Horizontal legislation

Overview

During the reporting period, development of the legislative framework in the fields of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) continued, though a comprehensive and consistently applied system has yet to be established. While the new Regulation on Lists I and II and some by-laws for the implementation of the Law on EIA have been adopted, key secondary legislation is still lacking. Some of the new mechanisms, primarily the quantitative thresholds for List II projects and the retention of Article 6 of the Law, leave room for legal uncertainty and bypassing of full impact assessment procedures. Regarding SEA, accompanying by-laws have been adopted, but issues concerning effective legal protection and inspection supervision remain unresolved.

At the same time, there has been a further deterioration in the conditions for public participation. Amendments to the regulatory framework have narrowed the obligations to conduct consultations, public hearings, and impact analysis of public policies and regulations. Furthermore, in practice, the shortest possible deadlines are still being applied, procedures are scheduled during public holidays, and citizens' objections are addressed only formally. It is particularly concerning that some projects are being launched before their environmental impact assessments are completed, or that complex projects are broken down into smaller segments. This undermines the preventive purpose of the assessment and makes it impossible to evaluate the overall impacts.

Progress has also been lacking in other areas of horizontal legislation. Alignment with the INSPIRE Directive continues to lag behind, the Law on Liability for Environmental Damage has not been adopted, and the criminal law framework remains only partially aligned with the EU acquis. In addition, insufficient inspection capacities, slow action by relevant authorities, and persistent obstacles in accessing information of public importance confirm that the problem has long ceased to be just about the quality of regulations, but rather how poorly and unevenly they are enforced.

Environmental Impact Assessment and Directive 2011/92 EU (Replaced by Directive 2014/52/EU)

The Law on Environmental Impact Assessment (Official Gazette of RS, no. 94/2024) was adopted on November 27, 2024, nearly three years after the public consultation was held. Article 6 of this Law remains a source of legal uncertainty, as it introduces a requirement to obtain an opinion from the Ministry of Environmental Protection as an additional step prior to initiating the formal procedure for deciding on the need for an impact assessment (hereinafter: screening). Although the opinion does not formally exempt the project proponent from the obligation to initiate the procedure, there is a risk that, in practice, it may be used instead of the legally prescribed procedures and decisions. This could lead to a centralized decision-making process that bypasses public participation, given that the Ministry issues the opinion even in cases where local government authorities are responsible for conducting the impact assessment procedure.

In November 2025, the Regulation on the List of Projects Requiring a Mandatory Environmental Impact Assessment, List of Projects Requiring Submission of a Request for Deciding on the Need for Environmental Impact Assessment, and Criteria for Deciding on the Need for Environmental Impact Assessment (Official Gazette of RS, no. 106/2025) was adopted. The new Regulation aligns national rules with Directive 2014/52/EU, introduces more detailed criteria for the screening phase (determining the need for an environmental impact assessment), ensures better integration of protected areas and ecological networks into the environmental impact assessment procedure, enables the evaluation of cumulative and climate impacts, and expands project scopes, particularly in the fields of renewable energy sources and new technologies. It is also significant that the new Regulation, through Annex 3, improves screening by more comprehensively assessing the nature of the project, the sensitivity of the location, and the types of potential impacts. However, the application of

these criteria is limited by quantitative thresholds for certain List II projects. As a result, projects with potentially significant impacts may remain outside of the screening process solely because they fall below the prescribed threshold, especially when these impacts stem from a combination of multiple factors or the sensitivity of the location itself.

The Regulation is contradictory to the provisions of the Law on Environmental Impact Assessment. Article 5 of the Law stipulates that the Government will determine (through the Regulation) the list of projects for which an impact assessment is mandatory (List I) and the list of projects for which there is an obligation to submit a request for deciding on the need for impact assessment (List II). On the other hand, Article 4 of the Regulation states that "List II contains the project title, categorized by its respective economic sector designated by an ordinal number, the point and sub-point next to the project title, and, depending on the potential environmental impact, its size, capacity, area, or length. For projects where no size, capacity, area, or length is specified, the obligation to submit a request for a decision on the need for an environmental impact assessment is mandatory for all projects of that type or title". This clearly indicates that the legislator does not view the stated criteria as the basis for deciding whether an environmental impact assessment study should be prepared for a project, but rather as criteria determining whether the procedure to evaluate the need for an impact assessment will be conducted at all. Consequently, this leaves room to bypass screening for certain List II projects, which is contrary to Article 5 of the said Law and the very purpose of the Environmental Impact Assessment Directive.

The Rulebook on the Procedure of Public Insight, Public Presentation and Public Consultation, and Preparation of the Report on the Conducted Public Consultation on the Project Environmental Impact Assessment Study (Official Gazette of RS, no. 26/2026) and Rulebook on the Work of the Technical Committee for the Evaluation of the Project Environmental Impact Assessment Study (Official Gazette of RS, no. 24/2026) were adopted in March 2026.

To ensure the full implementation of the Law on Environmental Impact Assessment, it is necessary to adopt or harmonize the following by-laws, which

are of direct relevance for the transposition and implementation of Directive 2011/92/EU, as amended by Directive 2014/52/EU:

1. rulebook prescribing the appearance and content of the request form for deciding on the need for an environmental impact assessment and the required documentation, as well as the appearance and content of the request form for determining the scope and content of the EIA study with supporting documentation;
2. rulebook specifying the content of the project's environmental impact assessment study and the documentation to be submitted therewith;
3. rulebook on the detailed content, appearance, and maintenance of the public register, including the electronic database maintained alongside the central register.

The Law on Environmental Impact Assessment stipulates that, pending the adoption of new by-laws, the regulations enacted on the basis of the 2004 Law will remain in force, provided they do not conflict with the provisions of the new Law.[23] While this prevents a complete legal vacuum, it also introduces a transitional phase that prolongs legal uncertainty and hinders the uniform application of the law. The two-year deadline set by the Law for the adoption of most by-laws essentially delays the establishment of a comprehensive and harmonized legal framework.

Following the latest amendment to the National Program for the Adoption of the Acquis (NPAA)[24] made in August 2025, the adoption of these regulations is scheduled for the final quarter of 2026, coinciding with the expiration of the statutory deadline for enacting these by-laws.

Public notification mechanisms are still not regulated in a way that would allow the interested public to learn about the initiation and progress of the environmental impact assessment procedure in a timely and reliable manner.

23 Law on Environmental Impact Assessment, Article 60, paragraph 1.

24 National Program for the Adoption of the Acquis 2024-2027, available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2024-2027_preciscena_verzija.pdf.

Although the Law on Environmental Impact Assessment requires notices to be published in at least one printed daily newspaper and on the relevant authority's website, deadlines for public participation and the exercise of legal remedies begin to run from the date of publication in the press. Since there is no pre-designated newspaper in which the notice will be published, nor is there a unified electronic channel, the interested public is forced to monitor numerous media outlets so as not to miss the deadlines. Such a model fails to ensure adequate, timely, and effective public information, potentially hindering access to justice. The planned establishment of a central electronic database and a central internet portal could alleviate this problem, but the deadline for their establishment is set for December 2027. Frequent changes to the layout and technical solutions of the Ministry of Environmental Protection's website make it difficult, and sometimes even impossible, to access information regarding environmental impact assessment procedures.

Strategic Assessment and Directive 2001/42/EC

The new Law on Strategic Environmental Assessment was adopted on November 27, 2024.
During the reporting period, two by-laws were adopted:

4. Rulebook on the Method of Informing the Public and Conducting Public Debates on the Draft Plan and Program and the Strategic Environmental Assessment Reports (Official Gazette of RS, no. 121/2025);
5. Rulebook on the Appointment and Work of the Expert Commission for the Evaluation of the Strategic Environmental Assessment Reports of Plans and Programs (Official Gazette of RS, no. 112/2025).

The new Law introduces more detailed regulations for deciding when a strategic assessment is not required. The decision not to conduct a strategic assessment can no longer be made solely on the basis of a previously obtained opinion from the authority responsible for environmental protection; instead, the prior consent of that authority is now also required for its adoption. The Law, however, has not clearly defined the legal nature of this consent, nor

has it prescribed a specific legal remedy in the event of its refusal, or the authority's failure to act within the prescribed deadline. This strengthens the supervisory role of the authority responsible for environmental protection, but without the appropriate regulation of legal remedies and the consequences of the authority's action, or inaction. In addition, the question remains open regarding the availability and effectiveness of legal protection concerning both the decision to bypass the strategic assessment procedure and the decision to approve or reject the strategic assessment report. Under the existing framework, potential irregularities can only be raised indirectly, by challenging the planning document before the Constitutional Court, whereby the control of the Constitutional Court is limited to examining the legality of the adoption procedure.

With regard to inspection supervision, the new Law on Strategic Environmental Assessment stipulates that supervision over its implementation is carried out by the Ministry of Environmental Protection. However, the Law fails to specify the exact rights and duties of inspectors, or special powers to impose measures, bans, or other actions in the event of identified irregularities.

Public Participation in the Development of Certain Plans and Programs and Directive 2003/35/EC

In the Negotiating Position for Chapter 27, Serbia announced that it would fully comply with Directive 2003/35/EC by the end of 2020 through amendments to the Law on Environmental Impact Assessment, the Law on Integrated Prevention and Control of the Environment Pollution, and the Water Law, as well as by adopting the Regulation on Public Participation in the Development of Certain Plans and Programs in the Field of Environmental Protection.

In July 2026, a new Law on Integrated Prevention and Control of the Environment Pollution was adopted.[25] While the adopted solutions represent progress in certain aspects of public participation, they fall short of ensuring full compliance with the relevant standards. The definition of the term "the

25 Law on Integrated Prevention and Control of the Environment Pollution (Official Gazette of RS, no. 63/2026), available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2026/63/6/reg

public concerned" remains problematic, as it introduces additional conditions compared to the definitions in the Aarhus Convention and relevant EU directives, while associations promoting human health protection are not explicitly covered. The timeframes for public participation in the integrated permitting procedure also remained inadequate. While the 20-day deadline is an improvement compared to the originally proposed 15-day deadline, such a timeframe still does not provide sufficient time to review extensive and technically complex documentation.

The Water Law was not amended during the reporting period.

Environmental Crimes and Directive 2008/99/EC

The Directive 2008/99/EC on the protection of the environment through criminal law has not yet been fully transposed into national legislation. The latest amendments to the Criminal Code made in 2024 do not address environmental protection. The main shortcoming of the Criminal Code of Serbia concerns the criminal offense of environmental pollution. The legislator focuses the act of committing this criminal offense on the consequences for air, water, and soil, while completely omitting the consequences for human life and health, and failing to recognize that the right to health and environmental protection are inextricably linked. On the other hand, the discharge, emission, or introduction of substances into air, soil, or water that causes or is likely to cause death or serious injury to any person, or substantial damage to the environment is prescribed as a criminal offense under Directive 2008/99/EC.[26] Therefore, the Directive considers the consequences for human health and life and the consequences for the environment to be equal and alternative, meaning that the endangerment of just one of these protected interests suffices to constitute a criminal offense. In addition, the standard of probability of the consequence occurring ensures that incrimination also extends to instances where harm to health has not yet manifested, but remains imminent or highly probable due to the inherent nature of the underlying act.

26 Directive 2008/99/EC, Article 3 (a).

Regarding procedural rights, the current domestic legal framework provides environmental protection associations solely with the opportunity to observe trials as members of the general public, without any formal standing or authority in the proceedings. Considering the high degree of social threat posed by environmental crimes and the fact that such organizations actually represent a broader circle of citizens affected by these offenses, this solution is narrow and restrictive. Particular consideration should be given to the fact that expert organizations can make a significant contribution to the prosecution of environmental offenses and their perpetrators. Furthermore, there is a justified reason for the public concerned, namely environmental non-governmental organizations, to play a more prominent role in these criminal proceedings than they currently do as members of the general public without any participation rights. It should be noted that Directive 2008/99/EC does not explicitly prescribe the rights of non-governmental organizations in criminal proceedings, rather, this mechanism is introduced by the new Directive (EU) 2024/1203 on the protection of the environment through criminal law, which stipulates that NGOs promoting environmental protection, as members of the public concerned, have appropriate rights to participate in criminal proceedings against legal entities.[27]

Directive 2007/2/EC – INSPIRE Directive

In the Negotiating Position for Chapter 27, in order to fully implement the INSPIRE Directive, the Republic of Serbia requested a transition period of two years and four months starting from the date of EU accession. The duration of the transition period for the full implementation of the Directive[28] should be determined by the Specific Implementation Plan for the INSPIRE Directive, which is not publicly available.

According to the NPAA 2024–2027, alignment with the requirements of the INSPIRE Directive is not yet fully completed, particularly regarding network

27 Directive EU 2024/1203, Article 15.

28 Government of the Republic of Serbia (2019): Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

services, access to and exchange of geodata, system interoperability and harmonization of datasets, which further extends the delay in implementing previously assumed obligations in this area. The 2024–2027 Reform Agenda of the Republic of Serbia[29] identifies non-standardized data exchange, the lack of geographic information systems (GIS) standards, and limited capabilities for spatial analytics as obstacles to the effective functioning of the system. Under the e-Space reform framework, the plans include improving data exchange between relevant authorities and standardizing planning documentation to align with the requirements of the INSPIRE Directive.

Access to Environmental Information and Directive 2003/4/EC

Directive 2003/4/EC on public access to environmental information has been almost fully transposed into national legislation.

The Negotiating Position for Chapter 27, which was adopted in 2019, envisaged the completion of this process by the end of 2020. However, the Law on Amendments to the Law on Free Access to Information of Public Importance was adopted in November 2021.[30] In September 2024, the Ministry of Public Administration and Local Self-Government formed a working group to draft amendments to the Law on Free Access to Information of Public Importance, in order to address the issue of "abuse of requests for access to information of public importance".[31] On February 14, 2025, the Government of the Republic of Serbia submitted the Draft Law on Amendment to the this Law to the National Assembly.[32] In early March 2025, the Draft was withdrawn from parliamentary procedure.[33] Civil society organizations highlighted that the proposed amendments failed to resolve key systemic issues in the implementation of the Law, including the non-enforcement of the Commissioner's decisions, inefficient

29 Reform and Growth Facility for the Western Balkans: Reform Agenda of the Republic of Serbia, available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/reformska_agenda_rs_2024_2027.pdf.

30 Official Gazette of RS, nos. 120/2004, 54/2007, 104/2009, 36/2010 and 105/2021.

31 Available at: https://mduls.gov.rs/saopstenja/menja-se-zakon-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/?script=lat

32 Available at: https://www.parlament.gov.rs/Prva_sednica_Prvog_redovnog_zasedanja_Narodne_skup%C5%A1tine_Republike_Srbije_u_2025._godini.50715.941.html

33 Available at: https://www.partners-serbia.org/post?id=645.

inspection supervision, and hindered access to information regarding the work of certain public authorities. Furthermore, they noted that the majority of proposals submitted during the public consultation were not accepted.[34]

Liability for the Prevention and Remedying of Environmental Damage and Directive 2004/35/EC

No progress has been made regarding the adoption of the Law on Liability for Environmental Damage, i.e., the transposition of the Environmental Liability Directive 2004/35/EC. The transposition of this Directive is only in its initial phase, and its full implementation is contingent upon the adoption of the said Law.[35]

Implementation of Regulations

Environmental Protection Strategy

During the reporting period, the Government of the Republic of Serbia failed to adopt the Draft Environmental Protection Strategy – Green Agenda for Serbia, even though the public consultation was held at the end of 2024 and the consultation report was published in January 2025.[36]

Strategy for the Implementation of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention) with an Action Plan

Preparing the Draft Strategy for the Implementation of the Convention on

34 Partners Serbia: Statement Regarding the Withdrawal of the Draft Law on Amendments to the Law on Free Access to Information of Public Importance – An Opportunity for Systemic and Inclusive Reform, available at: https://www.partners-serbia.org/post?id=645.

35 Government of the Republic of Serbia (2019): Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 – Environment and Climate Change, available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_27.pdf

36 The Government of the Republic of Serbia adopted the Strategy on July 30, 2026 (Official Gazette of RS, no. 71/2026), available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2026/71/1/reg

Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) began in 2023 and continued during the reporting period.

In February 2025, eight civil society organizations, members of the Working Group for Preparing the Draft Strategy, decided not to attend future meetings of the Working Group due to the non-application and violation of the fundamental principles of the Aarhus Convention in procedures related, primarily, to environmental impact assessment.

At the time of preparing this report, there was no publicly available information regarding the further progress on the Draft Strategy for the Implementation of the Aarhus Convention.

Public Participation

During the reporting period, there has been a further deterioration in conditions for effective public participation in decision-making processes in the Republic of Serbia, given that amendments to the regulatory framework narrowed the institutional mechanisms for public involvement in those processes.

Particularly concerning are the amendments to the Rules of Procedure of the Government of the Republic of Serbia from November 2025, which enable the Government to decide against conducting a public hearing if it determines that all issues were resolved during consultations or that the text already reflects the comments of stakeholders.[37] This creates conditions for excluding the public from one of the key steps of the process for adopting regulations and public policy documents.

In the field of spatial and urban planning, amendments to the Rulebook on the Content, Method, and Procedure for Developing Spatial and Urban Planning Documents have introduced the possibility of segmenting the public concerned into multiple groups and holding multiple public sessions, as well as

37 Article 41a of the Rules of Procedure of the Government of the Republic of Serbia (Official Gazette of RS, no. 106/25).

conducting sessions online "when there is a high level of public interest in participating in the commission's public session".[38]

The introduction of online sessions into the public review process is a cause for concern. Specifically, administrative authorities in Serbia lack the appropriate technical capacity or skills to manage online sessions in a manner that ensures unobstructed participation for all interested citizens. Furthermore, one should not overlook instances where competent authorities abuse the online format to obstruct or exclude the public. Media reports highlight instances of technical issues or attempts by the commission chairperson to restrict public participation during public hearings on planning documents.[39]

Such solutions directly affect legal certainty, transparency, and the possibility of effective participation. By dividing participants into separate groups, the public concerned is prevented from hearing the objections of other participants, building upon them, or responding to them, which causes the session to lose its core purpose. The online format raises the question of equal access, bearing in mind the varying levels of digital technology availability and technical capabilities of citizens, as well as of the public authorities themselves.

The timing of these amendments in relation to the planning procedures for projects connected to the EXPO 2027 exhibition and the National Stadium is particularly problematic. The Rulebook was published on May 30, 2025, and entered into force on June 7, 2025, while the Agency for Spatial Planning had already announced on June 4 that the commission's session regarding the National Stadium project would be held online on June 11.[40] Such a sequence of events indicates that the changes to the procedural rules were tailored to meet the needs of specific projects of national importance, which had previously generated significant public interest and criticism.

38 Article 65 Rulebook on the Content, Method and Procedure for Developing Spatial and Urban Planning Documents (Official Gazette of RS, nos. 32/19, 47/25 and 40/26).

39 N1, The public consultation on expanding "Belgrade Waterfront" from the participants' perspective, July 31, 2025: https://n1info.rs/vesti/kako-je-iz-ugla-ucesnika-izgledala-javna-rasprava-o-prosirenju-beograda-na-vodi/; allegations regarding the abuse of online sessions can also be found in posts by participants on social media, available at: https://www.linkedin.com/posts/milica-luki%C4%87-petrovi%C4%87-phd%F0%9F%8C%8D-096994a4_21vek-elektronska-javna-sednica-komisije-ug-cPost-7442141559145263104--_9E/

40 Available at: https://reri.org.rs/otkazati-nezakonitu-javnu-sednicu-o-prostornom-planu-za-nacionalni-stadion/

During the reporting period, public participation guarantees related to impact analysis of public policies and regulations and drafting of public policy documents were also weakened. Amendments to the Impact Analysis of Public Policies and Regulations and to the Regulation on the Methodology of Public Policy Management introduced in late March 2026 provided for exemptions from the obligation to conduct consultations for regulations related to European Union accession and the fulfillment of certain international obligations.[41] Alignment with the EU acquis should reinforce the standards of transparent, inclusive, and evidence-based decision-making, rather than serve as an excuse for lowering existing standards. Instead, through amendments to the said regulations, the Government of Serbia has actually abolished the obligation of ministries to:

- conduct impact analysis for key public policy measures and provisions of laws, regulations, and rulebooks that significantly affect the interests of citizens and the economy (during the drafting phase), thereby abolishing the requirement to make evidence-based decisions;
- request an opinion from the Public Policy Secretariat (PPS) regarding those analyses, namely an opinion on the quality of the analysis conducted during the drafting of such regulations and public policy documents, thereby eliminating a sound system of internal control and accountability;
- conduct consultations (during the drafting phase) with citizens and businesses affected by those regulations and public policy measures, as well as consult the institutions responsible for implementing them, thereby reducing the inclusiveness and transparency of how laws and public policies are made.

It is important to note that there are no indicators suggesting that public participation is the cause of Serbia's delays in transposing and implementing the EU acquis. On the contrary, experience in the environmental sector reveals prolonged delays even after consultations have concluded, pointing to issues

41 Regulation on the Methodology of Public Policy Management (Official Gazette of RS, nos. 20/25-18, 27/26-25, and 30/26-4) and Impact Analysis of Public Policies and Regulations (Official Gazette of RS, nos. 20/25-18, 27/26-25, and 30/26-4).

with administrative capacity, planning, coordination, and political monitoring of implementation obligations, rather than public participation. A case in point is the Environmental Protection Strategy, which underwent an extensive public participation process, yet the Government delayed its adoption by more than a year and a half after the public consultation had ended. Restricting consultations therefore does not resolve the underlying causes of the delay, but it does eliminate one of the mechanisms for external quality control of regulations. In addition to regulatory changes, the reporting period saw a continuation of practices that formally allow public participation while effectively obstructing it. Consultations, public hearings, and participation in individual environmental procedures were repeatedly scheduled during or immediately around public and religious holidays.

The public consultation on the Draft Law on Integrated Prevention and Control of the Environment Pollution, held from March 13 to April 15, 2026, spanned the Easter holidays, which reduced the time available for analyzing the draft and preparing comments, particularly considering the complexity of the subject matter and the Law's importance in tackling the serious problem of industrial pollution in Serbia.[42] The public consultation on the Circular Economy Development Program 2026–2030 started on December 31, 2025, and lasted until January 25, 2026, spanning the New Year and Christmas holidays.[43] On the same day, December 31, 2025, consultations began on the drafting of the Law on the Exploration and Exploitation of Hydrocarbons, with a deadline of January 18, 2026.[44] In the procedure for extending the integrated permit for the Šabac Branch of HBIS Group Serbia Iron & Steel, the narrow 15-day window for review and comments coincided with the Statehood Day non-working public

42 Public call for Participation in the Public Consultation on the Draft Law on Integrated Prevention and Control of the Environment Pollution, available at: https://www.ekologija.gov.rs/lat/informacije-od-javnog-znacaja/javne-rasprave/javni-poziv-za-ucesce-u-javnoj-raspravi-o-nacrtu-zakona-o-integrisanom-sprecavanju-i-kontroli-zagadivanja-zivotne-sredine

43 Public call for Participation in the Public Consultation on the Draft Circular Economy Development Program in the Republic of Serbia for 2026–2030 Period, available at: https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/javne-rasprave/javni-poziv-za-ucesce-u-javnoj-raspravi-o-predlogu-programa-razvoja-cirkularne-ekonomije-u-republici-srbiji-za-period-2026-2030-godine.

44 Notice of the Commencement of Drafting the Law on Exploration and Exploitation of Hydrocarbons, available at: https://www.mre.gov.rs/tekst/sr/14047/-obavestenje-o-pocetku-izrade-nacrta-zakona-o-istrazivanju-i-eksploataciji-ugljovodonika.php.

holidays.[45] During the same period, the Spatial Plan of the Special Purpose Area of the Kostolac Coal Basin, along with its Strategic Environmental Assessment Report, was also made available for public insight.[46]

Formal compliance with the minimum number of calendar days does not imply that the public has been granted sufficient time for effective participation. Article 8 of the Aarhus Convention requires that the public be provided with effective timeframes to participate in the preparation of generally applicable legally binding norms. Furthermore, the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters stipulate that, whenever possible, public participation procedures should not be scheduled during major holiday periods.[47]

The problem is exacerbated by the frequent practice of applying minimum statutory deadlines to multiple complex regulations simultaneously. For instance, public consultations on the draft laws governing oil, gas, and mandatory reserves of oil, oil derivatives, and natural gas were held concurrently, from October 20 to November 10, 2025, while consultations on the new Law on Mining and Geological Explorations took place between October 27 and November 11, 2025.[48] Under such circumstances, civil society organizations, the expert public, and local communities are left with even less time to analyze several technically demanding regulations at once and prepare high-quality, reasoned comments.

45 Draft Decision on Extending the Validity of the Integrated Permit for the Operator HBIS Group Serbia Iron & Steel d.o.o., Šabac Branch, available at: https://www.ekologija.gov.rs/obavestenja/integrisane-dozvole/nacrti/nacrt-resenja-o-produzenju-vazenja-integrisane-dozvole-za-operatera-hbis-group-serbia-iron-steel-doo-ogranak-sabac

46 Public Insight into the Spatial Plan of the Special Purpose Area of the Kostolac Coal Basin and Strategic Environmental Assessment Report, available at: https://urbanizam.pozarevac.rs/download/javni-uvid-ppppn-kostolackog-ugljenog-basena-2026/

47 UNECE, Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters, ECE/MP.PP/2014/2/Add.2, para. 77(e), https://unece.org/environment-policypublic-participation/recommendations-public-participation-decision-making.

48 Notice of Public Consultation on the Draft Law on Oil, https://www.mre.gov.rs/tekst/sr/12436/-obavestenje-o-sprovodjenju-javne-rasprave-za-nacrt-zakona-o-nafti-.php; Notice of Public Consultation on the Draft Law on Gas, https://www.mre.gov.rs/tekst/sr/12427/-obavestenje-o-sprovodjenju-javne-rasprave-o-nacrtu-zakona-o-gasu.php; Notice of Public Consultation on the Draft Law on Mandatory Reserves of Oil, Oil Derivatives and Natural Gas, https://www.mre.gov.rs/tekst/sr/12607/-obavestenje-o-sprovodjenju-javne-rasprave-o-nacrtu-zakona-o-obaveznim-rezervama-nafte-derivata-nafte-i-prirodnog-gasa.php. Notice of the Commencement of Drafting the Law on Mining and Geological Explorations, https://www.mre.gov.rs/tekst/sr/12757/-obavestenje-o-pocetku-izrade-nacrta-zakona-o-rudarstvu-i-geoloskim-istrazivanjima.php.

However, the most critical issue is neither the number of days allowed for comments, nor the holidays during which public consultations are organized – the real question is whether public participation can actually influence the outcome of decision-making at all. It often happens that detailed and well-argued objections from civil society organizations, experts, citizens, and even business entities are rejected with brief and generic explanations, leaving the drafts substantively unchanged after the consultation process. The Draft Law on Integrated Prevention and Control of the Environment Pollution is one of the examples where public consultation outcomes had little to no impact on the subsequent version of the draft text.[49] A similar pattern was also observed during the consultations on the Draft Law on Greenhouse Gas Emissions Tax.[50] While the Aarhus Convention does not require the relevant authority to accept every single public objection, it does require that the results of public participation be taken into account during the decision-making process. This means that objections should be thoroughly evaluated and addressed with a clear, reasoned response, rather than merely being checked off as a formality in the consultation report.

The fact that public participation is a mere formality for the competent authorities of the Republic of Serbia is best demonstrated by cases where project works begin before the environmental impact assessment procedure is finalized. Accordingly, on June 8, 2026, the City of Belgrade issued a construction permit for preparatory works preceding the construction of the Belgrade Aquarium, even though the decision-making process regarding the need for an environmental impact assessment for this project had not yet been concluded. Decision-makers justified this by claiming that the preparatory works are not part of the Aquarium construction project. However, this conclusion lacks both legal and logical backing, as these works serve no independent purpose and are entirely intrinsic to the project. The decision by the Secretariat for Environmental Protection of the City of Belgrade dated July 1, 2026, stating

49 Report on the Conducted Public Consultations on the Draft Law on Integrated Prevention and Control of the Environment Pollution, https://www.ekologija.gov.rs/informacije-od-javnog-znacaja/izvestaji-sa-javnih-rasprava/izvestaj-o-sprovedenim-javnim-konsultacijama-o-nacrtu-zakona-o-integrisanom-sprecavanju-i-kontroli-zagadjivanja-zivotne-sredine.

50 Report on the Conducted Public Consultation on the Draft Law on Greenhouse Gas Emissions Tax, available at: https://www.mfin.gov.rs/sr/propisi-1/javna-rasprava-o-nacrtu-zakona-o-porezu-na-emisije-gasova-sa-efektom-staklene-bate-1.

that the construction of the Aquarium does not require an environmental impact assessment, further shows that public participation has only a formal and declarative role. This project is planned in one of the rare preserved green oases in the urban core, within the Zone III water source protection area, in the immediate vicinity of protected areas and the ecologically significant corridor of the Danube River (specifically 40 meters from the Danube riverbank itself). When making its decision, the competent authority completely disregarded the cumulative effects of the project, even though available urban plans clearly show that the Aquarium is planned alongside several highly significant projects within Ušće Park itself. A similar pattern is evident in the project for tailings disposal from the Severni Revir open-pit mine in Majdanpek, during which the project proponent's representative confirmed citizens' claims at the public hearing that works on the site in question were already underway.[51] Conducting an environmental impact assessment after a project has already commenced runs entirely counter to its preventive purpose and prevents the public from contributing in a timely manner to the evaluation of alternatives, the assessment of potential consequences, and the determination of protective measures.

The strategic environmental assessment is also bypassed through alternative means. Complex projects are broken down into individual facilities and stages, which are then planned and approved separately from one another. This artificially narrows the scope of the project and prevents the consideration of reasonable solutions, as well as the overall impacts and consequences of the entire undertaking. The example of the Čukaru Peki mine expansion shows that certain facilities, such as the new flotation facility, are planned through urban development projects, with construction commencing before the adoption of the spatial plan of the special purpose area and the strategic environmental assessment.[52] This order of events seriously undermines the purpose of public participation, as the public is engaged only after key decisions have been made and construction of certain segments has already started. Consequently, the public is deprived of any real opportunity to influence or modify the planned solutions through their

51 Environmental Impact Assesssment Study of the Supplementary Severni Revir Open-Pit Mine Tailings Disposal Project, available at: https://www.majdanpekinfo.rs/wp-content/uploads/2026/07/SoPU-DRP-odlaganja-jalovine-iz-PK-Severni-revir.pdf.

52 Expansion of the Čukaru Peki Mine: How to Build a Mine When an Investor Runs Out of Patience, available at: https://core-psd.org/index.php/blog-1/sirenje-rudnika-cukaru-peki-kako-se-gradi-rudnik-kada-investitoru-ponestane-strpljenja.

comments. A similar pattern is observed in the planning of the Malka Golaja mine, where everything points to operations starting prior to the adoption of the spatial plan and the assessment of the overall impacts of the planned activities.

Environmental Protection Inspectorate

According to data from the 2026 Inspection Supervision Plan, the Environmental Supervision and Preventive Action Department within the Ministry of Environmental Protection lacks nearly one-third of the required staff for the position of the national environmental inspector (while the Rulebook on Internal Organization and Job Classification provides for 86 positions, only 58 inspectors are currently deployed). Almost half of these national environmental inspectors are based in Belgrade (27), while the remaining inspectors are distributed across 17 locations throughout the Republic of Serbia: in Šabac (2), Užice (3), Nova Varoš (1), Kraljevo (2), Čačak (1), Novi Pazar (1), Kragujevac (1), Batočina (1), Požarevac (1), Smederevo (1), Zaječar (1), Niš (7), Pirot (2), Leskovac (1), Vranje (4), Kosovska Mitrovica (1) and Šid (1).

The 2025 Annual Report on the Work of the Environmental Supervision and Preventive Action Department is not available on the Ministry's website, with the latest available report being for the year 2024. Under the Inspection Supervision Plan of the Environmental Protection Inspectorate, the objective of the environmental protection inspectorate for 2024 was a more efficient enforcement of regulations in the field of environmental protection, with the following performance indicators:

Indicator 1: Percentage of completed inspections envisaged by annual inspection work plans and operational work plans. The target value in 2024 was 90%.

Indicator 2: Percentage of inspections with no detected irregularities. The target value in 2024 was 80%.

Based on the 2024 Report on the Work of the Environmental Supervision and Preventive Action Department,[53] it is impossible to conclusively determine

53 https://www.ekologija.gov.rs/sites/default/files/inline-files/Godi%C5%A1nji%20Izve%C5%A1taj%20o%20radu%20za%202024%20god%20%20Inspekcija%20zzs.pdf

whether these target values have been met, even though the report states a 100% plan fulfillment rate for most areas. According to the fields of activity, the report presents the following data:

- Soil protection and unsanitary landfills control – a total of 21 inspections
- Noise protection – 14 inspections
- Protection against non-ionizing radiation – 24 inspections
- Integrated pollution and protection from pollution – 658 inspections
- Protection against chemical accidents / Seveso – 137 inspections
- Chemicals and biocidal products – 184 inspections
- Waste management, cross-border movement and special streams: 504 inspections
- Nature protection – 509 inspections
- IPARD – 258 inspections

One of the key mechanisms for enforcing environmental regulations is the extraordinary inspection, which should enable a rapid response when there are indications of irregularities and threats to human health, property, and the environment. Practice, however, shows that citizens' requests often do not lead to such control being initiated in a timely manner. The residents of Krivelj called for an extraordinary inspection over suspected unauthorized exploitation and the expansion of the Veliki Krivelj open-pit mine, as well as damage to the local cemetery caused by blasting, including the collapse of tombstones and the opening of graves, but their request was not acted upon even after an urgent reminder and a formal complaint.[54] A similar situation occurred regarding the request filed by the residents of Slatina concerning air pollution and irregularities in emissions monitoring. It took three months for the inspectorate to even announce an inspection, and the citizens subsequently did not receive any information about its execution, findings, or any measures

54 The residents of Krivelj submitted a request for an extraordinary inspection to the Ministry of Mining and Energy on February 17, 2026.

taken.[55] The issue persists even when an irregularity has been established; for instance, in the case of the lime factory in Zagrađe, the only measure issued was a temporary suspension of operations until the necessary permit is obtained, without initiating any punitive proceedings.[56] An additional hurdle lies in the fact that during the inspection procedure, the status of a party is granted neither to organizations acting in the public interest nor to citizens directly affected by mining activities, thereby denying them access to case files, participation in the evidentiary proceedings, and the use of legal remedies.[57]

Access to Information of Public Importance

Commissioner for Information of Public Importance and Personal Data Protection

During 2025, the Commissioner handled 21,104 active complaints, and a total of 24,875 cases were opened – the data speaks for itself regarding the workload of this Office. The Commissioner's annual report shows that exercising the right to access information of public importance continues to be accompanied by a number of serious problems. One of them is a consequence of the Administrative Court's change of stance in 2022 regarding the reimbursement of legal representation costs, which has triggered widespread abuse of the appeals process and further burdened the system designed to protect access to information.[58] However, the issues extend beyond the sheer volume of cases; they also involve the withholding of information of public interest, such as data on

55 The residents of Slatina submitted a request for an extraordinary inspection to the Ministry of Environmental Protection in March 2026, and the inspectorate provided its response in June 2026 (Letter by the Ministry of Environmental Protection no. 002287198 2026 14850 008 012 383 of June 1, 2026).

56 Letter by the Ministry of Public Administration and Local Self-Government no. 001243835 2025 14800 010 004 070 002 of June 9, 2025.

57 Decisions by the Ministry of Mining and Energy no. 001831532 2025 14820 007 003 070 001 of May 29, 2025, and no. 210-02-310-02-533/2018 of June 19, 2025.

58 Commissioner for Information of Public Importance and Personal Data Protection, 2025 Annual Report, Belgrade, 2026. Available at: https://poverenik.rs/h-content/uploads/2026/03/godisnji-izvestaj-2025-poverenik.pdf

environmental protection, capital projects, and the spending of public money. The most frequent grounds for rejecting requests include privacy protection (38.2%), claims that the information is not of public importance (28.3%) and trade secret protection (14.3%), whereby the Commissioner pointed out in multiple cases that the explanations given for withholding information were inadequate.

Although the law prescribes an urgent 48-hour deadline to process requests related to environmental information, as many as 3.3% of the Commissioner's unenforced decisions pertained precisely to this area. This reflects a lack of awareness among public authorities regarding the importance of timely public information on matters directly affecting citizens' health and the state of the environment.

Out of a total of 24,875 cases initiated in 2025, the majority of complaints concerned violations of the right to access information of public importance. The Commissioner's Office received 8,802 complaints during that year, representing a 19.4% decrease compared to the previous year, while 12,302 complaints were carried over from the prior period as pending. In total, including cases from the previous year, the Commissioner handled 34,002 cases in the field of free access to information, of which nearly half (16,602) were resolved. The largest number of appeals was submitted by citizens and lawyers (82.64%), followed by civil society organizations (5.91%) and journalists (1.99%). Out of the 9,817 appeals resolved by the Commissioner in 2025, more than half (56.31%) related to cases where public authorities completely ignored requests from applicants (the so-called administrative silence). The remaining appeals concerned cases where public authorities rejected the requests as unfounded, provided an incomplete response, or similar.

Data for 2025 indicates that in a large number of cases, citizens had justified grounds to file complaints with the Commissioner. Out of the total number of complaints, 44.62% were well-founded. At the same time, out of 4,380 well-founded complaints, as many as 2,133 proceedings (48.7%) were suspended because the authorities subsequently acted upon the applicant's request after being notified of the complaint and asked to respond. In 248 cases, the

applicants themselves later withdrew their further appeals. A comparison of data for 2024 and 2025 shows that access to information has remained essentially unchanged. The percentage of well-founded complaints fell from 47.65% in 2024 to 44.62% in 2025. Although a slight decline was recorded, the fact remains that even in 2025, citizens frequently encountered obstacles when trying to exercise their right to access information of public importance.

According to official data, environmental protection was the third most requested information category in 2025, with 1,616 recorded requests. Yet, when citizens are not satisfied with the initial response and turn to the Commissioner, the picture changes: only 2.41% of resolved appeals (237) relate to environmental information. More concerning still is that one out of every 30 unenforced decisions by the Commissioner (3.3%) falls into this exact category. This is particularly critical given that the law mandates an urgent 48-hour deadline for acting upon environmental information requests. In other words, public authorities not only delay their responses, but frequently fail to deliver the requested data concerning matters of direct significance to public health and the state of the environment even after the Commissioner's order.

Criminal Acts Against the Environment

According to the 2023 Report on the Work of the Public Prosecutor's Offices on the Suppression of Crime and Protection of Constitutionality and Legality,[59] reports were filed against 1,399 persons for criminal offenses against the environment. An increase in the number of reports compared to the previous year was recorded for criminal offenses such as illegal hunting, negligent provision of veterinary care, killing and abuse of animals, violation of the right to information on the state of the environment, import of hazardous substances into Serbia, unauthorized processing, disposal and storage of hazardous substances, as well as for the criminal offense of environmental damage.
For other criminal offenses, a decrease in the number of reports was recorded compared to the previous year, with particularly notable data showing that 767 individuals were reported for the criminal offense of timber theft, which

59 Supreme Public Prosecution Office: 2024 Report on the Work of the Public Prosecutor's Office on the Suppression of Crime and Protection of Constitutionality and Legality, available at: http://www.vrhovnojt.gov.rs/docs/Izvestaj-VrhJT-za-2024-godinu.pdf

is 212 fewer than the previous year, while 31 individuals were reported for the offense of environmental pollution, marking a decrease of 172 comparing to the previous year. Judicial practice, however, reveals a deeper problem. Since the adoption of the Law on the Liability of Legal Entities for Criminal Offenses in 2008, no criminal proceedings have been instituted against companies in their capacity as legal entities for offenses against the environment. Even though environmental pollution is one of the most serious criminal offenses in this field and directly linked to the operations of the largest companies in the Republic of Serbia, judicial practice only changed in 2024. This occurred following the first criminal proceedings against the company Serbia Zijin Copper, resulting in a conviction.[60] On appeal, the second-instance court reversed the judgment and remanded the case to the first-instance court for a retrial. Following the retrial, the company was once again found guilty of the criminal offense of environmental pollution, and the case is currently under appeal.

Acting upon Reports Related to Economic Offenses under the Law on Environmental Protection, the Law on Nature Protection, the Law on Air Protection and the Law on Chemicals

In 2024, the number of reports concerning economic offenses in the field of environmental protection remained consistent, with a total of 49 new reports filed and a total of 76 cases handled by prosecution offices, including unresolved cases from previous periods. Although the number of reports has remained stable compared to previous years, it still highlights an extremely low inflow of proceedings relative to the actual environmental situation, as evidenced by numerous reports of air, water and soil pollution. The low number of reports against business entities raises concerns about the capacity of inspection and supervision bodies to identify and report such economic offenses.

Most reports were related to non-compliance with prescribed protection measures during the operation of industrial facilities, as well as the prolonged an improper storage of hazardous substances. Out of the total number of cases, 89 individuals (both legal entities and responsible persons) were indicted, indicating a certain level of prosecution. However, the low number of convictions

60 Judgment by the Basic Court in Bor K 19/2024 of September 3, 2024.

(23 of which were suspended sentences), and the fact that only one appeal was resolved in favor of the prosecution, point to the conclusion that penal policies remain lenient.

Financing

Financing in the field of Horizontal Legislation is covered in more detail in the chapter Financing in the Field of Environmental Protection and Climate Change.

Recommendations

Strategic and Legislative Framework

1. Improve the quality of the processes of the Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA). Organize a public consultation and involve stakeholders in drafting the remaining by-laws, particularly those relating to screening, scope, and content of the environmental impact assessment study.
2. Amend the Regulation on List I and List II to ensure full alignment with Article 5 of the Law and the purpose of Directive 2011/92/EU. Note: The new Regulation on List I and List II was adopted in November 2025. However, the manner in which quantitative thresholds for certain List II projects are determined and applied leaves open the possibility that projects with potentially significant environmental impacts remain excluded from the screening procedure, thereby calling into question the compliance of this mechanism with Article 5 of the Law and the underlying purpose of Directive 2011/92/EU.
3. Amend the Law on Environmental Impact Assessment by removing Article 6.

Implementation of Regulations

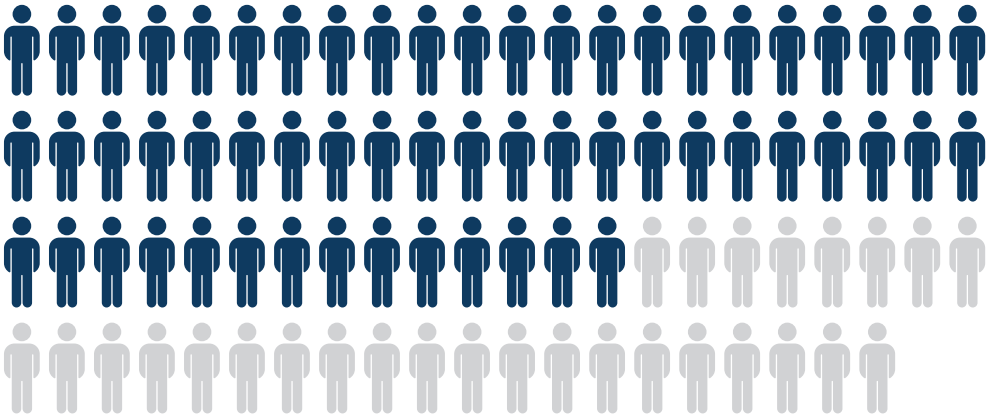
4. Ensure transparent and timely information to the public regarding public consultations through enhanced online notification systems. Improve the operation of the e-Consultations portal to make it user-friendly and adapted for the average internet user (providing easy access to documents and clear information about the start, duration, and venue of public consultations, etc.)

5. Ensure the inclusion of a cumulative impact assessment in environmental impact assessment studies.

6. Tighten the penal provisions prescribed by the Law on Environmental Protection for economic offenses, including those committed by legal entities, entrepreneurs and individuals, as well as for responsible persons within administrative bodies, local self-government units or organizations exercising public authority. Consistently apply the Law on the Liability of Legal Entities for Criminal Offenses (Official Gazette of RS, no. 97/08) and the provisions of the Criminal Code (Official Gazette of RS, no. 94/2024) relating to environmental crimes and environmental pollution.

HORIZONTAL LEGISLATION

The Environmental Protection Inspectorate is understaffed by nearly one-third of its required inspectors.



The staffing plan provides for

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NATIONAL ENVIRONMENTAL INSPECTORS

Only **58** positions are currently filled, leaving **28** vacancies.

Of the **58** inspectors,

27 ARE **BASED IN BELGRADE,**

while the remaining

31 ARE DISTRIBUTED **ACROSS 17 locations outside Belgrade**