

## 04. NATURE PROTECTION

### OVERVIEW

No significant progress was made in the Nature protection sector relating to the EU integration process during the reporting period.

Implementation of transposed EU nature protection Directives remains a challenge for national and local authorities, primarily due to the lack of capacities, weak cooperation between sectors and insufficient financing.

Implementation of Natura 2000<sup>22</sup> and the Birds and Habitats Directives remains very challenging and requires the development of appropriate bylaws and regulations. A Directive Specific Implementation Plan for the Birds and Habitats Directives has been developed and its implementation should be urged. Special attention should be paid to the lack of transparency by national authorities and their increasing mistrust toward the actions and intentions of civil society.

### POLICY & LEGISLATIVE DEVELOPMENTS

In October 2015, the Law on National Parks was adopted. Civil society and experts suggested that a Law should be adopted to regulate each national park (individually), in recognition of the differences between them. However, these recommendations were rejected.

**The Law on Nature Protection was amended in February 2016<sup>23</sup>, which has resulted in progress only in regard to the implementation of CITES<sup>24</sup> and slight improvements in the articles related to Natura 2000.**

Two important issues about the amended Law on Nature Protection should be noted. Firstly, the Law does not recognize CSOs as a type of organization that can provide data on species and habitats and describes other “competent and expert institutions and organizations” ambiguously, which could be misused during implementation, especially in regard to decision making about hunting, tourism and development, and

22 Natura 2000 is a network of nature protection areas in the territory of the European Union.

23 Official Gazette of RS”, no. 36/2009, 88/2010 and 91/2010 – corr. and 14/2016.

24 The Convention on International Trade in Endangered Species of Wild Fauna and Flora

for commissioning/conducting SEI/EIA/appropriate assessment studies. Secondly, a number of the amendments will be hard to implement within the protected areas governance system, especially in protected areas managed by publicly owned forestry companies, for example: Ecological Network Management (Article 40), Liabilities of the Manager (Article 68).

**The whole process of establishing Natura 2000 in Serbia is not progressing as planned.** The revision of the Regulation on ecological networks has been underway for at least 5 years, but there is no evidence of progress (there is no available information about the activities of the working group, published drafts or public consultations for this regulation).

**Work on finalizing the Regulation on appropriate assessment has been intensified since June 2016** due to the involvement of international experts and support through TAIX<sup>25</sup>. Further, participation in the working group for drafting the Regulation on appropriate assessment has finally been opened up to CSOs<sup>26</sup>.

**Some improvements have been made in processing cases of illegal poisoning of wild birds.** The Ministry of Agriculture and Environmental Protection has initiated the drafting of protocols for processing these cases in cooperation with other relevant institutions (Ministry of the Interior, Ministry of Justice, and The Republic Public Prosecutor’s Office). The process of drafting the protocols was also opened to the participation of CSOs. **However, the protocols have still not been formally approved** and no activities related to this issue were undertaken in the past several months. Due to the seasonal dynamic of poisoning (it most often occurs in early spring) it is of high importance to prepare the protocols and procedures before the next poisoning season. An additional challenge, which has persisted for many years, is payment for ecotoxicological analysis of poisoned protected birds by the Ministry of Agriculture and Environmental Protection to the veterinary authorities. Slight improvements are evident in consultations with the public during the development of laws, but a more systematic approach to public consultation by Ministry of Agriculture and Environmental Protection is needed. It should be noted that the **Environmental Protection Committee of the National Assembly of Serbia was very cooperative during the process of amending laws in February 2016**. Parliamentarians organized a series of meetings and consultations with CSOs and experts in order to prepare amendments.

### IMPLEMENTATION

**There is a lack of capacity for implementation of legislation at both national and local levels.** Within the Ministry of Agriculture and Environmental Protection there is an evident lack of support at a political level for necessary reforms and to foster cooperation with other sectors.

Protected areas managers (especially CSOs, municipalities and associations) need

25 Technical Assistance and Information Exchange instrument of the European Commission

26 Young Researchers of Serbia are participating in the working group

stronger support to develop and implement protection measures. **The whole system of governance of protected areas needs modernization and more finances.**

Cooperation between provincial and national institutions needs to be strengthened (for example between the Institute for Nature Conservation of Serbia and the Institute for Nature Conservation of AP Vojvodina).

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#### **Box 2.**

There are many infrastructure development projects that pose a tangible threat to the natural environment, protected species and protected areas.

Weak enforcement and neglect of environmental laws, as well as a lack of public participation in EIA/SEA procedures, are particularly problematic. Capacities are weak and there is a lack of communication between the Ministry and stakeholders at a local level. Institutions in the nature conservation sector are too passive toward other sectors and do no work actively to promote and enforce nature conservation principles.

For example, numerous small hydro power projects are on-going or in the process of licensing without having undertaken comprehensive impact assessments, even in cases where they are situated in protected areas or in ecological networks (significant ecological areas). Also, the tourism development project on Golija Mountain (a Nature Park, Biosphere reserve, IBA<sup>27</sup> and Emerald<sup>28</sup> site) is on-going and has been endorsed by the Government, but again without careful consideration of environmental issues.

The most recent project of concern is the development of the new port of Belgrade<sup>29</sup>. It is planned that the port will be built in an IBA area (potential SPA area<sup>30</sup>) and one of the most important breeding areas of the White-tailed eagle (BD Annex I species<sup>31</sup>). The Spatial plan for the new port has been developed without proper consideration of environmental and nature conservation issues. Early public consultations were undertaken during August 2016 (a period of the year when many people are on annual leave) without active dissemination of invitations to relevant CSOs, which should be the case for such challenging projects.

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27 An Important Bird and Biodiversity Area  
28 The Emerald Network is an ecological network made up of Areas of Special Conservation Interest in Europe.  
29 <http://www.mgsi.gov.rs/cir/dokumenti/rani-javni-uid-povodom-izrade-prostornog-plana-podrucnja-posebne-namene-nove-luke-u>  
30 A special protection area.  
31 [http://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/h/haliaeetus\\_albicilla\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/h/haliaeetus_albicilla_en.htm)

## **FINANCING**

Financing of nature protection remains a serious problem and the introduction of the Republic of Serbia Green Fund is not anticipated to bring about any significant change.

The state budget for 2016 is expected to include approximately 19 million RSD for establishing ecological networks; approximately 10.7 million RSD for establishing Natura 2000; and around 210 million RSD of subsidies for managers of protected areas. At the end of 2016 there is still no information about whether the small budget allocated for the Natura 2000 Network will be given to institutions and organizations working on the establishment of Natura 2000 as planned.

## **OTHER IMPORTANT INFORMATION**

During consultations on the midterm review of the Indicative Strategic Paper for Serbia (2014-2020) members of Coalition 27 expressed concern about nature protection plans, as the IPA project on Natura 2000 (EuropeAid/133834/C/SUP/RS) is not being implemented as programmed. This situation will neglect a number of plans and programmes. Official information is unavailable, however unofficially it has been indicated that project implementation has been stopped. This will severely affect and slow the implementation of Nature directives in Serbia.

## **RECOMMENDATIONS**

### ***Policy & Legislation***

- Improve cooperation between institutions and civil society organizations in the field of nature protection (particularly during the revision of legislation and by allowing CSOs to participate in research).
- Amend the Law on National Parks to include more efficient protection objectives and management systems. Strengthen procedures for decision making on the borders of national parks, including rules and procedures for changing park boards.

### ***Implementation***

- Fully implement the principles of sustainable development and safeguard natural protected areas from new energy projects that may negatively impact on the environment.
- Improve coordination and capacities of national institutions for nature protection (increase number of staff and technical capacity).
- Fulfil implementation of the Natura 2000 project (EuropeAid/133834/C/SUP/RS).
- Build the implementing capacities of police, inspectors and judges regarding regulations on species protection.

- Strengthen cooperation between all actors to prevent corruption in the nature protection sector (particularly related to illegal use of forestry, water resources and hunting).

### ***Financing***

- Ensure the Green Fund provides adequate financing of nature protection in 2017 (identify priorities and criteria for allocating funds).
- Allocate national funding in 2017 to strengthen capacities at local and national levels for the implementation of legislation.