

www.esiasee.eu

ESIASEE EIA Reports Serbia



TPP Nikola Tesla TENT B, EPS, Power Utility Serbia



EIA Framework Serbia

*Environment Impact Assessment
South East Europe
Monitoring Platform*
www.esiasee.eu



HPP Djerdap, EPS, Power utility

EIA ESIA Legal framework Serbia IFIs projects appraisal cycle www.esiasee.eu



Coal Mine Kolubara

EIA – ESIA framework in Serbia (International Financial Institutions IFIs appraisal process)

Environmental and Social Impact Assessment (ESIA) describes the potential environmental and social impacts that construction and operation activities in energy-mining-infrastructure-production will have, and describes actions that will be taken to reduce those impacts.

An Environmental Impact Assessment (EIA) of certain projects is required to be carried out in Serbia in accordance with the Serbian Law on Environmental Impact Assessment (Official Gazette of RS no. 135/04 and 36/09) and associated secondary legislation. This law and the associated secondary legislation sets out the requirements for undertaking environmental assessments of the potential environmental impacts of public and private projects which are likely to have a significant

impact on the environment before development consent / construction permit is granted in the form of an approval for project implementation.

Impacts on the environment can include impacts on human beings and biological diversity; soil, water, air and other natural resources and climate; historical and cultural heritage as well as the interaction between these elements. Hence, it is required that before development consent is granted for certain types of projects, an EIA has to be carried out. The EIA process is meant to anticipate potential environmental harm and to avoid or mitigate such harm while balancing environmental, social and economic objectives.

The whole EIA process includes three specific procedures, they are the following:

1. 'screening' (i.e., the stage of determining whether an EIA is required)
2. 'scoping' (i.e., the stage of determining the scope or extent of the environmental impact assessment), and
3. 'review' (i.e., the stage of reviewing the EIA study to see if it has been undertaken to an acceptable standard and in accordance with the legal requirements).

The Serbian Ministry of Energy, Development and Environmental Protection, as the Ministry responsible for environmental matters, is the competent administrative authority for the EIA process for projects for which project development consent (e.g. construction permit) is issued by a State (national) authority.

The types of projects that may require an EIA are determined in the "Decree determining a list of projects for which an environmental impact assessment shall be carried out and a list of projects for which an environmental impact assessment may be required" - EIA Decree (Official Gazette of RS no. 84/05 and 114/08).

Under the EIA Decree, projects are classified in two groups (lists): projects listed in List 1 are all subject to compulsory EIA while for projects in List 2, the assessment contains an element of discretion, noting that an EIA procedure will, in any event, be required for projects with potentially significant environmental impacts. The public and other parties are to be consulted on the EIA.

Appraisal decision making process by International Financial Institutions (IFI)

Almost all energy-mining-infrastructure-production facilities related project re-

quires a full environmental assessment process in compliance with the national EIA legislation and development of an EIA study.

ESIA report is to serve as the main input to the environmental and social appraisal by the international banks EBRD, EIB, WB IFC for funding decisions.

Through its environmental and social appraisal and monitoring processes the EBRD seeks to ensure that the projects it finances are:

- are socially and environmentally sustainable,
- respect the rights of affected workers and communities, and
- are designed and operated in compliance with applicable regulatory requirements and good international practice.

In order to translate this objective into successful practical outcomes, the EBRD has adopted a comprehensive set of specific Performance Requirements (PR) that clients are expected to meet, covering key areas of environmental and social impacts and issues.

EBRD's 2008 document "Environment and Social Policy" (the Policy) and related Per-

formance Requirements (PR) detail the commitments of the Bank to promote in the full range of its activities, environmentally sound and sustainable development.

Projects categorised by EBRD as "A" require special formalised and participatory assessment processes.

The development of A projects has to meet the following EBRD's PRs (Performance Requirements):

- Environmental and Social Appraisal and Management
- Labor and Working Conditions
- Pollution Prevention and Abatement
- Community Health, Safety and Security
- Land Acquisition, Involuntary Resettlement and Economic Displacement
- Biodiversity Conservation and Sustainable Management of Living Natural Resources
- Cultural Heritage
- Information Disclosure and Stakeholder Engagement Serbian Regulatory Context on Environmental Impact Assessment

Relevant Legislation and Regulatory Framework, Key national legislation

Key legislation in the area of the environment framework:

Law on the Environment (Official Gazette of RS no.135/04, 36/09 and 72/09)

This law fully transposes key EU environmental legislation and regulates: the principles for environmental protection and sustainable development, sustainable management of natural values, environmental quality standards and emission standards, environmental protection management system, planning aspects and documents for environmental protection, environment monitoring and information system, public involvement in environmental matters, economic instruments and financing issues, liability for environmental pollution and supervision aspects. The main instruments for environmental protection identified in the law include: (i) standards for environment quality and technical environmental standards; (ii) strategic environmental assessment (SEA); (iii) environmental impact assessment (EIA); (iv) integrated pollution prevention and control (IPPC); (v) spatial plans and (vi) environmental management audit systems (EMAS).

Law on the Environmental Impact Assessment (Official Gazette of RS no.135/04 and 36/09) and associated by-law documents

This law regulates the administrative procedure for environmental impact assessment for projects that are likely to cause significant effects on the environment. It also defines the content of the EIA study (EIA Report), the requirements for stakeholder engagement and the public involvement process.

· Law on Strategic Environmental Assessment (Official Gazette of RS no. 135/04 and 88/10)

This law stipulates the conditions, methods and procedures for undertaking strategic environmental assessment (SEA) of certain plans or programmes through the integration of environmental protection principles into the procedures of preparation, adoption and implementation of plans or programmes that are likely to have a significant impact on the environment. The competent authority responsible for the preparation of plans or programmes cannot submit a plan or programme for further adoption procedure without having previously obtained approval for the SEA Report from the authority responsible for environmental protection issues. This law regulates the

conditions and measures for protection of human health and the environment from the harmful impact of non-ionizing radiation (electric and magnetic fields – EMF) generated due to the utilization of various radiation sources. Professional health and safety requirements, i.e. protection against the exposure of workers to electromagnetic fields are excluded from this law. Other main relevant legal instruments in the area of EMF are the following:

- o Ordinance on Exposure Limits to Non-Ionizing Radiation (Official Gazette of the RS no. 104/09), which determines exposure limits and related limit levels of exposure of the population on EMF with different frequencies.
- o Ordinance on Sources of Non-Ionizing Radiation of Special Interest, Source Types, the Manner and the Period of their Measurement (Official Gazette of the RS no. 104/09), which determines “sources of special interest” and the manner of their measurement. Transmission lines of voltage of 35 kV and higher are identified in this act as sources of special interest.
- o Ordinance on Conditions which have to be Satisfied by Legal Bodies which Perform Systematic Measurements of Non-Ionizing Radiation, as well Manner and

Methods of Systematic Measurement in the Environment (Official Gazette of the RS no. 104/09).

- o Ordinance on the Content of the Register of Non-Ionizing Radiation Sources of Special Interest (Official Gazette of the RS no. 104/09).

Law on Nature Protection (Official Gazette of RS no. 36/09 and 88/10)

This law regulates nature conservation and promotion via the protection of the biological and landscape diversity as well as the natural heritage. It identifies principles for nature protection, inter alia: principle for sustainability, precautionary principle, prevention principle and user-pays principle and sets the legal basis for the protection of habitats, ecosystems and species. In addition, the law provides the legal basis for establishment of a coherent ecological network, including the European Natura 2000 Network. The law also provides the legal basis for protected areas (establishment, categorization, management) – natural reserves, national parks, natural monuments, nature parks as well as the legal basis for protected species.

Law on Forests (Official Gazette of RS no. 30/10)

This law regulates management, protection, conservation and promotion of forests, planning aspects and forestry plans and programmes, the manner and conditions for use of forests, forests census and forestry information system, financing aspects and forest value. The law also determines the level of financial compensation related to change of the forest purpose. Such compensation for a project for which public interest has been officially determined by a particular law or governmental decision is to be calculated as value of the forest multiplied by factor 10 (Article 12).

Law on Noise Protection in the Environment (Official Gazette of RS no. 36/09 and 88/10)

This law regulates protection against noise in the environment and determines measures for mitigation of harmful effects of the noise on human health, including normative, urban planning and technical measures as well as preparation of strategic noise maps and action plans. The law also regulates the aspects related to measurement of noise levels in the environment. This law excludes noise in a working environment.

Law on Air Protection (Official Gazette of RS no. 36/09)

This law sets the air quality standards and regulates air quality monitoring, air protection measures, air quality assessment, planning documents for air quality management, inspection and supervision, etc.

Law on Waters (Official Gazette of RS no. 30/10)

This law introduces watershed management approach and regulates the legal status and manner for integrated water management, types of water infrastructure, planning aspects and water management strategies and plans, water use, water protection against pollution, monitoring of water quality, water information system, protection against floods, etc.

Law on Waste Management (Official Gazette of RS no. 36/09 and 88/10)

This law regulates the types and classification of waste, waste management planning, rights, obligations and responsibilities of legal bodies and physical persons, conditions for issuing waste licenses, inspection and supervision, etc.

EIA framework for projects financed by international banks(EBRD, EIB, WB IFC)

Other key relevant legislation and strategic documents:

- Law on Energy (Official Gazette of RS no.57/11, 80/11, 93/12 and 124/12)
- Law on Culture (Official Gazette of RS no. 72/09)
- Law on Cultural Property (Official Gazette of RS no. 71/94)
- Law on Planning and Construction (Official Gazette of RS no. 72/09 and 81/09)
- Spatial Plan of Serbia 2010-2020 (November 2010)
- Strategy for Development of Energy Production of Serbia until 2015 (May 2005)

Relevant International Multilateral Agreements:

- UN Framework Convention on Climate Change – UNFCCC (New York, 1992)
Kyoto Protocol to the UN Framework Convention on Climate Change
- UN Convention on Biological Diversity – CBD (Rio de Janeiro, 1992)
- UN Convention on Wetlands of International Importance – Ramsar Convention, (Ramsar, Iran, 1971)
- UN Convention on the Conservation of Migratory Species of Wild Animals – CMS (Bonn, 1979)

- o Agreement on Conservation of Populations of European Bats – EUROBATS (London, 1991)
- o African-Eurasian Water Bird Agreement – AEWA (the Hague, 1995)
- Convention Concerning the Protection of the World Cultural and Natural Heritage – UNESCO World Heritage Convention (Paris, 1972)
- Convention of the Conservation of European Wild Life and Natural Habitats – Bern Convention (Bern, 1982)
- UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters – Aarhus Convention (Aarhus, Denmark, 1998)
- UNECE Convention on Environmental Impact Assessment in a Transboundary Context – Espoo Convention (Espoo, Finland, 1991)
- European Convention on Landscape (Florence, 2000)

Relevant Documents of the European Council:

- EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and

2003/35/EC), on the assessment of the effects of certain public and private projects on the environment

- Directive on the assessment of the effects of certain plans and programmes on the environment (2001/42/EC)

- Directive on conservation of wild birds (79/409/EEC as amended by 2009/147/EC)

- Directive on habitats (92/43/EEC)

- Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (2004/40/EC)

- Recommendation of EU Council 1999/519/EC of 12 July 1999 Limiting the Public Exposure to Electromagnetic Fields (0 Hz to 300 GHz)