

08. CLIMATE CHANGE

OVERVIEW

As was the case with the previous report, the period between March 2018 and January 2019 marked a continuation of disproportionate policy development and genuine commitment to progress in both prevention and mitigation of climate change.

A series of announced changes to legislation development has been performed; however, no process over the course of the reporting period has been actualized. Slight progress has been made in terms of process transparency, whereas data transparency, reliability and availability still remain unclear.

Even though a series of legislative changes to transposition of EU acquis, as well as to declarative commitment to the European path, have been announced the fact remains that a relevant area such as energy points to lack of connectivity between various sectors.

Nevertheless, certain progress has been made over the course of the development of the Strategy on Climate Change and Action Plan. However, a different approach to the energy sector compared to other sectors has been noticeable in the process of development of this document. This is the only sector for which no full analysis of legislative or strategic framework impact on the level of greenhouse gas emissions (GHG) has been conducted, nor analysis of the sector's exposure to climate change impact. A detailed analysis of public policy documents in the energy sector, which mostly contributes to GHG emissions, is necessary in order to achieve the goals of the Strategy.

No progress has been made in publishing accurate, verifiable and/or reliable information on greenhouse gas inventory. According to the State of the Environment in 2017 Report, prepared by the Serbian Environmental Protection Agency (SEPA), information on the GHG inventory is presented without any prior explanation as to how the information was obtained in the first place. Moreover, this data was also included in the Second National Communication of the Republic of Serbia under the United Nations Framework Convention on Climate Change (UNFCCC), whilst the European Commission has stated that accuracy of the same data has to be improved in its 2018 Report on Serbia.

The Draft Climate Change Law was prepared, after which it passed the public debate process, and it is currently pending parliamentary procedure. The Draft Law itself, however, does not present progress towards successful and full transposition and implementation of the EU Emissions Trading System Directive (EU ETS), which is a key part of the European Union's climate change legislation. Even though the Draft sets the basic benchmarks relative to continuous monitoring and reporting on greenhouse gas emissions, any achievement of the Draft's goals in reduction of GHG emissions remains under question.

LEGISLATIVE FRAMEWORK

Since the legislative framework is in its early stage of development, limited progress has been made with regard to application of regulations in this field.

CLIMATE STRATEGY AND ACTION PLAN

The Working Group engaged in developing the Climate Strategy and Action Plan continued its work in 2018. Three meetings were held in 2018 (in March, September and December). The current public policy framework was drawn up; the adaptation scenarios have been defined and assessed, as well as the National Greenhouse Gas Emissions Baseline Scenarios for the years 2020, 2030 and 2050. The Strategy reflects the evident and special status of the energy sector, since this is the only sector that has been elaborated (apart from agriculture and forestry, waste and wastewater), but for which no analysis of legal and strategic documents in terms of their impact on greenhouse gas emissions has been conducted, nor its exposure to climate change impact. A detailed analysis of compliance with the EU acquis in Chapter 15 has been performed for the energy sector, for which reason it is difficult to assess a contribution of individual documents and instruments of public policy to GHG emissions. Thus, it is also difficult to plan measures and instruments that would aim at reducing GHG emissions from the energy sector. Nevertheless, it has been made clear that the energy sector is the most important sector in terms of greenhouse gas emissions, accounting as it does for 79% of total greenhouse emissions of the Republic of Serbia. Furthermore, the Strategy continues to rely on an unchanged and unambitious NDC of 9.8%, and the Second National Communication Report of Serbia to UNFCCC.

Greenhouse gas inventory information has been unclear since 2014. Publicly available information is contradictory: in some documents, the GHG inventory for the year 2014 is based on projections from 2013, whereas other documents state that the inventory has been unavailable since 2014.

The European Commission's 2018 Report on Serbia (dated April 2018) referred to greenhouse gas inventory. It was submitted by Serbia within the Second Communication Report of the Republic of Serbia under the UNFCCC¹⁵⁸, but assessed as insufficiently accurate.

However, this data was used again in the State of the Environment in 2017 Report that was published in September 2018 by the Serbian Environmental Protection Agency. At the very end of this Report, in the conclusions, there was information on greenhouse gas inventory (page 148)¹⁵⁹:

“Based on data, information and analysis set out in this Report, the following conclusions have been drawn according to thematic sections: ... Based on GHG Inventory, the total estimated greenhouse gas emissions in the Republic of Serbia (without sinks) amounted to 67,148, 23 Gg CO₂ eq in 2014. Since 2000, total GHG emissions have increased by 7.8%. “

158 <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf>.

159 http://www.sepa.gov.rs/download/lzvestaj_2017.pdf.

This is the only place in the Report where GHG inventory is mentioned, and also it is the first time that GHG inventory has been included in the State of the Environment reports published by SEPA. The report was presented in this form in November 2018 to the Environmental Protection Committee of the National Assembly of the Republic of Serbia, which adopted the Report at its 16th session¹⁶⁰, after which the Report became an official document. Since January 2019, an altered report on the State of the Environment in 2017 can be found on the website of the Serbian Environmental Protection Agency, without information on GHG inventory that was previously included in the Report's version originally presented to and adopted by the Environmental Protection Committee.

The Annual Report on Air Quality in the Republic of Serbia for 2017, published by the SEPA in autumn 2018, does not contain any information on GHG inventory. In September 2018, the Statistical Office of the Republic of Serbia stated in their Annual Report on Air Emissions Accounts for 2016 that there is no data on GHG inventory available after 2014.¹⁶¹

Coalition 27 and RES Foundation have sent inquiries to SEPA and the Statistical Office of the Republic of Serbia addressing, issues related to greenhouse gas inventory. The questions, inter alia, refer to data exchange between the Agency and the Statistical Office of the Republic of Serbia, reasons for GHG inventory inclusion in the State of the Environment in 2017 Report without any previous clarifications regarding inventory methodology development, as well as the fact that the greenhouse gas inventory has not been made publicly available.

In its response, the Statistical Office of the Republic of Serbia states that the Serbian Environmental Protection Agency is responsible for preparation of air pollution emission inventory, which it then provides to the Office, and further explains that the last available GHG data had been delivered to them in October 2018; the Statistical Office announced that this data will either appear in the next release of the Office or in the Eco-Bulletin announced for mid-December 2018.

The Serbian Environmental Protection Agency in its reply, inter alia, states that the provisions of the Law on Air Protection ("Official Gazette of the Republic of Serbia" No. 36/2009 and 10/2013) prevent the Agency from making the GHG inventory publicly available, and that the GHG inventory's publication will only become possible once the Law on Climate Change has been adopted. On the other hand, Article 50 of the Law on Air Protection clearly states that data from the National Greenhouse Gas Inventory is public information"

The Eco-Bulletin of the Statistical Office of the Republic of Serbia¹⁶² was published in December 2018, and it states that total greenhouse gas emissions in 2014 were 40,411.989 Gg. However, it does not say whether this information includes sinks or not.

160 http://www.parlament.gov.rs/16_sednica_Odbora_za_zastupnike_i_sredine_35150.941.html

161 <http://publikacije.stat.gov.rs/G2018/Pdf/G20181256.pdf>.

162 The Statistical Office of the Republic of Serbia, Ecological Bulletin 2017, page 105: <http://publikacije.stat.gov.rs/G2018/Pdf/G20185640.pdf>.

Data on GHG inventory for the year 2014 can also be found in the working materials produced for the Working Group engaged in the project Climate Strategy and Action Plan, to which representatives of Coalition 27 had access, in the capacity of members of the Working Group. This data is different from the aforementioned data, which is for the time being the only publicly available data from the Second National Communication Report of the Republic of Serbia under the United Nations Framework Convention on Climate Change and the State of the Environment in the 2017 Report.

Data that can be obtained, thus, vary significantly, meaning that both transparent and reliable GHG inventory information is still missing. The Ministry of Environmental Protection is beginning the preparation of the Second Biennial Update Report and the Third National Communication Report under the UN Framework Convention on Climate Change, which is why it is crucial to promptly set the exact GHG emissions values for the year 2014, as well as for subsequent years. This is also an obligation under the Law on Air Protection of the Republic of Serbia, whereby it is made clear that SEPA is responsible for organizing the GHG inventory, and that the GHG inventory is public information (Article 50). As for making the process of developing these documents open to public, certain progress has been made since the Ministry of Environmental Protection allowed civil society organizations to take part in the working group tasks. Unfortunately, since there was no public call the process itself was neither fully transparent nor inclusive.

LAW ON CLIMATE CHANGE

The Draft Climate Change Law was in the public debate process between the 15th of March and the 20th of April, 2018. The Report on Public Debate¹⁶³ was approved on the 14th of June; however, the Draft Law is still not in the parliamentary procedure. The Members of Coalition 27, as well as other non-governmental organizations and expert members of the public, had many comments on the Draft¹⁶⁴, pointing out to shortcomings of this document, which they believe will not be sufficient to prepare Serbia's economy for climate change challenges, EU membership nor obligations arising from membership in the context of climate change.

IMPLEMENTATION OF LEGISLATION

Slight progress has been made in implementing climate change mitigation measures or their adaptation, especially with regard to areas identified in the last report: administrative capacities, integration of climate measures into other sectors and cross-sectorial cooperation. A significant progress in implementation of measures has been rendered inoperative since the legal framework in this area is still developing.

163 Public Debate Report on Draft Climate Change Law: <http://www.ekologija.gov.rs/izvestaj-o-javnoj-raspravi-o-nacrtu-zakona-o-klimatskim-promenama/>.

164 Coalition 27 Comments on Draft Climate Change Law <http://www.bos.rs/ekz/uploaded/Komentari%20Koalicije%2027%20na%20Nacrt%20zakona%20o%20klimatskim%20promenama.pdf>.

FINANCING

Little progress has been made in financing measures of mitigation and adaptation to climate change. Based on the Report on Budget Execution in 2018¹⁶⁵, a conclusion was drawn that the Ministry of Environmental Protection had allocated funds to the amount of RSD 28,737,720.00 for the project entitled “Local Development Resilient to Climate Change”, and that the funds in amount of RSD 40,543,506.00 were used for afforestation from the Green Fund. However, based on available information it is not possible to conclude how much money was spent on activities that contribute to mitigation and adaptation to climate change, bearing in mind that activities in different sectors also have an impact on climate change. There has been no progress in terms of reforming subsidies on fossil fuels. Since the problem of climate change is of an intersectional character, it is necessary to pay special attention to activities and plans regarding implementation of activities and their financing in other sectors, such as energy, traffic, etc. An illustrative example of the current situation is the aforementioned Regulation on Energy Sector Development Strategy of the Republic of Serbia by 2025 with projections until 2030, for the period between 2017 and 2023, which outlines the plans for state investments, primarily in the field of fossil fuels¹⁶⁶.

Plans and strategies of Serbia related to climate change are still not adequately developed, nor are the financial plans, despite frequent declarative statements in which the state recognizes the importance of early action in the fight against climate change. Plans and strategies are not even in compliance with the low level of climate ambition we are currently facing.

RECOMMENDATIONS

Legislative framework

- Adopt the Law on Climate Change and transpose the EU legal framework on climate change by the end of 2019.
- Start prompt revision of the NDC in order to prepare the final version before the UNFCCC negotiations in 2020, in accordance with the Paris Agreement. The new/amended NDC should match in ambition the upcoming revision of EU goals for 2030 and plan for decarbonisation by 2050.
- Set up a continuous mechanism for monitoring the development and work of local self-government units on climate change mitigation and adaptation issues, and set up a mechanism for providing technical and expert support to local self-government units that start developing action plans for climate change adaptation purposes.

¹⁶⁵ http://www.ekologija.gov.rs/wp-content/uploads/informator/IZVR%C5%A0ENJE_BUD%C5%BDETA.pdf.

¹⁶⁶ The entire Regulation text is available on <http://www.mre.gov.rs/doc/javne%20rasprave/17.07.17/04.%20POS%2010%2007%202017.pdf>.

- All legislation elements (laws, bylaws, etc.) that are directly related to greenhouse gas emitters should be revised so as to include the climate change aspect (so-called climate change *mainstreaming*).
- Fully support the work of the Energy Community Secretariat¹⁶⁷ and define goals to reduce greenhouse gas and increase energy production from renewable resources and energy efficiency. Establish a working group in accordance with the principles of public participation and start activities on the development of integrated National Energy and Climate Plans (NECP) within a set timeframe; and enable adequate public participation in such a process.

Implementation of legislation

- Improve the role of the National Committee on Climate Change by establishing cross - sector cooperation and integrating mitigation and adaptation measures to climate change into other public policies, as well as involving the representatives of civil society organizations in the work of the Committee.
- Over the course of preparation of Third National Report under the UN Framework Convention on Climate Change and the Second Biennial Update Report it is important to take into account issues already described in relation to reliability and accuracy of GHG inventory data. Use relevant available data in place of projections. Ensure the adequate participation of civil society representatives.
- Make GHG inventory data public, verifiable and easily accessible, in accordance with the laws of the Republic of Serbia and assumed international obligations, such as the Aarhus Convention and the Paris Agreement.
- Continue and improve work with regard to inclusion of civil society organizations in the process of legislative and strategic development, thus ensuring the widest possible public involvement and fair public debate process; enable local self-governments, civil society and citizens to actively participate in preparation of the Climate Strategy and Action Plan and NDC revision.
- Increase the number of civil servants at ministries engaged in climate change impacts across various sectors and focus on increasing their capacities.
- Improve the practice of involving the public in the relevant policy-making procedures in the field of climate change.

¹⁶⁷ Policy guidelines by the Energy Community Secretariat on the development of National Energy and Climate Plans under Recommendation 2018/01/MC-EnC, https://www.energy-community.org/dam/jcr:c9886332-a1f5-43ee-b46c-31c637aedfa6/PC_03_2018_ECS_NECP.pdf

Financing

- Set up a financial mechanism that will support strategic priorities (that are in line with Serbia's accession to the European Union), among other things, by redirecting the funds allocated to the fossil fuel industry to mitigation and adaptation to climate change.

WHAT ARE AVAILABLE DATA ON GREENHOUSE GAS EMISSIONS?

WHAT DO LAWS AND CONSTITUTION SAY?



Constitution of the Republic of Serbia:

Everyone has the right to a healthy environment, as well as to timely and complete information about environmental condition.

Law on Environmental Protection of the Republic of Serbia

Data on environmental protection are public.

Law on Air Protection of the Republic of Serbia:

The National Greenhouse Gas Inventory is under the management of the Environmental Protection Agency.

Data on National Greenhouse Gas Inventory are public.

WHAT DO PUBLICLY AVAILABLE AND OFFICIAL DATA ON GREENHOUSE GAS EMISSIONS IN 2014 SAY?



1: The Second National Communication Report of the Republic of Serbia under the United Nations Framework Convention on Climate Change, October 2017; Report on the State of the Environment in 2017, Serbian Environmental Protection Agency, September 2018;

2: Eco-Bulletin of the Statistical Office of the Republic of Serbia, (December, 2018);

WHICH DATA ON GHG INVENTORY ARE PUBLIC, COMPARABLE, COMPLETE AND RELIABLE?