly uploaded on the Internet (the Ministry of Environment, Mining and Spatial Planning, Institute for Nature Conservation of Serbia, Agency for Chemicals, National Assembly, Regional Aarhus Centres in Kragujevac and Subotica and others, are good examples).</p> <p>(a) YES</p> <p>Reports on the state of environment regularly published by the Environmental Protection Agency, some environmental data also published regularly by the Statistical Office of the Republic of Serbia – all reports are also placed on the Internet.</p> <p>(b, c, d) YES</p> <p>Legislation, policies, plans, programmes, and agreements mostly present and regularly uploaded on the Internet (by the Ministry of the Environment, Mining and Spatial Planning, Institute for Nature Conservation of Serbia, Agency for Chemicals, National Assembly, Regional Aarhus Centres Kragujevac and Subotica, and others).</p>	<p>There is room for improving of the comprehensiveness of these databases (e.g. a broader list of plans, programmes and agreements should be placed on the Internet).</p>	
5.4	<p>4. Each Party shall, at regular intervals not exceeding three or four years, publish and disseminate a national report on the state of the environment, including information on the quality of the environment and information on pressures on the environment.</p>	<p>ACCORDANCE</p> <p>YES</p> <p>Reports are published annually by the Environmental Protection Agency, some environmental data is also published regularly (monthly, quarterly and annually) by the Statistical Office of the Republic of Serbia. Quality control and the updating of information needs to be improved.</p> <p>YES</p> <p>Reports on the state of environment annually published by the Environmental Protection Agency, some environmental data also published regularly (monthly, quarterly and annually) by the Statistical Office of the Republic of Serbia. Publication of the environmental state report defined by the Law on Environmental Protection (Art. 74-75).</p>	<p>It is necessary to improve the national environmental monitoring network, to obtain data from a larger area and include information related to all relevant elements of the environment.</p>	

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
5.5	<p>5. Each Party shall take measures within the framework of its legislation for the purpose of disseminating, inter alia:</p> <p>(a) Legislation and policy documents such as documents on strategies, policies, programmes and action plans relating to the environment, and progress reports on their implementation, prepared at various levels of government;</p> <p>(b) International treaties, conventions and agreements on environmental issues; and</p> <p>(c) Other significant international documents on environmental issues, as appropriate.</p>	<p>Partly</p> <p>Regularly uploaded to the Internet (by the Ministry of Environment, Mining and Spatial Planning, Institute for Nature Conservation of Serbia, Agency for Chemicals, National Assembly, Regional Aarhus Centres Kragujevac and Subotica, and others). Furthermore, all legal documents are also published in the Official Gazette of the Republic of Serbia. Details related to the implementation of projects/programs and progress reports are very rarely made available.</p> <p>YES</p> <p>Legislation, policies, programmes and agreements mostly present and regularly uploaded to the internet (by the Ministry of the Environment, Mining and Spatial Planning, Institute for Nature Conservation of Serbia, Agency for Chemicals, National Assembly, Regional Aarhus Centres in Kragujevac and Subotica, and others). Furthermore, all legal documents are also published in the Official Gazette of the Republic of Serbia.</p> <p>NO</p> <p>International treaties, conventions, agreements and other documents are sporadically published (with the exception for ratified international agreements, which are published as parts of the national legislation).</p>	<p>There is room for improvement of the availability of these documents. A broader list of plans, programmes, and agreements should be placed on the Internet, and the availability of international agreements should be also improved.</p>	
5.6	<p>6. Each Party shall encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products, where appropriate within the framework of voluntary eco-labelling or eco-auditing schemes or by other means.</p>	<p>Partly</p> <p>The Law on Environmental Protection includes provisions on the EMAS system and eco-labelling. The Decree from 2009, establishes clear criteria for the national eco-labelling system.</p> <p>YES</p> <p>Law on Environmental Protection includes provisions on the EMAS system (Art. 44-50) and eco-labelling (Art. 53-54). The Decree on Terms and Procedures for Obtaining Rights to use Ecological Sign, Elements, Appearance and Procedures for use of Ecological Sign for Products, Processes and Services, which entered into force in 2009, established clear criteria for the national eco-labelling system. Stipulations of the national eco-labelling system are harmonized with the EU eco-labelling system.</p> <p>Institutions responsible for these issues are Institute for Standardization of Serbia (for ISO 14000), Accreditation Board of Serbia (for certification procedures), Section for organic production within the Ministry for Agriculture, Forestry and Water Management (for ISO 22000:2005 food safety standards, HALAL, KOSHER and GLOBAL G.A.P., system for certification of organic products - production will receive an organic status, while products are certified from organic production (ISO 65 (EN 45011)).</p> <p>The State Environmental Protection Agency issues reports on the state of the environment in the Republic of Serbia and presents data on companies with ISO 14001 certificates, companies that have introduced clean production, licenses for eco-labelling and certificates for organic production.</p>	<p>Public awareness and the interest in eco-labelling in Serbia are very low, which results in low interest of producers and private enterprises to become involved in eco-labelling and certification system. It is necessary to organize public campaigns for the improvement of the general awareness about this system and its importance, especially since the national eco-labelling system has been established only recently.</p>	

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
5.7	<p>7. Each Party shall:</p> <p>(a) publish the facts and analyses of facts which it considers relevant and important in framing major environmental policy proposals;</p> <p>(b) publish, or otherwise make accessible, available explanatory material on its dealings with the public in matters falling within the scope of this Convention; and</p> <p>(c) provide in an appropriate form information on the performance of public functions or the provision of public services relating to the environment by government at all levels.</p>	<p>PARTLY</p> <p>The Law on Free Access to Information of Public Importance specifies that all government bodies are obliged to publish at least once a year a report containing key facts about its operations.</p> <p>YES</p> <p>According to the Law on Free Access to Information of Public Importance (Art. 39, 40), all government bodies are obliged to publish at least once a year a report containing key facts about its operations, containing information such as: authorities, internal organization, budget, types of service provided, information on the manner and place of storing information holders, type of information held, type of information made available as well as the description of procedure for submitting a request, rules and decisions of the state body concerning the transparency of its work, working hours, address, contact phones, accessibility for persons with special needs, access to sessions, permissibility of audio and video recording, regulations on limitations of the transparency in the work of the state body and justification. A more detailed description on the contents of the directory is defined by the provision entitled "Instruction for Publication of the Information Booklet on the work of the Public Authority", which entered into force in 2009.</p>	<p>Ministry of the Environment, Mining and Spatial Planning, Environmental Protection Agency, Institute for Nature Conservation of Serbia and other institutions place reports and information about their activities related to environmental protection on the Internet. However, the information made available is still not sufficiently comprehensive. Furthermore, analyses of facts important for drafting major environmental policy proposals are rarely made available on the Internet.</p>	
5.8	<p>8. Each Party shall establish mechanisms ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices.</p>	<p>PARTLY</p> <p>Provisions regarding product information are provided by the Law on Protection of Consumers Rights, Law on Environmental Protection, Law on Chemicals, Law on Biocide Products, Rulebook on classification of products, packaging, labelling and advertising chemicals and specific products ("Official Gazette RS" No. 59/10 and 25/11). Rulebook on the classification, packaging, labelling and advertising chemicals and specific products in accordance with the UN Globally harmonized system for classifying and labelling products ("Official Gazette RS" No. 64/10 and 26/11) and the Rulebook on specific requirements for packaging, labelling and advertising biocidal products ("Official Gazette RS" No. 59/10 and 26/11). Law on Packaging and Packaging Waste, Rulebook on the control and certification in organic production and methods of organic production. Rulebook on the Declaration and Marking of Packaged Foodstuff, etc. According to Art. 8 of the Food Safety Law: "The interests of consumers must be protected to the largest possible extent. Operators in the food business shall provide the consumer with information that will enable them to choose products in a way that will not mislead the consumer with regard to the composition, properties and purpose of products." However, practical mechanisms are insufficiently regulated and need to be improved in order to be more clearly defined.</p> <p>YES</p> <p>Provisions regarding product information are provided by the Rulebook on Declaration and Labelling Packaged Foodstuff, Law on Environmental Protection (Art. 52 - Warning on the Declaration, Art. 53-54 - Ecological Labelling), Law on Chemicals (Art. 9, 16-23), Law on Biocidal Products (Art. 37), Law on Packaging and Packaging Waste (Art. 15), Rulebook on the Control and certification in Organic Production and Methods of Organic Production, etc.</p>	<p>It is necessary to improve the control of products on the market and product information disclosure. There is a need to implement activities aimed at improving public awareness regarding product information, eco-labelling, organic food labelling, etc.</p>	

Art.	Aarhus Convention provision	Accordance in the Republic of Serbia	Problems in implementation	Gaps
5.9	<p>9. Each Party shall take steps towards the progressive development of a national, harmonized inventory or polluter register in form of a structured, computerized and publicly available database, taking into account international processes where appropriate. Such a system may include inputs, releases and transfers of a specified range of substances and products, including water, energy and resource use, from a specified range of activities to environmental media and to on-site and offsite treatment and disposal sites.</p>	<p>YES</p> <ul style="list-style-type: none"> Environmental Protection Agency responsible institution for the establishment and maintenance of the register of environmental pollution sources, projected to become publicly available on the Internet. <p>Local governments are responsible for the establishment and maintenance of their local registers of environmental pollution sources.</p> <ul style="list-style-type: none"> Legal grounds are not in accordance with the Aarhus Convention, PRTR or EC Directive <p>YES</p> <p>The Environmental Protection Agency responsible institution for the establishment and maintenance of the electronic national information system, which will be publicly available on the Internet.</p>	<p>The Register of environmental pollution sources is under construction together with the input of data. Only a Register of enterprises that have submitted data necessary to develop the cadastre of polluters (Includes only company name, address, registration number and the type of activity performed), is available on the Internet. The Agency still lacks the necessary capacities (both financial and workforce) to work efficiently on the establishment and maintenance of the register. Institutions and enterprises responsible for providing data to the State Environmental Protection Agency also lack equipment and trained personnel, so there is a need for training and capacity building programs that would include all relevant institutions and enterprises. General data flow from pollution emitters to the Environmental Protection Agency is unsatisfactory, and there is need for an additional bylaw that would clearly and in greater detail define record-keeping, monitoring and reporting systems for operators, and especially procedures and time limits for adequate flow of information to public authorities. Exceptions for the publicity of data are not clearly defined in the legislation, so organizations that are obliged to submit environmental information to the Environmental Protection Agency frequently designate certain data as unavailable for public disclosure, especially "raw data". Control of the organizations responsible for providing relevant environmental information and the control of the process of data flow to public authorities is still inefficient.</p>	<p>It is necessary to define clear and precise "rules of conduct" including more precise criteria (at national level) for exempting information from being published.</p>
5.10	<p>10. Nothing in this Art. may prejudice the right of Parties to refuse to disclose certain environmental information in accordance with Art. 4, paragraphs 3 and 4.</p>	<p>YES</p> <p>To a certain extent personal, business, commercial and industrial data, rights related to intellectual property, work of the judiciary, national defence and public security confidentiality, e.g. Law on Chemicals (Art. 85) - organization that submits data to the Agency for Chemicals can designate certain data as classified. Same provision in Law on Biocide Products (Art. 46, but limited by provisions of the Art. 47).</p>	<p>Data flow among institutions and from polluters to the Environmental Protection Agency is at an unsatisfactory level; but with a trend of continuous improvement; organizations obliged to submit to the Environmental Protection Agency (even state institutions) frequently label certain data as unavailable for public disclosure - especially "raw data".</p>	<p>It is necessary to define clear and precise "rules of conduct" including more precise criteria (at national level) for exempting information from being published.</p>

ANNEX 2 Public Participation - Accordance with the Aarhus Convention Requirements

Table Annex 2: Public participation - accordance with the Aarhus convention requirements, problems in implementation and gaps

Art.	Aarhus Convention	Accordance in the Republic of Serbia
6.	Public participation in decisions on specific activities	<p>PARTLY</p> <p>The Law on Environmental Impact Assessment (2004) and the Law on Integrated Environmental Pollution Prevention and Control (2004).</p> <p>EIA, IPPC are not feasible without supporting articles in other sectoral laws/sub-laws, like the Law on Planning and Construction.</p> <p>The procedure related to public insight, presentation and debate on the environmental impact assessment is regulated by the Rulebook on the content, layout and methods of keeping a public register on conducted procedures and decisions made related to environmental impact assessment (Official Gazette of RS, No. 69/05), Rulebook on the work of the environmental impact assessment study technical commission (Official Gazette of RS, No. 69/05), Rulebook on the procedure of public access, presentation and public debate on the environmental impact assessment study (Official Gazette of RS, No. 69/05).</p> <p>The standards and instructions related to the quality of relevant information have not been set.</p> <p>The procedure regulating the supervision of the manner in which the competent authority handles public opinion has not been defined.</p> <p>The documents classified as business, official or state secrets are excluded from the obligation of public disclosure (this does not prevent the disclosure of data relating to emissions, risks from accidents, monitoring results and inspection surveys).</p>
6.1	<p>1. Requires Parties to guarantee public participation in decision-making with a potentially significant environmental impact:</p> <ul style="list-style-type: none"> • list of activities (Annex 1), • non-listed activities, which can significantly affect the environment • national defence exemption. 	<p>YES</p> <p>On the basis of the Law on Environmental Impact Assessment: Decree on establishing the list of projects for which the impact assessment is mandatory and the list of projects for which EIA can be requested (Official Gazette of RS, No. 114/08). Lists are not fully in accordance with the Aarhus Convention list and EU.</p> <p>Decree on types of activities and installations for which an integrated license can be obtained (Official Gazette of RS, No. 84/05), as a by-law to the Law on Integrated Environmental Pollution Prevention and Control (2004), provides a list of activities that are subject to this procedure.</p> <p>An exception in terms of its application is related to the requirements of national defence.</p> <p>YES</p> <p>On the basis of the Law on Environmental Impact Assessment: Decree on establishing the list of projects for which the impact assessment is mandatory and the list of projects for which EIA can be requested (Official Gazette of RS, No. 114/08)</p> <p>The list of activities is not in accordance with the annex to the Aarhus Convention.</p> <p>Decree on types of activities and installations for which an integrated license can be obtained (Official Gazette of RS, No.84/05) as a by-law to the Law on Integrated Environmental Pollution Prevention and Control (2004), provides a list of activities that are subject to this procedure.</p> <p>There is a national defence exemption.</p>

Art.	Aarhus Convention	Accordance in the Republic of Serbia
6.2	<p>2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, inter alia:</p> <p>(a) The proposed activity and the application on which a decision will be taken;</p> <p>(b) The nature of possible decisions or the draft decision;</p> <p>(c) The public authority responsible for making the decision;</p> <p>(d) The envisaged procedure, including, as and when this information can be provided:</p> <p>(i) The commencement of the procedure;</p> <p>(ii) The opportunities for the public to participate;</p> <p>(iii) The time and venue of any envisaged public hearing;</p> <p>(iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;</p> <p>(v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and</p> <p>(vi) An indication of what environmental information relevant to the proposed activity is available; and</p> <p>(e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.</p>	<p>PARTLY</p> <p>Public is involved early enough in the process of EIA, IPPC, but in other laws not early enough; Seveso directives; Nature Protection Law. No analysis is available on how adequately, timely, effectively is the public notified. The preliminary expert assessment of the manner in which the public is informed points out that the system is not effective, especially at the local level.</p> <p>EIA law defines minimum content of the information that should be disseminated to the public. Public should be notified if the activity is a subject of transboundary procedure - there is a different interpretation if this notification (about transboundary effects) is made at an early stage and if it formally responds to requirements of the Aarhus Convention. When it comes to the IPPC all mentioned aspects are well regulated.</p> <p>PARTLY</p> <p>Public is not involved early enough in the process</p> <p>YES</p> <p>The issues are dealt with in more detail in the Rulebook on content of request for the needed impact assessment and on content of requests for specification of scope and content of the environmental impact assessment study (Official Gazette of RS, No. 69/05), Rulebook on content of environmental impact assessment study (Official Gazette of RS, No. 69/05).</p>
6.3	<p>3. The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with Paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making.</p>	<p>YES</p> <p>YES</p>
6.4	<p>4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.</p>	<p>PARTLY</p> <p>Yes in EIA, IPPC, partly or no in other laws, Seveso directives, Nature Protection Law.</p> <p>There are no performance and quality standards of public participation which often results in pro forma public participation.</p> <p>No performance and quality standards related to public participation.</p> <p>Often, pro forma public participation, the public is not involved early enough in the process.</p>
6.5	<p>5. Each Party should, where appropriate, encourage prospective applicants to provide information concerning the aims behind submitting request, identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.</p>	<p>NO</p> <p>No (effective) encouragement measures are set by the law.</p> <p>The phases of the Environmental Impact Assessment procedures are listed in the 2004 Law on Environmental Impact Assessment (Article 6).</p> <p>Dialogue instruments partially developed, but missing additional activities to encourage participation.</p> <p>A large part of civil society still does not take part in consultations.</p>
6.6	<p>6. Paragraph 6 requires Parties to impose an obligation on public authorities to provide the public concerned with access to all available information relevant to a decision-making procedure covered by Article 6, subject to certain limitations</p>	<p>YES</p> <p>Availability of all information is provided in the laws (delivery of documents on request for issuing the permit – draft IPPC permit).</p> <p>YES</p> <p>The competent authority provides public insight, presentation and conducts a public debate on the environmental impact assessment. The authority responsible for environmental impact assessment is the body responsible for environmental protection, within the scope of the duties defined by law.</p> <p>Minimum content - yes.</p>
6.7	<p>7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity.</p>	<p>YES</p> <p>YES</p> <p>Article 6 of the Law on Environmental Impact Assessment (2004) states the phases of the impact assessment procedure.</p>

Art.	Aarhus Convention	Accordance in the Republic of Serbia
6.8	<p>8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation</p>	<p>PARTLY YES for EIA, IPPC, Seveso directives. It is not precisely regulated for effective implementation in the practice. No for Nature Protection Law. More detailed analysis is needed to see how effectively are the outcomes of public participation taken into consideration when final decisions are made, but preliminary assessment points out the lack of efficiency in that sphere. Written explanation about how public comments are taken into account is rarely used and feedback to public is not provided. NO The competent authority shall submit the EIA Study to the Technical Commission, together with the systematised report on the opinion of the interested bodies, organisations and the public concerned and the report on the completed impact assessment procedure (Article 21). The outcomes of public participation exercises are usually not taken into consideration when final decisions are made.</p>
6.9	<p>9. Each Party shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate procedures. Each Party shall make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.</p>	<p>NO The regulations require that only the text of the decision be provided, but not the justification (EIA, IPPC, Seveso directives) YES The competent authority shall inform the authorities, organisations and the public concerned about its decision within ten days from the date of its adoption (Article 25). The competent authority shall inform the public about its decisions by publishing it in at least one local paper in each of the official languages in use on the territory that will be affected by the planned project or activity. The competent authority shall inform the authorities and organisations concerned in the written form. The information may be distributed through the electronic media as well. There are no effective mechanisms for informing the public about the reached decisions.</p>
6.10	<p>10. Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied mutatis mutandis, and where appropriate.</p>	<p>YES IPPC, EIA, Seveso directives</p>
6.11	<p>11. Paragraph applies to the decisions on GMOs.</p>	<p>NO See Subsection 3.8. on GMO PARTLY See Subsection 3.8. on GMO.</p>
7.	<p>Public participation concerning plans, programmes and policies relating to the environment</p>	

Art.	Aarhus Convention	Accordance in the Republic of Serbia
7.1	Requires parties to provide public participation during preparation of plans and programmes relating to the environment in transparent and fair framework and provide necessary information.	<p>NO</p> <p>The implementation of the environmental impact assessments has not been elaborated for the plans, programmes and bases in the fields of agriculture, forestry, fishing, hunting, energy production, industry, transport, waste management, water management, telecommunications, tourism, preservation of natural habitats and wildlife (flora and fauna), although this is the scope of Article 5 of the Law on Strategic Impact Assessment on the Environment. The procedures for determining the impact of individual plans and programmes on the environment and health have not been elaborated either. The operational cooperation between the competent ministries has not been established and consequently the public concerned has not been given the opportunity to participate in the assessment of plans and programmes in accordance with this law (Article 9).</p> <p>YES, LIMITED</p> <p>The Law on Strategic Impact Assessment on the Environment (2004) regulates the conditions, methods and procedure according to which the assessment of impact of certain plans and programmes on the environment shall be carried out (Article 1).</p> <p>A strategic assessment is carried out only in the fields of spatial and town planning or land use planning. It is the responsibility of the town planning authority. The Law on Planning and Construction supports the implementation of a strategic impact assessment.</p> <p>The strategic assessment report and the results of participation of the authorities and organisations and public concerned and other states in cases of transboundary impact should make integral parts of the documentation basis of plans and programmes (Article 24).</p> <p>NO</p> <p>The participation of the wider public in the process of water management plan preparation (Article 38) stipulated in the Water Law (2010) is not at a satisfactory level: the possibilities for a joint implementation strategy have not been used (i.e. as defined in EU Water Framework Directive). The plan for protection from chemical accidents (2009 Law on Environmental Protection) does not define public participation. Only the final report on the state of security has to be submitted to the public. The legal basis for participation of the public and associations in the decision making process is continuously expanding (Law on Nature Protection, 2009; Law on GMO, 2009).</p> <p>NO, PARTLY</p> <p>The Law on Strategic Impact Assessment on the Environment (2004) regulates the conditions, methods and procedure according to which the assessment of impact of certain plans and programmes on the environment shall be carried out (Article 1).</p> <p>The implementation of the environmental impact assessments has not been elaborated for the plans, programmes and bases in the fields of agriculture, forestry, fishing, hunting, energy production, industry, transport, waste management, water management, telecommunications, tourism, preservation of natural habitats and wildlife (flora and fauna), although this is the scope of Article 5 of the Law on Strategic Impact Assessment on the Environment.</p> <p>The procedures for determining the impact of individual plans and programmes on the environment and health have not been elaborated either. The operational cooperation between the competent ministries has not been established and consequently the public concerned has not been given the opportunity to participate in the assessment of plans and programmes in accordance with this law (Article 9).</p> <p>A strategic assessment is carried out only in the fields of spatial and town planning or land use planning. It is the responsibility of the town planning authority. The Law on Planning and Construction supports the implementation of a strategic impact assessment.</p> <p>NO</p> <p>According to the EPR, the participation of the wider public in the preparation of the water management plan (Article 38), is stipulated in the Water Law (2010) but not to a sufficient degree.</p> <p>The legal basis for participation of the public and associations in the decision making process is continuously expanding (Law on Nature Protection, 2009; Law on GMO, 2009; Law on Agriculture and Rural Development 2009, etc.).</p>
8.	Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments	
8.1	1. The Convention recognizes that, in addition to the rights to take part in basic decisions affecting their lives, members of the public also participates in the preparation of regulations.	<p>PARTLY</p> <p>The Law on State Administration (Article 77) states that a public debate is mandatory as part of the preparation procedure related to a law which essentially changes the legal regime in one field or which regulates issues of particular relevance to the public. The public debate procedure is regulated in detail by the Rules of Procedure of the Government (Official Gazette of RS, Nos. 61/06, 69/08, 88/09, 33/10 and 69/10), namely, the Rules of Procedure of the National Assembly of the Republic of Serbia (Official Gazette of RS, No. 56/05) in case of the legislation passed by the National Assembly.</p> <p>Public debate can, in a limited sense, be viewed as full participation of the public in a decision making process.</p>

ANNEX 3 Access to Justice - Requirements of the Aarhus Convention Accordance with Legislation, Gaps and Problems in Implementation in the Republic of Serbia

List of environmental laws which were analysed is provided in Section 3.

Annex 3 includes only those laws which have some accordance with the Aarhus Convention access to justice requirements. Those which are not in accordance with any access to justice requirements are excluded.

LEP	LAW ON ENVIRONMENTAL PROTECTION (Official Gazette of RS, No. 135/04)
	LAW ON AMENDMENTS OF THE LAW ON ENVIRONMENTAL PROTECTION (Official Gazette of RS, No. 36/09)
LEIA	LAW ON ENVIRONMENTAL IMPACT ASSESSMENT (Official Gazette of RS, No. 135/04)
	LAW ON AMENDMENTS OF THE LAW ON ENVIRONMENTAL IMPACT ASSESSMENT (Official Gazette of RS, No. 36/09)
LSEA	LAW ON STRATEGIC IMPACT ASSESSMENT ON THE ENVIRONMENT (Official Gazette of RS, No. 135/04)
LIPPC	LAW ON INTEGRATED POLLUTION PREVENTION AND CONTROL (Official Gazette of RS, No. 135/04)
LCh	LAW ON CHEMICALS (Official Gazette of RS, No. 36/09)
LBP	LAW ON BIOCIDAL PRODUCTS (Official Gazette of RS, No. 36/09)
APL	AIR PROTECTION LAW (Official Gazette of RS, No. 36/09)
NPL	NATURE PROTECTION LAW (Official Gazette of RS, No. 36/09)
Noise	LAW ON PROTECTION AGAINST NOISE IN ENVIRONMENT (Official Gazette of RS, No. 36/09)

Table Annex 3.1: Access to justice accordance with Law on environment protection, law on environmental impact assessment and law on strategic impact assessment on the environment

ACCESS TO JUSTICE		LEP	LEP	LEIA	LEIA	LEIA	LEIA	LSEA	LSEA
		Accordance in the Republic of Serbia	Explanation	Accordance in the Republic of Serbia	Explanation	Accordance in the Republic of Serbia	Explanation	Accordance in the Republic of Serbia	Explanation
9.	Access to justice								
9.1	<p>1. Each Party shall, within the framework of its national legislation, ensure that any person who considers that his or her request for information under article 4 has been ignored, wrongfully refused, whether in part or in full, inadequately answered, or otherwise not dealt with in accordance with the provisions of that article, has access to a review procedure before a court of law or another independent and impartial body established by law.</p> <p>In the circumstances where a Party provides for such a review by a court of law, it shall ensure that such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law.</p> <p>Final decisions under this paragraph 1 shall be binding on the public authority holding the information. Reasons shall be stated in writing, at least where access to information is refused under this paragraph.</p>	<p>YES [under-regulated issue]</p> <p>YES [Relates to the entire Article 9 (Paragraphs 1-5), regarding to the level and in the scope of involvement of public and public concerned in an EIA procedure]</p> <p>NO "Right to justice" is a new term in the legal system of Republic of Serbia, not defined] Only public concerned.</p>	<p>LEP "Principle of protection of right to healthy environment and access to justice – citizens or groups of citizens, their associations, professional and other organizations, realize their right to a healthy environment before the competent authority or court in accordance with the law.</p> <p>On the procedure of public inspection, public presentation and public hearing regarding an industrial accident Seveso - restrictive provisions regulating an EIA procedure shall be applied.</p> <p>Access to justice: In a procedure for realization of their right to a healthy environment, members of public concerned have the right to instigate a procedure for reviewing of decision before the competent authority and court, in accordance with the law (Article 81a).</p>	YES	<p>Against [final] decision [of the competent authority] concerning an EIA study, the public concerned may instigate the administrative court procedure.</p> <p>Competent authority has obligation to provide to the representatives of public access to complete file (documentation) on the completed EIA procedure, at request received in written form, within 15 days.</p>	NO No provisions.			

	ACCESS TO JUSTICE	LEP	LEP	LEIA	LEIA	LEIA	LEIA	LESA	LESA
		Accordance in the Republic of Serbia	Explanation	Accordance in the Republic of Serbia	Explanation	Accordance in the Republic of Serbia	Explanation	Accordance in the Republic of Serbia	Explanation
9.4	4. In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs 1, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. Decisions under this article shall be given or recorded in writing. Decisions of courts, and whenever possible of other bodies, shall be publicly accessible.	YES Expenses need to be analysed.	Public has the right to access to the established registers or records in accordance with this law. The court procedure for the compensation of the damage to the environment is an urgent one.	YES Expenses need to be analysed.	YES Expenses need to be analysed.	YES Expenses need to be analysed.	YES Expenses need to be analysed.	YES Expenses need to be analysed.	
9.5	5. In order to further the effectiveness of the provisions of this article, each Party shall ensure that information is provided to the public on access to administrative and judicial review procedures and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.	NO, but regulated by other laws.		PARTLY not known (out of scope of this study) YES for written procedures which can be found in another law.		NO		NO	Might be regulated by the provisions of spatial planning legislation, for plans and programmes adoption procedure.

Table Annex 3.2: Access to justice accordance with Law on Integrated Pollution Prevention and Control, Law on Chemicals and the Law on Protection Against Noise

ACCESS TO JUSTICE		LIPP	LIPP	LCh	LCh	LCh	Noise	Noise
		Accordance	Explanation	Accordance	Explanation	Accordance	Explanation	Explanation
9.	Access to justice			YES				
9.1	<p>1. Each Party shall, within the framework of its national legislation, ensure that any person who considers that his or her request for information under article 4 has been ignored, wrongfully refused, whether in part or in full, inadequately answered, or otherwise not dealt with in accordance with the provisions of that article, has access to a review procedure before a court of law or another independent and impartial body established by law. In the circumstances where a Party provides for such a review by a court of law, it shall ensure that such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law. Final decisions under this paragraph 1 shall be binding on the public authority holding the information. Reasons shall be stated in writing, at least where access to information is refused under this paragraph.</p>	<p>YES Relates to the entire Article 9 (Paragraphs 1-5)); [Although, without clearly defining active of the public/public concerned to initiate procedures before court. It is reasonable to assume that only the public concerned can instigate such a procedure].</p>	<p>The public must be informed about the decision on issuance of an IPPC permit or rejection of permit issuance within an eight-day deadline. An appeal against such a decision is not allowed, but a procedure against decision can be instigated before the administrative court.</p>	<p>YES</p>	<p>The Agency for Chemicals shall not allow access to data which are at its disposal, if they are marked as confidential and if it considers that protection of those information is in accordance with this law and the Law on Information of Public Importance. Everybody [i.e. any member of the public] can instigate a procedure before the court against the decision of the Agency related to the refusal of access to information. "Everybody" is a term comprising both "the public" and "the public concerned". An appeal against decision of the Agency refusing access to information can be submitted to the minister, for reconsideration. A procedure can be instigated before the administrative court (on the basis of Article 85, Paragraph 7) against the decision of the minister.</p>	<p>NO For strategic maps. YES [Relates to the entire Article 9 (Paragraphs 1-5)]; [Although, without clearly defining active and legitimate right of the public/public concerned to initiate procedures. It is reasonable to assume that only members of the public concerned can instigate such a procedure in accordance with the Law on EIA and the Law on IPPC]</p>	<p>Measures aimed at the prevention, decrease and removal of detrimental effects from noise are defined in the EIA study. Conditions for operation of installations for which IPPC permits are issued contain measures for protection against noise.</p>	

	ACCESS TO JUSTICE	LIPPC	LIPPC	LIPPC	LCh	LCh	LCh	Noise	Noise
		Accordance	Explanation	Explanation	Accordance	Explanation	Accordance	Explanation	Explanation
9.2	<p>2. Each Party shall, within the framework of its national legislation, ensure that members of the public concerned:</p> <p>(a) having a sufficient interest or, alternatively, (b) maintaining impairment of a right, where the administrative procedural law of a Party requires this as a precondition, have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6 and, where so provided for under national law and without prejudice to paragraph 3 below, of other relevant provisions of this Convention. What constitutes a sufficient interest and impairment of a right shall be determined in accordance with the requirements of national law and consistently with the objective of giving the public concerned wide access to justice within the scope of this Convention. To this end, the interest of any non-governmental organization meeting the requirements referred to in article 2, paragraph 5, shall be deemed sufficient for the purpose of subparagraph (a) above. Such organizations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (b) above.</p> <p>The provisions of this paragraph 2 shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.</p>	<p>YES</p> <p>Relates to the entire Article 9 (Paragraphs 1-5). Although, without clearly defining active and legitimate right of the public/public concerned to initiate procedures. It is reasonable to assume that only members of the public concerned can instigate such a procedure.].</p> <p>NO</p>		<p>YES for preliminary procedure when chemicals are put on the list</p>		<p>NO</p> <p>YES</p> <p>[Relates to the entire Article 9 (Paragraphs 1-5)]; [Although, without clearly defining active and legitimate right of the public/public concerned to initiate procedures. It is reasonable to assume that only members of the public concerned can instigate such a procedure in accordance with the Law on EIA and the Law on IPPC]</p> <p>NO</p>			
9.3	<p>3. In addition and without prejudice to the review procedures referred to in paragraphs 1 and 2 above, each Party shall ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment.</p>	NO					NO		

	ACCESS TO JUSTICE	LIPP	LIPP	LCh	LCh	LCh	Noise	Noise
		Accordance	Explanation	Accordance	Explanation	Accordance	Explanation	Explanation
9.4	4. In addition and without prejudice to paragraphs 1 above, the procedures referred to in paragraphs 1, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. Decisions under this article shall be given or recorded in writing. Decisions of courts, and whenever possible of other bodies, shall be publicly accessible.	YES Expenses need to be analysed.		YES Expenses need to be analysed.		NO YES [Relates to the entire Article 9 (Paragraphs 1-5)]; [Although, without clearly defining active and legitimate right of the public/public concerned to initiate procedures. It is reasonable to assume that only members of the public concerned can instigate such a procedure in accordance with the Law on EIA and the Law on IPPC].		
9.5	5. In order to further the effectiveness of the provisions of this article, each Party shall ensure that information is provided to the public on access to administrative and judicial review procedures and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.	NO		YES		NO YES [Relates to the entire Article 9 (Paragraphs 1-5)]; [Although, without clearly defining active and legitimate right of the public/public concerned to initiate procedures. It is reasonable to assume that only members of the public concerned can instigate such a procedure in accordance with the Law on EIA and the Law on IPPC].		

ANNEX 4 Responsible Institutions in the Republic of Serbia for Aarhus Convention Implementation

What follows is a description of the tasks and duties of main responsible institutions and other bodies charged with Aarhus Convention implementation at national, regional and local levels.

Competences in the Republic of Serbia are defined by relevant provisions in the Constitution (Article 97), while provisions related to the structure of governing bodies define competences of the National Assembly (Article 99), Government (Article 123), autonomous provinces (Article 183) and municipalities (Article 190). Moreover, the Constitution of the Republic of Serbia defines the right to legal assistance (Article 67),¹ Constitutional Court jurisdiction (Article 127) and more.

COMPETENCES OF THE REPUBLIC OF SERBIA

Competences of the Republic of Serbia are defined in Article 97 of in the Constitution of the Republic of Serbia. In accordance with this provision, the Republic of Serbia regulates and ensures, among other things: the exercise and protection of freedoms and rights of citizens; constitutionality and legality; proceedings before courts and other state bodies; liabilities and sanctions for violations of freedoms and citizens' rights as stipulated by the Constitution, and for violation of laws, other regulations and general acts; amnesty and pardon for criminal offences; sustainable development; and a system for environmental protection and improvement, including protection of flora and fauna.

Ministry of Environment, Mining and Spatial Planning (MEMSP)²

The obligations of this Ministry are related to all three pillars of the Aarhus Convention, and comprise the following:

- a) Obligations stated in Articles 4 and 5 of the Aarhus Convention are most closely connected with those competences of the Ministry specified in Article 16 of the Law on Ministries and relevant provisions of the Law on Free Access to Information of Public Importance, including: protection and sustainable use of natural resources; inspection surveys; survey-programme development for basic geological research related to sustainable use of natural resources and detailed groundwater surveys; protection and improvement of the environment; nature conservation; ozone-layer protection; climate-change monitoring; transboundary water and air pollution; early-warning systems; protection against noise and vibrations; protection against ionising and non-ionising radiation; management of production and sale of poisons and other dangerous substances, except drugs and drug precursors; chemical management; waste management (except radioactive waste); approving transboundary trade in waste and protected plant and animal species; and other activities specified by law.
- b) Obligations related to Article 6 of the Aarhus Convention are stipulated in the Law on Environmental Impact Assessment.
- c) Some of the obligations related to Article 7 of the Aarhus Convention are stipulated in the Law on Strategic Environmental Impact Assessment.
- d) Some of the obligations related to Article 8 of the Aarhus Convention are stipulated in the Law on Ministries, namely the Rules of Procedure of the Government and Rules of Procedure of the National Assembly of the Republic of Serbia.
- e) Some of the obligations ensuing from Article 9 of the Aarhus Convention are stipulated in the Law on Environmental Protection, the Law on Environmental Impact Assessment, and the Law on Integrated Environmental Pollution Prevention and Control.

¹ Legal assistance shall be provided by legal professionals as an independent and autonomous service, and by legal assistance offices established by units of local self-government in accordance with the law (Article 67, Paragraph 2).

² <http://www.ekoplan.gov.rs/src/index.php>

The MEMSP performs state administrative duties related to spatial and town planning, determines construction requirements, and regulates the following: tenancy relations, housing, building land, utility infrastructure and services, geodetic engineering tasks, inspection surveys for urban planning, and construction and utility infrastructure. The MEMSP also carries out other tasks as defined by law.

As far as institutional capacity is concerned – especially in its direct dealings with public participation – the MEMSP should establish a contact point and appropriate system for granting all interested parties access both to written information and database-held information, which would enable parties to study documents in electronic form. This is especially important, given the heavy workload of the Ministry, Provincial Secretariat for Urban Planning, Construction and Environmental Protection, competent local self-government bodies, as well as the fact that in the Planning and Management Sector, public participation is integrated with implementation of procedures related to almost all laws.

Serbian Environmental Protection Agency (SEPA)³

The Serbian Environmental Protection Agency, as an administrative body that is part of the Ministry of Environment, Mining and Spatial Planning, performs state administrative tasks related to:

- Developing, aligning and maintaining the National Information System for environmental protection (monitoring the state of environmental factors through the environmental indicators, maintaining the register of polluters, etc.);
- Implementing state monitoring of air and water quality, including the enforcement of prescribed and harmonised programmes of air, surface water, groundwater, first aquifer and rainfall quality control;
- Managing the National Laboratory;
- Collecting, aggregating and processing environmental data, drawing up reports on the state of the environment and implementation of environmental policy;
- Developing procedures for environmental data processing and evaluation;
- Keeping records on best available techniques and practices and their implementation in the field of environmental protection; and
- Cooperating with the European Environment Agency (EEA) and European Environment Information and Observation Network (EIONET), as well as performing other duties specified by law.

The Environmental Protection Agency has the obligation to set up an integrated register of polluters in accordance with the Law on Ministries, Law on Environmental Protection, Rulebook on National and Local Pollution Sources Register Development Methodology and on Data Collection Types, Manners and Deadlines Methodology. There is a range of activities related to the establishment of an integrated environmental information system, primarily in connection with the adoption of necessary bylaws and carrying out a number of projects “that have a joint aim of setting up a network of institutions specialising in monitoring different aspects of the environment.”⁴

The national EIONET project, funded by the European Union, is currently underway. The SEPA estimates that, as far as its responsibilities are concerned, there are no obstacles to Aarhus Convention implementation in terms of information and communication technology at its disposal or Agency staff expertise. However, it is necessary to increase the number of staff due to the newly assigned responsibilities. It has been highlighted several times already in European Commission reports that the Agency is understaffed. In view of current and planned tasks, more staff is prerequisite if the SEPA is to take on any new obligations of a particularly demanding nature.

3 <http://www.sepa.gov.rs/>

4 <http://www.sepa.gov.rs/>

Environmental Protection Fund⁵

The Environmental Protection Fund was established on the basis of the Law on Environmental Protection. The Fund aims to provide financial resources to solve environmental problems, and to improve the state of environment in the Republic of Serbia.

Agency for Chemicals⁶

The Agency for Chemicals was established in 2009 on the basis of the Law on Chemicals (Official Gazette of RS, No. 36/09) with the aim of creating administrative conditions to guarantee the safe management of chemicals and biocidal products. Agency competence is also related to the adoption of bylaws allowing for implementation of the Law on Chemicals and Law on Biocidal Products. The Agency for Chemicals provides relevant information and expert advice, conducts activities aimed at informing the public about the influence of chemicals on human health and the environment, and develops projects to monitor chemicals placed on the market and to prevent their use resulting in harm to human health and/or the environment. It also maintains an integrated chemicals register and collaborates with the European Chemicals Agency.

Radiation Protection and Nuclear Safety Agency⁷

Established by the Governmental Foundation Act on the basis of Article 5, Paragraph 1 of the Law on Protection against Ionising Radiation and Nuclear Safety (Official Gazette of RS, No. 36/09), the Agency's competences include, among other things: management of the centralised record of nuclear objects, nuclear materials and radioactive waste and control of the records managed by users; creation and maintenance of database (central register) on the sources of ionising radiation and their consumers, persons professionally exposed to radiation as well as on other data significant for the protection against ionising radiation, radiation and nuclear safety and security; monitoring the scope and changes in the level of radiation and evaluating its impact on the population and environment and in relation to that imposing and monitoring the enforcement of special measures; publishing an annual report about the level of exposure of the population to ionising radiation in the Republic of Serbia; and disseminating the information significant for radiation and nuclear safety and security to the public, competent authorities and the International Atomic Energy Agency.

Ministry of Agriculture, Trade, Forestry and Water Management⁸

In accordance with the Law on Ministries, the Ministry of Agriculture, Trade, Forestry and Water Management, as a state administrative body, works on policy and strategy development related to agriculture and the food industry. The Ministry is also in charge of: proposing systemic solutions and protection measures to be applied when importing agricultural and food products; protection and use of agricultural land; production of land inputs for agriculture and the food industry; managing an agricultural market-related information system; determining degrees by which conditions are fulfilled; risk assessment and implementation of biological safety measures regarding the use of controlled substances; use, introduction into the production cycle, placement on the market and import of genetically modified organisms (GMOs); preservation and sustainable use of plant and animal genetic resources used in agriculture and food production; and setting up and maintaining an information system about agricultural land in the Republic of Serbia.

Below is a list of other administrative bodies that are part of the Ministry of Agriculture, Trade, Forestry and Water Management:

The Agricultural Inspection Sector and phytosanitary inspection within the Plant Protection Administration conduct inspection surveys as required by the law.

The Veterinary Administration performs state administrative and professional tasks related to animal health care and well being, food safety and consumer protection; development of risk management systems related to production and distribution of food, animal products and animal feed; registration and approval of establishments; veterinary-sanitary control of production and trade in animal products, raw materials and by-products of animal origin, reproductive materials and other organisms and objects that can transmit infectious

5 <http://www.sepf.gov.rs/>

6 <http://www.shema.gov.rs/>

7 <http://www.srbatom.gov.rs/cir/>

8 <http://www.mpt.gov.rs/>

disease, as well as of animal feed; safe disposal of carcasses and by-products of animal origin, i.e. veterinary protection of the environment; control of production and trade in veterinary pharmaceuticals and medical devices used in veterinary medicine; integration of databases, registers and veterinary information systems; international trade collaboration, certification and control and other tasks prescribed by the law.

The Plant Protection Administration performs state administrative and professional tasks related to: protection of plants from pests and disease; internal and external trade; control of plant-protection products; production and registration of plant protection- and plant-nutrition products; and other tasks defined by law.

The Water Directorate of the Republic of Serbia performs state administrative and professional tasks related to: water management policy; multi-purpose use of water; water supply (but not water distribution); protection from water; implementation of measures aimed at the preservation of water and planned reductions of water use; regulation of domestic water regimes; and monitoring and maintenance of transboundary water regimes. Srbija vode, a public company, was created to perform water management duties. Moreover, certain competences have been transferred to the Autonomous Province of Vojvodina. Another established public company is Vode Vojvodine. These two companies manage water resources and work with water, wetlands and water management facilities.

The Forests Department performs state administrative and professional tasks related to forestry policy, forest preservation and other tasks defined by law.

Ministry of Health⁹

In accordance with the Law on Ministries, the Ministry of Health performs state administrative tasks related, among other things, to: the health care system; preservation and improvement of public health population; monitoring the health and health-related needs of the population; health care-related registries; sanitary inspections; sanitary supervision and protection against contagious and non-contagious diseases; health safety of food and consumer products that are produced and placed on the market; provision of clean, potable water for the public; and other tasks defined by law. At the Belgrade City level all information concerning the state of the environment, the measures taken to improve the environment, or an environmental impact assessment, are professionally reviewed by Belgrade Public Health Institute, Institute for Occupational Health of Serbia „Dr Dragomir Karajović“ and the Public Health Institute of Serbia „Dr Milan Jovanović Batut“, and are afterwards distributed to over 300 addresses via the monthly environmental bulletin issued by the Environmental Protection Secretariat.

Ministry of Infrastructure and Energy¹⁰

The Ministry of Infrastructure and Energy performs state administrative tasks related to rail-, road-, water- and air transport and other state administrative tasks related to the energy; energy balance of the Republic of Serbia; oil and gas industry; nuclear power plants.

Energy Efficiency Agency¹¹

The Energy Efficiency Agency was established as a special organisation of the Republic of Serbia on the basis of Article 146 of the Energy Law from 2002. The EEA drafts proposals aimed at enhancing energy efficiency within the process of drafting the Energy Development Strategy. The EEA also has duties related to environmental protection and the exploitation of renewable energy sources.

Ministry of Economy and Regional Development¹²

In accordance with Article 9 of the Law on Ministries, the Ministry of Economy and Regional Development performs state administrative tasks related to: economy; economic development; standardisation; structural adaptation of the economy; defining industrial development policy; analysing available resources and regional

9 <http://www.zdravlje.gov.rs/>

10 <http://www.mie.gov.rs/?lang=en>

11 <http://www.seea.gov.rs/Serbian/Prezentacija1.htm>

12 <http://www.merr.gov.rs/>

potential; stimulating cooperation between municipalities and regions, as well as cross-border cooperation; and strategy and policy for development of tourism.

Ministry of Education and Science¹³

Some of the duties within the jurisdiction of this Ministry are related to: promotion of environmental education and public awareness-raising about environmental issues; research, planning and development of pre-school, primary-, secondary- and higher education; living standards of pupils and students; supplementary education for children of Serbian citizens living abroad; administrative supervision; and professional teaching supervision.

Ministry of Justice¹⁴

The Ministry of Justice performs state administrative tasks related to: criminal law, commercial offences, debenture-related issues, court procedure (not including administrative disputes), organisation and functioning of the judiciary and misdemeanour courts, enforcement of penal sanctions, preparation of legislation regulating procedure before the Constitutional Court and the legal effects of its decisions, and other tasks defined by law.

Ministry of Culture, Information and Information Society¹⁵

The Ministry of Culture, Information and Information Society among other things performs state administrative tasks in the field of information society related to: determining information-society development policy and strategy, drafting laws and other regulations, standards and measures related to e-business; measures supporting research and development in the sphere of information society; development and improvement of computer-science and online technologies; developing IT infrastructure; and fulfilling other tasks defined by law.

Standardisation institutions

Some of the key institutions responsible for standardisation are: the Institute for Standardisation of Serbia (ISO 14000 system), Accreditation Board of Serbia (certification procedures), and Food Quality Group within the Ministry for Agriculture, Forestry and Water Management (ISO 22000:2005 food safety standards, HALAL and KOSHER standards, GLOBALG.A.P., Department for organic production (for organic production system and standard ISO 65).

National Information Technology and Internet Agency¹⁶

The National Information Technology and Internet Agency is a special organisation that performs professional and state administrative tasks to improve and develop the information systems of state administration, local self-government and public services. It also performs other tasks defined by law.

Statistical Office of the Republic of Serbia¹⁷

The Statistical Office of the Republic of Serbia is a special professional organisation that performs tasks related to: programme adoption; organising and conducting statistical surveys; methodology creation, collecting, processing, statistical analysis and publishing of statistical data; preparation and adoption of unique statistical standards; development, maintenance and usage of administrative and statistical registers; establishment and maintenance of a national accounts system; cooperation and expert coordination with bodies and organisations in charge of carrying out statistical surveys; cooperating with international organisations to ensure standardisation and data comparability; data processing, with the aim of providing national election and referendum results; and other tasks stipulated by law.

13 <http://www.mpn.gov.rs/sajt/>

14 <http://www.mpravde.gov.rs/>

15 <http://www.kultura.gov.rs/>

16 <http://www.rzii.gov.rs/>

17 <http://webrzs.stat.gov.rs/axd/index.php>

Republic Hydrometeorological Service of Serbia¹⁸

The Republic Hydrometeorological Service of Serbia performs professional and administrative tasks related to: meteorological-, radar-, agro-meteorological- and hydrological observation; analysis-oriented forecast systems; systematic climatological-, agro-meteorological- and hydrological measurements and observation; database of observed and measured hydrological and meteorological data; monitoring, analyzing and forecasting the state and change of weather, climate and water; methods development, operational monitoring and weather alerts, as part of atmospheric and hydrospheric forecasts; aeronautical meteorology; research of processes in the atmosphere and hydrosphere, and development of methods and models for weather, climate and water forecasts and weather modification; development of proposals for the use of the sun and wind energy potential; hydrometeorological support of river navigation; achievement and preservation of standards and calibration of meteorological and hydrological instruments; international cooperation in the area of meteorological and hydrological information systems; fulfilling international obligations in the domain of meteorology and hydrology and other tasks as stipulated by the law (see the Law on Ministries, Article 27) .

Republic Geodetic Authority¹⁹

The Republic Geodetic Authority is a special organisation carrying out professional and administrative tasks related to state surveys, land cadastres, real estate and utilities cadastre, basic geodetic works, address register, topographic and cartographic activities, real estate assessment, geodetic and cadastral information system and the National Spatial Data Infrastructure (in accordance with the INSPIRE Directive) and geodetic works in engineering and technical fields.

Institute for Nature Conservation of Serbia²⁰

The Institute for Nature Conservation²¹ works to preserve nature and natural resources on the territory of the Republic of Serbia, excepting the area of the Autonomous Province of Vojvodina (Article 1 of the Institute Statute, Official Gazette of the RS, No. 73/10).²²

Article 8 of the Institute Statute outlines the following tasks: collecting and processing data on nature and natural resources; monitoring the state of nature and providing assessments of risks to geo-heritage, wildlife and their habitats; public participation in the process of declaring protected natural resources; opining on protected area management plans; evaluating nature-related activities; preparing and implementing projects and programmes in protected areas; maintaining a register on the manner and scope of use, as well as risks to protected and endangered wildlife species; preparing, in collaboration with the Institute for Nature Conservation of the Autonomous Province of Vojvodina and other professional and scientific institutions in accordance with law, a five-year plan concerning the state of nature, protected natural resources and eco-networks; organising and carrying out educational programmes and promotional activities; maintaining a nature conservation database as part of the Environmental Protection Agency's unified information system; maintaining a register of protected natural resources and other information related to environmental protection; informing the public about natural values, nature conservation, and threats posed to the natural environment.

The Institute stresses the necessity for training civil servants, especially those directly responsible for Aarhus Convention implementation, as well as additional training of associations' staff working to establish international cooperation and concrete practices. The Institute lists some shortcomings of its own: lack of staff capacity; lack of documentation; non-systematic means of natural data collection and impossibility to conduct electronic searches for older data. Also, the 15-day time frame in which to reply to requests to access information of public importance – as specified in the Law on Free Access to Information of Public Importance – is too short. Certain requests for documentation simply demand considerably more time to fulfil properly. Insufficient state capacity creates conditions leading to violations of the right of access to information. Some associations, it must be said, tend to make frequent and extensive requests for information in the interest of self-promotion.

18 <http://www.hidmet.gov.rs/>

19 <http://www.rgz.gov.rs/>

20 <http://www.natureprotection.org.rs/>

21 The original institute was established on April 30, 1948 by government decree as the Institute for Natural Rarities Conservation and Scientific Research in the People's Republic of Serbia. The existing institute was established in accordance with Article 21 of the Law on Public Services (Official Gazette of the Republic of Serbia, Nos. 41/91 and 71/94) and Item 9, Paragraph 3, Sub-Item 1). See the Decision on the Establishment of the Institute for Nature Conservation (Official Gazette of the Republic of Serbia, No. 18/10). <http://www.natureprotection.org.rs/index.php?option=com_content&view=category&layout=blog&id=85&Itemid=85&lang=cir>

22 In accordance with the Law on the Establishing Competences of the Autonomous Province of Vojvodina, adopted in November 2009, the Institute for Nature Conservation of the Autonomous Province of Vojvodina is to be established through provincial organs. The Institute for Nature Conservation of Serbia is in charge of nature conservation and protection of natural resources whose entire area is located in the Autonomous Province of Vojvodina.

The Commissioner for Information of Public Importance and Personal Data Protection²³

The Commissioner for Information of Public Importance, as an autonomous government body able to exercise independent powers, upholds the right of access to information of public importance in the possession of public authorities.

The Commissioner is responsible for: monitoring the compliance of public authorities with legal obligations; reporting to the National Assembly and the public; initiating or preparing any regulatory changes concerning implementation and promotion of the right of access to information of public importance; proposing measures to public authorities that will aid them in providing information; undertaking necessary measures to train employees of state bodies, and to inform employees of obligations regarding the right of access to information of public importance; considering complaints against public authority decisions that violate the right of access to information; informing the public of its legal rights under the law; and initiating procedural evaluations of constitutionality and legality (complete with the power to file a motion for review) of relevant legislation and other general documents.

This institution has lacked sufficient capacity and workspace since its establishment in 2005, and this has a negative impact on work and slows the rate at which the Commissioner can handle complaints from those denied the right of access to information of public importance, including information concerning the environment. The inability to handle workflow was exacerbated when the Commissioner was granted new, significantly broader powers concerning personal data protection from January 1, 2009. Also, with the passage of amendments to the Law in 2010, the Commissioner's powers were also expanded in the area of free access information of public importance; the Law granted the Commissioner executive rights related to executing decisions.

Moreover, there is inconsistency within the legal framework of the Republic of Serbia concerning free access to information of public importance, particularly concerning differences between the Law on Environmental Protection and Law on Free Access to Information of Public Importance. The Commissioner has regularly informed the National Assembly about these and other obstacles in the annual reports submitted to Parliament. Government representatives have also been notified, both in person and in writing, and proposals for solving the aforementioned problems have been put forward.²⁴

Ombudsman (or, Protector of Citizens)²⁵

The Ombudsman shall have the power to: oversee that citizens' rights are respected; determine violations resulting from actions or failure to act by administrative authorities; monitor the work of administrative authorities;²⁶ and launch initiatives alongside Government or the National Assembly for the amendment of laws, other regulations or general acts in the interest of protecting citizens' rights. The Ombudsman shall have the right to offer opinions to the Government and National Assembly on draft laws and regulations if deemed relevant to the protection of citizens' rights (Article 18, Item 4 of the Law on the Protector of Citizens). The Ombudsman shall have the power to initiate proceedings before the Constitutional Court to assess the constitutionality and legality of laws, other regulations and general acts (Article 19). The Ombudsman is also entitled to propose laws falling within his/her mandate (Article 18, Paragraph 1).

Mediator

Article 1 of the Law on Mediation (Official Gazette of RS, No. 18/05) specifies the rules of mediation procedure for resolving disputes.

²³ <http://www.poverenik.org.rs/>

²⁴ For more information about these problems, please refer to the published annual reports available at the Commissioner's website: <www.poverenik.rs>. See also the Information Booklet detailing the Commissioner's work (especially Items 9.1 and 10.3.3).

²⁵ <http://www.ombudsman.rs/>

²⁶ This oversight pertains particularly to legality and consistency. The Protector of Citizens shall not have the power to monitor work of the National Assembly, President of the Republic, Government of Serbia, Constitutional Court or courts and public prosecutor's offices.

COMPETENCES OF THE AUTONOMOUS PROVINCE OF VOJVODINA

Competences of the Autonomous Province of Vojvodina are specified in the Constitution and the Law on Establishing Competences of the Autonomous Province of Vojvodina (Official Gazette of RS, No. 99/09), and in other relevant environmental legislation.

Article 183 of the Constitution states that autonomous provinces shall, in accordance with law, regulate matters of provincial interest in the following fields: urban planning and development; agriculture; water management; forestry; hunting; fishing; tourism; hospitality industry; spas and health resorts; environmental protection; industry and crafts; road-, river- and rail transport and road repairs; organisation of fairs and other business-oriented events; education; sport; culture; health care and social welfare; and information dissemination at the provincial level. The Autonomous Province shall observe and protect human and minority rights in accordance with the law.

Selected bodies of special importance for Aarhus Convention implementation in the Autonomous Province of Vojvodina

Provincial Secretariat for Urban Planning, Construction and Environmental Protection²⁷

Provincial Secretariat for Education, Administration and Ethnic Minorities²⁸

Provincial Secretariat for Culture and Public Information²⁹

Provincial Secretariat for Agriculture, Water Management and Forestry³⁰

Provincial Secretariat for Energy and Mineral Raw Materials³¹

Provincial Secretariat for Regional Cooperation and Local Self-Government³²

Provincial Secretariat for Health Care, Social Policy and Demography³³

Provincial Ombudsman³⁴

LOCAL SELF-GOVERNMENT³⁵

Article 190 of the Constitution of the Republic of Serbia stipulates that any municipality shall, through its bodies and in accordance with law: regulate and provide for the performance and development of municipal activities; regulate and provide for the use of urban construction sites and business premises; be responsible for construction, reconstruction, maintenance and use of the local network of roads and streets and other public facilities of municipal interest; regulate and provide local transport; be responsible for meeting the needs of citizens in the fields of education, culture, health care and social welfare, child welfare, sport and physical culture; be responsible for development and improvement of tourism, crafts, the hospitality industry and commerce; be responsible for environmental protection, protection against natural and other disasters; organise a legal aid service (Article 9 of the Aarhus Convention); be responsible for disseminating public information at the local level and creating conditions for informing the public in Serbian and the languages of ethnic minorities used on the territory of the municipality (Article 5 of the Aarhus Convention); prescribe offences related to violation of municipal regulations; establish inspection authorities and carry out inspection surveys to determine whether regulations and other general legislation within the jurisdiction of the municipality are implemented (Article 9 of the Aarhus Convention), etc.³⁶

Article 22 of the Law on Local Self-Government states that municipalities shall perform certain tasks in the following areas: education, health care, environmental protection, mining, trade in goods and services, agriculture, water management and forestry, and other inspection-related tasks in accordance with the law.

Towns and the capital city

Pursuant to Article 24 of the Law on Local Self-Government, towns shall perform municipal duties, but may also perform state administrative duties conferred to them by law.

27 http://www.arhiurb.vojvodina.gov.rs/index.php?id_menu=6

28 <http://www.ounz.vojvodina.gov.rs/>

29 <http://www.kultura.vojvodina.gov.rs/>

30 <http://www.psp.vojvodina.gov.rs/>

31 <http://www.psemer.vojvodina.gov.rs/>

32 <http://www.region.vojvodina.gov.rs/>

33 <http://www.zdravstvo.vojvodina.gov.rs/>

34 <http://www.ombudsmanapv.org/onama.html#>

35 See Articles 3–9 of the Aarhus Convention. In accordance with Article 188 of the Constitution of the Republic of Serbia, units of local self-government are: municipalities, towns and the City of Belgrade.

36 The municipal statute may stipulate the appointment of assistants to the mayor in charge of certain areas, such as economic development, urban planning, primary health care and agriculture (Article 58).

Regarding institutional capacity, the major problems related to Aarhus Convention implementation in the capital city of Belgrade are the following: the Secretariat for Environmental Protection of the City of Belgrade lacks qualified staff to perform various duties, such as developing and carrying out activities to educate citizens and raise public awareness, developing and maintaining databases and websites, and providing regular information updates; technical equipment currently used is inadequate for providing requested information in a prompt and timely manner (photocopying of large documents, for example, takes place at another city administrative department); and the Secretariat website is not functioning, nor is its database accessible online. Staff-related concerns and lack of the appropriate infrastructure are major problems in the cities of Niš and Vranje, as well.

Novi Sad's Environmental Protection Department maintains that better coordination and information exchange at all levels, especially between all organisations focusing on environmental protection, is necessary to improve conditions for implementing Aarhus Convention principles.

A well-defined education strategy and additional professional training would improve not only the work process, but also the process of informing the public about environment protection efforts. Strengthening professional capacity would also help to ensure credibility and dependability.

Public health institutes

Public health institutes are responsible for monitoring air quality in local urban areas, as well as the quality of surface waters where they flow through urban areas. These institutes perform tests on drinking water, monitor noise levels, and measure air quality in 27 towns at 52 measurement points.

ADMINISTRATION OF JUSTICE

According to Article 11 of the Law on the Organisation of Courts (Official Gazette of RS, No. 116/08),³⁷ judicial power in the Republic of Serbia is vested in courts of general and special jurisdiction. Courts of general jurisdiction are basic courts, higher courts, appellate courts and the Supreme Court of Cassation. Courts of special jurisdiction are commercial courts, the Commercial Appellate Court, misdemeanour courts, the Higher Misdemeanour Court and the Administrative Court. The Supreme Court of Cassation is the court of highest instance in the Republic of Serbia, while other courts established on the territory of the Republic of Serbia are the Commercial Appellate Court, Higher Misdemeanour Court and the Administrative Court (Article 13).

Administrative Court

The Administrative Court adjudicates in administrative disputes.

Misdemeanour Court

Misdemeanour courts of first instance adjudicate in minor-offence cases unless under the competence of an administrative authority. They also decide on appeals against decisions passed by administrative authorities in misdemeanour proceedings, and perform other tasks set forth by law.

Basic Court

Basic courts adjudicate in first-instance civil litigations, unless falling under the jurisdiction of another court. They also conduct enforcement proceedings and non-litigious proceedings not under the jurisdiction of another court. Basic courts provide legal aid to citizens, extend mutual legal assistance and carry out other tasks specified by law.

³⁷ Entered into force on January 1, 2010.

Higher Court

Higher courts adjudicate in first-instance civil disputes in which the value of the subject of the lawsuit is subject to review. They are also involved in disputes concerning corrected versions of published information, responses to published information, and compensation for damages related to published information. Higher courts of second instance rule on appeals against decisions taken by basic courts.

Commercial Court

Commercial courts of first instance adjudicate, among other things, in disputes: between domestic and foreign companies resulting from applications of the Law on Companies; relating to foreign investments, ships and aircraft, sailing on seas and inland waters; and involving maritime and aeronautic law, not including disputes relating to passenger transport. Commercial courts of first instance decide on commercial offences and, relative thereto, on termination of a security measure or legal consequence of a conviction.

Appellate Court

Appellate courts decide on appeals against: decisions of higher courts; decisions of basic courts in criminal proceedings, unless under the jurisdiction of a higher court to decide on the appeal concerned; and basic-court rulings in civil disputes, unless under the jurisdiction of a higher court to decide on the appeal concerned.

Appellate courts also decide on conflicts of jurisdiction between courts of lower instance under their territorial jurisdiction (unless under the jurisdiction of a higher court), and on transfers of jurisdiction of basic and higher courts when prevented or unable to proceed in a legal matter and perform other tasks prescribed by law.

Constitutional Court

The Constitutional Court is an autonomous and independent state body established to protect constitutionality and legality, as well as human rights, minority rights and freedoms. Decisions of the Constitutional Court are final, enforceable and generally binding. The Constitutional Court decides on compliance of laws and other general acts with the Constitution, generally accepted rules of international law and ratified international treaties, compliance of ratified international treaties with the Constitution, and the legal compliance of other general acts. The Constitutional Court resolves conflicts of jurisdiction between courts and state bodies, between republic and provincial bodies or bodies of local self-government units, between provincial bodies and bodies of local self-government units, and between bodies of different autonomous provinces or different self-government units.

A constitutional appeal may be lodged when general actions performed by state bodies or organisations exercising delegated public powers allegedly violate or deny human rights, minority rights or freedoms guaranteed by the Constitution, and if other legal remedies for their protection have already been applied or not specified (Article 170 of the Constitution of the Republic of Serbia).

Associations

The Ministry of Human and Minority Rights, Public Administration and Local Self-Government is the body responsible for regulating the position of associations.³⁸The legal framework defining the position of associations is provided in the Law on Associations (Official Gazette of RS, No. 51/09). The Register of Associations and Register of Foreign Associations are maintained by the Business Registers Agency³⁹ via association registrars and foreign association registrars as a conferred state administrative duty within the jurisdiction of the Ministry of Human and Minority Rights, Public Administration and Local Self-Government, which decides on appeals against the decisions of registrars of first instance. The Ministry shall also oversee implementation of this law.

Associations face a number of serious problems concerning institutional capacity, including lack of expertise, lack of technical equipment and internet capability, and poor coordination of activities. Staff-members are

³⁸ The Law defines an association as a voluntary, non-governmental, non-profit organisation, founded upon the freedom of association of several natural or legal entities, established for the purpose of achieving and improving a specific joint or common object and interest, provided that these are not prohibited by the Constitution or law (Article 2 Paragraph 1).

³⁹ Please visit: <<http://www.apr.gov.rs>>. Also see the directory of the Centre for Non-profit Sector Development: <<http://www.crnps.org.rs/direktorijum-nvo>>.

severely under-trained, and few associations' workers are familiar with the Aarhus Convention.⁴⁰ On the other hand, the majority of associations participating in these workshops do have computers, printers, cameras and decent internet access.

Very few organisations, however, have websites or web pages that are updated regularly. Use of free content-management system applications remains very low. There is need – and not only among associations – to develop and promote use of a database containing information about associations, legislation, field experts, institutions, the business sector, journalists and media contacts.

Polluters (or, installation operators)

Concerning obligations to monitor the environment (which involves collection of data on the state of the environment and emissions into the environment), general provisions of the Law on Environmental Protection stipulate that: “the operator of an installation or complex that is the source of emissions and/or environmental pollution is obliged to perform emissions monitoring, in compliance with the law, via a competent authority, authorised organisation or independently.” This entails: 1) monitoring emission indicators, namely, indicators of the impact of activities on the environment, indicators of the efficiency of applied measures aimed at preventing pollution or reducing levels of pollution; and 2) providing meteorological measurements for large industrial complexes or facilities of special interest for the Republic, Autonomous Province or local self-governance unit (Article 72). The polluter shall plan and provide financial means for emissions monitoring, as well as for other measurements and monitoring the impact of activities on the environment (Article 72, Paragraph 4).

Administrators of protected natural resources

The positions and responsibilities of administrators of protected natural resources are defined, for the most part, in the Law on Nature Protection, which stipulates that a protected area is run by an administrator who meets criteria concerning professional staff and organisational competence necessary for carrying out tasks in the domain of conservation, improvement, promotion and sustainable development of a protected natural resource.⁴¹ The administrator may be a legal person or, in some cases, a physical person or entrepreneur.⁴² A protected area situated on or adjacent to the territory of a national park shall be run by a national park administrator.

Aarhus Centre in Kragujevac⁴³

The Aarhus Centre in Kragujevac was established on April 28, 2010 based on a memorandum of understanding signed by the Ministry of the Environment and Spatial Planning and the town of Kragujevac, with the support of the OSCE. The goal of the Aarhus Centre is to establish collaboration between citizens and local self-government, thereby enabling democratic processes in the field of environmental protection in accordance with the Aarhus Convention standards. The target groups are citizens, representatives of local self-government and media representatives.

Aarhus Centre in Subotica⁴⁴

On the basis of the Memorandum of Understanding signed by the Ministry of Environment, Mining and Spatial Planning, the Town of Subotica and Subotica Open University, the Aarhus Centre Subotica was established, with the OSCE support, on 4 March 2011. The aim of the Centre is to improve access to environmental information, enhance environmental knowledge, provide mechanisms for public participation in decision-making and increase the capacity of different target groups for better implementation of the Aarhus Convention provisions in the Autonomous Province of Vojvodina.

40 This claim is based on Ekoforum experience and direct contacts established at workshops held in 2009 in nine towns in Serbia as part of the Zelena info mreža (Green Info Network) project.

41 The Ministry specifies more detailed requirements (Article 67, Paragraph 6). During the process of choosing an administrator, the ministry, competent authority of the autonomous province, or competent authority of local self-government determines whether the requirements are met (Article 67, Paragraph 2).

42 The competent authority selects an administrator on the basis of competition; if selection on this basis is not possible to conduct, the administrator is chosen or appointed by an act of said authority (Article 67, Paragraph 4).

43 <http://www.aarhuskg.rs/>

44 <http://www.aarhussu.rs/index.html>

Other institutions

A list of competent, certified institutions involved in protecting against ionising radiation in the environment, examination of levels of non-ionising radiation in the environment, and conducting emission and immission measurements, noise-level measurements and waste examinations can be found here: <<http://www.ekoplan.gov.rs/src/Spisak-nadleznih-i-ovlascenih-institucija-73-p1-list.htm>

ANNEX 5 Elements of the National Environmental System Available On-line, and other Databases Relevant for Aarhus Convention Implementation (November 2011)

1) State network for automatic air quality monitoring

Responsible institution: Environmental Protection Agency

Contains real-time monitoring data from 39 stations for automatic air-quality monitoring; data is also presented for 31 different air-quality parameters. Data can also be provided through the RSS web-feed format. The system also provides a map with locations of each station and their characteristics.

Hyperlink: http://www.sepa.gov.rs/ams/xajax_data/eas_kvalitet_vazduha_1.php

Hyperlink: <http://www.sepa.gov.rs/index.php?menu=102&id=5000&akcija=showExternal>

2) State network for automatic allergen pollen monitoring

Responsible institution: Environmental Protection Agency

Contains an overview of weekly data related to the concentration of pollen in the air. The information is based on the exceeded limit values. They are presented in the form of traffic lights with low, medium and high concentrations for all stations that provide data to the State Network. Also, a column shows the trend of growth or decline in the concentration depending on the meteorological parameters.

Hyperlink: <http://www.sepa.gov.rs/index.php?menu=49&id=1111&akcija=showExternal&plok=1>

3) Serbian Water Quality Index

Responsible institution: Environmental Protection Agency

Comprises a country map with SWQI values for each surface-water monitoring station; presents monthly data and allows data browsing by month.

Hyperlink: <http://www.sepa.gov.rs/index.php?menu=46&id=8006&akcija=showExternal>

4) Priority substances and priority-hazard substances in surface waters

Responsible institution: Environmental Protection Agency

Comprises a country map with data on priority substances and priority-hazard substances in surface waters for each surface-water monitoring station; presents annual data and allows data browsing by year; a database for each of the monitored locations shows substances that have exceeded maximum acceptable concentrations (MAC), as well as the frequency of concentrations above MAC.

Hyperlink: <http://www.sepa.gov.rs/index.php?menu=46&id=8013&akcija=showExternal>

5) Weekly bulletin on the state of water quality in the Republic of Serbia

Responsible institution: Environmental Protection Agency

The bulletin is produced every Tuesday and covers the period of previous seven days. It reviews the state of quality of important watercourses, as well as graphical representation of changes in temperature, dissolved oxygen, chemical oxygen consumption and phenol index on the profile Raska.

Hyperlink: <http://www.sepa.gov.rs/index.php?menu=46&id=8015&akcija>ShowAll>

6) Map of public utility company landfills and old and illegal landfills

Responsible institution: Environmental Protection Agency

Connects to Google Earth programme map with locations of both registered and unregistered landfills; includes data on each landfill.

Hyperlink: <http://www.sepa.gov.rs/index.php?menu=10013&id=1007&akcija=showExternal>

7) Waste: landfills

Responsible institution: Environmental Protection Agency

Contains data from questionnaires filled in by local government on legal and illegal waste dumps; data presented through Portable Document Format (PDF) files; database includes information on characteristics of each landfill, type of waste stored, reconstruction priorities, localities, etc.

Hyperlink: <http://www.sepa.gov.rs/index.php?menu=10008&id=1006&akcija=showExternal>

8) Soil quality

Responsible institution: Environmental Protection Agency

Contains data on the soil quality based on the soil quality systematic monitoring programme. Data can be searched by year and locations where the soil quality has been monitored; database for each location where the state is monitored displays the values of substances which have exceeded the limit values.

9) Economic activities

Responsible institution: Environmental Protection Agency

A) Industry - Provides data and information on the number of: awarded certificates SRPS ISO 14001, companies that have introduced the EMAS system and awarded eco-label licenses.

B) Energy - Provides data and information on energy consumption by energy sources and by sectors; total primary energy consumption and electricity consumed from renewable sources.

Data are presented at annual level and can be searched by year.

10) Economic instruments

Responsible institution: Environmental Protection Agency

Contains information on: budget utilized for environmental protection, the Environmental Protection Fund and local government incomes from compensations, subsidies and other incentives, international financial assistance in the sphere of environmental protection.

Data are presented at annual level and can be searched by year

11) Register of protected areas

Responsible institution: Institute for Nature Conservation of Serbia

Contains a list of protected areas in Serbia, currently provided in PDF format and regularly updated; register includes name and type of each protected area, municipality, total area and managing institution.

Hyperlink: http://www.natureprotection.org.rs/index.php?option=com_content&view=article&id=191&Itemid=186&lang=sr

12) Register of legal and strategic documents related to environmental protection

Responsible institution: Ministry of Environment, Mining and Spatial Planning

Contains downloadable legal documents (drafts and adopted versions of laws and bylaws), strategic documents, reports, etc.

Hyperlink: <http://www.ekoplan.gov.rs/sr/I-Zivotna-sredina-102-document.htm>

Hyperlink: <http://www.ekoplan.gov.rs/en/I-Zivotna-sredina-102-document.htm>

13) Other registers of relevant legal and strategic documents

Responsible institution: Commissioner for Information of Public Importance and Personal Data Protection

Hyperlink: <http://www.poverenik.rs/index.php/sr/doc/zakoni.html>

Hyperlink: <http://www.poverenik.rs/index.php/sr/doc/podzakonski-akti.html>

Hyperlink: <http://www.poverenik.rs/index.php/sr/doc/medjunarodni-dokumenti.html>

Hyperlink: <http://www.poverenik.rs/index.php/sr/doc/ustav-republike-srbije.html>

Responsible institution: Institute for Nature Conservation of Serbia

Hyperlink: http://www.natureprotection.org.rs/index.php?option=com_content&view=article&id=83&Itemid=83&lang=sr

Responsible institution: Aarhus Centre in Kragujevac (currently the most exhaustive legislation database)

Hyperlink: <http://www.aarhuskg.rs/page/zakoni/>
Hyperlink: <http://www.aarhuskg.rs/page/pravilnici/>
Hyperlink: <http://www.aarhuskg.rs/page/ostali-propisi/>
Hyperlink: <http://www.aarhuskg.rs/page/uredbe/>
Hyperlink: <http://www.aarhuskg.rs/page/naredbe/>
Hyperlink: <http://www.aarhuskg.rs/page/nacrti-zakona/>
Hyperlink: <http://www.aarhuskg.rs/page/nacrti-pravilnika/>
Hyperlink: <http://www.aarhuskg.rs/page/nacrti-uredbi/>
Hyperlink: <http://www.aarhuskg.rs/page/nacrti-naredbi/>

Responsible institution: Agency for Chemicals

Hyperlink: <http://www.ekoplan.gov.rs/shema/cir/docs/docs.html>

Responsible institution: National Assembly of the Republic of Serbia

Hyperlink: <http://www.parlament.gov.rs/content/lat/akta/zakoni.asp>

14) Other online databases relevant to Aarhus

Convention implementation

Catalogue of public authorities pertaining to the Law on Free Access to Information of Public Importance

Responsible institution: Commissioner for Information of Public Importance and Personal Data Protection
Contains data on state and other authorities and organisations related to Article 3 of the Law on Free Access to
Information of Public Importance (Official Gazette of RS, Nos. 120/04 and 54/07); updated regularly.

Hyperlink: <http://www.poverenik.rs/index.php/sr/zakon-i-podz-akti-.html>

Register of producers involved in organic production

Responsible institution: Ministry of Agriculture, Trade, Forestry and Water Management

Hyperlink: http://www.dnrl.gov.rs/zakoni/Spisak_pro.pdf

Registers of important chemicals

Responsible institution: Agency for Chemicals

The Agency for Chemicals maintains and updates regularly a number of registers concerning important chemicals, such as the following:

Register of Classified Substances

Hyperlink: http://www.ekoplan.gov.rs/shema/cir/docs/files/deo-2-SKS_tabela_1.pdf

Hyperlink: http://www.ekoplan.gov.rs/shema/cir/docs/files/deo-2-SKS_tabela_2.pdf

Register of active substances

Hyperlink: http://www.ekoplan.gov.rs/shema/cir/docs/files/2.3-Lista_aktivnih_supstanci.pdf

Register of chemicals and procedure of prior notification

Hyperlink: http://www.ekoplan.gov.rs/shema/cir/upuinfo/files/2_Spisak_prethodno_obavestenje.pdf

Register of chemicals and PIC procedure

Hyperlink: [http://www.ekoplan.gov.rs/shema/cir/docs/files/Pravilnik_o_uvozu_i_izvozu_odredjenih_opasnih_hemikalija\(Pravilnik-PIC\).pdf](http://www.ekoplan.gov.rs/shema/cir/docs/files/Pravilnik_o_uvozu_i_izvozu_odredjenih_opasnih_hemikalija(Pravilnik-PIC).pdf)

Register of chemicals and export prohibitions

Hyperlink: [http://www.ekoplan.gov.rs/shema/cir/docs/files/Pravilnik_o_uvozu_i_izvozu_odredjenih_opasnih_hemikalija\(Pravilnik-PIC\).pdf](http://www.ekoplan.gov.rs/shema/cir/docs/files/Pravilnik_o_uvozu_i_izvozu_odredjenih_opasnih_hemikalija(Pravilnik-PIC).pdf)

ANNEX 6 Selected Legal Provisions on Pollution Registers: Aarhus Convention/PRTR Protocol, and Legal Comparisons Between EU and Republic of Serbia Legal Systems

Annex 6 Table: Selected legal provisions on pollution registers: Aarhus/PRTR Protocol, and legal comparisons between EU and Republic of Serbia legal systems

AC/PRTR PROTOCOL	E-PRTR	The Republic of Serbia's Law on Environmental Protection (2004) ⁴⁴	The Republic of Serbia's Law on Environmental Protection (2009) ⁴⁵
Objective: Enhance public access to information through the establishment of coherent, integrated and nationwide Pollution Release and Transfer Registers to facilitate public participation in environmental decision-making and contribute to prevention and reduced pollution of the environment.	Aims: Implement PRTR Protocol; facilitate public participation in environmental decision making; contribute to prevention and reduction of pollution of the environment.	Aims: Monitor qualitative and quantitative changes in the environment.	Aims: Not yet determined.
<p>Relevant definitions</p> <p>Pollutant: Substance or group of substances that may be harmful to the environment or human health on account of its properties and introduction into the environment.</p> <p>Release: Introduction of pollutants into the environment as a result of any human activity, whether deliberate or accidental, routine or non-routine, including: spilling, emitting, discharging, injecting, disposing or dumping of non-treated sewerage.</p> <p>Off-site transfer: Movement beyond boundaries of a facility involved with pollutants, waste destined for disposal or recovery, or pollutants in wastewater destined for treatment.</p> <p>Diffuse sources: Smaller or scattered sources from which pollutants may be released to land, air or water, whose combined impact may be significant, but for which it is impractical to collect reports on each individual source.</p>	<p>Relevant definitions</p> <p>E-PRTR: Any publicly accessible electronic database.</p> <p>Substance: Any chemical element and its compounds, excepting radioactive material.</p> <p>Pollutant: Substance or combination of substances whose introduction to the environment could be harmful to the environment and/or human health.</p> <p>Release: Any introduction of pollutants into the environment as a result of human activity, whether deliberate or accidental, routine or non-routine; includes spilling, emitting, discharging, injecting, disposing or dumping of non-treated sewerage.</p> <p>Off-site transfer: Movement of waste destined for recovery or disposal, including pollutants in wastewater destined for waste-water treatment.</p>	<p>Relevant definitions</p> <p>Integral Polluters Cadastre: A register of systematised information and data concerning polluters of the environment that contains data on: location, production, processes, characteristics, material input and output balances of raw materials, treatment facilities, waste flow, polluting substances, and release, treatment and deposit points.</p> <p>Polluting substances: Substances released into the environment that can influence natural composition, features and integrity.</p> <p>Environmental pollution: Input of polluting substances or energy into the environment, caused by human activity or natural processes, which can have harmful consequences for environmental quality and/or human health.</p> <p>Diffuse sources: Sources of pollution from which polluting substances are emitted without a clearly determined drainage plug [Regulation, 2007, cf. supra note 101].</p>	<p>Relevant definitions</p> <p>Register of sources of pollution of environment: Set of systematised data and information on; type, quantity, means and location of; input, release or deposit of polluting substances in; gaseous, liquid or solid form, or in aggregate state, or; release of energy (noise, vibration, heat, ionising or non-ionising radiation) from; point, linear and surface sources of pollution (obligatory at national and local levels).</p> <p>Emission: Release or spillage of polluting substances in gaseous, liquid or solid aggregate state; or emissions of energy from sources of pollution into the environment.</p> <p>Sources of environmental pollution: Point, linear and surface sources of polluting substances and energy; determined by location and limited spatially.</p>
Scope: The release of pollutants, diffuse pollutants and off-site transfers of pollutants must be reported.	Scope: Data for approximate 24,000 EU installations; data and information on quantity of polluting substances released into air, water and soil; data and information on waste transfer from points of origin; data on polluting substances in waste; data on releases from diffuse sources.	Scope: General data; data on installations; Data on emissions into air, water and waste.	

AC/PRTR PROTOCOL	E-PRTR	The Republic of Serbia's Law on Environmental Protection (2004) ⁴⁴	The Republic of Serbia's Law on Environmental Protection (2009) ⁴⁵
	65 specified activities; list of 91 monitored polluting substances; threshold values determined for listed pollutants; off-site transfers of hazardous substances (exceeding thresholds per quantity or time unit); off-site transfers of any specified pollutant in wastewater destined for wastewater treatment.	65 specified activities; list of 91 polluting substances; list of substances from installations polluting the air; list of substances from installations polluting water.	
Data quality assurance and assessment: Operators of each facility subject to reporting shall assure the quality reported information; competent authorities shall assess the quality of the data provided by operators in terms of completeness, consistency and credibility.	Data quality assurance and assessment: Operators of each facility subject to reporting shall assure quality reported information; competent authorities shall assess the quality of data provided by operators in terms of completeness, consistency and credibility.		
Aarhus requirements Public access to information (Article 11); Access to justice (Article 14).	Accordance with Aarhus requirements Public access to information (in accordance); Regulated confidentiality of data (in accordance); Public participation (in accordance); Access to justice (in accordance)	Aarhus requirements Data from cadastres are accessible to the public, in accordance with Article 78, Paragraph 2, which provides the right of access to official public registers. Other elements are missing.	

Abbreviations Used

AC	Aarhus Convention
ABS	Accreditation Board of Serbia
ACH	Agency for Chemicals
APL	Air Protection Law
ASSOCIATION	Environmental Non-Governmental Organization, namely, a citizen's association focusing primarily on environmental protection, which is in the public interest
ATS	Accreditation Body of Serbia
CBD	Convention on Biological Diversity
CDDA	Common Database on Designated Areas
CE	Council of Europe
COP	Conference of Parties
CIPIPD	Commissioner for Information of Public Importance and Personal Data Protection
CITES	Convention on international trade in endangered species of wild fauna and flora
EC	European Commission
EEA	European Environment Agency
EEC	European Economic Community
EIA	Environmental Impact Assessment
EIONET	European Environment Information and Observation Network
EMAS	Eco-Management and Audit Scheme
EPR	Environmental Performance Review
E-PRTR	European Pollutant Release and Transfer Register
EPF	Environmental Protection Fund
EPSR	Environmental Pollution Sources Register (Law on Amendments of the Law on Environmental Protection, Official Gazette of the Republic of Serbia, No. 36/09)
EU	European Union
EUROSTAT	Statistical Office of the European Union
GIS	Geographic Information System
GMES	Global Monitoring for Environment and Security
INCS	Institute for Nature Conservation of Serbia
INSPIRE	Infrastructure for Spatial Information in the European Community
IPPC	Integrated Pollution Prevention and Control
ISS	Institute for Standardization of Serbia
LAD	Law on Administrative Disputes
LAP	Law on General Administrative Procedure
LBP	Law on Biocidal Products
LC	Law on Courts
LCh	Law on Chemicals
LEIA	Law on Environmental Impact Assessment
LEP	Law on Environmental Protection
LEP (am)	Law on Amendments of the Law on Environmental Protection
LEIA (am)	Law on Amendments of the Law on Environmental Impact Assessment
LFAIPI	Law on Free Access to Information of Public Importance
LG	Local Government
LIPPC	Law on Integrated Pollution Prevention and Control
LPPW	Law on Packaging and Packaging Waste
LPANE	Law on Protection against Noise in the Environment
LPANIR	Law on Protection against Non-Ionizing Radiation
LPAIRNS	Law on Protection against Ionizing Radiation and on Nuclear Safety
LSEA	Law on Strategic Environmental Impact Assessment
LSG	Local Self-Government [level]
LSUFR	Law on Protection and Sustainable Use of Fish Resources
LWM	Law on Waste Management
MATFWM	Ministry of Agriculture, Trade, Forestry and Water Management
MEA	Multilateral Environmental Agreement
MEMSP	Ministry of the Environment, Mining and Spatial Planning

MES	Ministry of Education and Science
MF	Ministry of Finances
MH	Ministry of Health
MoD	Ministry of Defence
MHMRPALS	Ministry of Human and Minority Rights, Public Administration and Local Self-Government
MCIIS	Ministry of Culture, Information and Information Society
NA	National Assembly of the Republic of Serbia
NITIA	National Information Technology and Internet Agency
NPI	National Programme for Integration of the Republic of Serbia into the European Union
NPL	Nature Protection Law
OSCE	Organisation for Security and Cooperation in Europe
PAM	Protected Area Managers
PRTR	Pollutant Release and Transfer Register
RHS	Republic Hydrometeorological Service of Serbia
RPNSA	Serbian Radiation Protection and Nuclear Safety Agency
SCTM	Standing Conference of Towns and Municipalities
SEIA	Strategic Environmental Impact Assessment
SEIS	Shared Environmental Information System
SEPA	Serbian Environmental Protection Agency
SO	Statistical Office of the Republic of Serbia
SRMI	Scientific, Research and Monitoring Institutions
STRATEGY	Strategic Action Plan [for the implementation of Aarhus Convention in Republic of Serbia]
UN	United Nations
UNEP	United Nations Environment Programme
WG	Working Group
WL	Water Law

