

06. INDUSTRIAL POLLUTION AND RISK MANAGEMENT

OVERVIEW

Environmental pollution problems in the Republic of Serbia are due to obsolete technologies and obsolete equipment, as well as low energy and raw material efficiency; all of which are the result of insufficient investment.

In order to prevent and control pollution, companies should reconstruct or innovate existing technological processes, as well as introduce the best available techniques and best practices for the environment.

Untreated industrial wastewater is one of the key sources of pollution of surface and groundwater in the Republic of Serbia. The largest polluters are the Smederevo Steel Plant, Thermal Power Plants Nikola Tesla A and B, Zorka from Šabac, Thermal Power Plant Kostolac, Bor and Sjenica Mines and the open mine at Kolubara. Only a very small number of industrial pollutants purify their wastewater.

Serbia also has to solve the problem of its “historical” pollution – hazardous and industrial waste that remains in companies that have failed or gone bankrupt.

In the past period, the legislative framework has not changed, and there have also been no consultations with the civil sector regarding changes of regulations.

Of the 228 operators that are subject to issuing of an integrated permit, most have applied for a permit, while 42 more permit requests are missing, of which 28 are for poultry and pig farming.

It is expected that any interested public will be informed and involved in the strategic environmental assessment of the National Emission Reduction Plan (the so-called NERP) from large fireplaces in 2018.

LEGISLATIVE FRAMEWORK

Regarding the updating of regulations related to this area, according to the media⁸⁷, in the period from June to December 2017, the experts of the project Legal Support to Negotiations, Jovan Rajić and Riccardo Quaggiato, prepared certain draft laws in order to harmonise national legislation with the Industrial Emissions Directive (IED) 2010/75/EU. What was prepared in the framework of the PLAC II project were the following: Draft Amendments to the Law on Integrated Prevention and Control of Environment Pollution, as well as a Draft Rulebook on the determination of start-up and shut-down periods for large combustion plants. In addition, a proposal has been prepared to improve Regulation on types of waste subject to thermal treatment, in accordance with EU regulations. The activities carried out were presented at a workshop organised on December the 14th for representatives of institutions involved in the implementation of the Industrial Emissions Directive. The interested public was not involved in this process.

With regard to the Industrial Emissions Directive, the First Draft of the Specific Implementation Plan for the IED was developed in the first quarter of 2016 (for Chapter II, III and V of the Directive), within the IPA 2011. Also, the information related to plans for the prevention and control of industrial pollution was collected from operators (according to their industry sectors). According to the Secretary of the negotiating group, Ms Sandra Milićević Sperlčić, the industry is reluctant to provide the following necessary information to the relevant ministry: situation analysis, EU requirements description, deficiency analysis, measures to overcome deficiencies, cost estimates for implementation of measures, timetables, production information and export data on the EU market, monitoring, transboundary impact of plants, etc.

Through the implementation of the project Further Implementation of the IED in the Republic of Serbia, funded by SIDA (Swedish International Cooperation Agency), a Revision of the Specific Implementation Plan for Chapter II of the IED will be made.

Minister Trivan labelled the adjustment of the industry to European environmental protection standards as the most challenging segment of the negotiations⁸⁸.

The Ministry of Interior has prepared the text of the Draft Law on Disaster Risk Reduction and Emergency Management.

IMPLEMENTATION OF LEGISLATION

Chapter II IED – The responsibility for issuing integrated permits is divided between the Ministry of Environmental Protection, the Provincial Secretariat for Urban Planning and Environmental Protection and local governments. Inspections at all levels are responsible for the control and supervision of the plants that are required to have an integrated permit, and the Environmental Protection Agency collects data for the National Register of Pollution Sources and submits reports on the state of the environment.

Based on the current plans and the Law on Amendments and Modifications to the Law on Integrated Prevention and Control of the Environment Pollution (“Official Gazette of the Republic of Serbia”, No. 135/2004 and 25/2015), Serbia is going to issue integrated permits for operators which are obliged to obtain them, by December the 31st, 2020.

Integrated permits are issued at three levels (republic, provincial and in local governments), but there is insufficient capacity to implement this directive in its entirety, especially at the local level. The air quality monitoring system has not been improved either in terms of greater availability of relevant and credible data or in terms of greater coverage (the number of measuring points).

The number of plants subject to integrated permitting (according to data from December 2017) is 228 operators, and the current status of integrated permits is as follows⁸⁹:

88 Information available at: <http://rs.n1info.com/a353200/Vesti/Vesti/Trivan-Otvaranje-Poglavlja-27-moguće-u-ju-nu-2018.-godine.html>

89 As per the response to a request for information of public importance to CEKOR obtained from Rade Pejović, from the Ministry of Environmental Protection on March 2, 2018.

- Energy industries – 30 operators (2 issued permits and 19 requests submitted), 9 requests missing;
- Production and processing of metals – 19 operators (4 issued permits and 15 requests submitted);
- Mineral industry – 29 operators (7 issued permits and 21 requests submitted), 1 request missing;
- Chemical industry – 15 operators (2 issued permits and 11 requests submitted), 2 requests missing;
- Waste management – 9 operators (2 issued permits and 6 requests submitted), 1 request missing;
- Industrial production installations – 4 operators (4 requests submitted);
- Food processing installations – 21 operators (3 issued permits and 17 requests submitted), 1 request missing;
- Installations for the disposal and recycling of animal carcasses and animal waste with a capacity exceeding 10 tons per day – 5 operators (1 issued permit and 4 requests submitted);
- Installations for the intensive rearing of poultry or pigs – 93 operators (2 issued permits and 63 requests submitted), 28 requests missing;
- Installations for surface treatment of materials, items or products using organic solvents – 3 operators (3 requests submitted).

Due to the current state of the old large combustion plants (thermal power plants and heating plants) and due to the limited financial resources of the domestic energy sector, Serbia has begun developing the NERP document according to the methodology prescribed by the Energy Community in order to implement the LCP Directive and its emission limit values. Serbia has 37 plants which are subject to the LCP Directive.

On the basis of the Request for Access to Information of Public Importance in February 2018, members of the Coalition received a document entitled the National Emission Reduction Plan (the so-called NERP), which was submitted to the Energy Community. The coalition also received information that the Strategic Environment Assessment of NERP was planned for the first half of 2018, involving the interested public. It is not known whether the NERP document has been adopted by the authorities, and if yes, which ones.

Serbia, as a contracting party of the Energy Community for South East Europe, also committed itself to the environmental acquis (Article 12 of the Treaty and Annex II), until the prescribed deadline, i.e. until December the 31st, 2017, with the most significant part concerning the implementation of the Directive 2001/80/EC of the European Parliament and of the Council from October the 23rd, 2001 on the limitation of emissions of certain air pollutants from large combustion plants (LCP Directive).

FINANCING

Directive 2010/75 /EU is considered one of the most demanding to implement. Full implementation of the IED will require significant financial investments from operators. Taking into account the economic situation in the country and the operators, the implementation of measures will require negotiation over longer implementation periods. State-owned facilities are mainly from the energy sector. Serbia expects the private sector to provide the necessary investment for alignment with the directives in this sector.

RECOMMENDATIONS

Legislative framework

- Harmonise procedures for obtaining different licenses that precede an integrated permit. Accelerate the issuance of integrated permits.

Implementation of Legislation

- Take necessary steps to achieve full transposition of the Industrial Emissions Directive by 2018, as planned.
- Raise the level of information for the public and all relevant actors on DSIP for IED, as well as law enforcement in this field.
- Fully secure the right of the public to participate in decision-making process in cases when amendments are being made to integrated permits.
- The following documents shall be published on the Ministry's website and made available to the public: 1. Draft proposal for amendments to the Law on Integrated Pollution Prevention and Control; 2. Draft Regulations on the Procedure for determination of start-up and shut-down periods of large combustion plants; 3. Proposal for improvement of the Regulation
- Publish the NERP and invite the public to participate in the process of strategic assessment of the impact of its application.
- Publish and involve interested public in the development of specific implementation plans.
- Publish a report on the state of the environment for 2016 and 2017, with mapped locations where hazardous waste was found, as well as locations where historical industrial pollution was recorded.
- Increase capacities at all levels of public administration, including inspections.