

Standard Summary Project Fiche – IPA centralised programmes

Project Number 18: Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishing the EMAS system

1 BASIC INFORMATION

1.1 CRIS Number: 2011/022-585

1.2 Title: Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishing the EMAS system

1.3 ELARG statistical code: 03.27 European Standards. Environment

1.4 Location: Republic of Serbia

Implementing arrangements:

1.5 Contracting Authority: EU Delegation to the Republic of Serbia

1.6 Implementing Agency: EU Delegation to the Republic of Serbia

1.7 Beneficiary (including details of project manager)

Ministry: Ministry of Environment and Spatial Planning (MESP)

Departments: IPPC, Risk Management and Cleaner Production

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Steering committee (SC): the Senior Programming Officer, Assistant Minister Nebojsa Pokimica, will chair this. All relevant stakeholder representatives are invited and it will provide advice and guidance on policy matters. It will be responsible for the monitoring and evaluation of the project. The SC will meet at least every 3 months. A PMU will assist guidance of project implementation.

Other stakeholders and beneficiaries are: Ministry of Agriculture, Forestry and Water Management (Water Directorate), Ministry of Interior, Ministry of Labour and Social

Policy, Ministry of Finance, Accreditation Body, Chamber of Commerce, SEPA, relevant authorities at province and municipal level.

Finance

- 1.8 Overall cost:** 3 M€
- 1.9 EU contribution:** 3 M€
- 1.10 Final date for contracting:** 2 years after the signature of the Financing Agreement (FA)
- 1.11 Final date for execution of contracts:** 4 years after the signature of the FA
- 1.12 Final date for disbursements:** 5 years after the signature of the FA

2 OVERALL OBJECTIVE AND PROJECT PURPOSE

2.1 Overall Objective:

Assist the Ministry of Environment and Spatial Planning (MESP) in the process of implementation of the environmental legislation on IPPC, Seveso II Directive and the Eco-Management and Audit Scheme (EMAS).

2.2 Project purpose:

Build and enhance capacity for enforcement of regulations aligned with the EU Environmental Directives, specifically for Industrial Pollution Prevention and Control (IPPC), prevention of chemical accidents and the EMAS.

2.3 Link with AP/NPAA / EP/ SAA

The Council Decision of 18th February 2008 on the principles, priorities and conditions in the **European Partnership** contains, in the Short-Term Priorities sectoral policies a section on the Environment, which seeks to:

- Accelerate approximation of legislation and standards to the EU acquis. Ensure full implementation and enforcement of legislation approximated to the EU legislation. Strengthen further the administrative capacity of environmental institutions at national and local level.

The **SAA** Article 111 states that: “The Parties shall develop and strengthen their cooperation in the environmental field with the vital task of halting further degradation and start improving the environmental situation with the aim of sustainable development.

The parties shall establish cooperation with the aim of strengthening administrative structures and procedures to ensure strategic planning of environment issues and coordination between relevant actors and shall focus on the alignment of Serbia’s legislation to the EU *acquis*.

Cooperation could also centre on the development of strategies to significantly reduce local, regional and trans-boundary air and water pollution, to establish a framework for efficient, clean, sustainable and renewable production and consumption of energy, and to execute environmental impact assessment and strategic environmental assessment.”

The 2010 Serbia Progress Report outlines that, on industrial pollution control and risk management there has been some progress. The process of implementing industrial pollution prevention and control legislation has started with the first applications received from existing installations in the cement industry as well as from a new installation for pesticide production. The list of installations which will have to comply with the *acquis* before 2015 is being revised. Good progress can be reported on **chemicals**. The Chemicals Agency, a regulatory and implementation body dealing with biocidal products and chemicals became operational. As regards administrative capacity there was little progress. Further training was provided to the environmental protection inspectorates. The Environmental Protection Agency remains fully operational and its performance is improving. The Environmental Protection Fund continues to be active. However, it still lacks the capacity to ensure proper implementation of the integrated monitoring strategy. Budgetary resources for environmental protection remain low. The institutional capacity needs to be strengthened, especially at local level. Better coordination with the central level as well as further enforcement remain necessary.

Overall, Serbia is moderately advanced in the area of environmental protection towards fulfilling the European standards. The capacity to implement and enforce legislation remains to be strengthened.

2.4 Link with MIPD¹

The project 'Law Enforcement in the Field of Control of Industrial Pollution, Prevention of Chemical Accidents and establishing the EMAS System in Serbia' falls under the Environment and Energy sector. Its objective is to help Serbia align with the EU environmental *acquis*, improve the environmental infrastructure, to enhance the MESP's capability to manage its responsibilities in relation to IPPC, chemical accident prevention and overall environmental management.

2.5 Link with National Development Plan (where applicable) N/A

2.6 Link with national / sectoral plans

National Programme for Environment protection (2010-2019)

Short-term priorities (2010-2014):

- Build institutional capacity for implementation of national regulations in the field of accident protection

Continuous objectives (2010-2019):

- Establish and to develop system for risk management and response to chemical accidents at all levels
- Introduce integrated permitting system for industrial installations in accordance with the Law on Integrated Pollution Prevention and Control

¹ Multi-Annual Indicative Planning Document

This project addresses several objectives highlighted in the **National Programme for Integration with the European Union – NPI (2010-2012)**:

(December 2009, chapter 3.27. 7 Environment /Control of industrial pollution and risk management)

Priority for 2011:

- Establish EMAS council and EMAS secretariat by the end of 2011
- Adopt bylaw establishing mechanisms for implementation of the Regulation 761/2001
- Build a system for informing and managing chemical accidents so that the Seveso II Directive is implemented.

3 DESCRIPTION OF PROJECT

This project is designed to enhance the MESP's capability to manage its responsibilities in relation to IPPC, chemical accident prevention and overall environmental management. To do this the project addresses capacity issues at national, regional and local levels and engages with businesses and the public to take a holistic and integrated approach to environmental management. It also assists both the MESP and selected companies in the adoption of Eco-Management and Audit Scheme (EMAS).

3.1 Background and justification:

General background

Environmental pollution is caused by outdated technology, and inefficient use of energy, raw materials and resources, deficient technological processes and inadequate management of industrial waste (including hazardous waste). Inadequate management and storage of chemicals and solvents, including hazardous materials, can cause chemical accident unless strictly controlled by regulation. Industrial activities are major sources of pollution and the European Union has adopted a series of mandatory and voluntary instruments to tackle it. Including IPPC, Seveso II and EMAS.

These instruments provide an integrated and holistic approach to environmental management; each has its particular aims and objectives. The IPPC Directive emphasises pollution control by focussing on Best Available Techniques (BAT) and technical processes. The Seveso II Directive focuses on the risks and consequences of major accidents for man and the environment. The EIA Directive lists the factors to be considered in assessing the impacts on the environment in an EIA environmental report², whilst EMAS provides enterprises with a tool to manage their environmental responsibilities. Despite these differences, there is an obvious synergy between them and a collective approach to their application has considerable administrative benefits.

Because of the impacts of industrial pollution on the citizens and on their living and working environment, pro-active public and worker participation and dissemination of information are major element of the legislative processes covering IPPC, Seveso and EMAS. While IPPC and Seveso II are statutory instruments, EMAS is a voluntary instrument. An EMAS

² The scope of the information required under the EIA procedure is the widest and encapsulates the documentation required under the other Directives.

statement demonstrates an enterprise's continuous improvement in its environmental performance at a site or company level. To ensure consistency and quality, these reports need to be validated - a responsibility, which rests with a competent body.

State of Play in Serbia

Serbia has harmonized its legislation substantially with the provisions of the EU *acquis* as regards Industrial Pollution Prevention and Control and Chemical Accidents Prevention and has commenced implementation. Basic legislative provisions for EMAS are equally in place.

The current state of play in the three thematic areas concerned is as follows:

Integrated Pollution Prevention and Control (IPPC)

The Law on Integrated Environmental Pollution Prevention and Control (Official Gazette RS No. 135/04) introduced the IPPC system; this complies with the EU Directive (96/61/EC)³. Seven supporting bylaws were adopted. The Serbian legislation is now almost entirely in compliance with the IPPC Directive 2008/1/EC, together with its bylaws, however, the national IPPC legislation will need to be amended whenever the proposed new EU Directive on Industrial Emissions (IE Directive) comes into force. This new consolidated Directive will have to be transposed into national legislation therefore, project activity 1.2 is important. Responsibility for issuing integrated permits rests with the MESP (Department for Integrated Permits), the Provincial Secretariat for Environmental Protection and units of local government bodies in charge of environmental protection. According to the IPPC Law, these bodies shall grant the permit for installations or activities for which the permit or consent for construction and commencement of operation or execution of activities were issued by another competent Ministry, the competent provincial authority and competent local self-government authorities, pursuant to the Law on Planning and Construction.

Local government bodies are responsible for the categories of industrial activities subject to the IPPC Law, as described in its Annex III.

Currently, within local government there are neither organizational units in charge of integrated permit issuance, nor administration employees working on implementation of the IPPC Law, except in the municipality of Belgrade.

It is therefore the Department for Integrated Permits within the MESP which will for now take over integrated permit applications submitted to the local government authorities. The local authorities will undertake their full responsibilities within the IPPC Law as soon as they set up their institutional organization and strengthen capacities in order to be able to conduct IPPC permitting procedure.

The process of strengthening the capacities at local level has already started and will continue within other projects, enabling the local authorities to carry out IPPC permit issuance procedures in due time. In 2009 the MESP Working Group for IPPC revised the Preliminary List of Existing Installations obliged to obtain integrated permits. Currently, there are 177 installations covered by the IPPC Law, pursuant to the Decree on type of activities and installations that the integrated permit shall be granted for (Official Gazette of the RS, No. 84/2005). Distribution of existing IPPC installations by Districts is listed in the Annex III.

³ Directive (96/61/EC) has been replaced by the codified version EU Directive 2008/1/EC.

The bylaw on the determination of integrated permit application submission dynamics programme (Official Gazette of the RS, No. 65/2008) regulates a developed formal national phasing-in plan, with different sectors to submit permit applications in different years (periods). This bylaw, adopted in November 2008, defines the order of submission of applications for different industrial Sectors to be completed by the beginning of 2014. Existing installations must obtain an integrated permit not later than 2015, pursuant to the IPPC Law. The bylaw prescribes the latest deadlines for permit application submission, however, operators can submit their applications earlier than by the prescribed deadlines. The order in which permit applications are expected to be submitted is listed in the Annex III.

The greatest number of integrated permit applications is expected to be submitted between 2011 – 2013.

Following the order prescribed by the bylaw mentioned above, 14 integrated permit applications have been submitted to MESP from existing installations from the mineral industry, namely the ceramic industry by the beginning of December 2010. Most of the 14 applications are incomplete, only a few are fully completed with all the documentation required. One application from a new installation for pesticide production, was submitted to the Secretariat for Environmental Protection and Sustainable Development of Vojvodina.

Chemical Accidents (Seveso II) - Prevention, Preparedness and Response

The provisions of the Seveso II (Directive 96/82/EC) are fully transposed in the Serbian Law on Environmental Protection, which created the conditions for making 3 by-laws⁴, adopted in the second quarter (June) of 2010. Implementation of the Law on Environmental Protection and by-laws is at the phase of collecting data from the operators. By the end of 2010 the operators have an obligation to submit formatted data to the MESP, which will subsequently analyse, quality check and validate the data. The data collected will serve as a basis for the identification of hazardous activities. This mechanism will allow elaboration and validation of a list with hazardous activities in accordance with national legislation as well as with Seveso II. The preliminary Seveso II list, which was issued in 2008 in order to identify sites that represent the greatest potential risks of chemical accidents, will be revised (at the moment there are 131 installations that are recognized as Seveso installations; many of them are also on the IPPC list). The Seveso II Directive requires the implementation of two kinds of procedures, depending on the quantities of hazardous substances used by operators. In the first procedure, operators are obliged to prepare a Safety Report and Emergency Plan that should be submitted to the Ministry of Environment and Spatial Planning - MESP (Group for Risk Management) for approval. Operators are obliged to submit Safety Reports and Emergency Plans by the end of 2011. Currently, 4 employees work within the Group for Risk Management, which is responsible for review of documents, organisation of the technical commission, participation in the work of the technical commission and approval of the Safety Reports and Emergency Plans. In accordance with the Law on Environmental Protection and the Law on Emergencies, local self-government units shall also prepare external emergency plans that take into account the operations of enterprises in their areas in accordance with submitted Safety Reports and Emergency Plans. The Ministry of Interior is the competent authority for these external emergency plans. For the second procedures, operators shall prepare an Accident Prevention Policy (APP), but this does not have to be submitted to the

⁴ The by-laws cover: Rulebook on the content and methodology on Accident prevention policy, Safety Report and Emergency Plan, Rulebook on the content of notification and Rulebook on the list of dangerous substances and their quantities.

MESP for approval as it is controlled during regular inspection visits. Operators are obliged to elaborate the APP by the June 2011.

Good quality Safety Reports, Emergency Plans and Accident Prevention Policies are a prerequisite for the prevention of chemical accidents. Safety Reports and Emergency Plans will be a part of IPPC documentation that operators must submit to their relevant competent authority.

EMAS (Voluntary system)

The environmental protection Law (Official Gazette RS No. 135/04; 36/09) prescribes that a legal and natural entity may be registered for an environmental management system (article 44) or get involved in the EU Eco-Management and Audit Scheme - EMAS. EMAS registration shall be carried out based on the request from the legal and natural entity submitted to MESP (responsibility of Group for standards and cleaner production), as the National competent body.

The MESP has been responsible for the registration of companies in EMAS since 2004 (article 45 and 47 of the Law on Environmental Protection), however, none of these companies have been registered to date in the absence of bylaws which according to the Serbian National Programme for Integration should be functional by the end of 2012. This implies that companies can become officially EMAS registered by the end of 2012 at the earliest. Currently efforts are underway to have this legislation in place earlier, notably awaiting the completion by the European Commission of guidance determining the participation of non EU countries in "Global EMAS". After the guidance has been completed, each Member State will decide individually if they want to provide the possibility for EMAS Global registrations from third countries.

The Group for Standards and Cleaner Production was authorised as the competent authority for implementation of the National Eco Labelling system in Serbia in 2009. As the National experts in cleaner production, this Group is responsible for the implementation of the Cleaner Production Strategy in Serbia that was adopted in 2009. Other future EMAS stakeholders include the Accreditation Body of Serbia (ATS), the Serbian Chamber of Commerce and other economic organisations.

ATS is a national accreditation body appointed pursuant to Article 4 of Regulation (EC) No 765/2008. The ATS is responsible for accreditation and supervision of environmental verifiers; It is the sole accreditation body in the Republic of Serbia that was delegated the performance of the accreditation activities by means of the Law on Accreditation. The ATS is an institution and was registered as such. The ATS is currently not deemed competent to accredit EMAS environmental verifiers in accordance with Regulation (EC) No 1221/2009.

Justification

IPPC

A difficulty in implementing the IPPC Law is insufficient experience of all participants in the process of preparing applications and issuing integrated permits; this includes employees in the competent authorities as well as those in installations subjected to the law.

This project aims to support IPPC staff in the Department for Integrated Permits to improve their competence in the IPPC permit issuance procedure. Eight employees in this Department will be responsible for the issuance of IPPC permits and related activities. The largest number of IPPC permit applications is expected to be submitted between 2011 and 2013 subject to good cooperation between the competent authorities and the activity operators in accordance with the IPPC Law and bylaw which prescribes the schedule of permit applications submission. The project will support conducting the permitting procedure and building up know-how among IPPC staff through a learning-by-doing approach. Activities planned as part of the IPA 2010 twinning project “Strengthen the Serbian Environmental Inspection and relevant stakeholders” and activities foreseen through this project need to be harmonised, e.g. activities on gap assessment of existing primary and secondary legislation in both projects, with regard to full participation of both permitting and inspection staff. As for training on BREF documents within the IPA 2010 project, it is expected that staff from the statutory authorities for permitting and inspection will be primary target groups.

In order to fill the integrated permit in accordance with the legal deadline, staff in competent authorities as well as relevant operators and their staff need technical assistance. Experience gained from exchanges with foreign experts is of great importance for employees of statutory authorities charged with issuing IPPC permits, as well as for operators in applying BREF-documents, BAT and monitoring, This will be addressed through activity 5.

Seveso II

The main enforcement problem related to reviewing of Safety Reports and Emergency Plans as a part of the Seveso II Directive requirements is the lack of intersectoral cooperation between bodies in charge of chemical accidents in Serbia. A mechanism for an integrated (multidisciplinary) and coordinated approach on prevention of chemical accidents will be incorporated into activity 1. It will integrate all relevant sectors with their designated responsibilities in the field of chemical accidents (MESP, Ministry of Interior, Directorate for Water within Ministry of Agriculture, Forestry and Water Management and Ministry of Labour and Social Policy), in particular in the process of issuing the approvals on Safety Reports and Emergency Plans. Legislation will be drafted through this project.

All proposed activities related to simulation of preparing Safety Reports and Emergency Plans will be conducted according to legislation, which is in force at that moment.

There is a need to develop the skills for enforcing national legislation in the area of Seveso II; this capacity building is required for both operators and competent authorities. Training planned as part of this project (activity 2.2), will build up the capacities of both operators and competent authorities. Training and capacity building for inspectors will be undertaken under the 2010 Environmental Inspection twinning project.

The tasks of operators include the preparation of Safety Reports and Emergency Plans; at present the operators' capacities are insufficient. Training activities will target relevant operators and assist selected operators so as to improve the quality of Safety Reports.

Evaluation of drafted Safety Reports and Emergency Plans in compliance with recommendations of activity 1.1 will contribute to building of capacities of public authorities for more effective evaluation Safety Reports and Emergency Plans.

A review of the Seveso II Directive is being prepared; subsequently national legislation and byelaws will need to be revised (see activity 1.1 gap assessments).

EMAS

EMAS registration has not been obtained by any organisation in Serbia. There are two crucial problems in this field; first and as highlighted above, the lack of bylaw covering EMAS and second, the lack of accredited EMAS verifiers in the country⁵. This second problem may lead to higher costs if a company wants to be EMAS certified. Although EMAS certification is on a voluntary basis, bylaws are required to codify the process in accordance with National legislation and the new EMAS regulation 1221/2009. This provides, amongst others, an opportunity for non-EU based companies to be certified by an EU Member State based Competent Body.

There is little or no experience with EMAS in Serbia; it would be helpful if one of the EU Member States could mentor the MESP in the adoption of EMAS – for instance, through the MESP's involvement in the EU Forum of Competent Bodies. In the interim period, companies need assistance to become part of EMAS. Both the MESP and companies need to have an insight into the process, the necessary requirements and clear steps and documentation. Technical assistance is required in three areas: first, to advise companies on how to apply EMAS and gain certification, second to train future verifiers, and third the MESP needs guidance on how to complete the legislative and overall institutional framework and manage the registration process. At present there is no hard data about interested economic organisations and therefore a market analysis to this effect is required.

Therefore, this project will amongst others assist organizations prepare for EMAS, the EMAS bylaw adopted with the aim of preparing domestic organizations for EMAS registration and the MESP involvement in the EU Forum of Competent Bodies.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

Impact:

The results of the project will contribute to Serbia fulfilling EU environmental requirements in critical areas of environmental permitting and management, leading to better defined and more refined and organised monitoring, control and enforcement systems which in turn will make a contribution to achieving the broader objectives of sustainable development and improve, in the medium and longer term, the quality of life for citizens.

Impact will be verifiable at several levels. Firstly, full compliance with EU legislative requirements coupled with an optimised operational framework including improved capacity at all levels. This will accelerate and stimulate applicable environmental protection programmes and enable both operators and the competent authorities to implement underlying legislation competently and more swiftly.

Effective application of IPPC, Seveso and EMAS legislation will have a direct positive impact on the environment through reduced emissions, better resource utilization and safety but also stimulate investment and create a market for offering know how and hardware linked to cleaner production and accident prevention and control, for Serbian companies.

⁵ However, There are a large number of accredited ISO 14001 auditors, however, which might represent a good basis for EMAS implementation. There is a lack of accredited EMAS verifiers which are required to check the fulfilment of all the conditions prescribed for legal and natural entities joining or being part of EMAS system. EMAS verifiers's accreditation and control of their activities shall be done in accordance with Law and other regulations referring to accreditation by Accreditation body of Serbia (ATS). One solution is to train the ATS staff to become environmental verifiers, through this project.

Proposed project activities associated with IPPC will contribute to improving the IPPC permitting procedure and meeting the deadlines prescribed by secondary legislation. Best Available Techniques (BAT) which implies the technology used and the way in which the installation is designed, built, managed, maintained, operated and decommissioned, will be applied. It is a key issue for achieving the requirements prescribed by the IPPC Law, which leads to improved operator performance both in environmental and economic terms.

Effective start up of IPPC permitting and EMAS certification under this project is expected to trigger interest and commitment in the industrial community and elsewhere to comply better and faster with both regulatory and voluntary schemes, creating a positive momentum.

By improving the quality of Safety Reports and Emergency Plans of Seveso installations a direct positive impact on prevention of chemical accidents is expected.

Cleaner production promoted through both IPPC and EMAS will in many instances also improve occupational health and enhance competitiveness of the installations and sectors concerned. EMAS, once implemented, will allow Serbian companies to benefit from the competitive advantage this certification offers in specific markets.

Sustainability:

Sustainability is achieved by creating a better understanding of concepts underlying industrial pollution, prevention and control, major-accident hazards prevention and control and EMAS at the level of operators, public administration and the general public. It involves developing methods and models for intra and inter-institutional coordination and communication on environmental permitting, accident prevention and control and strengthening private and public sector capacity in this domain. These are measures that will enhance the prospects of the relevant legal framework being implemented effectively and in a sustainable manner.

Templates developed for IPPC applications and permits, safety reports and emergency plans as well as EMAS registration and certification and accompanying guidelines will be used beyond the scope of this project to standardise and institutionalise procedures and moreover guide capacity building at the level of applicants, permittees and inspectors and other stakeholders. This will result in predictability, transparency and credibility of processes and, through efficiency gains, enhance prospects for sustainability.

One of the main activities of the project is training using a “train the trainers” approach, mentorship and gaining experience in a practical “learning by doing” approach. The project will change training policy, so that training becomes a permanent activity thus strengthening administrative capacity in the longer term.

Much attention will be paid to improving the knowledge of all stakeholders regarding the provisions in law for public participation (and access to information) in implementing the legislation and the introduction of better practises in making use of these provisions. This is expected to result in more transparency and accountability and translate in turn into more credibility, better acceptance and an enhanced recognition of public environmental management.

Increased public awareness at all levels will moreover exert positive pressure to enforce applicable legislation within the timelines prescribed by law and increase the momentum of moving towards compliance with the *acquis*.

3.3 Results and measurable indicators

Result 1

Harmonized national legislation with EU legislation in the field of Seveso II Directive, the Directive on integrated pollution prevention and control and establishment of EMAS certification/registration.

Measurable indicators for reviewing progress include:

- Legal acts from gap assessment reviewed and necessary changes made

Result 2

Enhanced capacities on national level refer to IPPC permitting, on evaluation of safety reporting in compliance with Seveso II and EMAS Certification, on the level of operators/companies (quality of safety reporting, IPPC applications and preparation of documentation needed for EMAS Certification)

Measurable indicators for reviewing progress include:

- Training plan prepared
- 5 trainings and workshops executed for the IPPC (15 participants per workshop)
- 7 trainings and workshops executed for the Seveso II (3 for operators (30 participants per workshop) and 4 for regulatory staff at national level (20 participants per workshop).
- Number of issued certificates for participants of EMAS verification workshop

Result 3

Increased public awareness relates to opportunities for public participation in decision making in procedures concerning the Safety Reports and Emergency Plans and in the IPPC permitting procedure, as well as pro-active public participation in the EMAS certification process.

Measurable indicators for reviewing progress include:

- Number of public campaigns/ debate
- Number of publications, leaflets, guidelines, etc.
- 3 trainings and workshops executed for the EMAS promotion (25 participants per workshop.)

Result 4

Simulation of Safety Reports and Emergency Plans draft prepared within pilot projects in compliance with the Law on environment protection

Measurable indicators for reviewing progress include:

- 3 pilot projects refers to draft Safety Reports and Emergency plans (indicatively : chemical industry, energy sector and oil industry)

Result 5

IPPC permits drafted for industrial installations in compliance with the IPPC Law.

Preparation of a generic “permit template” to expedite the permitting process)

Measurable indicators for reviewing progress include:

- 3 IPPC⁶ permits drafted.

Result 6

Selected companies prepared for future EMAS certification and registration within pilot programmes for process of EMAS certification

Measurable indicators for reviewing progress include:

- At least 3 selected companies from three selected sectors are prepared for certification in EMAS system.

3.4 Activities:

Activities for result 1

- (i.) Gap assessment for implementation on the Seveso II Directive with recommendation for improvement of relevant Law and secondary legislation.
- (ii.) Transposition of amended Seveso II Directive relates to the control of major-accident hazards involving dangerous substances and translation of Seveso II Directive.
- (iii.) Gap assessment for implementation on the Law on IPPC with recommendation for improvement of Law on IPPC and secondary legislation.
- (iv.) Transposition of the New Industrial Emissions Directive into national legislation.
- (v.) Gap assessment for introduction of EMAS regulation transposing EC regulation (1221/2009) with recommendations for improvement and preparation of missing secondary legislation.

Activities for result 2

- (i.) Preparation of training need assessment and training plans for all relevant stakeholders as well as training material (national and local level, province, operators), taking into account trainings in the scope of IPA 2010 projects (MISP and Strengthen the Serbian Environmental Inspection and relevant stakeholders) in order to avoid overlapping.
- (ii.) Organisation of a series of workshops for IPPC, Seveso II & EMAS departments and stakeholders.

⁶ Numbers referring to outputs/indicators are indicative and may ultimately be higher or lower

- (iii.) Organisation of indicatively 5 workshops for IPPC operators, consulting companies to support IPPC operators and EIA Department (if needed also include Group for Air Protection, Waste Management Department)

At least 15 participants should take part in each workshop in accordance with activity 2.1. The topic of these workshops is going to be preparation of IPPC permit applications, specifically: effective use of BREF documents relevant for the targeted industry, determination of BAT, filling in integrated permit applications following the form prescribed by the Regulation on content, appearance and method of filling in an application for granting of an integrated permit.

- (iv.) Organise trainings for, representatives of relevant institutional sectors that are included in the process of issuing approval (Safety reports and Emergency plans) in order to improve knowledge on evaluation of safety reporting and to increase cooperation and coordination between different public authorities.

Possible indicative topics: approaches for the evaluation of safety reports, content and methodologies used in preparation of safety reports, improvement and implementation of checklist on evaluation of safety reports, risk assessment techniques and methodologies for public authorities

- (v.) Organise training for operators on the development of safety reports and emergency plans
- (vi.) Organise training for selected EMAS verifiers in line with Law on accreditation (Official Gazette SCG 44/05)
- (vii.) Organise a study visit to competent bodies in the EU in order to strengthen the capacity of the MESP in the fields of IPPC, Seveso and EMAS (e.g. links with the EU Forum refers to EMAS)

Activities for result 3

- (i.) Prepare target group analysis of public audience (refers to IPPC, Safety reports and Emergency plans) possibly impacted
- (ii.) Prepare and print of promoting materials in order to inform public about their rights, according to Law on environmental protection and Law on IPPC which refers to public participation
- (iii.) Prepare promotional activities (to organize public debate) in the field of Prevention of chemical accident and IPPC
- (iv.) Organize workshops in order to promote EMAS and other voluntary instruments (Eco-label, ISO 14001, Cleaner production) to the organisations

Activities for result 4

- (i.) Review/Develop methodology and criteria (i.e. risk analysis) for selection of target sectors and make selection
- (ii.) Review/Develop methodology and criteria (i.e. risk analysis) for selection of target enterprises and make selection (chemical industry, energy sector and oil industry, indicatively)

- (iii.) Provide assistance to the selected enterprises for the preparation of Safety Reports and Emergency plans

Activities for result 5

- (i.) Provide technical assistance for Implementation of BAT
- (ii.) Translate appropriate BREF documents
- (iii.) For example, 6 BREF horizontal BREF documents and 4 vertical BREF documents: Common Waste Water and Waste Gas Treatment / Management Systems in the Chemical Sector, Industrial Cooling Systems, Economics and Cross-Media Effects, Emissions from Storage, Energy Efficiency, Monitoring Systems; 4 vertical BREF documents: Waste Treatment Industries, Large Volume Organic Chemical Industry, Polymers, Organic Fine Chemicals.
- (iv.) Provide TA to determine conditions prescribed by IPPC law for facilities activities, with determination of emission limit values(ELVs)
- (v.) Provide TA for Monitoring of emissions in selected installations
- (vi.) Provide TA for preparation of draft permit based on submitted applications

Activities for result 6

- (i) Provide market analysis and develop methodologies for at least 3 companies from 3 different industrial sectors
- (ii) Translate of new EMAS regulation
- (iii) Provide TA to chosen enterprises to support the EMAS process

This will be a pilot programme to prepare companies for EMAS certification aimed at three companies from three different industrial sectors. The links between MESP and the Serbian Chamber of Commerce, their database of companies with ISO 14001 will be the basis for selecting companies to participate in the pilot programme. MESP will participate in this pilot programme.

- (iv) Provide TA to the EMAS Department in setting up a Serbian Competent Body.

3.5 Conditionality and sequencing:

Conditionality

There are no preconditions for the execution of this project.

In the case of adoption of new EU legislation relevant to the remit of this project Directive on Industrial Emissions for example, it would be necessary to update current national legislation and implementing legislation as part of the activities linked to result 1.

Sequencing

Gap Assessment can be done in parallel for each area (Seveso, IPPC and EMAS). Based on the outcome of the gap assessment, necessary changes in legislation can be made after the gap assessment process.

Trainings will be done during the entire duration of the project, based on previously done training plan that covers all three areas (EMAS, Seveso and IPPC).

Parallel with the preparation of training plans, analysis of the target groups for raising awareness can start.

Activities related to the results of 4, 5 and 6 will proceed in parallel after finishing activities referred to in result 1.

3.6 Linked activities

Within the ongoing project **Technical Assistance for Preparation of an Environmental Approximation Strategy (EAS), the European Union's IPA 2007 Programme for the Republic of Serbia**, representatives of the Department for IPPC are members of three of six Approximation Working Groups – Industrial Pollution and Noise, Water and Waste, one being the Co-Chair of the Industrial Pollution and Noise Working Group. Together the working groups cover all aspects of the environmental *acquis*. The working groups will form a basis for information exchange, preparation of proposals, documents, and events.. Relevant drafts of project documents will be discussed in the working groups and the groups will also form a platform for training and building capacity in sector specific aspects.

IPA 2008 - Assistance in Implementation of Chemical Management System in Serbia

The planned results will improve the knowledge to enforce chemicals legislation and the understanding of integrated chemicals management system within the Ministry of Environment and Spatial Planning and selected key stakeholders, such as laboratories, chemical industry / industries using chemicals, and scientific-research institutions. In addition, awareness will be raised related to various issues of chemicals safety. It will be established inter-ministerial and inter-sectoral procedures for sharing of data on chemicals. An action plan will be developed that sets up future activities in relation to the integrated chemical management system in Serbia.

IPA 2010 – Strengthening the Serbian Environmental Inspection and Relevant Stakeholders

Project purpose: to improve the capacity and effectiveness of the Serbian Environmental Inspection (EI) at republic, province and local levels and improve cooperation with relevant stakeholders.

Within this project there will be a review of EI's practical experience arising from the preparation of the accompanying byelaws other secondary legislation used in the enforcement of the "green package". The project will pay particular attention to accident investigation with respect to the Seveso Directive and waste management. The project will also prepare, organise and deliver a training programme for EI's core areas: inspection protocol, BREFs (including air, hazardous substances and waste), legal case preparation, at local, provincial and state levels based on a prior skill and needs assessment.

A G2G project financed by the Government of the Kingdom of the Netherlands was implemented in 2009: This project was called the "**Strengthening of capacities in**

implementation of the Law on Integrated Pollution Prevention and Control in Serbia“ and included the simulation of integrated permit application fulfilment and integrated permit issuance for 'Nikola Tesla' thermal power plant in Obrenovac.

The UNDP (United Nations Development Programme) project „**Capacity Building in the Western Balkan Countries**“ was completed in 2009; it covered the simulation of issuing an integrated permit for two installations:

- Regional landfill Duboko, the competent authority for issuing the permit was the Ministry of Environment and Spatial Planning, and
- The DUOCHEM plant for pesticide production, the competent authority for issuing the permit was the environmental secretariat in the Province of Vojvodina.

3.7 Lessons learned

Within the scope of the projects mentioned above in section 3.6 employees of the selected installations and the competent authority's employees responsible for activities prescribed by IPPC law were instructed in the application of BREF documents, determination of BAT, setting up activities pursuant to BAT, and for compliance with monitoring requirements. Practical lessons in the application of IPPC, particularly in terms of the simulated preparation of permits were shared.

Workload MESP

An integrated approach to the environmental requires careful consideration of workloads, both at a permitting and inspection levels. MESP has assessed her needs in this area, but assistance from this project in rationalising and allocating resources efficiently will be important in determining the scale of the training required. A number of factors need to be taken into consideration and below is a list that might be applicable.

- the present number of staff available for environmental permitting and inspection;
- number of IPPC installations per category and their level of compliance with IPPC conditions;
- the present activities carried out by permit writers and inspectors and a solid insight in the time they spend on each of these activities (preferably through a time registration system);
- whether future legislation will change the quantity or quality in tasks;
- how the public administration is currently organised and what the future organisation will look like;
- the level of cooperation among authorities and stakeholder;
- the levels of knowledge and skills of permit writers and inspectors;
- the availability of necessary information;
- the availability of government budgets for staffing;

- the level of knowledge ability and skills of the private sector staff working in the IPPC installations;
- the to be expected productivity level of permitting and inspection staff;
- methodological choices made to do the permitting and inspection work;
- the level of own responsibility given to staff (corporate culture, management style);
- The period allowed the implementation to take place.

In other Western Balkan countries, an indicative indication of the numbers and types of staff is presented below.

<i>Item</i>	<i>based upon:</i>	<i>mandays per years</i>	<i>FTE (Full time employment/year)</i>
Permitting.	200 IPPC installations to be permitted (Every year 40 IPPC installations are permitted or upgraded).	1400 days	Approx. 7
Enforcement	200 IPPC installations to be inspected. Every year 100 installations are inspected	400 days	Approx. 2
Monitoring/training	Approximately 20 mandays on an annual basis for each permit writer	140 days	Approx. 1
Other staff - Legal - Management - Administrative - Overhead	For each permit writer manday we assume in total 0,2 manday for other staff.	280 days	Approx. 1.5
Total		2220 mandays	10.5

(Please note, this calculation only concerns IPPC installations and only permit writing staff !!. Also note that these calculations do not provide any estimate of the staffing needed in other Ministries involved in IPPC nor from the EIA Commission)

A similar estimate needs to be prepared for the Serbian administration, so that appropriate capacity building and training is delivered. It may also be used to design appropriate administrative departments and avoid any unnecessary overlap or duplication in the enforcement procedures associated with these four instruments.

EMAS Program has been drafted within the CARDS 2003 Project „Environmental capacity building measures in Serbia", managed by the European Agency for Reconstruction . Based on the previous Law on Environmental protection Official Gazette No. 135/2004., the EMAS Program is to be established in the Republic of Serbia on the basis of Regulation on the National Program for Implementation of the Eco-Management and Audit Scheme. In the Law on Environmental protection Official Gazette No. 135/2004, the base for implementation of EMAS Program in Republic of Serbia was laid down.

The National EMAS Program is a general document describing the basic relations of environmental management and the role of the individual participating entities in the framework of the EMAS Program. It defines the position and functions of the individual participants in the EMAS Program (the state, enterprises and the general public) and the manner of financing of the Program. This project cleared up specific rights and obligations of the individual entities involved - enterprises that enter the EMAS Program, environmental verifiers, the accreditation authority and the state (administrative authorities).

The training session on evaluation of Safety reports was held in Belgrade on 8-10 February 2010. It was organized within the framework of the implementation phase of the Assistance Programme for the countries of Eastern Europe, Caucasus and Central Asia and South-Eastern Europe pursuant to a decision made by the Conference of the Parties at its fifth meeting (Geneva, 25–27 November 2008; ECE/CP.TEIA/19, paras. 50 (c)(iii) and 78 (i)). The Ministry of

Environment and Spatial Planning of Serbia organized the training session. The objective of the project was to build up the knowledge of public authorities from Croatia, FYR of Macedonia and the Republic of Serbia in evaluating the safety reports (to be prepared by operators of hazardous industrial sites for demonstrating to the authorities safe operations at the sites and for receiving relevant licenses or permits). The project was designed also to provide the basis for future steps to be taken by the countries to improve the quality of safety reporting and evaluation and, through this, enhance the level of industrial safety. The representatives of training-beneficiary countries expressed their satisfaction that the training provided them with much clarification on safety reporting, and clear direction on how to proceed. The representatives of the countries also informed that they would be interested in the next phase within safety evaluation project, which should aim to put in use the checklist during an on-site inspection.

4 INDICATIVE BUDGET (AMOUNTS IN M€)

Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishing the EMAS system			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA EU CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB	INV	EUR (a) = (b) + (c) + (d)	EUR (b)	%	Total EUR (c) = (x) + (y) + (z)	%	Central EUR (x)	Regional / Local EUR (y)	IFIs EUR (z)	EUR (d)	%
Contract 1 Technical Assistance	X		3.00	3.00	100%							
TOTAL IB			3.00	3.00	100%							
TOTAL INV			0.00	0.00	0%							
TOTAL PROJECT			3.00	3.00	100%							

Amount net of VAT

- (1) In the Activity row use “X” to identify whether IB or INV
- (2) Expressed in % of sum of each line of the Total Expenditure (column (a))

5 INDICATIVE IMPLEMENTATION SCHEDULE

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	T+1Q	T+4Q	T+12Q

6 CROSS CUTTING ISSUES

6.1 Equal Opportunity

The programme does not target women specifically, but general improvement in environmental regulations and standards will be beneficial to all citizens, including women.

Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed based on equal access regardless of, racial or ethnic origin, religion or belief, disability and age. Participation will be open to both: female and male personnel. Records on staff participating in training and other project activities (e.g. project progress reports) will reflect this statement.

6.2 Environment

This project directly relates to environmental issues and strengthening environmental aspects of the Serbian legal framework. There is no investment associated with this project and it has no negative effect on environment. It will provide the basis for more efficient work of Serbian environmental inspection.

6.3 Minorities

All minorities and vulnerable groups will benefit from this project, as its impact concerns a clean and safe environment. Vulnerable groups tend to suffer disproportionately from environmental degradation, and will thus benefit disproportionately from their improvement.

ANNEXES

- I. Logframe in Standard Format
- II. Indicative amounts contracted and Disbursed per Quarter over the full duration of Programme
- III. Description of Institutional Framework
- IV. Reference to laws, regulations and strategic documents:
 - Reference list of relevant laws and regulations
 - Reference to AP /NPAA / EP / SAA
 - Reference to MIPD
 - Reference to National Development Plan
 - Reference to national / sectoral investment plans
- V. Details per EU funded contract (where applicable)

ANNEX I: LOGICAL FRAMEWORK MATRIX

LOGFRAME PLANNING MATRIX FOR Project Fiche			
Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishing the EMAS system		Contracting period expires two (2) years after signing of the Financing Agreement	Disbursement period expires five (5) years after signing of the Financing Agreement
		Total budget : 3 M€	IPA budget: 3 M€
OVERALL OBJECTIVE	Objectively verifiable indicators	Sources of Verification	
Assist the Ministry of Environment and Spatial Planning (MESP) in the process of implementation of the environmental legislation on IPPC, Seveso II Directive and EMAS.	MESP capable to manage the permitting process on IPPC and implementation of SEVESO II and EMAS	Annual report of MESP NPI Serbia's Progress report made by EU Commission	
SPECIFIC PROJECT PURPOSE	Objectively verifiable indicators	Sources of Verification	Assumptions
Build and enhance capacity for enforcement of regulations aligned with the EU Environmental Directives, specifically for Industrial Pollution Prevention and Control (IPPC), prevention of chemical accidents and the EMAS.	Administrative capacities on central and local level are in place and function to manage of IPPC, Seveso II & EMAS requirements, by the end of 2013	Serbia's Progress Report made by EU Commission	Government and National Assembly willing to adopt legislation

RESULTS	Objectively verifiable indicators	Sources of Verification	Assumptions
1. Harmonized national legislation with EU legislation in the field of Seveso II Directive, integrated pollution prevention and control and establishment and enforcement of EMAS	Legal acts from gap assessment reviewed and necessary changes made	<ul style="list-style-type: none"> ▪ Project reports ▪ TOC 	Government officials, industry representatives and other relevant stakeholders are interested in improving their knowledge
2. Enhanced capacities on national level refers to IPPC permitting and on evaluation of safety reporting and EMAS Certification, on the level of operators/companies (quality of safety reporting, IPPC applications and preparation of documentation needed for EMAS Certification)	<p>Training plan prepared</p> <p>5 training and workshops executed for the IPPC (15 participants per workshop)</p> <p>7 training and workshops executed for the SEVESO (3 for operators (30 participants per workshop.) 4 for national level (20 participants per workshop)</p> <p>Number of certificates issued for participants of EMAS verification workshop</p>	<ul style="list-style-type: none"> ▪ Project report ▪ Printed training material ▪ Participant training list ▪ Training reports ▪ Register of Accreditation body 	Government officials, industry representatives and other relevant stakeholders are interested in improving their knowledge
3. Increased public awareness relates to opportunities for public participation in decision making in procedures concerning Safety reports and Emergency plans as well as IPPC permitting, and informed concerned public about opportunities of certification in EMAS. The awareness raising activities for EMAS will be useful after the administrative system is completely lined up and ready to handle concrete requests from organisations for EMAS registration.	<p>Number of public campaigns/ debate,</p> <p>Number of publications, leaflets, guidelines</p> <p>3 workshops executed for the EMAS promotion (25 participants per workshop)</p>	<ul style="list-style-type: none"> ▪ Printed publications, leaflets, guidelines ▪ Workshop reports 	Public is interested in improving their knowledge
4. Simulation of Safety Reports and Emergency plans draft prepared within pilot projects in	3 pilot projects refers to simulated draft Safety Reports and Emergency plans	<ul style="list-style-type: none"> ▪ Project report 	Good Inter sectoral

RESULTS	Objectively verifiable indicators	Sources of Verification	Assumptions
compliance with the Law on Environmental Protection	(indicatively : chemical industry, energy sector and oil industry)		cooperation
5. IPPC permits drafted for industrial installations in compliance with the IPPC Law	3 IPPC permits drafted	<ul style="list-style-type: none"> ▪ Register of granted integrated permits ▪ Project report 	Submitted applications by operators
6. Selected companies prepared for future EMAS certification and registration within pilot programmes for process of EMAS certification	At least 3 selected companies from three selected sectors are prepared for certification in EMAS	<ul style="list-style-type: none"> ▪ EMAS register 	Inter sectoral cooperation in the field of EMAS system

Activities	Means & Costs	Assumptions
<ul style="list-style-type: none"> • Gap assessment for implementation on Seveso II Directive with recommendation for improvement of relevant Law and secondary legislation <ul style="list-style-type: none"> ○ transposition of amended Seveso II Directive relates to the control of major-accident hazards involving dangerous substances and translation of Seveso II Directive • Gap assessment for implementation on Law on IPPC with recommendation for improvement of Law on IPPC and secondary legislation • Transposition of the New Industrial Emissions Directive into national legislation • Gap assessment for introduce EMAS regulation transposing EC regulation (1221/2009) with recommendation for improvement and preparation of missing secondary legislation. 	<p>Technical assistance €3 million</p>	<p>Inter-sectoral cooperation</p> <p>Quality of experts</p> <p>Timing in changes of EU Directives which consequently needs changes or improvement of national legislation</p>
<ul style="list-style-type: none"> • Preparation of training needs assessment and training plans for all relevant stakeholders as well as training material (national and local level, province, operators), taking into account trainings in the scope of IPA 2010 projects (MISP and Strengthen the Serbian Environmental Capacity) in order to avoid overlapping. • Organize series of workshops for IPPC, SEVESO II & EMAS departments and stakeholders. • Organize indicatively 5 workshops for IPPC operators, consulting companies to support IPPC operators and EIA Department (if needed Group for Air Protection, Waste Management Department) <p>It is proposed that at least 15 participants for each workshop in accordance with activity 2.1. The topic of these workshops is going to be preparation of IPPC permit applications, specifically: how to use appropriately BREF documents relevant for the targeted industry, determination of BAT, filling in integrated permit application following the form prescribed by the Regulation on content, appearance and method of filling in application for granting of integrated permit.</p> <ul style="list-style-type: none"> • Organise trainings for, representatives of relevant institutional sectors that are included in the process of issuing approval (Safety reports and Emergency plans) in order to improve knowledge on evaluation of safety reporting and to increase cooperation and coordination between different public authorities. <p>Possible indicative topics: approaches for the evaluation of safety reports, content and methodologies used in preparation of safety reports, improvement and implementation of checklist on evaluation of safety reports, risk assessment techniques and methodologies for public authorities</p> <ul style="list-style-type: none"> • Organise training for operators on the development of safety reports and emergency plans • Organize training for selected EMAS verifiers in line with Law on accreditation (Official Gazette SCG 44/05) 		<p>Suitable staffs are available to take part in training workshops, educational events and training courses</p> <p>Continuity of participants in workshops, seminars</p>

Activities	Means & Costs	Assumptions
<ul style="list-style-type: none"> Organize a study visits to competent bodies of EU in order to strength MESP capacities in the field of IPPC, Seveso and EMAS (e.g. links with the EU Forum refers to EMAS) 		
<ul style="list-style-type: none"> Prepare target group analysis of public audience (refers to IPPC, Safety reports and Emergency plans) possibly impacted Prepare and print promotional materials in order to inform public about their rights, according to Law on environmental protection and Law on IPPC which refers to public participation Promotional activities (to organize public debate) in the field of Prevention of chemical accident and IPPC Organise workshops in order to promote EMAS system and other voluntary instruments (Eco-label, ISO 14001, Cleaner production) to the organizations (this will take place after the Serbian administrative system is ready to handle concrete requests for EMAS registration). 		Public audience and key partners are willing to participate
<ul style="list-style-type: none"> Review/Developing of methodology and criteria (i.e. risk analysis) for selection of target sectors and make selection (chemical industry, energy sector and oil industry, indicatively) Review/Developing of methodology and criteria (i.e. risk analysis) for selection of target enterprises and make selection Provide assistance to the selected enterprises to support simulation of Safety Reports and Emergency plans preparation process 		Inter ministerial co-operation
<ul style="list-style-type: none"> Technical assistance for Implementation of BATs Translation of appropriate BREF documents (6 BREF horizontal BREF documents and 4 vertical BREF documents) Technical assistance for determination of conditions prescribed by IPPC law for facilities activities, with determination of emission limit values - ELVs Technical assistance for Monitoring of emissions Technical assistance on preparation of draft permit based on submitted applications 		Co-operation of management in installations
<ul style="list-style-type: none"> Market analysis and developing of methodology for selection of at least 3 companies Translation of the new EMAS regulation Technical assistance to chosen enterprises to support the EMAS process (pilot programme) Technical assistance to the EMAS Department in setting up a Serbian Competent Body 		Stakeholders and key partners are willing to participate

ANNEX II: INDICATIVE AMOUNTS (IN M€) CONTRACTED AND DISBURSED BY QUARTER FOR THE PROJECT (IPA contribution only)

Contracted	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Total
Contract 1 (TA)				3.0									3.0
Cumulated				3.0									3.0
Disbursed	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Total
Contract 1 (TA)				0.9	0	0.6	0	0.6	0	0.6	0	0.3	3.0
Cumulated				0.9	0.9	1.5	1.5	2.1	2.1	2.7	2.7	3	3.0

ANNEX III: INSTITUTIONAL FRAMEWORK – LEGAL RESPONSIBILITIES AND STATUTES

In accordance with Law on Ministries (Official Gazette 65/08) the area of control of industrial pollution and risk management in the case of chemical accident is in the jurisdiction of MESP, MoI, MLSP, MAFW, agency, autonomous regions, local governments, Accreditation Body of Serbia (ATS). In March 2009 the Government is adopted a Conclusion on the establishing a Sector for Emergency Management within the Ministry of Interior and on Establishing an integrated protection and rescue system in the Republic of Serbia for response in case of fire, natural disasters, technical and technological disasters (that includes chemical accidents). There are 5 public health institutes in Serbia, that are obliged to react in case of accidents and make the appropriate measurement of pollutants in water, air and soil. Prevention of chemical accidents is the responsibility of the Ministry of Environment and Spatial Planning - Group for Risk Management.

The IPPC system was introduced by the Law on Integrated Environmental Pollution Prevention and Control (Official Gazette RS No. 135/04) which is in compliance with the EU Directive (96/61/EC) replaced by EU Directive 2008/1/EC, codified version.

The IPPC system provides: integrated approach to pollution control by issuing integrated permits stipulating the obligations of the operator and conditions for the operation of facility or performance of an activity; full coordination between relevant authorities in the permitting process; public access to information and public participation prior to the permit decision-making. That means that the operation of new and existing installations that may have negative impact on human health and environment shall require an integrated permit (IPPC permit) which shall secure the prevention and control on the environmental pollution.

The procedure of integrated permit issuance set by the Law on Integrated Environmental Pollution and Control can be briefly described as follows:

- Permit application submission
- Permit application assessment
- Information for public, authorities and organizations about the permit application submission
- Draft permit
- Information for public, authorities and organizations about the draft permit
- Technical commission work
- Decision making
- Information for public, authorities and organizations about the final decision

The Ministry shall carry out the supervision over the implementation of provisions of IPPC Law and bylaws adopted based on it. The Ministry is responsible for the inspection supervision through the environmental inspectors, whilst the Autonomous Province and the local self-government units are entrusted with the task of inspection supervision the installations and activities for which the permit is granted by the competent provincial authority and by the competent local self-government authority.

The Agency is in charge of monitoring the level of environmental pollution from companies which needs IPPC integrated permit, as well as managing of BAT register.

The Agency owns a list of various operators that deliver data to the National pollution sources Register, which is in a part consisted by the list of IPPC enterprises of the Ministry of Environment and Spatial Planning.

Categories of industrial activities covered by the Law on Integrated Environmental Pollution Prevention and Control are defined by the **Decree on type of activities and installations that the integrated permit shall be granted for** (Official Gazette of the RS, No. 84/2005), which is identical to ANNEX I of IPPC Directive.

Categories of industrial activities referred to in this by-law are as follows:

1. Energy Sector
2. Production and processing of metals
3. Mineral industry
4. Chemical industry
5. Waste management
6. Other activities

Each Sector is subsumed under a certain number, e.g. Energy Sector 1, and sub-number, e.g. 1.3. Coke ovens, which must be defined in the integrated permit application.

Local government bodies are responsible for the following categories of industrial activities subject to IPPC Law:

Under Waste Management Sector (5)

5.3. Installations for the disposal of non-hazardous waste as defined in Annex II A to Directive 2006/12/EC under headings D8 and D9, with a capacity less than **70 tonnes** (IPPC threshold being 50 tonnes) per day.

5.4. Landfills receiving less than **20 tonnes** (IPPC threshold being 10 tonnes) per day, excluding landfills of inert waste.

Under Other activities (6)

6.2. Plants for the pre-treatment (operations such as washing, bleaching, and mercerisation) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tonnes per day.

6.4. (a) Slaughterhouses with a carcass production capacity greater than 50 tonnes per day.

(b) Treatment and processing intended for the production of food products from:

— animal raw materials (other than milk) with a finished product production capacity greater than 75 tonnes per day,

— vegetable raw materials with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis).

(c) Treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).

6.5. Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day.

6.6. Installations for the intensive rearing of poultry or pigs with more than:

(a) 40 000 places for poultry;

(b) 2 000 places for production pigs (over 30 kg); or

(c) 750 places for sows.

6.7. Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

6.8. Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitisation.

Distribution of existing IPPC installations by Districts:

Beogradski – 27	Mačvanski – 10	Borski – 7
Južno - Bački – 18	Rasinski – 7	Severno - Bački – 9
Srednje - Banatski – 12	Pomoravski – 7	Braničevski – 10
Šumadijski – 4	Nišavski – 2	Sremski – 4
Zlatiborski – 4	Pčinjski – 10	Severno - Banatski – 6
Kolubarski – 1	Toplički – 2	Jablanički – 5
Zapadno - Bački – 5	Podunavski – 7	Raški – 5
Moravički – 9	Južno - Banatski - 9	

The order of permit applications expected to be submitted is as follows:

Dec 2009 - Sep 2010

Mineral industry (cement industry, lime industry, glass manufacture, ceramic production, mineral fibres production) – 35 installations.

Oct 2010– Sep 2011

Other activities (slaughterhouses, production of food, treatment and processing of milk, disposal or recycling of animal waste, installations for the intensive rearing of poultry or pigs, production of pulp and paper, tanning of hides and skins) – 68 installations

Oct 2011 – Mar 2012

Production and processing of metals – 26 installations

Apr 2012 – Dec 2012

Chemical industry – 19 installations

Jan 2013 – Dec 2013

Energy industries, Waste management – 29 + 4 = 33 installations

Jan 2014 - Mar 2014

Mineral industry (Installations for the production of asbestos), Other activities (Installations for the surface treatment of substances, objects or products using organic solvents)⁷

Law on environmental protection (Official Gazette RS No. 135/04; 36/09) prescribes that legal and natural entity may register the certified environmental protection management system (article 44) in order to get involved into the system of environmental protection management and control of the EU (EMAS system). The registration into the EMAS system shall be carried out based on the request from legal and natural entity submitted to the MESP (responsibility of Unit for standards and cleaner production).

⁷ It is intentionally put at the end of the phasing-in plan, as it is expected that the installations for production of asbestos will be prohibited.

ANNEX IV: Reference to laws, regulations and strategic documents

The EU legislation pertinent to this project may be summarised as follows:

Aligned to this purpose is the **EIA Directive** (85/337/EEC, amended by Directive 97/11/EC), which covers a broad range of activities ranging from industrial to infrastructure projects. It introduces procedural elements to be followed such as the provision of an environmental impact statement and consultation with the public and environmental authorities within the framework of development consent procedures for the activities covered. The results of the EIA procedure have to be taken into consideration in the development consent procedure. This is necessary background to this project and here follows is a brief description of the main project components.

The **IPPC Directive** (96/61/EC)⁸ focuses on the environmental impact of the operation of new and existing installations. It does not cover infrastructure projects. Thresholds for installations sometimes differ from those used in the EIA Directive. Provisions concerning energy use, waste flows and accident prevention complement the control of emissions to air, water and soil. Installations under this Directive need an integrated permit and are subject to ongoing monitoring and updating of the permit conditions.

The aim of the **Seveso II Directive** (96/82/EC) is the prevention of major accidents, which involve dangerous substances, and the limitation of their consequences for man and the environment. “Seveso establishments” are subject to continuous inspection by competent authorities.

The EC EMAS regulation (1221/2009) describes a voluntary scheme designed to promote continuous improvements of the environmental performance and compliance with all relevant regulatory requirements regarding the environment. To achieve this aim, industrial sites are required to use an environmental management system to monitor efficiency and to report on their achievements regarding environmental performance. EMAS targets the industrial sector at present; in the future, other sectors, such as services, will be targeted.

The relevant Serbian legislation is:

- Law on environmental protection (Official Gazette RS No. 135/04; 36/09)
- Law on Integrated Environmental Pollution Prevention and Control (Official Gazette RS No. 135/04)
- Law on Environmental Impact Assessment (Official Gazette RS No. 135/04; 36/09)
- Law on Ministries (Official Gazette RS No. 65/08)
- Law on accreditation (Official Gazette SCG No. 44/05)
- Law on Emergencies (Official Gazette of the RS, No. 111/2009)
- Decree on type of activities and installations that the integrated permit shall be granted for (Official Gazette of the RS, No. 84/2005)
- Decree on determination of integrated permit application submission dynamics programme (Official Gazette of the RS, No. 65/2008)

⁸ Directive (96/61/EC) has been replaced by the codified version EU Directive 2008/1/EC.

- Regulation on the list of dangerous substances and their quantities on the basis of which obligation of elaboration of Major-accident Prevention Policy, Safety Report and Internal Emergency Plan is determined (Official Gazette of the RS, No. 41/2010)
- Regulation on the content of notification for new seveso installations and establishments, the existing seveso installations and establishments, for permanent closure of the seveso installations and establishments (Official Gazette of the RS, No. 41/2010)
- Regulation on the content and methodology of elaboration of Major Accident Prevention Policy, Safety Report and Internal Emergency Plan (Official Gazette of the RS, No. 41/2010)

Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the **European Partnership** contains among other things in Short-Term Priorities, sectoral policies - Environment:

-Accelerate approximation of legislation and standards to the EU acquis.

- Strengthen the administrative capacity of bodies in charge of planning, permits, inspection and monitoring, and project management, strengthen capacity at local level and ensure coordination between central and local levels.

Medium-term priorities:

-Ensure full implementation and enforcement of legislation approximated to the EU legislation.

- Strengthen further the administrative capacity of environmental institutions at national and local level.

SAA Article 111 “The Parties shall develop and strengthen their cooperation in the environmental field with the vital task of halting further degradation and start improving the environmental situation with the aim of sustainable development.

The parties shall, in particular, establish cooperation with the aim of strengthening administrative structures and procedures to ensure strategic planning of environment issues and coordination between relevant actors and shall focus on the alignment of Serbia’s legislation to the EU acquis. Cooperation could also centre on the development of strategies to significantly reduce local, regional and trans-boundary air and water pollution, to establish a framework for efficient, clean, sustainable and renewable production and consumption of energy, and to execute environmental impact assessment and strategic environmental assessment.”

The project 'Law Enforcement in the Field of Control of Industrial Pollution, Prevention of Chemical Accidents and establishing the EMAS System in Serbia' falls under the Environment and Energy sector of the **MIPD**. Its objective is to help Serbia align with the EU environmental acquis, improve the environmental infrastructure, to enhance the MESP’s capability to manage its responsibilities in relation to IPPC, chemical accident prevention and overall environmental management.

National Programme for Environment protection (2010-2019)

Short term priorities (2010-2014):

- To build institutional capacity for implementation of national regulations in the field of accident protection

Continuous objectives (2010-2019):

- To establish and to develop system for risk management and response to chemical accidents at all levels
- To introduce integrated permitting system for industrial installations in accordance with the Law on Integrated Pollution Prevention and Control

This project addresses several objectives highlighted in the **National Programme for Integration with the European Union – NPI (2010-2012):**

(December 2009, chapter 3.27. 7 Environment /Control of industrial pollution and risk management)

Priority for 2011:

- To establish EMAS council and EMAS secretariat till the end of 2011
- To adopt bylaw establishing mechanisms for implementation of the Regulation 761/2001
- For full implementation of SEVESO II Directive it is necessary to build a system for informing and managing in case of chemical accidents at the territory of the Republic of Serbia

ANNEX V: DETAILS PER EU-FUNDED CONTRACT (*) WHERE APPLICABLE:

This project will be implemented through a technical assistance contract, managed by the EU Delegation.

All activities will be done through one *TA contract*.

Tasks expected from the contractor are amongst others:

- To prepare gap assessment of National legislation
- To prepare draft legislation
- To prepare of training need assessment and training plans for all relevant stakeholders
- To organize training and implement
- To prepare target group analysis for public awareness
- To prepare promoting materials and to organize promotional activities
- To prepare proposal of mechanism for an integrated approach to prevention of chemical accidents
- To assist in all steps in the process of drafting permit
- To assist in drafting of Audit Scheme of EMAS system

List of Abbreviations

ATS – Accreditation Body of Serbia

BAT – Best Available Techniques

BREF - Reference Document on Best Available Techniques

EAS – Environmental Approximation Strategy

EC – European Commission

EI – Environmental Inspectorate

EIA – Environmental Impact Assessment

EMAS - Eco Management and Audit Scheme

EP – European Partnership

IPPC – Industrial Pollution Prevention and Control

MAFW – Ministry of Agriculture, Forestry and Water Management

MESP – Ministry of Environment and Spatial Planning

MIPD – Multi -Annual Indicative Planning Document

MLSP – Ministry of Labour and Social Policy

MoI – Ministry of Interior

NPI – National Programme for Integration with the European Union

SAA – Stabilization Association Agreement

SC – Steering Committee

SEPA – Serbian Environmental Protection Agency