



Chemicals management

Overview

The legislative framework created by the adoption of the Law on Chemicals¹⁹⁵, the Law on Biocidal Products¹⁹⁶ and the relevant bylaws has established a modern chemicals management system, which is significantly harmonized with the EU regulations.

There have been positive developments since the last report regarding the updating of regulations on the classification and labelling of chemicals¹⁹⁷ in order to adapt them to technical and scientific progress, as well as the regulation governing bans and restrictions on the production, placing on the market and use of chemicals¹⁹⁸.

There have been no changes since the last report¹⁹⁹ regarding updating the Candidate List of Substances of Very High Concern²⁰⁰, or the List of Substances of High Concern (Authorization List).²⁰¹ As the Candidate List of Substances of Very High Concern has been additionally updated in the EU on several occasions, there is currently a significant difference between the number of substances on the EU list and in the domestic regulation, limiting the exercise of the right of consumers in Serbia to information about the presence of these substances in products.

Further development of the legislative framework must be continued, both through the further harmonization of regulations with new EU regulations, as well as amendments to existing regulations, and through strengthening capacities necessary for the implementation of regulations.

195 "Official Gazette of the Republic of Serbia", Nos. 36/2009, 88/2010, 93/2012 and 25/2015.

196 "Official Gazette of the Republic of Serbia", Nos. 36/2009, 88/2010, 92/2011 and 25/2015.

197 "Official Gazette of the Republic of Serbia", No. 19/19; "Official Gazette of the Republic of Serbia", No. 21/19.

198 "Official Gazette of the Republic of Serbia", No. 9/2020.

199 Coalition 27 (2019): Chapter 27 in Serbia: Money Talks, available at: https://www.koalicija27.org/wp-content/uploads/2019/10/izvestaj_2019_ENG_WEB.pdf

200 "Official Gazette of the Republic of Serbia", No. 22/2018.

201 "Official Gazette of the Republic of Serbia", No. 22/2018.

The development of the new Draft Law on Biocidal Products²⁰², for the purpose of harmonization with the Biocidal Products Regulation (528/2012/EU)²⁰³, was completed in 2018. The Law should have been adopted in 2019, but was not.

The Law on Consumer Goods²⁰⁴ was adopted in 2019, creating a legal basis for the adoption of the Rulebook on Toy Safety²⁰⁵, as well as the Rulebook on Cosmetic Products²⁰⁶, transposing the lists of prohibited and limited substances in these products from EU regulations.

There have been no significant changes since the previous period to administrative capacities for performing professional activities in this area, however, it should be noted that **the republic inspection for environmental protection in the area of chemicals and biocidal products has been weakened due to the departure of several experienced inspectors.**

The **electronic platform for the registration of chemicals in the Integrated Register of Chemicals (eIRH)** started operating in January 2019. Files on chemicals marketed during 2018 have been electronically delivered to the eIRH portal²⁰⁷. Business entities will be able to fulfil their obligations regarding the registration of chemicals in a more efficient manner by using the publicly available web portal, making the administrative procedure simpler and cheaper.

The eIRH for biocidal products started operating in April 2019. The optional submission of applications for registration in the Temporary List of Biocidal Products has begun, i.e. there is an option of submitting an application in hard copy. Considering the scope and content of the documents required in this procedure, as well as the confidentiality of certain data, the existing measures to protect data must be improved and the various levels of access to data must be strictly defined.

202 https://www.ekologija.gov.rs/dokumenti/?wpfb_cat=67&lang=lat#wpfb-cat-67

203 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32012R0528>

204 "Official Gazette of the Republic of Serbia", No. 25/19.

205 "Official Gazette of the Republic of Serbia", No. 78/2019.

206 "Official Gazette of the Republic of Serbia", No. 60/2019.

207 <https://irhportal.ekologija.gov.rs/Account/Login>

The implementation of the *Further development of the framework for harmonization with EU legislation in the field of Air, Chemicals and Horizontal Legislation (EAS 3)* project began in 2019. Specific implementation plans for the REACH Regulation and the Regulation on Biocidal Products will be developed through this project.

The Serbian Government has not adopted the updated National Implementation Plan (NIP) for the implementation of the Stockholm Convention on persistent organic pollutants (POPs), which was prepared in 2015 and is becoming out-dated, making the implementation of the activities from the specific action plans that are integral parts of the updated NIP more difficult.

Despite being completed in 2018, the Final Report on the Status of Mercury in Serbia and the Assessment of the Capacities of the Republic of Serbia for the Implementation of the Minamata Convention are not available to the public. A decision on the ratification of the Convention has also not yet been passed, although the expert team and relevant department of the Ministry of Environmental Protection have recommended its ratification.

The *Strengthening the Synergies between the Basel, Rotterdam, Stockholm and Minamata Conventions in the Republic of Serbia* project is currently being implemented. The project aims to strengthen institutional capacity for joint reporting under the conventions and to promote cooperation between the line sectors of the competent ministry, agencies, industry (particularly the recycling sector), scientific and research institutes, and civil society.

ALHem conducted a survey on the presence of phthalates in plastic toys and childcare items as part of the “Cry-Game” campaign, and carried out a campaign in 2019 to raise the awareness of consumers about toy safety. The survey has shown that there are toys on the market of the Republic of Serbia made of plastic with an increased level of banned phthalates, which was re-confirmed by the results of an extraordinary inspectorial supervision by the Ministry of Health. In December 2019, ALHem also presented the *Scan4Chem* smartphone app in Serbian, through which citizens can exercise their right to information about the presence of substances of very high concern in products.

The chemicals and biocidal product management system is funded from the budget of the Republic of Serbia. The Ministry of Environmental Protection has opened an earmarked sub-account for the payment of republic administrative fees for chemicals and biocidal products. However, due to the structure and functioning of the budget system, no data is available on the amount of revenue generated from fees for implementing administrative procedures. It is not known whether, and to what extent, the costs of implementing administrative procedures are covered by funds generated from other taxpayers, and/or taxpayers that do not generate income from chemicals and/or biocidal products.

The system of funding the management of chemicals and biocidal products does not comply with the basic principles established by EU regulations.

Strategic and legislative framework

The legislative framework created by the adoption of the Law on Chemicals²⁰⁸ and the Law on Biocidal Products²⁰⁹ and the relevant bylaws has established a modern chemical management system based on EU principles. The Law on Chemicals is in line with the REACH Regulation (EC 1907/2006)²¹⁰ to a large extent, with the exception of the provisions that require EU membership in order to be implemented, such as the registration, evaluation and authorization procedures. **Further development of the legislative framework needs to be continued, both through the further harmonization of regulations with new EU regulations, as well as amendments to existing regulations, and through strengthening capacities necessary for the implementation of regulations.**

There have also been positive developments since the last report regarding the updating of **regulations on the classification and labelling of chemicals in order to adapt them to technical and scientific progress** in line with ATP 11.²¹¹ The updating of the regulations primarily concerns amendments to the Rulebook²¹², in Appendix 1 - Criteria for the Classification and Labelling of Chemicals and Mixtures, and in Appendix 5 - List of Information on Precautions and Conditions for their Implementation. A sufficient transition period has been provided, enabling business entities to adjust their operations to the updated standards. Transparency in the adoption of regulations, timely information about changes and the predictability of expenses are of extreme importance for business entities, as changes in classification, packaging and labelling all impact on chemicals businesses.

208 "Official Gazette of the Republic of Serbia", Nos. 36/2009, 88/2010, 93/2012 and 25/2015.

209 "Official Gazette of the Republic of Serbia", Nos. 36/2009, 88/2010, 92/2011 and 25/2015.

210 <http://www.ekologija.gov.rs/organizacija/sektori/sektor-za-upravljanje-zivotnom-sredinom/odeljenje-zahemikalije/reach/?lang=lat>

211 Adaptation to technical progress (ATP)

212 "Official Gazette of the Republic of Serbia", No. 21/19.

However, further harmonization must be continued, as these regulations have been additionally updated in the EU. ATP 13, the most recent regulation adopted in the EU, has 18 updated entries and 16 new harmonized classifications and labels. It was published in October 2018 and applied in the EU as of the 1st of May 2020. The European Commission also adopted ATP 14 in October 2019, which was forwarded to the European Parliament and the Council of Ministers. This amendment defines the classification of inhalable titanium-dioxide (TiO₂) particles with a minimum classification of carcinogenic Category 2 H351 (inhalation), which is frequently present in spray sunscreen. It is important to emphasize that the regular harmonization of these regulations is essential, as delays in updating the List of Harmonized Classifications results in the deviation of data on harmonized classified substances in Serbia and EU. It is for this reason that, in some cases, there is a deviation in the implementation of the stipulated provisions of the classification and labelling of the same substances and mixtures on the EU market and on the market of the Republic of Serbia, contrary to the basic goal of the GHS system that chemicals should be classified and labelled according to the same rules and in the same way on all markets. If these rules are not complied with, it creates difficulties for the free trade of imported chemicals, as well as the protection of human health and the environment.

In order to update the regulations governing the bans and restrictions on the **production, placing on the market and use of chemicals**, the **ban/restriction²¹³ of the marketing of windshield washing and defrosting liquids that contain methanol in concentrations higher than, or equal to, 0.6 (m/m)** was adopted in February 2020 and, *inter alia*, the decision will apply as of the 1st of June 2020. This amendment also bans the marketing of rinse-off cosmetic products governed by regulations on cosmetic products, after the 1st of January 2021, that contain concentrations of octamethylcyclotetrasiloxane (D₄) or decamethylcyclopentasiloxane (D₅) equal to or higher than 0.1%.

213 "Official Gazette of the Republic of Serbia", No. 9/2020.

There have been no changes since the last report regarding the updating of the Candidate List of Substances of Very High Concern²¹⁴. As this List has been additionally updated in the EU on several occasions, as of February 2020 there is currently a significant difference in the number of substances (24) on the EU list and in the domestic regulation, limiting the exercise of consumer rights in Serbia to information on the presence of these substances in products.

A similar situation exists with regard to the List of Substances of High Concern²¹⁵, which has not been updated since the last Report²¹⁶. The domestic List currently contains 11 fewer substances than the EU list.

There is a significant delay in the process of harmonizing regulations pertaining to methods of testing the hazardous properties of chemicals, due to regulations having not been updated since 2012.

The development of the new Draft Law on Biocidal Products²¹⁷, for the purpose of harmonization with the Biocidal Products Regulation (528/2012/EU)²¹⁸, was completed in 2018. The EU Regulation could not be fully transposed as it governs, among other things, procedures that are conducted by the European Chemicals Agency (ECHA) or centrally by the European Commission; thereby the Draft Law ensures the maximum possible compliance with the EU Regulation until full EU membership. **However, the new law will not bring about substantial changes in terms of biocide registration compared to the current law. The only significant change concerns new biocidal products that have been approved in the EU by the European Commission or a competent authority of a member state, which can no longer be registered on the Temporary List and instead are subject to the recognition procedure.** This should facilitate the operation of importers of biocidal products from the EU, as importers already have access to the necessary documentation; however, given that the state authorities are introducing a new procedure but have only limited

214 "Official Gazette of the Republic of Serbia", No. 22/2018.

215 "Official Gazette of the Republic of Serbia", No. 22/2018.

216 Coalition 27 (2019): Chapter 27 in Serbia: Money Talks, available at: https://www.koalicija27.org/wp-content/uploads/2019/10/izvestaj_2019_ENG_WEB.pdf

217 https://www.ekologija.gov.rs/dokumenti/?wpfb_cat=67&lang=lat#wpfb-cat-67

218 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32012R0528>

administrative and professional capacity to manage these tasks, the whole process will certainly represent a challenge. Additionally, **the law introduces the labelling of treated articles that are not covered by the current legislation on biocidal products. Although the adoption of the new law was planned, on the basis of the NPAA, for the second quarter of 2019, this did not happen.**

The Law on Consumer Goods was adopted in 2019.²¹⁹ According to this Law, items (or products) of general's use are toys, cosmetics, detergents and biocidal products, among others. The previous report presented objections to this Law, pertaining primarily to the out-dated concept of health and safety, as well as the return of detergents and biocidal products; this report will therefore not reiterate our concerns about the Law. It should be emphasized that the Law provided the legal basis for the adoption of the Rulebook on Toy Safety²²⁰, as well as the Rulebook on Cosmetic Products²²¹, transposing the lists of prohibited and limited substances in these products from EU regulations.

There have been no significant changes to administrative capacities for performing professional activities in this area since the previous report, however, it should be noted that **the Republic inspection for environmental protection in the area of chemicals and biocidal products has been weakened due to the departure of several experienced inspectors.**

The most recently adopted Rulebook on the systematisation of jobs of the Ministry of Environmental Protection foresaw a significant increase in the number of employees working in chemical and biocidal product management. However, due to the extension of the limitation of the number of employees in state institutions in 2019, it is unrealistic to expect that the administrative and professional capacities of the Ministry will be significantly strengthened imminently, despite this being necessary for the proper implementation of regulations, as well as for the further development of the chemicals management system.

219 "Official Gazette of the Republic of Serbia", No. 25/19.

220 "Official Gazette of the Republic of Serbia", No. 78/2019.

221 "Official Gazette of the Republic of Serbia", No. 60/2019.

The implementation of regulations

The Department for Chemicals at the Ministry of Environmental Protection is in charge of affairs related to the implementation of administrative procedures in this area. The prescribed administrative procedures are being implemented. However, considering the scope and content of the documents required by these procedures, as well as the confidentiality of certain data, the positive trend of promoting an electronic data delivery system with adequate protection and strictly defined levels of data access must continue.

The **electronic platform for the registration of chemicals in the Integrated Register of Chemicals (eIRH)** began operating in January 2019. The Rulebook on Amendments to the Rulebook on the Register of Chemicals²²², adopted in March 2019, stipulates that files on chemicals marketed during 2018 have been electronically delivered to the eIRH portal²²³. By using the publicly available web portal, business entities are able to fulfil their obligations to register chemicals in an efficient manner, making the administrative procedure simpler and cheaper. However, the verification of the submitted data and the issuance of a decision by the competent body is expected to be accelerated, as the administrative procedure, from the moment of submission of data to the final issuance of a decision on the entry of the chemical into the register, fails to meet all the legally stipulated deadlines and, on average, takes several years, especially for business entities registering a large number of chemicals. Decisions on applications from previous years for which no decision has yet been issued must be issued through the accelerated procedure, by simplifying procedures for requesting additional documentation, as a large number of these chemicals are no longer in circulation or their classification, labelling and, very often, composition has changed. Strengthening administrative capacity

222 "Official Gazette of the Republic of Serbia", No. 7/19.

223 <https://irhportal.ekologija.gov.rs/Account/Login>

for tasks related to the registration of chemicals in the Register is vital. The impact of electronic platform can be expected in the subsequent period, with the procedure of registration expected to be more efficient than at present.

eIRH for biocidal products began operating in April 2019. Testing of a pilot-version was performed for the purpose of analysis and promotion of the eIRH portal. The optional submission of applications for registration in the Temporary List of Biocidal Products has begun, i.e. there is an option for the submission of an application in hard copy. Considering the scope and content of the documents required in this procedure, as well as the confidentiality of certain data, **the existing measures for protecting data must be improved and the various levels of access to data must be strictly defined** (enabling direct electronic submission of confidential data by data owners, i.e. foreign manufacturers, and limit the access of importers, while at the same time enabling access by chemical advisors to all the data required to prepare documents required by domestic regulations). The real impact of this portal may be expected in the subsequent period, but strengthening administrative capacity for these tasks remains vital.

The implementation of the *EU for a Better Environment - Development of the framework for harmonization with EU legislation in the field of Air, Chemicals and Horizontal Legislation* (EAS 3) project began in 2019. Specific implementation plans for the REACH Regulation and the Regulation on Biocidal Products will be developed through this project. During the consultative process, ALHem (the authors of this chapter) was consulted, as a civil society representative, in September 2019, in order to collect information, assess the situation and provide recommendations for the improvement of the chemicals management system. Within the project, with the assistance of the Serbian Chamber of Commerce, in February 2020, an anonymous survey of business entities was performed for the purpose of collecting cumulative data on the chemical industry in Serbia, to be used to estimate the cost of implementing the Regulations and the development of specific implementation plans. Further development of this document has continued, with regular reviews and presentations of the preliminary results at working group meetings.

Although the Republic of Serbia has harmonized national legislation with the POPs Regulation²²⁴, **the National Implementation Plan (NIP) for the implementation of the Stockholm Convention, updated in 2015, has not yet been adopted by the Serbian Government and may be regarded as out-dated.** For this reason, it is difficult to implement the activities set out in the specific action plans that represent an integral part of the updated NIP, and particularly difficult to continue POP monitoring in accordance with the established activities of the programme for measuring the level of POPs in the environment and food, as well as to include new POPs in the existing programme. In order to establish a functioning POP monitoring system, it is necessary to strengthen the capacity of laboratories involved in measuring POPs, particularly regarding new POPs, through the accreditation of methods, the procurement of laboratory equipment and training laboratory personnel.

Through the *Mercury Initial Assessment in the Republic of Serbia* project, implemented by the Ministry of Environmental Protection, with the technical support of UNDP and financial support from the Global Environmental Fund, the National Inventory of Mercury Emissions for the Republic of Serbia was developed, as well as the Final Report on the Assessment of the Capacities for the Implementation of the Minamata Convention, which was signed by the Republic of Serbia in 2014. The report on the status of mercury in Serbia represents an important step toward the ratification of the Minamata Convention and the adoption of measures to successfully resolve mercury-related issues. **However, although the final report on the status of mercury, produced within the project, was completed in 2018, it is still not available to the public. A decision on the ratification of the Minamata Convention has not yet been adopted, despite the recommendation of the expert team and the relevant department of the Ministry of Environmental Protection to do so.**

In 2018, the Ministry of Environmental Protection initiated the *Strengthening the Synergies between the Basel, Rotterdam, Stockholm and Minamata Conventions in the Republic of Serbia* project, in cooperation with UNDP and with funding from the special UNEP trust fund, the completion of which is planned for June

224 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0850>

2020. The project aims to strengthen institutional capacities for joint reporting under the conventions and to promote cooperation between the line sectors of the Ministry of Environmental Protection, agencies, industry (particularly the recycling sector), scientific and research institutes, and civil society. The project is expected to enable the drafting of several important strategic and legal documents, including: rulebook on construction waste; customs guidebook for the implementation of the Basel, Rotterdam and Stockholm Conventions; national programme for resolving issues with mercury and mercury waste; regulatory action plan for the implementation of the Rotterdam Convention; strategic document and action plan for strengthening synergies between the Basel, Rotterdam, Stockholm and Minamata Conventions. The draft guidebook on techniques and methods for the identification and separation of waste containing polybrominated diphenyl ethers (PBDE), intended for electronic waste recyclers, was prepared and presented to experts. The guidebook analyses BAT/BET techniques at recycling plants for the purpose of separating electronic waste and plastic masses containing PBDE. The previous report presented the results of a survey²²⁵ conducted in 2018 by the IPEN, Arnika, HEAL networks and 17 other European organizations, including ALHem (the authors of this chapter). **The survey found that consumer products, including children's toys were contaminated with toxic so-called "flame retardant" chemicals that can be found in electronic and electrical waste and which are banned and/or restricted for use due to their adverse effects on human health and the environment.** Although the recycling targets of the EU are globalized through international conventions, hazardous electronic and electrical waste is transferred across state borders and into recycled products through recycling plants. **It is therefore very important to separate electronic waste and plastic masses containing PBDE at recycling plants, in order to prevent this hazardous waste entering recycling flows.**

As regulations on chemicals only relate to one phase of chemicals' life cycle, i.e. placing on the market and the use of the chemicals, and bearing in mind the that there are other phases in the chemical life cycle, from production to

225 Report: Toxic loophole recycling hazardous waste into new products, Arnika, IPEN, HEAL et al. 2018, available at: http://en.alhem.rs/wp-content/uploads/2013/12/Toxic_Loophole_Report.pdf

disposal, it is very important to establish cooperation and coordination between the department responsible for the implementation of chemical regulations and other relevant sectors, primarily for environmental protection. This cooperation and coordination is necessary due to the need to synchronize activities across different sectors, in order to ensure the appropriate management of chemicals through the entire life cycle and the implementation of the principles of the Strategic Approach to International Chemical Management (SAICM).²²⁶

To date, there is no information on the establishment and operation of the Joint Body for Integrated Chemicals Management, nor the adoption of the Integrated Chemical Management Programme, as stipulated by the Law on Chemicals (Article 7).²²⁷

Given that the chemical industry in Serbia has a significant share on the national market (of the total number of chemicals marketed domestically, about 59% are produced in Serbia²²⁸ and part are exported to the EU market), it is important to note that the **Serbian Chamber of Commerce – Association of Chemical, Rubber and Non-Metal Industries, signed a Memorandum of Understanding with the European Chemical Industry Council (CEFIC)**²²⁹ in Helsinki on the 23rd of October 2019. Joining the CEFIC enables: timely provision of information that may impact on the operations of companies, particularly exporters in the EU; participation in working groups dealing with the REACH Regulation; access to statistical data, as well as access to the CEFIC *click-in* web portal²³⁰, offering useful programmes and materials for the industry, as well as solutions for challenges in REACH Regulation implementation.

In order to assess the implementation of regulations governing limitations and bans on the production, placing on the market and use of chemicals, as well as the Law on Consumer Goods²³¹ related to the safety of toys, **ALHem conducted a survey on the presence of phthalates in plastic toys and childcare**

226 Strategic Approach to International Chemicals Management – SAICM

227 “Official Gazette of the Republic of Serbia”, Nos. 36/2009, 88/2010, 93/2012 and 25/2015.

228 Integrated Register of Chemicals of the Republic of Serbia, 2018.

229 European Chemical Industry Council (CEFIC)

230 <https://click-in.cefic.org/>

231 “Official Gazette of the Republic of Serbia” 25/2019.

products as part of the CRY-GAME campaign. The campaign was carried out in 2019 for the purpose of raising consumer awareness on toy safety, with the support of the IPEN Chemicals in Products (CiP) Programme, through the *Raising Awareness on the Health Impact of the Chemicals Used in Children Toys and Childcare products* project. 15 samples of children's toys and childcare products bought in stores selling consumer goods produced in Asian countries and specialized toy stores were analysed in the survey. **The survey²³² showed that seven of the 15 tested plastic toys and childcare products contained phthalates, which are hazardous substances and banned at concentrations above 0.1%. The concentrations measured in the tested samples ranged from 0.5% to 31.5%, over 300 times higher than the permitted level.** Following the survey ALHem contacted the sanitary inspection of the Ministry of Health to request an extraordinary inspectional supervision of toys on the Serbian market, involving exporters, distributors and sellers, which the Ministry then undertook. However, the Ministry of Health informed ALHem in writing about the implementation of the extraordinary inspectional supervision only after a substantial delay and under media pressure. Based on the results of testing performed by the sanitary inspection, 35 unsafe toys have been withdrawn from the market and recalled from consumers. ALHem insisted on publicly announcing the results of the inspection and entering the unsafe toys into the national database of unsafe products, the so-called NEPRO system²³³ operated by the Ministry of Trade, which was done in April 2019.

The ban/restriction of placing on the market of thermal paper containing bisphenol A (BPA) in concentrations higher than or equal to 0.02% comes into force on the 30th of June 2020. To the best of our knowledge, thermal paper is not produced in Serbia, on the market there is only imported. Importers should be inspected in the second half of 2020 as part of the application of this ban. **Following the adoption of amendments to the Law on Chemicals from 2015, which divided responsibility for supervision of the implementation of the Law between several inspection bodies, it is still not clear which inspection body is in charge of enforcing this ban/restriction.** The sanitary inspector of

232 <http://en.alhem.rs/wp-content/uploads/2013/12/CRY-GAME.pdf>

233 http://195.222.98.53/portal/web/guest/agency#p_39_INSTANCE_pYEibXjyduVq

the Ministry of Health performs inspections of the implementation of bans/restrictions on the production, placing on the market and use of chemicals in products intended for general use. Pursuant to the Law on Consumer Goods, consumer goods²³⁴ are materials and items coming into direct contact with the skin and/or mucous membranes, which is the case with thermal paper. However, the thermal paper rolls are not delivered directly to consumers (as other consumer goods are), but to business entities and other users that use thermal paper for certain purposes, such as fiscal receipts, papers for payments, queuing tickets, toll papers, tickets, lottery tickets, etc. The inspector of environmental protection is in charge of the implementation of the provisions of the Law on Chemicals²³⁵ that are beyond the scope of the responsibility of the sanitary and/or market inspector. For this reason, supervision requires agreement and cooperation between sanitary inspectors and environmental protection inspectors regarding joint measures and activities, and information sharing.

For every citizen, product safety is a significant factor in the course of a purchase, and the presence of hazardous chemicals is particularly important. The Law on Chemicals²³⁶ (Article 27) explicitly grants consumers the right to information about the presence of certain hazardous chemicals, known as **substances of very high concern (SVHC)**, in products. Suppliers are legally obliged to provide consumers with information about the presence of these substances if there is more than 0.1% in a product. Although this was legally defined in the Republic of Serbia in 2009, only 2% of citizens have used the right to request this information in practice.²³⁷ The situation in the EU is similar. One of the reasons for the poor implementation of this law is the long period that retailers are allowed to reply to consumers. To overcome this issue, the *Scan4Chem* **smartphone application** was developed in the EU. When a consumer scans a product barcode, a request for information is sent to the supplier automatically. Suppliers can provide information on SVHCs in the product to the consumer directly by e-mail and/or enter it into the database. The aim is that

234 "Official Gazette of the Republic of Serbia", No. 25/19.

235 "Official Gazette of the Republic of Serbia", Nos. 36/2009, 88/2010, 93/2012 and 25/2015.

236 "Official Gazette of the Republic of Serbia", Nos. 36/2009, 88/2010, 93/2012 and 25/2015.

237 Ref. "Analysis of the Serbian citizens' perception of safety in terms of chemicals" ALHem & Ipsos Strategic Marketing, 2017.

in the coming period, as data are entered into the database, users will be able to scan products and immediately gain information about SVHC substances contained within, without sending a request. **For this reason, it is important that as many users as possible send inquiries about products, and request that companies reply to their inquiries.**

The launch of the app is part of a European project implemented by the LIFE AskREACH²³⁸ consortium, which consists of 20 organisations and is led by the German Environment Agency (UBA). ALHem is an external partner in the project²³⁹ and the regional provider of the application for Serbia, in the Serbian language. The application can be downloaded at *Google Play* and the *App Store*. The application can also be downloaded in Montenegro, and Bosnia and Herzegovina. The ALHem web site²⁴⁰ provides more information about the app and its use.

238 <https://www.askreach.eu/>

239 The Enabling consumer information rights concerning the presence of hazardous chemicals in articles in Serbia and the Western Balkan countries project is funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety through the Advisory Assistance Programme for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia. Project implementation is supervised by the German Environment Agency (Umwelt Bundesamt, UBA). The promotion of the application was co-funded by the Programme of developmental communication support for civil society organizations implemented by CRTA, and supported by the Swedish International Development Cooperation Agency (SIDA).

240 <http://alhem.rs/ask-reach/>

Financing

The financial aspect of chemical and biocidal product management was analysed in detail in previous Coalition 27 reports²⁴¹. There have been no substantial changes since those reports were published.

Amendments to the Law on Republic Administrative Fees were adopted at the end of 2019, increasing the fees for the submission of applications for the registration of chemicals in the Register of Chemicals, depending on the number of reported chemicals (up to 100, from 101 to 500, and more than 500). Suppliers that place a small number of chemicals on the market have objected that the fee for marketing one chemical and 100 chemicals is the same, and have advocated for the introduction of an additional category of 1 to 10 chemicals.

The chemicals and biocidal product management system is funded from the budget of the Republic of Serbia. The Ministry of Environmental Protection has opened an earmarked sub-account for the payment of republic administrative fees for chemicals and biocidal products. However, due to the structure and functioning of the budget system, no data is available on the amount of revenue generated from fees for implementing administrative procedures. It is not known whether, and to what extent, the costs of implementing administrative procedures are covered by funds generated from other taxpayers and/or taxpayers that do not generate income from chemical and/or biocidal products. This is not in line with the basic principles set out in REACH and the Biocidal Products Regulation (BPR), or the accompanying implementing EU Regulations governing fees,²⁴² according to which **the cost of regulatory procedures related to chemicals and biocidal products must be borne by the economic operators earning income from their placement on the market**. In this respect, the new Law on Biocidal Products, which is expected to be adopted in 2020, does not implement a system of fees according to the EU model, as

241 <https://www.koalicija27.org/en/publications/>

242 Regulation (EC), No 340/2008 amended 895/2018, and Regulation (EU), No 564/2013

it is not in accordance with the domestic system regulating the collection of charges and fees, which must be amended as soon as possible. Given that the appropriated funds (fees), among other things, should be used to assess hazards, exposure and risks of biocidal products (which is not part of the usual administrative procedure), protecting human health and the environment, all citizens of Serbia would benefit.

Recommendations



Strategic and legislative framework

- 1.** Harmonize the relevant amendments to the EU regulations in this area without delay.
- 2.** Adopt the Draft Law on Biocidal Products.
- 3.** Ratify the Minamata Convention on Mercury.
- 4.** Update and adopt the NIP for the implementation of the Stockholm Convention on POPs.
- 5.** Adopt the Strategic Document and Action Plan for strengthening synergy in the implementation of the Basel, Rotterdam, Stockholm and Minamata conventions.



The implementation of regulations

- 6.** Strengthen administrative and professional capacities in this area, particularly in the field of entering chemicals and biocidal products into the Register and for biocidal product management, in order to meet the requirements of the new procedure for the recognition of the EU act arising from the Draft Law on Biocidal Products.
- 7.** Resolve outstanding applications for the entering of chemicals into the Register of Chemicals from previous years (for which decisions have not yet been issued) using an accelerated procedure, by simplifying the procedure for requesting additional documents.
- 8.** Improve data protection and strictly define different levels of access to data in the register of biocidal products in eIRH.

9. Strengthen the inspection bodies managing chemicals and biocidal product control.
10. Intensify supervision of the implementation of the Law on Consumer Goods, particularly toy safety.
11. Establish a joint body for integrated chemicals management to enable satisfactory cooperation and coordination between the relevant sectors and ensure safe chemical management through the entire life cycle, and/or the adoption and implementation of the Integrated Chemicals Management Programme. The joint body should consist of representatives of the competent state authorities in the field of chemical management and representatives from industry, scientific and research institutions, and non-governmental organizations.



Financing

12. Modify the domestic system governing the collection of charges and fees by adopting the EU model for funding chemicals and biocidal product control in order to ensure that fees related to regulatory procedures of chemicals and biocidal products are borne by the economic operators earning income from placing them on the market.



CHEMICALS MANAGEMENT

Pursuant to the **REPORT ON THE HEALTH AND SAFETY OF CONSUMER GOODS IN THE REPUBLIC OF SERBIA IN 2018**¹ the largest percent of physically and chemically faulty samples pertained to:



¹ "Milan Jovanović Batut" Institute of Public Health, 2019.

² the number of faulty samples compared to the number that were controlled