

Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report in accordance with Decision I/5 (ECE/MP.PRTR/2010/2/Add.1)

CERTIFICATION SHEET

The following report is submitted on behalf of

REPUBLIC OF SERBIA
[name of the Party or the Signatory] in accordance with decision I/5

Name of officer responsible for submitting the national report:	Nebojša Redžić
Signature:	
Date:	

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report.

<i>Party/Signatory</i>	<i>Republic of Serbia</i>
<i>NATIONAL FOCAL POINT</i>	
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Postal address:	
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Designated competent authority responsible for managing the national or regional register (if different):	
Full name of the institution:	
Name and title of officer:	
Postal address:	
Telephone:	
Fax:	
E-mail:	

<p>Provide a brief description of the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.</p>
<p><i>Answer:</i> This report SEPA published on the website.</p>

Articles 3, 4 and 5

<p>List legislative, regulatory and other measures that implement the general provisions in articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system (PRTR)) and 5 (design and structure).</p>
<p>In particular, describe:</p>
<p>(a) With respect to article 3, paragraph 1, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;</p>
<p>(b) With respect to article 3, paragraph 2, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;</p>
<p>(c) With respect to article 3, paragraph 3, measures taken to require that employees of a facility and members of the public who report a violation by a facility of national laws implementing this Protocol to public authorities are not penalized, persecuted or harassed for their actions in reporting the violation;</p>
<p>(d) With respect to article 3, paragraph 5, whether the PRTR system has been integrated into other reporting mechanisms and, if such integration has been undertaken, into which systems. Did such integration lead to elimination of duplicative reporting? Were any special challenges encountered or overcome in undertaking the integration, and how?</p>
<p>(e) With respect to article 5, paragraph 1, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);</p>
<p>(f) With respect to article 5, paragraph 4, provide the Universal Resource Locator (url) or Internet address where the register can be continuously and immediately accessed, or other electronic means with equivalent effect;</p>

(g) With respect to **article 5, paragraphs 5 and 6**, provide information on links from the Party's register to relevant existing, publicly accessible databases on subject matters related to environmental protection, if any, and a link to PRTRs of other Parties.

Answer:

The three main laws that support the establishment and maintenance of PRTR register in the Republic of Serbia are:

- A. The Law of Ministries (Official Gazette RS, No. 72/2012)
- B. Environmental Law (Official Gazette RS, No. 135/2004, 36/2009, 36/2009)
- C. Law on Ratification of the Protocol on Pollutant Release and Transfer Register (Official Gazette RS, No. 1/2011)

A. The Law of Ministries

According to *Article 14 of the Law of Ministries, Environmental Protection Agency, as a legal entity within the Ministry of Energy, Development and the Environment, performs professional tasks related to:*

- *Development, coordination and management of the national information system for environmental protection (monitoring of environmental indicators, environmental pollutants registry, etc.);*
- *The implementation of the national monitoring air and water quality, including the implementation of legal and harmonized programs for air quality, surface water and ground water aquifer and precipitation;*
- *Managing National Laboratory;*
- *Collection and collation of data on the environment, processing and preparation of reports on the state of the environment and implementation of environmental policy;*
- *Development of procedures for the processing of environmental data and their evaluation;*
- *Keeping data on best available techniques and practices and their application in the field of environmental protection;*
- *Cooperation with the European Environment Agency (EEA) and the European Network for Information and Observation Network (EIONET) , as well as other duties specified by law.*

This article prescribes that Environmental Protection Agency will be governmental body competent for developing and maintaining National Register of Pollution Sources.

B. Environmental Law

Article 75 of the Environmental Law prescribes the establishing and maintaining of National Registers of Pollution Sources.

Register of environmental pollution

Article 75

In order to monitor the qualitative and quantitative changes in the environment and to take measures to protect the environment, local and national Register of Pollution Sources have been established in accordance with this Law.

National Register of Pollution Sources has been established in Environmental Protection Agency.

Local Registers of Pollution Sources has been established by the competent authority in the local government.

Minister, after obtaining the opinion of the Minister of Water and Mines and Energy, provides a methodology for the development of national and local Register of Pollution Sources, as well as the methodology for the types, terms and conditions of data collection.

The polluter shall at his own expense the prescribed information within the dates set forth in the law.

Enforcement measures are given in Article 116. in Environmental Law. Penalties are prescribed if company:

1. perform monitoring without authorization (Article 71, paragraph 1);
2. does not monitor and track other impacts on the environment (Article 72);
3. do not submit data from monitoring in the prescribed manner (Article 73);
4. does not provide data of importance for keeping the register of environmental pollution sources in a prescribed manner (Article 75, paragraph 5);

For now, searching tool is limited to a search by the name of the operator and the operator site. Currently SEPA, in collaboration with the REC, is working on development of Serbian PRTR website that will allow complete search tool in accordance with the protocol. This project was prepared within the project "Capacity Building to Put the Aarhus Convention into Action and Support Development of PRTR Systems in Selected South Eastern European Countries" funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety with means of the Advisory Assistance Programme for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia. It has been technically supervised by the German Federal Environment Agency (Umweltbundesamt, UBA).

There is no duplicate reporting. All other reporting requirements were developed with PRTR register as the basis.

The temporary URL for PRTR data and other issues concerning PRTR is

<http://www.sepa.gov.rs/index.php?menu=20173&id=20020&akcija=showAll>

As we previously mentioned this is temporary PRTR website. After development of Serbian PRTR site this provisions will be included.

Article 7

List legislative, regulatory and other measures that implement article 7 (reporting requirements).
Describe or identify as appropriate:
(a) With respect to paragraph 1 , whether the reporting requirements of paragraph 1 (a) are required by the national system, or whether those of paragraph 1 (b) are required by the national system;
(b) With respect to paragraphs 1, 2 and 5 , whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;
(c) With respect to paragraph 1 and annex I , any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system;
(d) With respect to paragraph 1 and annex II , any difference between the list of pollutants for which reporting is required under the Protocol, or their associated thresholds, and the list of pollutants and associated thresholds for which reporting is required under the national PRTR system;

(e) With respect to **paragraph 3 and annex II**, whether for any particular pollutant or pollutants listed in annex II of the Protocol, the Party applies a type of threshold other than the one referred to in the responses to paragraph (a) above and, if so, why;

(f) With respect to **paragraph 4**, the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;

(g) With respect to **paragraphs 5 and 6**, any differences between the scope of information to be provided by owners or operators under the Protocol and the information required under the national PRTR system, and whether the national system is based on pollutant-specific (paragraph 5 (d) (i)) or waste-specific (paragraph 5 (d) (ii)) reporting of transfers;

(h) With respect to **paragraphs 4 and 7**, where diffuse sources have been included in the register, which diffuse sources have been included and how these can be searched and identified by users, in an adequate spatial disaggregation; or where they have not been included, provide information on measures to initiate reporting on diffuse sources;

(i) With respect to **paragraph 8**, the types of methodology used to derive the information on diffuse sources.

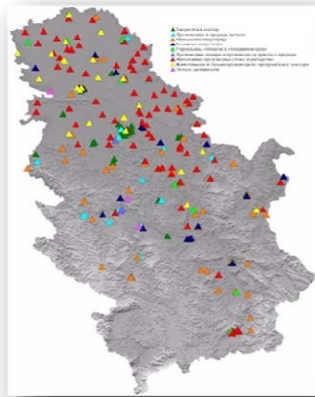
Answer:

According article 75 of Environmental Law, Environmental Protection Agency was prepared Regulation which transferred the operational provisions of the PRTR Protocol under which the register is establish and maintain. The name of this regulation is "Regulation on the methodology for the development of national and local register of sources of pollution, as well as the methodology for the types, terms and conditions of data collection", published in Official Gazette RS, No. 91/2010.

Part of this Regulation related to the establishment of a national inventory of pollution sources is fully harmonized with the PRTR Protocol and E-PRTR Regulation, except for the reporting thresholds. According to the provisions of the by-law, all companies submit data on all pollutants regardless of the emitted amount. This is done in order to use the data from the PRTR registry for fulfill reporting requirements under other international conventions and treaties.

Regulation prescribes that the reporting process starts in January and finished at the end of March. During these three months operators have the obligation to submit annual reports. Around 70 - 80 % of them perform its obligation. After this period, SEPA send the list of operators who didn't send data to the Environmental inspection and their duty is to force those who are late to send data.

According this regulation, the reporting is obligatory for all companies whose activities are listed in Appendix 1. In 2008, SEPA has made a first preliminary list of operators who have the obligation to submit an annual report 2008. Anyhow, this list changes every year depending on the movement in the Serbian economy. In Appendix 2, the list of pollutants to be monitored as part of the registry is given in accordance with E-PRTR Regulation annex II (Pollutants). In the appendices 3 and 4, pollutants, depending on the economic activities of the operator and in what media are emitted - air or water, are given.



In 2011, SEPA has completed work on a new information system, and from 2011 data for PRTR register were collected electronically.

After gathering data, National Register of Pollution Sources administrators verifies all collected data and prepares them for the publishing in National Annual State of Environment Report. During January and February, SEPA prepared data for submission for E-PRTR register in European Environment Agency. It must be mentioned, that SEPA from 2010 send the priority data flow for EEA E-PRTR register on voluntary basis.

All lists given in PRTR protocol were transferred into this bylaw, except the list of pollutants which is transferred from E-PRTR directive.

For now, from the diffuse sources, SEPA collects and calculate data only from transportation. COPERT IV model was used for this calculation. For now, there is no any disaggregation of diffuse sources data, but we will work on this issue.

All data from paragraph 5 and 6 are covered in Serbian PRTR register.

Article 8

For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:

- (a) The reporting year (the calendar year to which the reported information relates);
- (b) The deadline(s) by which the owners or operators of facilities were required to report to the competent authority;
- (c) The date by which the information was required to be publicly accessible on the register, having regard to the requirements of **article 8** (reporting cycle);
- (d) Whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this;
- (e) Whether methods of electronic reporting were used to facilitate the incorporation of the information required in the national register, and if such methods were used, the proportion of electronic reporting by facilities and any software applications used to support such reporting.

Answer:

- (a) The first reporting year for all facilities is 2008. The pilot reporting year with 25 companies was in 2007.
- (b) The deadline is 31.3. for data from the previous year.
- (c) Immediately after verification.
- (d) The verification process, in average, took about two weeks per facility.
- (e) Electronic reporting for all facilities is obligatory.

Article 9

Describe the legislative, regulatory and other measures ensuring the collection of data and the keeping of records, and establishing the types of methodologies used in gathering the information on releases and transfers, in accordance with article 9 (data collection and record-keeping).

Answer:

Collection of data is prescribed in article 73 of Environmental Law. Also, in Regulation is stated that facilities from the PRTR list have obligation to send the reports.

Facilities normally, need to keep documentation minimum 5 years.

SEPA need to keep documentation minimum 25 years for statistical and archive reasons.

Article 10

Describe the rules, procedures and mechanisms ensuring the quality of the data contained in the national PRTR and what these revealed about the quality of data reported, having regard to the requirements of article 10 (quality assessment).

Answer:

Article 72 of Environmental Law prescribed obligation of operators of facilities to monitor of pollutants

Article 72

The operator on the complex as a source of emissions and environmental pollution shall, in accordance with the law, through the competent authority, the authorized organization or individual, if he meets the conditions prescribed by law , perform monitoring , that is :

- 1) monitor indicators of emissions, i.e. indicators of the impact of its activities on the environment , indicators of the effectiveness of the measures to prevent the onset or reduce the level of pollution;
- 2) provides meteorological measurements for large industrial complexes or buildings of special interest for the Republic of Serbia , autonomous province or local self-government.

Polluter is obliged to prepare the plan of monitoring to keep track of regular monitoring and submit reports in accordance with this Law.

The government determines the types of activities and other events that are subject to monitoring, methodology, indicators, the method of recording, deadlines for submitting and storing data on the basis of special laws.

Polluter must plans to provide financial resources for monitoring, as well as other measurements and monitoring the impact of its activities on the environment.

Accordinging this article data quality is operator responsibility.

The SEPAs National Register of Pollution Sources administrators also check data from the facilities reports.

Article 11

Describe the way(s) in which public access to the information contained in the register is facilitated, having regard to the requirements of article 11 (public access to information).

Answer:

A internet webpage is established partly. The webpage provides free access to PRTR-data to the public from 2010-2012 on the web address

<http://www.sepa.gov.rs/index.php?menu=20168&id=18&akcija=showXlinked>.

As we mentioned before, developing of website dedicated to PRTR registry is ongoing project, which is funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety with means of the Advisory Assistance Programme for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia.

Article 12

Where any information on the register is kept confidential, give an indication of the types of information that may be withheld and the frequency with which it is withheld, having regard to the requirements of article 12 (confidentiality). Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims, in particular with respect to the requirements set out in paragraph 2.

Answer:

There are no confidentiality issues between operators and SEPA. All data must be submitted, but SEPA take care about data confidentiality. Data which needs to be protected, like fuel and chemicals consumption or production data are not published and they are not available to anyone other than PRTR register administrators. This data are used only in the verification process of submitted data.

The confidentiality issue is also support in Environmental Law.

Data about the emission into air, water and soil and waste management could not be considered as confidential.

Article 13

Describe the opportunities for public participation in the development of the national PRTR system, in accordance with article 13 (public participation in the development of national pollutant release and transfer registers), and any relevant experience with public participation in the development of the system.

Answer:

During the period of establishing PRTR register (2006), the Chamber of Commerce of Serbia and Belgrade is consulted. Also, representatives of facilities which are on the PRTR list are also involved in the developing process, during pilot project. They had the opportunity to give their advices in PRTR register preparation.

The public can contact SEPA and to give their opinion about any issue concerning PRTR register and all other data.

Most frequently informations are requested by media as the basis for news articles. Other users are NGOs. The data were also used by students in the preparation of the master or other papers. More than 20 graduate students had done his graduate work at the Agency's data.

Article 14

Describe the review procedure established by law to which all individuals have access if they consider that their request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance with the provisions of article 14 (access to justice), and any use made of it.

Answer:

The provisions of Article 74 Constitution of the Republic of Serbia ("Official Gazette of RS", no. 98/06) stipulates that everyone has the right to a healthy environment and the timely and full information about the situation, that everyone, especially the Republic of Serbia, autonomous provinces, responsible for environmental protection, and that everyone is obliged to protect and improve the environment.

National Assembly of the Republic of Serbia adopted the Law on Ratification of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention ratified) 12 May 2009 (the "Official. Gazette of RS - International Treaties", no. 38/09).

Beside this, the basic concept of public participation contained in the provisions of the Law on Environmental Protection, which provides that everyone has the right to:

- To be informed of the state of the environment and
- To participate in the decision making process whose implementation could affect the environment.

This definition indicates, among other things, the relationship between the processes of information and participation in decision-making. This correlation is particularly noticeable in proceedings governed by the laws in the area of environmental impact assessment and integrated permits, with public awareness and participation are dependent processing stage in the proceedings with substantial procedural and legal actions.

The Law on Environmental Protection of the public participation process comes down to, in essence, the process of exposure of projects, plans and programs to the public and the public debate. Laws that embodies the provisions of the general law in matters of the environment, fortunately, in a much more meaningful way to determine the place and role of the public.

Article 15

Describe how the Party has promoted public awareness of its PRTR and provide detail, in accordance with article 15 (capacity-building), on:

- (a) Efforts to provide adequate capacity-building for and guidance to public authorities and bodies to assist them in carrying out their duties under the Protocol;
- (b) Assistance and guidance to the public in accessing the national register and in understanding the use of the information contained in it.

Answer:

In cooperation with media every year, SEPA promoted National register of Pollution

Sources and Serbian PRTR register on TV or newspapers.

These are activities that need further work, particularly in collaboration with Aarhus centers in Serbia, but also with the media. It is necessary to further promote PRTR register and prepare briefing to interpret the published data on emissions to air, water, soil and waste management.

Article 16

Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organizations, as appropriate, in particular:

(a) In international actions in support of the objectives of this Protocol, in accordance with **paragraph 1 (a)**;

(b) On the basis of mutual agreements between the Parties concerned, in implementing national systems in pursuance of this Protocol, in accordance with **paragraph 1 (b)**;

(c) In sharing information under this Protocol on releases and transfers within border areas, in accordance with **paragraph 1 (c)**;

(d) In sharing information under this Protocol concerning transfers among Parties, in accordance with **paragraph 1 (d)**;

(e) Through the provision of technical assistance to Parties that are developing countries and Parties with economies in transition in matters relating to this Protocol, in accordance with **paragraph 2 (c)**.

Answer:

(a) Serbia active participate in international and regional workshops and other meetings arranged by UNECE and other organisations.

(b) For now, SEPA do not have enough capacities for these activities. SEPA prepared with OSCE and REC support, some guidelines for emissions into air, water and waste management, for categories which are the most problematic for reporting such as farms, mining, and energy. We distribute these guidelines in all West Balkan countries.

(c) Informations are available on SEPA website.

(d) Data concerning waste transfer to other countries is the part of dataset delivered to the E-PRTR register.

(e) /

Provide any further comments relevant to the Party's implementation, or in the case of Signatories, preparation for implementation, of the Protocol. Parties and Signatories are invited to identify any challenges or obstacles encountered in setting up, gathering data for and filling in the register.

Answer: