



Ključne izmene novih zakona o proceni uticaja na životnu sredinu

Key Changes in Serbia's New Environmental Assessment Laws

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Zakon o proceni uticaja na životnu sredinu ("Sl. glasnik RS", br. 94/2024) i Zakon o strateškoj proceni uticaja na životnu sredinu ("Sl. glasnik RS", br. 94/2024) stupili su na snagu 6.12.2024. godine.

Ovi zakoni doneti su kako bi se postigla veća usklađenost nacionalnih propisa sa relevantnim direktivama Evropske unije u sferi zaštite životne sredine – Direktivom 2011/92/EU koja je izmenjena Direktivom 2014/52/EU, i Direktivom 2001/42/EZ. Njihova primena treba da donese značajne promene u regulaciji zaštite životne sredine, s ciljem unapređenja zaštite, većeg učešća javnosti, kao i poboljšanja administrativne efikasnosti.

The Law on Environmental Impact Assessment ("Official Gazette of the RS," No. 94/2024) and the Law on Strategic Environmental Impact Assessment ("Official Gazette of the RS," No. 94/2024) entered into force on 6 December 2024.

These laws were enacted to achieve greater alignment of national regulations with relevant European Union directives in the field of environmental protection – Directive 2011/92/EU, as amended by Directive 2014/52/EU, and Directive 2001/42/EC. Their implementation shall bring significant changes to environmental protection regulations, aiming to improve protection, enhance public participation, and increase administrative efficiency.

Područje ekološke mreže

Ono što je zajedničko za Zakon o proceni uticaja na životnu sredinu i Zakon o strateškoj proceni uticaja na životnu sredinu („Zakoni“) jeste uvođenje novih pojmova kao što su „ekološka mreža“ i „prihvatljivost za ekološku mrežu“, čime se omogućava preciznije usklađivanje sa Zakonom o zaštiti prirode (“Sl. glasnik RS”, br. 36/2009, 88/2010, 91/2010 - ispr., 14/2016, 95/2018 - dr. zakon i 71/2021).

Ocena prihvatljivosti za ekološku mrežu je institut koji je u srpsko zakonodavstvo uveden još 2010. godine, Zakonom o zaštiti prirode, ali u praksi još uvek nije zaživeo, iz razloga što podzakonski akt koji je trebao bliže da uredi ovaj institut još uvek nije donet.

Ecological Network Area

A common feature of both the Law on Environmental Impact Assessment and the Law on Strategic Environmental Impact Assessment (“the Laws”) is the introduction of new terms such as “ecological network” and “acceptability for the ecological network,” enabling more precise alignment with the Law on Nature Protection (“Official Gazette of the RS,” Nos. 36/2009, 88/2010, 91/2010 – corr., 14/2016, 95/2018 – amended law, and 71/2021).

The appropriate assessment for the ecological network is an institute that was introduced into Serbian legislation back in 2010 under the Law on Nature Protection. However, in practice, it has not yet been fully implemented, as the required related regulation has not yet been adopted.

Ekološka mreža je koherentna, funkcionalno i prostorno povezana celina uspostavljena radi očuvanja tipova staništa od posebnog značaja za zaštitu, obnavljanje i/ili unapređivanje narušenih staništa i za očuvanje staništa divljih vrsta flore i faune. Ocena prihvatljivosti jeste postupak kojim se ocenjuju mogući uticaji koje projekat može da ima na očuvanje i celovitost područja ekološke mreže.

Zakonima se rešava pitanje odnosa postupka procene uticaja na životnu sredinu sa postupkom ocene prihvatljivosti projekta koji mogu imati značajan uticaj na očuvanje i celovitost područja ekološke mreže. Za projekte za koje se sprovodi postupak strateške procene uticaja ili postupak procene uticaja, ocena prihvatljivosti se sprovodi u okviru ovih postupaka.

The ecological network is a coherent, functional, and spatially connected unit established for the conservation of habitat types of special importance for the protection, restoration, and/or improvement of damaged habitats, as well as for the conservation of habitats for wild species of flora and fauna. The appropriate assessment is a process in which the potential impacts of a project on the conservation and integrity of the ecological network area are evaluated.

The Laws address the relationship between the environmental impact assessment process and appropriate assessment for projects that may have a significant impact on the conservation and integrity of the ecological network area. For projects subject to strategic impact assessment or environmental impact assessment, the appropriate assessment is conducted as part of these procedures.

U skladu sa Zakonom o proceni uticaja na životnu sredinu, ukoliko projekat može da utiče na očuvanje i celovitost područja ekološke mreže, postupak glavne ocene prihvatljivosti sprovodi se u skladu sa Zakonom o zaštiti prirode, pre postupka odlučivanja o davanju saglasnosti na studiju o procenu uticaja na životnu sredinu.

U skladu sa Zakonom o strateškoj proceni uticaja na životnu sredinu, ocena prihvatljivosti se sprovodi za planove i programe koji sami ili sa drugim planom i programom, projektom, radovima ili aktivnostima, mogu imati značajan negativan uticaj na očuvanje i celovitost područja ekološke mreže. Postupak prethodne ocene prihvatljivosti sprovodi se pre donošenja odluke o izradi strateške procene uticaja. Ukoliko prethodna ocena pokaže da projekat može imati uticaj na očuvanje i celovitost područja ekološke mreže, sprovodi se i postupak glavne ocene prihvatljivosti, pre izrade izveštaja o strateškoj proceni uticaja.

The Law on Environmental Impact Assessment prescribes that if a project might have an impact on conservation and integrity of the ecological network area, the main appropriate assessment procedure is conducted in accordance with the Law on Nature Protection, before the issuance of the decision granting consent for the environmental impact assessment study.

According to the Law on Strategic Environmental Assessment, the appropriate assessment is conducted for plans and programs that, either alone or with other plans, programs, projects, works, or activities, may have a significant negative impact on the conservation goals and integrity of the ecological network area. The preliminary appropriate assessment is carried out before the decision to draft the strategic environmental assessment is made. If the preliminary assessment shows that the project may have an impact on the preservation and integrity of the ecological network area, the main appropriate assessment shall be carried out before the preparation of the strategic impact assessment report.

Pored toga, u skladu sa Zakonom o proceni uticaja na životnu sredinu, nadležni organ prilikom odlučivanja o zahtevu o potrebi procene uticaja, za projekat koji može da utiče na ciljeve očuvanja i celovitost područja ekološke mreže, može da donese odluku da procena uticaja nije potrebna samo ukoliko na osnovu sprovedenog postupka i odluke donete u postupku prethodne ocene prihvatljivosti utvrdi da projekat neće imati negativne uticaje na očuvanje i celovitost područja ekološke mreže.

Odredbe Zakona koje se odnose na ocenu prihvatljivosti primenjuju se po isteku dve godine od dana stupanja na snagu Zakona.

Additionally, under the Law on Environmental Impact Assessment, the competent authority, when deciding on a request for an impact assessment for a project that may affect the conservation and integrity of the ecological network area, may decide that an impact assessment is not required only if, based on the conducted procedure and the decision made in the preliminary appropriate assessment, it is determined that the project will not have negative impacts on the conservation and integrity of the ecological network area.

The provisions of the Laws concerning the appropriate assessment will become applicable two years after the Laws entered into force.

Zakon o proceni uticaja na životnu sredinu

Zakon propisuje da su predmet procene uticaja, između ostalog, i projekti koji sami ili zajedno sa drugim projektima mogu imati značajan uticaj na životnu sredinu.

Takođe predmet procene uticaja su i projekti koji sami ili zajedno sa drugim projektima, radovima ili aktivnostima, mogu da imaju značajan uticaj na očuvanje i celovitost područja ekološke mreže.

Ovim putem se sprečava da jedan nosilac projekta namerno deli projekat kako bi izbegao primenu zakona (tzv. “splitting”), i obuhvataju se i situacije u kojima se više manjih projekata, koji pojedinačno nemaju značajan uticaj, ali kumulativno stvaraju značajan efekat (tzv. “small scale projects”).

Law on Environmental Impact Assessment

The Law stipulates that, among other things, projects that, alone or together with other projects, may have a significant impact on the environment are subject to environmental impact assessment.

It also includes projects that, alone or together with other projects, works, or activities, may significantly impact the conservation and integrity of ecological network areas.

This prevents a project proponent from intentionally dividing a project to avoid application of the Law (known as “splitting”) and also covers situations where multiple smaller projects, that individually don’t have significant impact, cumulatively create a significant effect (known as “small scale projects”).

Takođe, ovaj zakon uvodi obavezno pribavljanje mišljenja Ministarstva zaštite životne sredine prilikom izdavanja lokacijskih uslova, čime se unapređuje koordinacija između procene uticaja i drugih dozvola za projekte. Jasno je definisano i povezivanje studije o proceni uticaja sa odlukom o odobravanju projekta.

Uslovi i mere zaštite životne sredine sada su uključeni direktno u odluku kojom se odobrava projekat, čime se obezbeđuje da zaštita životne sredine bude utemeljena i obavezna tokom svih faza realizacije projekta.

Pored toga, ovaj zakon uvodi duže rokove za obaveštavanje javnosti o podnetom zahtevu od strane nadležnog organa kao i rok za dostavljanje mišljenja zainteresovanih lica i omogućava aktivno učešće građana kroz elektronsku bazu podataka i centralni veb portal.

This law also introduces that it is mandatory to obtain the opinion of the Ministry of Environmental Protection when issuing location conditions and it improves the coordination between the impact assessments and other project permits. The connection between the environmental impact assessment study and the decision granting the approval of the project is clearly defined.

The environmental protection conditions and measures are now directly included in the decision that approves the project, ensuring that environmental protection is integral and mandatory throughout all phases of the project implementation.

Additionally, this law introduces longer deadlines for informing of public about submitted requests by the competent authority and for receiving feedback from interested parties, allowing active public participation through an electronic database and central web portal.

Ova baza podataka, zajedno sa centralnim veb portalom treba da bude uspostavljena od strane Ministarstva za zaštitu životne sredine u roku od tri godine od dana stupanja na snagu ovog zakona

Takođe, pooštrene su novčane kazne za pravna lica i odgovorna lica u pravnom licu koja prekrše ovaj zakon, čime se značajno povećava odgovornost nosilaca projekata za očuvanje životne sredine.

This database, along with the central web portal will be established by the Ministry of Environmental Protection within three years of the Law's entry into force.

Also, fines for legal entities and responsible persons within them who violate this law are increased, significantly raising the responsibility of project proponents when it comes to environmental protection.

Zakon o strateškoj proceni uticaja na životnu sredinu

Zakon o strateškoj proceni uticaja na životnu sredinu donosi nekoliko značajnih izmena, pre svega u smislu veće koordinacije između različitih strateških planova i programa.

Ovaj zakon propisuje obavezu usklađivanja sa višim hijerarhijskim nivoima, čime se smanjuje potreba za dvostrukim procesima procene uticaja, odnosno dozvoljava se korišćenje podataka iz prethodno sprovedenih postupaka strateške procene uticaja prilikom procene značajnih uticaja i planova koji pripadaju istoj hijerarhijskoj strukturi.

Ovo je ključna novina koja doprinosi smanjenju administrativnog opterećenja i povećanju efikasnosti postupaka.

Law on Strategic Environmental Assessment

The Law on Strategic Environmental Impact Assessment introduces several significant changes, primarily in terms of better coordination between various strategic plans and programs.

This law mandates alignment with higher hierarchical levels, reducing the need for dual impact assessment processes. It allows the use of data from previously conducted strategic environmental assessment procedures when assessing significant impacts of plans that belong to the same hierarchical structure.

This is a key innovation that contributes to reducing administrative burdens and increasing process efficiency.

Poseban fokus je stavljen na unapređenje kvaliteta izveštaja o strateškoj proceni kroz formiranje stručnih komisija koje će davati mišljenja i primedbe, što garantuje tačnost i relevantnost procena.

Komisije će biti sastavljene od stručnjaka iz različitih oblasti kao što su vodoprivreda, rudarstvo, energetika itd. Na ovaj način će se kvalitet strateške procene značajno poboljšati budući da će kvalifikovani stručnjaci moći da daju svoje primedbe na nacrt izveštaja o strateškoj proceni koje će nadležni organ za zaštitu životne sredine uzeti u obzir prilikom davanja saglasnosti.

Novi Zakon o strateškoj proceni takođe uvodi obavezu elektronskog oglašavanja svih faza postupka, omogućavajući svim zainteresovanim stranama jednostavan pristup dokumentaciji i informacijama koje se nalaze u nacrtu plana i izveštaju o strateškoj proceni uticaja na životnu sredinu.

Special focus is put on improving the quality of strategic environmental assessment reports through the formation of expert commissions that will provide opinions and comments, ensuring the accuracy and relevance of the assessments.

These commissions will consist of experts from various fields such as water management, mining, energy, etc. This will significantly improve the quality of strategic assessments, as qualified experts can provide their comments on the draft strategic assessment reports, which will be considered by the competent authority for environmental protection when granting consent.

The new Law on Strategic Environmental Impact Assessment also introduces the mandatory electronic publication of all phases of the process, enabling easy access to documentation and information available in the draft plan and report on strategic environmental assessment.

Ovaj pristup obezbeđuje veću transparentnost i omogućava aktivno učešće u procesu donošenja odluka. Zakon o strateškoj proceni uticaja na životnu sredinu, takođe, predviđa formiranje elektronske baze podataka i veb portala od strane Ministarstva životne sredine.

Zaključak

Donošenje novih Zakona o proceni uticaja na životnu sredinu i Zakona o strateškoj proceni uticaja na životnu sredinu predstavlja značajan korak ka usklađivanju sa zakonodavstvom Evropske unije i unapređenju zaštite životne sredine u Srbiji i značajno poboljšavaju kvalitet procedura zaštite životne sredine.

This approach ensures greater transparency and allows for active participation in the decision-making process. The Law also mandates the establishment of an electronic database and web portal by the Ministry of Environment.

Conclusion

The adoption of the new Laws on Environmental Impact Assessment and Strategic Environmental Impact Assessment marks a significant step toward aligning with European Union legislation and improving environmental protection in Serbia, substantially enhancing the quality of environmental protection procedures.

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