



# **Chemicals Management**

## Overview

The legislative framework created by the adoption of the Law on Chemicals, the Law on Biocidal Products, and the relevant bylaws, has established a system of chemicals management in Serbia in accordance with EU principles.

Regarding updating of regulations, **only the Rulebook on the List of Classified Substances was updated during the reporting period. The new Law on Biocidal Products has yet to be adopted two years after it was drafted, while the Candidate List of Substances of Very High Concern, the List of Substances of Concern (Authorization List), the Rulebook on Restrictions/Bans on Production, Placing on the Market and Use of Chemicals, have not been updated.**

The action plans for the National Implementation Plan for the Stockholm Convention have yet to be adopted – and as of this year have become obsolete – as they are projected until 2020. No decision has yet been made on the ratification of the Minamata Convention.

The development of the legislative framework must continue, both through the harmonization of regulations with new EU regulations and amending existing ones, and by strengthening the capacities necessary for the implementation of regulations.

The prescribed administrative procedures are being implemented, but given the scope and content of documentation required by these procedures, as well as the confidentiality of certain data, it is necessary to continue to improve the system, particularly electronic data delivery, as well as strengthening the administrative and professional capacities of the Department of Chemicals and inspection bodies for the control of chemicals and biocidal products.

**It is necessary to improve the efficiency of the implementation of administrative procedures** for entry in the Register of Chemicals and entry in the Temporary List of Biocidal Products by strengthening electronic protection

and data access and improving the digital portals. In addition, Decisions on Entry in the Register of Chemicals under the Accelerated Procedure must be adopted for requests from previous years and the requirements for testing the effectiveness of biocidal products must be harmonized with laboratory capacities in Serbia.

A ban on the use of certain phthalates in consumer products has entered into force in the European Union, but due to delays in updating regulations Serbia has not yet adopted the ban. Given that the prohibition process is time consuming, and that there is a delay between a ban being adopted and its mandatory application, **there is a risk that general use products containing banned phthalates will spill over from the EU market into the Serbian market over the next three years (where they are still allowed due to the absence of a ban).**

It is necessary to establish a mechanism for the implementation of **Article 82 of the Law on Chemicals**, which instructs the Ministry of Environmental Protection to develop and implement projects to monitor the placing on the market and use of chemicals, monitor their metabolites and the pathways of chemicals into the environment and living organisms, in order to track the risks posed by chemicals to human health and the environment, i.e., provide control over the use of substances of concern and the implementation of restrictions and prohibitions on the production, placing on the market and use of chemicals. This is a very important measure that would allow monitoring of progress toward reducing risks posed by the most dangerous chemicals.

Due to changes in the content on the website of the Ministry of Environmental Protection, little information has been published about chemicals management, **further reducing the transparency of regulation enforcement.** It is therefore necessary to: Continue strengthening the capacities of the Helpdesk for Chemicals and Biocidal Products and complete the information it contains, which is described below (in the section on "Implementation of Regulations"); **Make publicly available the number of decisions issued on entry in the Register of Chemicals by year, as well as data on placing chemicals on the market disaggregated by hazard class as statistical data, and information on the implementation of all conventions related to chemicals management.** In

this regard, it would be useful for the Ministry to also publish data on the entry of substances of concern, and whether the risk mitigation measures applied by businesses are sufficient to control the risk posed by these chemicals.

**There have been no significant changes** to the administrative capacity in this sector **compared to the previous period**, despite the evident need for increased capacity in order to enforce regulations and further develop the chemicals management system.

**It is necessary to strengthen inspectorates for chemicals and biocidal products**, particularly chemicals in general use products, by strengthening the capacity of the inspectorates themselves and increasing the number of inspections, as well as entering unsafe products in the NEPRO database to ensure that citizens are provided with adequate information about products withdrawn from the market due to chemical risks.

Given the ever greater consumer interest in sustainable products and increasing promotion of sustainable solutions in everyday life, it should be expected that an increasing number of consumers will exercise their right to information on dangerous substances in products defined by Article 27 of the Law on Chemicals. **The Ministry of Environmental Protection must ensure that consumer rights under this Article are protected.**

**Given the scope and complexity of regulation in this sector, financial resources must be provided to strengthen the administrative and professional capacities of the Department of Chemicals in the Ministry, as well as inspection bodies** supervising the implementation of the Law on Chemicals and the Law on Biocidal Products, in order to continuously update legal regulations and implement administrative procedures without breaking deadlines.

# Strategic and Legislative Framework

The legislative framework created by the adoption of the Law on Chemicals and the Law on Biocidal Products, and the relevant bylaws, has established a system of chemicals management in Serbia in accordance with EU principles.

The Law on Chemicals is aligned with the REACH Regulation (EC 1907/2006) to the extent possible; some centralized procedures prescribed by the REACH Regulation, such as registration, evaluation and authorization procedures require EU membership for implementation (MEP, 2009a, MEP 2009b). Further development of the legislative framework should be continued, both by further harmonizing regulations with new EU regulations and amendments to existing ones, and by strengthening the capacities necessary for the implementation of regulations.

**There has been progress in updating regulations related to classifying and labelling chemicals in accordance with technical and scientific progress since the previous Report.** In March 2020, the Rulebook on the List of Classified Substances (Official Gazette of the Republic of Serbia, 22/20) was updated in accordance with the Adaptation to Technical Progress – ATP 13, which has been in force in the EU since the 1<sup>st</sup> of May 2020, and in the Republic of Serbia from the 1<sup>st</sup> of October 2020 (MEP, 2020a). The EU has also adopted ATP 14 (which will be applied from the 9<sup>th</sup> of September 2021), as well as ATP 15 (which will be applied from the 1<sup>st</sup> of March 2022), which also apply to the List of Classified Substances (Annex VI of the CLP Regulation).

No new updates have been made to the Rulebook on Classification, Packaging, Labelling and Advertising Chemicals and Certain Products in Accordance with the GHS (Official Gazette of the Republic of Serbia, 21/19); the Rulebook is therefore only currently harmonized with ATP 11. The EU published ATP 12 on the 12<sup>th</sup> of March 2019, which has been in force since October 17<sup>th</sup> 2020.

It is important to emphasize that regular harmonization of these regulations is extremely important, **given that delays in updating the List of Classified Substances results in deviations of data on harmonized classified substances in Serbia and the EU.** In some cases, there are deviations in the implementation of the prescribed provisions on the classification and labelling of the same substances and compounds on the EU market and the Serbia market, which is contrary to the basic goal of the GHS system – for chemicals to be classified and labelled according to the same rules, or in the same way. If these rules are not followed, difficulties arise in terms of the free movement of imported chemicals, as well as the protection of human health and the environment.

**During the reporting period, there were no updates to the regulations governing restrictions and prohibition on the production, placing on the market and use of chemicals.** However, the following prohibitions imposed by the previous update of this regulation have entered into force:

1. Absolute ban on placing on the market and use of expanded polystyrene (EPS) products containing HBCDD used in construction (from 26 May 2020),
2. Ban on placing on the market thermometers intended exclusively for performing tests according to standards that require the use of mercury thermometers (from October 1, 2020),
3. Ban on placing thermal paper containing 0.02% (m / m) or more of Bisphenol A on the market (from June 30, 2020),
4. Ban on the production and placing on the market of perfluorooctanoic acid (PFOA) and its salts as an ingredient in other substances and as an ingredient in mixtures (from 4 July 2020);
5. Ban on placing on the market of general use windscreen washer or defrosting fluids that contain methanol in a concentration equal to or greater than 0.6% by weight (from 1 June 2020).

The harmonization of this regulation must be continued; there are 75 entries in the EU list, while the domestic regulation contains only 71 restrictions / bans

on production, placing on the market and use of certain hazardous substances, compounds or products. We especially emphasize the need to adopt a ban on certain phthalates contained in products for general use, as soon as possible, as well as a ban on substances classified as carcinogenic, mutagenic and/or toxic to reproduction (categories 1A or 1B) in textiles, clothing and footwear. Both bans became binding in the EU during 2020 and products containing the banned substances were withdrawn from the EU market. There is a danger that these products will reach the market of the Republic of Serbia because they are not yet banned in the country.

**There have been no changes regarding updating the Candidate List of Substances of Very High Concern compared to the 2020 report (C27, 2020).**

The list has been further updated several times in the EU (last updated in January 2021). Currently the List in the EU contains 211 substances, while in the Republic of Serbia the Candidate List of Substances of Very High Concern contains 181 substances. This discrepancy limits consumer rights to information on the presence of these substances in products in Serbia.

**The situation is similar with regard to the List of Substances of Concern, which has not been updated in Serbia since 2018,** with the domestic list now containing 11 fewer substances than the EU list. Based on data from the Information Booklet on the Work of the Ministry of Environmental Protection for the period November 2020–January 2021, the List of Amendments to the Candidate List of Substances of Very High Concern and the List of Amendments to the List of Substances of Concern (MEP, 2021) are in the process of being adopted.

There is a significant delay in the process of harmonizing regulations related to methods of testing the hazardous properties of chemicals, because these regulations have not been updated since 2012.

The drafting of the new Law on Biocidal Products for the purpose of harmonization with the Biocidal Products Regulation (528/2012 EU) was completed in 2018. The EU regulation could not be fully transposed as it regulates, among other things, procedures carried out centrally by the European Chemicals Agency (ECHA) and the European Commission. Problems with the harmonization of this regulation were described in the previous Shadow Report (C27, 2020).

**Although the adoption of the new law was planned for the second quarter of 2019 on the basis of the NPAA, it had not yet been adopted at the time of writing.** Based on the Information Booklet on the Work of the Ministry of Environmental Protection for the period November 2020-January 2021, the Draft Law on Biocidal Products is still in the process of being adopted (MEP, 2021).

There has been no significant change in **administrative capacities** in the sector compared to the previous period. Indeed, the Republic Inspectorate for Environmental Protection in the Area of Chemicals and Biocidal Products was further weakened by the departure of several experienced inspectors (C27, 2020).

Although the Rulebook on Operational Systematization of the competent Ministry envisages a significant increase in the number of employees working on managing chemicals and biocidal products, the limit on the number of employees in state bodies was extended in 2020; it was therefore unrealistic to expect that administrative and professional capacities within the Ministry of Environmental Protection would be strengthened, despite the evident need to do so in order to implement regulations and further develop the chemicals management system.

# The Implementation of Regulations

The Department for Chemicals at the Ministry of Environmental Protection is in charge of tasks related to the implementation of administrative procedures in this sector. The prescribed administrative procedures are being implemented, but given the scope and content of the documentation required by these procedures, as well as the confidentiality of certain data, **it is necessary to continue to improve the system, particularly with regard to digital data delivery.**

## Register of Chemicals

Digital submission of data via the digital platform for entry of chemicals in the Integrated Register of Chemicals (eIRH) began in 2019, with appropriate protection and strictly defined levels of access to data. There are still administrative obstacles regarding the submission of the Application Form through the Ministry's office, because there is still no digital office. Instead, a signed Form must be physically submitted to the Ministry. In addition, there are occasional technical difficulties with the eIRH portal, because the server is sometimes overloaded and the portal does not function, especially during March, which is the most intense period for reporting chemicals to the Register.

With the introduction of the digital application, it was expected that the verification of submitted data and issuance of decisions by the competent authority would be accelerated, because the administrative procedure, from the moment of submitting data until the final issuance of decisions on entering the chemical in the Register, regularly breaks all legally prescribed deadlines, lasting several years on average, especially for businesses registering a large number of chemicals. During the previous year, the delay in issuing Decisions on the Registration of Chemicals was reduced, but in some cases the legally prescribed deadlines were still broken. As highlighted in the previous Report,

**accelerated decisions need to be made for requests from previous years, for which no decisions have yet been issued, by simplifying the procedure** for requests for amendments to documentation, given that a large number of these chemicals are no longer in circulation or the classification, marking, and very often the composition has changed (C27, 2020).

It is necessary to continue to develop and improve the eIRH portal and to consult with chemical advisors during the process, and ultimately to speed up reviews of submitted requests. The database of substances on the eIRH portal must be updated to match the Rulebook on the List of Classified Substances – Table 1, and the names of substances must be harmonized with domestic regulations.

The amounts of fees for entering chemicals into the Register must be reconsidered; currently the ranges are too large (1-100, 100-500, etc.), so that, for example, the same fee applies when reporting just one chemical and when reporting 99 chemicals.

Strengthening administrative capacities for entering chemicals into the Register is also necessary, in order to improve the functionality of the eIRH portal and align it with the presented proposals.

**The number of issued decisions on entry in the Register of Chemicals by year, as well as data on placing chemicals on the market by hazard class, should be made publicly available again as statistical data on the website of the Ministry of Environmental Protection.** In this regard, it would be useful for the Ministry to also publish data on the registration of substances of concern and whether the risk mitigation measures applied by economic operators are sufficient to control the risks posed by these chemicals.

## Biocidal Products

The eIRH for biocidal products began operating in April 2019. The eIRH allows for the submission of requests for entry into the Temporary List of Biocidal Products; it is also possible to submit hard-copy (paper) requests. Given the scope and content of documentation required by this procedure, as well as the confidentiality of certain data, **it is necessary to improve existing protection**

**and strictly define different levels of data access** (enabling direct digital submission of data for owners of confidential data, i.e., foreign producers, and restrict the level of access of importers, while providing chemical advisers with access to all the data they need to prepare the documentation required by domestic regulations).

**The number of requests for testing the efficiency of products is not aligned with the laboratory capacities of the Republic of Serbia.** Consequently, domestic producers are not always able to test the efficiency of products in laboratories in Serbia, which is necessary for entering products into the Temporary List and placing them on the market. This puts domestic producers at a disadvantage compared to importers of biocidal products, who commonly gain the required test results from a foreign manufacturer. This discrepancy became even more evident at the beginning of the COVID-19 pandemic, when there was an increased demand for disinfectants on the market, followed by a corresponding increase in the number of requests for entry into the Temporary List, which is mandatory for placing these kinds of products on the market. The Department of Chemicals reacted adequately to the emergency situation, addressing requests for registering disinfectants as a matter of priority compared to other types of biocidal products, and thus accelerated the process of placing this type of biocidal product on the market. However, because Serbia does not have the capacity to test disinfectants for effectiveness against viruses, domestic manufacturers were forced to withdraw the claim that they were effective against viruses from their disinfectants, even though the active substance and concentration were the same as those used by foreign manufacturers.

## Bans and Restrictions on the Use of Chemicals

Although previously adopted bans/restrictions on five chemicals became mandatory during the previous year, the regulation itself was not updated during the reporting period.

**In the European Union, a mandatory ban on the use of phthalates in consumer products (bis (2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP) and diisobutyl phthalate (DIBP)) has entered**

**into force, while (due to delays in updating regulations) Serbia has not yet adopted this ban** (EC, 2018).

ALHem tested consumer soft plastic products for the presence of these phthalates as part of product screening on the domestic market in order to speed up the ban on phthalates in Serbia, as well as other substances in products that are already banned in the EU, to better protect consumers (ALHem, 2020). The results indicated that almost a third of the tested products (ten out of 36 products) contain these substances, and that these substances can be found in products with which children and young people come into frequent contact (e.g., school equipment, clothing and footwear) as well as in materials used in large quantities to make furniture and other interior elements. In some products, phthalate concentrations have been found to reach 18% of the total mass of the product. Following the results, ALHem, together with several civil society organizations, including Coalition 27, submitted an initiative to the competent Ministry for the accelerated adoption of a ban/restriction on these phthalates in consumer products.

The Ministry's response states that, in accordance with the normative Government Work Plan, harmonization with the provisions of the regulation in question was planned for 2020 and that market analyses in the Republic of Serbia have begun. Unfortunately, due to the COVID-19 pandemic, the planned activities were postponed until 2021 in accordance with the last revision of the Government Work Plan, because consultations with businesses have not been completed. It is expected that the ban will be introduced into national legislation in the fourth quarter of 2021, but when the provisions will actually enter into force will be known only after consultations with the business sector are completed. The competent authority is expected to propose that the ban should come into effect two years from the date of publication in the Official Gazette of the Republic of Serbia, which will be three years after the ban on the use of phthalates in consumer products in the EU.

Given that the ban process is time consuming and that there is a delay between a ban being adopted and its mandatory application, there is a risk that consumer products containing phthalates from the EU market (where they are banned) will flow into the Serbian market over the next three years.

In accordance with the Rulebook on Determining the Program for Monitoring the Safety of General Use Items, in 2020 the **inspection of 3,394 general use items** that may contain substances defined by regulations on bans and restrictions by the Law on Chemicals and the Law on Consumer Goods and the appropriate by-laws was planned, namely: materials and objects in contact with food (1,860), toys (912), and materials and objects that come into direct contact with the skin or mucous membranes during use (622).

Items withdrawn from the market are published in the NEPRO system (notification system for unsafe products), which is an integral part of the market oversight system, and aims to provide consumers with better protection against unsafe products, while educating all market participants and raising awareness on the importance of product safety (NEPRO; MH, 2009).

Despite the extensive monitoring planned for 2020, **only two products that were withdrawn from the market due to chemical risks were included in the NEPRO database in 2020.**

Year	Number of publicly available entries into the NEPRO database of unsafe products in the chemical risk category	Number of samples assessed as chemically defective with regard to the content of bisphenol A, phthalates and metals by the network of the Institute of Public Health *
2020	2	Not known
2019	35	89
2018	2	26
2017	1	36
2016	2	46
2015	0	69

\* Includes dishes and utensils for foodstuffs, packaging for foodstuffs (objects and materials in contact with food), children's toys, and objects that come into direct contact with the skin or mucous membranes

The Dr Milan Jovanović Batut Institute of Public Health of Serbia publishes an annual Report on the Safety of General Use Items in the Republic of Serbia (BATUT, 2019). The Report also includes products covered by the Rulebook on Restrictions/Bans on the Production, Placing on the Market and Use of Chemicals, such as products that come into contact with food (utensils and packaging), dishes, toys and decorative items (jewellery). Comparing the results published

in the Institute's Report and the number of registrations in the NEPRO system indicates that the NEPRO database is updated irregularly, **which deprives consumers of information about products that contain dangerous substances.**

In 2019, **ALHem published the results of testing for prohibited phthalates in children's toys and items intended for child care** purchased on the Serbia market, which estimated that seven out of 15 tested children's toys on the market are chemically unsafe (ALHem, 2019a). The published results caused a great deal of public attention, and media pressure was exerted to carry out an extraordinary inspection and have the items withdrawn from the market as part of the inspection procedure registered in the NEPRO database – which resulted in a drastically increased number of withdrawn products in 2019 (MH, 2020). Prior to the aforementioned ALHem campaign, based on data from the NEPRO database, the number of withdrawn products per year ranges up to a maximum of two, and that there are often years when no products are withdrawn from the market. Statistical analysis indicates that chemical risk control on the Serbian market is poor, rather than high product safety.

**In this regard, it is necessary to establish a mechanism for the implementation of Article 82 of the Law on Chemicals**, which requires the Ministry of Environmental Protection to develop and implement projects to monitor the placing on the market and use of chemicals, monitor their metabolites and chemicals in the environment and living organisms, in order to monitor the risk posed by chemicals to human health and the environment, i.e., to ensure control of the use of substances of concern and the implementation of restrictions and bans on the production, placing on the market and use of chemicals (MEP, 2009a). This is a very important measure that would allow the assessment of what real progress has been made in reducing risks posed by the most dangerous chemicals.

## Chemicals Helpdesk

The Ministry of Environmental Protection's Chemicals Helpdesk was established in 2010, making information and guidelines publicly available, primarily for businesses placing chemicals and biocidal products on the market in the Republic of Serbia, as well as interested citizens and consumers, via a website. The Helpdesk

is set up based on the example of the European Chemicals Agency Helpdesk, and is part of the HelpNet network of the European Chemicals Agency (ECHA). It has been officially featured on the ECHA website since 2016. As part of the development of a new website for the Ministry of Environmental Protection, it is expected that the Helpdesk webpage will be updated; with this in mind, it is important to emphasize the **need to improve certain information**, including:

**Guidelines and criteria for entering a biocidal product into the Temporary List; specifically, making information about requests/criteria for testing the efficacy of a biocidal product by product type and purpose publicly available.** The lack of transparency about this information results in companies requesting additional tests – often efficiency tests that cannot be conducted in the Republic of Serbia – that they could not have foreseen before making a decision on producing/importing the product and preparing the documentation for entry into the Temporary List.

**Guidelines for the delimitation of biocidal products.** These criteria and guidelines are required in practice, but are not mentioned by the Helpdesk.

**Publish in Serbian all the necessary European Chemicals Agency guides** that are used in practice and which are required in training and examinations for chemical advisers, as well as the administrative procedure itself.

Given the complexity of documentation and criteria for conducting administrative procedures, it is necessary to establish a Frequently Asked Questions section and, given that communication with businesses and chemical advisors is usually only in the form of digital correspondence, **enable more efficient and direct communication with stakeholders.**

## Consumer Rights to Information on the Content of Substances of Concern in Products

Article 27 of the Law on Chemicals of the Republic of Serbia stipulates that, at the request of consumers, every supplier of a product that contains a substance of concern in a concentration greater than 0.1% (m / m) is obliged to provide the consumer with sufficient information, as is available to the supplier at that

time, to provide for the safe use of the product, including, as a minimum, the name of the substance in question. The Article applies to products such as clothes, furniture, toys, electronic devices, etc. In the case of products such as food, medicines, cosmetics, cleaning products or paints, the obligation applies only to the packaging of the product (MEP, 2009a).

In order to make it easier for consumers to request this information in accordance with their legal rights, since December 2019 the mobile application Scan4Chem has been available to Serbian citizens, allowing them to send a request to the manufacturer for information about the content of substances of concern (ALHem, 2019b). Through this application alone, over 2,000 requests have been sent since December 2020, with many consumers on social networks complaining that they did not receive a response.

In addition, as part of a research study conducted by ALHem, entitled *Soft Plastics, Harsh Truth*, requests for information on the content of substances of concern were sent to businesses in accordance with consumer rights under Article 27 of the Chemicals Act of the Republic of Serbia regarding the presence of certain phthalates for all purchased and tested products. The study identified ten products that contained substances of concern, and, even though all of these products fall under the right to information – a fact these companies were reminded of by ALHem – **none of them provided information on the presence of substances of concern** (ALHem, 2020).

Given the ever-greater consumer interest in sustainable products and increasing promotion of sustainable solutions in everyday life, it should be expected that an increasing number of consumers will exercise their right to information on dangerous substances in products defined by Article 27 of the Law on Chemicals. **The Ministry of Environmental Protection must ensure that consumer rights under this Article are protected.** However, this type of supervision has not been included in the annual work plan of the inspectorate for years (MEP 2019a, MEP 2020b). Monitoring the protection of consumer rights with regard to information on substances of concern is extremely important in order to protect the health of citizens; given that regulations on bans/restrictions on chemicals in products are not regularly updated, this is the only way to keep

consumers informed about the presence of hazardous substances in products. This is conditional on companies fulfilling their legal obligations and submitting information in response to received requests.

Establishing a database on substances of concern in products, similar to the SCIP database (Substances of Concern in Articles as Such or in Complex Objects (Products)) of the European Chemicals Agency should be considered, in order to provide recyclers and consumers with better information about the presence of hazardous substances in products.

## The Ministry's Projects

During 2019, the implementation of the project *EU for a better environment – Developing a framework for compliance with EU legislation in the areas of air, chemicals and horizontal legislation* (EAS3 project) began, through which specific implementation plans for REACH and BPR are being developed.

The Republic of Serbia has harmonized national legislation with the EU POPs Regulation, but the National Implementation Plan (NIP) for the implementation of the Stockholm Convention, which was updated in 2015, has not yet been adopted. **Given that the NIP Action Plan was projected until 2020, it is now obsolete and the specific action plans, which are an integral part of the updated NIP, must be updated.** This delay makes it difficult to continue monitoring POPs based on the established activities of the program for measuring the levels of POPs in the environment and food, as well as the inclusion of new POPs into the existing program.

In order to establish a functional system for monitoring POPs, it is necessary to strengthen the capacities of laboratories for measuring, especially new POPs, through accreditation of methods, procurement of laboratory equipment and professional development of laboratory staff.

Following changes to the website of the Ministry of Environmental Protection, information about the National Implementation Plan for the Stockholm Convention is no longer available, which it was on the previous version of the website. It is necessary **to make information regarding the implementation**

**of all conventions under the jurisdiction of the Ministry of Environmental Protection publicly available.**

Within the project *Development of Minamata Convention on Mercury Initial Assessment in the Republic of Serbia*, implemented by the Ministry of Environmental Protection with technical support from UNDP and financial support from the Global Environment Facility, a National Mercury Emission Inventory for the Republic of Serbia was prepared, as well as a Report on Capacity Assessment for the Implementation of the Minamata Convention, which the Republic of Serbia signed in 2014. The report on the state of mercury in Serbia is an important step towards the ratification of the Minamata Convention and the adoption of measures for the successful resolution of mercury-related problems. **However, although the final report was completed in 2018, it is not publicly available. So far, no decision has been made on the ratification of the Minamata Convention, despite the expert team and the expert service of the Ministry of Environmental Protection recommending the need to do so.**

The project *Strengthening Synergies in the Implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions in the Republic of Serbia*, implemented by the Ministry of Environmental Protection in cooperation with UNDP, and funded by the UNEP Special Trust Fund, has been extended until the 15<sup>th</sup> of June 2021 due to the COVID-19 pandemic. The aim of the project is to strengthen institutional capacities for joint reporting in accordance with obligations under the conventions, as well as improve cooperation between various sectors of the competent Ministry, agencies, industry (with special emphasis on the recycling sector), scientific research institutes and civil society. Within the project, the following outputs were developed:

- A Report on the Assessment of Decommissioning Costs for two chlor-alkali electrolysis plants in which elemental mercury-based technology was used (MEP, 2021);
- A Manual on Techniques and Methods for Identifying and Separating Waste Containing Polybrominated Diphenyl Ethers (PBDE) for electronic waste recyclers;

- A Summary of the concept of policies to solve the problem of mercury in Serbia;
- A Brochure on the synergy of conventions;
- A Brochure for raising awareness of the Roma population collecting secondary raw materials.

Several draft public policy documents have been prepared and are currently in the phase of consultation between the competent Ministry and the Republic Secretariat for Public Policy, and are not publicly available.

Additionally, a new BRSM IT portal has been established (<https://brsm.ekologija.gov.rs>), which is primarily intended for internal communication and exchange of official data for reporting in accordance with the requirements of BRSM conventions between the competent state authorities. According to the Ministry, the plan is to upgrade the interface of this portal by the end of 2021, which will be available to all interested parties.

# Financing

The financing of chemicals and biocidal product management has been analyzed in detail in previous Coalition 27 shadow reports; there have been no significant changes during the past year.

The system of chemicals and biocidal product management is financed from the Budget of the Republic of Serbia. The Ministry of Environmental Protection has opened a dedicated sub-account for national 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 revenues generated from fees used to cover the costs of providing administrative services for administrative procedures** and whether and how much of the costs for these services were paid from funds generated from other taxpayers, i.e., those who do not generate income from chemicals and/or biocidal products. This is not in line with the basic principles set out in the REACH Regulation and the Biocidal Products Regulation (BPR), as well as the accompanying implemented EU regulations governing fees, under which costs related to regulatory procedures for chemicals and biocidal products must be borne by the businesses generating revenue by placing them on the market. The new Law on Biocidal Products, the adoption of which is still pending, will not create a system of fees according to the EU model. Fees are not collected or spent purposefully to reduce the risk of biocidal products (which is the case in the EU). It is necessary to harmonize the domestic system with the EU model. Given that purposefully collected funds (fees) would, among other things, be used to assess the hazards, exposures and risks of biocidal products (which is not part of the usual administrative procedure), all citizens of Serbia would benefit from the implementation of the EU model, as this would protect human health and the environment.

Although public procurement falls under Chapter 5 of this report, it should be noted that **green public procurement is an important economic instrument that can contribute to economic development while reducing environmental**

**impacts throughout the life cycle of the product.** For certain product groups, one of the EU criteria for green public procurement requires information on the presence of substances of concern (e.g., IT equipment, furniture), while for other products such as cleaning agents, paints and varnishes, the absence of substances of concern are a condition for fulfilling the green procurement criterion. The application of green public procurement in the public sector could contribute to better communication on hazardous substances in products, and thus reduce the risk to human health and the environment. Establishing an effective green public procurement system in the Republic of Serbia would be of great importance for creating a sustainable economy, encouraging a circular economy, innovation and increasing the quality of life of all citizens in Serbia.

# Recommendations



## Strategic and Legal Framework

1. Harmonize national regulations with relevant amendments to EU regulations in this sector.
2. Adopt the Draft Law on Biocidal Products.
3. Ratify the Minamata Convention on Mercury.
4. Adopt a Strategic Document and Action Plan to strengthen synergies in the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions.



## The Implementation of Regulations

5. Strengthen administrative and professional capacities in this sector, especially in the field of registering chemicals and biocidal products in the Register, as well as managing biocidal products, due to the introduction of a new procedure for recognition of EU legislation resulting from the Draft Law on Biocidal Products.
6. Simplify the procedure for resolving requests for entering chemicals into the Register of Chemicals that are more than one year old.
7. Given the scope and content of the documentation required by the procedure for registering biocidal products in the eIRH, as well as the confidentiality of certain data, improve existing protection and strictly define different levels of access to data.

- 8.** Establish a joint body for integrated chemicals management in order to establish satisfactory cooperation and coordination between all relevant sectors and ensure safe management of chemicals throughout their life cycle, i.e., the adoption and implementation of the Integrated Chemicals Management Program. The joint body should include representatives of the competent state bodies in the field of chemicals management and representatives of industry, science and research, and civil society.
- 9.** Strengthen inspections of chemicals and biocidal products control.
- 10.** Strengthen inspection supervision over the application of the Law on Consumer Goods.
- 11.** Improve the information on the Chemicals Helpdesk, such as: guidelines and criteria for entering a biocidal product in the Temporary List, guides that are applied in practice, and frequently asked questions.
- 12.** Make data from the Register of Chemicals about the number of reported chemicals by hazard class available on the website of the Ministry of Environmental Protection again.
- 13.** Establish supervision over the implementation of Article 27 of the Law on Chemicals and protect the rights of consumers.
- 14.** Update the NEPRO database regularly.
- 15.** Make information on the implementation of concessions for which the Ministry of Environmental Protection is responsible publicly available.
- 16.** Update the latest adopted NIP for the Stockholm Convention on Persistent Organic Pollutants.



## Financing

- 17.** Change the domestic system governing the collection of fees and charges by implementing the EU model of financing the chemicals and biocidal product management system to ensure that fees related to regulatory procedures for chemicals and biocidal products are borne by the businesses generating income by putting these chemicals and products on the market.

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# CHEMICALS MANAGEMENT

The Dr Milan Jovanović Batut Institute for Public Health publishes an annual report on the safety of general use items to human health in the Republic of Serbia. **THE REPORT ALSO CONTAINS THE NUMBER OF ITEMS THAT ARE CHEMICALLY DEFECTIVE** due to bisphenol A, phtalate and metal content.

Items recalled from the market are **PUBLISHED IN THE NEPRO SYSTEM** (system for reporting unsafe products), which is part of the market monitoring system, and serves to provide better protection from unsafe products.

Despite the extensive monitoring planned for 2020, **ONLY TWO PRODUCTS** that were recalled from the market due to chemical risk **WERE ENTERED INTO THE NEPRO DATABASE** in 2020.

The number of publicly available reports of **unsafe products** in the NEPRO chemical risk database

2  
35  
2  
1  
2  
0



The number of samples marked as **chemically defective** due to bishenol A, phtalate and metal content in the Institutes of Public Health network.

No data  
89  
26  
36  
46  
69

## ARE CONSUMERS APPROPRIATELY INFORMED ABOUT CHEMICALLY UNSAFE PRODUCTS ON THE MARKET IN THE REPUBLIC OF SERBIA?

Comparing results from the Institute's Report and the number of reports in the NEPRO system **INDICATES THAT THE NEPRO DATABASE IS NOT REGULARLY UPDATED**, which deprives consumers of information about products containing dangerous substances.