



# **Nature Protection**

# Overview

The year marked by the COVID-19 pandemic has not brought progress in the field of nature protection, while problems caused by human activities that put pressure on nature have intensified.

In 2020, the necessary progress in the strategic and legislative framework has failed to materialize. The Draft Law on Amendments to the Law on Nature Protection has not been adopted. There have also been no amendments to domestic regulations in order to harmonize them with those of the European Union, which should provide better species protection. Strategic documents in this area have not been adopted. At the same time, the process of drafting the Spatial Plan of the Republic of Serbia from 2021 to 2035 will begin, and will introduce a new planning approach to resolving the conflict between nature protection and other sectors, especially tourism.

There is a lack of proactive action by decision makers to enforce regulations; procedures for designating protected areas are slow, and there is a lack of an appropriate reaction to the absence of an effective system of supervision and control. Pressure put on protected areas, and nature in general, during the pandemic by irresponsible visitors further indicates inconsistencies in the implementation of area and species protection and the lack of appropriate reactions from institutions.

Although investment in the protection of nature diversity is an investment in societal resilience, insufficient state investment in nature protection leaves no room for progress in this area.

# Strategic and Legislative Framework

The Law on Nature Protection should guarantee the protection and preservation of nature, biological, geological and landscape diversity as part of the environment (MEP, 2009). With this in mind, amendments to the Law require a dedicated approach by decision makers, which is lacking in this case, as the Draft Law on Amendments to the Law on Nature Protection was not passed within the set deadline. Originally planned for March 2019, the Government Work Plan for 2020 (GRS, 2020) moved the deadline for adopting the Law to December of the same year. The working group formed to draft the proposal has not been convened since February 2019. In addition to the postponement of the deadline for the adoption of the Law, the whole process can be assessed as deficient, given that the principles of transparency and timely and quality stakeholder involvement have not been respected.

The lack of harmonization of domestic regulations with European Union legislation is evident in regard to species that should be protected in accordance with the Birds Directive. The current Rulebook on Declaring a Closed Hunting Season for Protected Wild Game Species (MAEP, 2016) is not harmonized with the Birds Directive, as it allows for hunting certain species throughout the year to prevent damage to hunting grounds, which directly conflicts with paragraph 2) of Article 9 of the Directive. The fact that the Rulebook does not recognize the global endangerment of the turtle dove (*Streptopelia turtur*), which is still classified as game, and that hunting and poaching are recognized as the main threats to the survival of this species (IUCN, 2019), demonstrates the need for urgent changes to the Rulebook. This situation is in direct conflict with the Birds Directive with regard to the hunting of species with an unfavourable conservation status, as well as hunting and disturbing permanently protected or hunting-protected species during the breeding season. The status of species in the Rulebook on the Declaration and Protection of Strictly Protected and

Protected Species of Plants, Animals and Fungi has still not been harmonized with their status in the Birds Directive and the Habitats Directive. There was no harmonization of these regulations in the reporting period.

The Government Work Plan for 2020 (GRS, 2020) planned for the adoption of amendments to the Law on Wildlife and Hunting and the Law on Protection and Sustainable Use of Fish Stock, both of which have a significant impact on nature. The adoption of these amendments had not been placed on the Government's agenda by December 2020 – the deadline set by the Work Plan. Civil society representatives (WWF Adria-Serbia) were included in the Working Group for drafting amendments to the Law on Protection and Sustainable Use of Fish Stock, while no information is available on the process of amending the Law on Wildlife and Hunting.

The Government Work Plan also envisaged the harmonization of domestic regulations with the *EU Regulation on the protection of species of wild fauna and flora by regulating trade therein* (EC No. 338/97) by drafting the Law on Transboundary Traffic and Trade in Wild Species of Plants and Animals. By December 2020 the proposal had not been put on the Government's agenda. No information is available as to what stage the drafting process is at.

A planning document for determining development priorities in the field of nature protection has been in development since 2014, but has not yet been adopted (C27, 2019). Given that the previous Biodiversity Conservation Strategy expired in 2018, and that there is no umbrella strategy for environmental protection that addresses nature protection issues, it is clear that, although necessary, a strategic approach to solving nature protection problems is entirely missing. This failure is the consequence of a lack of political will and human resources on the part of the competent authorities to resolve this issue.

Having signed the Declaration on the Green Agenda for the Western Balkans (GRS, 2020), the Government of Serbia has committed itself to implementing all five pillars of the Green Agenda, one of which relates to nature protection and biodiversity conservation. Civil society organizations from Serbia also participated in the creation of guidelines for this pillar, through the Biodiversity

Task Force of South-East Europe of the Regional Cooperation Council and the BioNET Network (RCC, 2020).

The action plan for the implementation of the Open Government Partnership initiative in the Republic of Serbia 2020–2022 was adopted in December 2020 (MPALSG, 2020). One of the obligations under the plan is to define the obligation to establish Stakeholder Councils in all Protected Areas in the Republic of Serbia within the Law on Nature Protection. This commitment arose as a result of the recognized needs and dialogue between civil society and the Ministry of Environmental Protection.

The decision to develop a Spatial Plan for the Republic of Serbia from 2021 to 2035, (previously) adopted by the Government, was published in the Official Gazette of the Republic of Serbia, No. 48/19. In March 2020, the Ministry of Construction, Transport and Infrastructure announced an early public insight procedure. A section of the document entitled *Review of Spatial Planning in the Republic of Serbia* states: "In the coming period, new planning approaches will be necessary to resolve conflicts and harmonize development and protection needs (e.g. between nature protection zones and tourism development in mountain areas)". Additionally, in a document presented during the early public insight procedure, some important principles of nature protection were completely neglected, primarily ecological connection and preservation of green infrastructure. For this reason, in addition to the general importance of the Spatial Plan and its impact on nature protection, civil society organizations have sent numerous comments and recommendations to the body responsible for early public insight procedure.

# The Implementation of Regulations

The territory covered by Protected Areas in Serbia increased in 2020 from 575,310 ha, or 6.51% of the total area of the Republic of Serbia, to 678,196 ha, or 7.66% of the total area of the Republic of Serbia (MEP, 2020). The modest progress lags far behind the strategic goal envisaged by the Spatial Plan of the Republic of Serbia, which set a target of increasing the area under protection to 12% (NARS, 2010). The procedure for establishing Protected Areas lasts on average about five and a half years; these procedures are evidently too slow and inefficient (C27, 2020).

In July 2020, the UNESCO Executive Council confirmed that Đerdap would be included in the Global Geoparks network, thus establishing the first geopark in Serbia, covering an area of about 130,000 ha. The management of the geopark is entrusted to PE National Park Đerdap, which has yet to develop an appropriate model of management and stakeholder involvement. This raises the need for a legal definition and regulation of geoparks and other internationally recognized areas such as Biosphere Reserves, internationally Important Bird and Biodiversity Areas (IBA) and Prime Butterfly Areas (PBA), which are not subject to the Law on Nature Protection.

During 2020, activities on establishing ecological networks continued. In December 2020, the Institute for Nature Conservation of the Republic of Serbia conducted a public procurement in order to obtain data on habitat types and individual groups of flora and fauna, as well as data on birds, in order to establish an ecological network for the Republic of Serbia and the European Union ecological network "Natura 2000" in Serbia, as well as to obtain data to compile red lists of individual groups of organisms. Funds for these activities were allocated from the budget of the Republic of Serbia, in the form of support from the Ministry of Environmental Protection for the work of the Institute

for Nature Conservation of the Republic of Serbia (PPP, 2020). The implementation of the EU project for "Natura 2000" in Serbia, which is financed from the IPA programme of the European Union, was also continued, in order to support the establishment of the EU ecological network "Natura 2000". In the period between March and October 2020, field activities began to collect data to identify and designate potential SPA and SCI areas in accordance with the Birds Directive and the Habitats Directive. Within the project, an analysis of the legislative framework of the Republic of Serbia for nature conservation and environmental protection in relation to the requirements of the ecological network "Natura 2000" was undertaken. Based on this analysis, recommendations will be made for amendments to the Law on Nature Protection and other regulations in order to harmonize them with EU legislation relevant for establishing the ecological network "Natura 2000". The analysis was not presented to the public in the reporting period. Activities were also carried out to strengthen capacities for the future management of the ecological network, as well as promotional activities through an awareness raising campaign about "Natura 2000" (Eptisa, 2020).

In October 2020, BirdLife International announced a new network of Important Bird and Biodiversity Areas (IBA) in Serbia. The new national IBA network consists of 79 areas of the most vulnerable habitats for birds and biodiversity, covering 29.2% of the territory of the Republic of Serbia (2,579,364 ha). The network of IBAs serves as the basis for determining parts of the ecological network of the Republic of Serbia and for defining the international ecological network "Natura 2000" through Special Protection Areas, which are declared according to the European Union Birds Directive (BLI, 2020).

As part of the activities aimed at implementing international agreements, the Ministry of Environmental Protection, in cooperation with the Environmental Protection Agency and stakeholders, is preparing the VI National Report on the Implementation of the Convention on Biological Diversity (MEP, 2020). A three-year report on the implementation of the convention in the Republic of Serbia for the period 2018-2020 was prepared and submitted to the Secretariat of the Ramsar Convention. (MEP, 2020). The public was not consulted in this process, nor was the public aware of the content of the Report, despite the

Convention recommending that stakeholders should be involved in the preparation of the report. In Serbia today, numerous Ramsar sites suffer from negative human influence, including Peštersko polje, where peat is exploited (FI, 2020), Labudovo okno, where legal hunting is not controlled and poaching is not prevented (Jovanović et al, 2020) and Carska bara, where a tire factory is being built in the immediate vicinity (RERI, 2020). Due to their importance for the preservation of wetlands, urgent action from the competent state authorities is necessary in order to prevent the further endangerment of these Ramsar-listed sites.

An appeal procedure is being conducted against the Republic of Serbia within the framework of the Berne Convention based on four reports from civil society organizations. Two complaints pertain to birds, one to the risk of the disappearance of the great bustard in Serbia (*Otis tarda*) and one to the construction of a port at the confluence of the Sava and the Danube. The appeal procedure is currently in a permanent monitoring status (MEP, 2020).

Preserving the habitat of a certain endangered plant or animal species is the basic precondition for its protection. In addition to the presence of endangered species, certain areas are also protected due to their landscape or geological characteristics. Corridors between valuable nature areas are also an important part of nature protection. The usurpation of space due to illegal construction constitutes aggravated endangerment of protected areas with some or all of the previously mentioned values. There are few protected areas in Serbia not under pressure from illegal construction. The passive role of state institutions in solving this problem is evident in the example of the Uvac Special Nature Reserve, where inspectors from the Ministry of Construction, Transport and Infrastructure issued 42 decisions ordering that illegal construction be halted, and buildings already under construction within the reserve be demolished. Among these, only 13 buildings were demolished, exclusively based on one decision from 2015 (CINS, 2021).

Preventive measures to protect endangered plant and animal populations are rare and sporadic. One of the problems is the lack of a strategic approach to species protection, i.e. the lack of population and species management plans.

Such plans are common practice in the EU and build on the Birds Directive and the Habitats Directive. There is no official action plan or species management plan in Serbia. Management plans for species of large beasts (lynx and bear) have been in preparation for a long time, but have not been adopted or used at any point. One of the main reasons for this situation is that plans for species and population protection are not clearly defined in the Law on Nature Protection and are, therefore, not functional (even when they are prepared) because competencies are not prescribed. In addition to the lack of proactive action on the part of competent state institutions, the prevention of direct endangerment of wild species is also lacking. A good example of the inactivity of institutions is the available data on the areas known to be extremely hazardous to birds, such as: Svilojevo – one of the most critical points for poisoning birds of prey, Labudovo okno – one of the most critical points for bird poaching, the Rasina region –extremely hazardous for songbirds, and Potočac – site of the most widespread electrocution of birds in Serbia. Despite numerous appeals from civil society organizations and the public, the problems posed by these hazardous hotspots have not been resolved (Jovanović et al, 2020).

Deficiencies in implementing the Law on Nature Protection, the Regulation on Controlling the Use and Trade of Wild Flora and Fauna (GRS, 2005) and other legislation regulating these issues, as well as deficiencies in inspections, have led to an escalation of conflicts among truffle collectors. In 2020, the first armed conflict between collectors took place, in which two people were killed. According to statements by experts from the Museum of Natural History, most of the truffle trade in Serbia is conducted through illegal routes (RTS, 2020).

In October 2020, the Ministry of Environmental Protection continued the “Don’t Burn the Stubble!” campaign in order to raise awareness among farmers about the harmfulness of burning crop residues. In addition to raising awareness, the campaign aimed to inform the public that burning stubble is prohibited by law and qualifies as a criminal offense, with high fines prescribed for perpetrators (MEP, 2020).

# Financing

According to the Report on the Implementation of the Budget of the Ministry of Environmental Protection for the period January 1<sup>st</sup> 2020–December 31<sup>st</sup> 2020 (MEP, 2021), RSD 457,315,000 was allocated for nature protection, of which 93.051% or RSD 425,537,182 was spent. The spent funds account for 18.48% of the total budget allocated for the work of the Ministry of Environmental Protection for 2020. Funds allocated for nature protection from the Green Fund include RSD 35,230,000 for forestation in order to protect and preserve landscape diversity, which is 1.2% of the total budget of the Fund. Of this amount, 99.99% (RSD 35,227,694) was spent. These symbolic investments in nature protection by the State through the competent Ministry are insufficient to make progress in this sector.

Investment in establishing the ecological network of the Republic of Serbia and the ecological network of the European Union – “Natura 2000” continued through the allocation of budget funds of the Republic of Serbia to support the work of the Institute for Nature Conservation of Serbia.

# Recommendations



## Strategic and Legislative Framework

- 1.** Improve the Law on Nature Protection in line with the EU legislation, ratified international agreements, good practice in the sector and the needs of nature protection in Serbia. Ensure the process of improving the Law is transparent and enables public participation, in accordance with the positive regulations of the Republic of Serbia and good practice.
- 2.** Regulate the ecological network acceptability assessment procedure through appropriate regulations, in order to establish the necessary standards for the approval of plans and projects that may have an impact on the ecological network, in accordance with paragraph 3) of Article 6 of the Habitats Directive.
- 3.** Develop and adopt public policies in the field of nature protection in accordance with the Law on Nature Protection, the Law on the Planning System and ratified international agreements, and fully harmonize the strategic framework with the EU Biodiversity Strategy.
- 4.** Amend the Rulebook on the Declaration and Protection of Strictly Protected and Protected Species of Plants, Animals and Fungi and the Rulebook on Declaring a Closed Hunting Season for Protected Wild Game Species, to fully transpose the provisions of the Habitats Directive and the Birds Directive on hunting.
- 5.** Develop and adopt a document to precisely determine the sequence and procedure for competent authorities detecting cases of poisoning, as well as other cases of illegal actions pertaining to wild species.

6. Improve cooperation in the process of adopting planning documents and regulations between: the nature protection sector, the energy sector, the spatial planning and urban planning sector and the construction sector, especially those regulating and applying Environmental Impact Assessment and Strategic Environmental Impact Assessment procedures.
7. Establish Ministry of Environmental Protection mechanisms to improve the participation of civil society organizations in the processes of preparing, adopting and monitoring the implementation of regulations in the field of nature protection, primarily by involving stakeholders at an early stage, in accordance with the Regulation on Public Policy Management Methodology, Policy and Regulation Analysis, and the Content of Individual Public Policy Documents, as well as the Guidelines for the Inclusion of Civil Society Organizations in the Process of Drafting Regulations of the Government of the Republic of Serbia.



## The Implementation of Regulations

8. Publish the negotiating position in the field of nature protection and involve civil society organizations in the negotiation process.
9. Improve the capacities of the Ministry of Environmental Protection, enhance cooperation and ensure the open flow of information between different sectors within the Ministry and with stakeholders, such as civil society organizations, by appointing a person in charge of cooperation with CSOs.
10. Improve the capacities of the Institute for Nature Conservation (at the provincial and state level) by increasing the number of employees and providing them with further training, as well as improving technical capacities.

- 11.** Continue building the capacities of the police, inspectorate, prosecution and judiciary to implement regulations related to species and habitat protection, in cooperation with professional civil society organizations.
- 12.** Improve annual inspection plans and their implementation in protected areas, i.e. ecological network areas, in order to prevent excessive use of natural resources and illegal activities, and to ensure the preservation of the natural values of these areas.
- 13.** Strengthen cooperation between all actors in order to prevent corruption in the nature protection sector (especially related to the illegal use of forests, water resources and illegal hunting activities).
- 14.** The competent Ministry should work more intensively on solving problems and preventing violations of the provisions of the International Convention on the Conservation of European Wildlife and Natural Habitats in the Republic of Serbia.
- 15.** Ensure regular and appropriate reporting under ratified international agreements in the field of nature protection (especially under the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention on the Conservation of Migratory Species of Wild Animals, the Ramsar Convention and the CITES Convention). Ensure the process of drafting the report is transparent, including the opinions of the interested public.
- 16.** Prescribe measures for the preservation, restoration and improvement of the state of the ecological network area, through a participatory process that includes professional organizations of state bodies and civil society, as well as the users of the area.

- 17.** Ensure continuous institutional support for the efficient establishment of the ecological network of the Republic of Serbia and the "Natura 2000" ecological network, and include the nature protection sector and other relevant sectors, especially agriculture, forestry, spatial planning and energy in a timely manner.



## Financing

- 18.** Continue regular financing of activities for the establishment of the ecological network of the Republic of Serbia and "Natura 2000", with full and regular reporting on implemented activities and spent funds.
- 19.** Ensure that appropriate funds are allocated in the budget for nature protection and regular and detailed reporting on expenditure; allocate more funds for the practical protection of species and habitats.

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# NATURE PROTECTION

## FEW PROTECTED AREAS

Protected areas make up **7.66%** of the territory of the Republic of Serbia. In the EU, protected areas make up **26%** of the territory. The **only country** with less protected area than Serbia in the region is Bosnia and Herzegovina, where 4% of the territory is under protection.



## LACK OF MANAGEMENT CAPACITY

In Serbia, protected areas are most often managed by public companies whose **PRIMARY ACTIVITY IS NOT NATURE PROTECTION**, but rather an additional activity within its operation. **Insufficient investment** by managers in a professional workforce and technical capacities are reflected in the neglect of protected areas.



## LACK OF IMPLEMENTATION OF REGULATIONS

The lack of an effective system for monitoring and control of activities undertaken inside protected areas leaves room for **NUMEROUS ILLEGAL ACTIONS THAT GO UNPUNISHED**. Weak capacities of guard services, the absence of proactive action by inspectorates, insufficient involvement of the judiciary, and an **absence of political will** have turned protected areas into spaces where nature endangerment is thriving.

## LACK OF PUBLIC AWARENESS

The absence of public awareness about appropriate behaviour in nature was evident during 2020, when, due to the COVID-19 pandemic, citizens **visited protected areas in Serbia en masse**. The endangerment of plant and animal species and their habitats due to **UNRESTRAINED AND MASSIVE OFFROAD DRIVING WITHIN PROTECTED AREAS**, using cars, motorbikes, quad bikes, boats, and drones, is only one negative example of this.



# A LOT OF NATURE ENDANGERMENT!