

05. INDUSTRIAL POLLUTION AND RISK MANAGEMENT

POLICY & LEGISLATIVE DEVELOPMENTS

The Law on Mining and Geological Exploration ("Official Gazette of the Republic of Serbia" No. 101/2015) transposed the main principles and priorities set out in the European Parliament and Council Directive 2006 / 21EC on the management of waste from extractive industries, as well as the relevant European Commission development decisions that have since updated the Directive (2009 / 335EC, 2009 / 358EC, 2009 / 359EC and 2009 / 360EC). The Government regulation, as well as bylaws, adopted on the basis of the Law on Mining and Geological Exploration, which regulates the conditions and procedure for issuing permits for waste management, as well as the criteria for characterization, classification and reporting on mining waste, was adopted on the 29th of May, 2017, and will come into force on the 1st of January, 2020 ("Official Gazette of the Republic of Serbia", No. 53/2017). The adoption of these regulations has established the necessary legal basis for the implementation of the procedure for issuing permits for mining waste management in accordance with the provisions of EU regulations.

As part of the IPA 2011 Project "Implementation of laws in the field of industrial pollution control, chemicals prevention and the establishment of the EMAS system", a draft plan for the implementation of the Industrial Emissions Directive 2010/75 / EU (DSIP) was developed. This first draft covered 22 industrial plants.

IMPLEMENTATION

According to the Ministry of Mining and Energy, the project "Development of cadastre of mining waste," began on the 1st of February, 2017. Through this project data will be collected to fulfil the cadastre of mining waste and cadastre of abandoned mines and mining facilities. The project will conclude on the 31st of January 2020, following which the data will be made available to the public.

The National Emission Reduction Plan (NERP) in the electricity sector has not yet been released to the public, despite being scheduled to come into force on the 1st of January, 2018.

The capacity of the public administration to implement the Law on Integrated Pollution Prevention and Control (Official Gazette of the Republic of Serbia, No. 135/2004, 25/2015) remains very low. During the reporting period three applications for integrated licenses were submitted, four drafts for integrated permits were prepared, and three integrated permits were issued²¹.

The special distribution of stations for measuring air pollution is still not appropriate (there is a bias toward agglomerations and population density, at the expense of proximity

to pollutants). Citizens have no rights or means of participating in decision making on the position of measuring stations. Further, the obligations of municipal authorities in regard to measuring air quality are loosely defined.

There is a clear, justifiable reason for the state to intervene to increase the number of measuring stations, in particular where communities are at risk of air pollution, in order to provide accurate data about air quality that would be credible in court cases related to polluters and their impact on citizens. The Environmental Protection Agency is willing to incorporate any new measuring station in its reporting system; however, it requires permission from the Ministry of Environmental protection to do so.

Due to deficiencies in the Law on Local Government Financing and the way funds are allocated, the current situation favours large polluters, who can continue business as usual.

According to the Head of the Sector at the EU Delegation to Serbia, Richard Masa, 40% of Serbia's employees work in sectors covered by the Industrial Emissions Directive, including 250 industrial plants and 56 combustion plants²².

21 <http://www.ekologija.gov.rs/obavestjenja/integrirane-dozvole/>

22 <http://www.euractiv.rs/odrzivi-razvoj/8405-potrebniprelazni-rokovi-sa-eu>