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ON ENVIRONMENTAL PROTECTION

I . GENERAL PROVISIONS

Subject of the Law

Article 1

This Law shall regulate the integral system of environmental protection which shall ensure human right to live and develop in healthy environment as well as balanced economy growth and protection of the environment in the Republic.

System of Environmental Protection

Article 2

The system of environmental protection shall comprise measures, conditions and instruments for:

- 1) sustainable management, preservation of nature balance, integrity, diversity and quality of natural values and conditions for survival of all living beings;
- 2) prevention, control, reduction and rehabilitation of all kinds of environmental pollution.

Sustainable management of natural values and environmental protection shall be realized in accordance with this Law.

Definitions

Article 3

Certain expressions used in this Law have the following meaning:

- 1) **environment** is a set of natural and man-made values whose complex mutual relations make up the environment, i.e. area and conditions for life;
- 2) **environmental quality** is a state of environment in terms of physical, chemical, biological, aesthetic and other indicators;
- 3) **natural value** is natural wealth which comprises air, water, soil, forests, geological resources, plants and animal life;
- 4) **protected natural good** is a preserved part of nature with special values and characteristics (geodiversity, biodiversity, scenery, landscape etc), due to which they have permanent ecological, scientific, cultural, educational, health recreational, tourist and other significance and therefore as a public good it enjoys special protection;

5) **public natural good** is a cultivated or uncultivated part of natural wealth, i.e. air, water goods, water-fronts, underground goods, forests, sceneries or landscapes equally accessible to all;

6) **geodiversity (geological diversity)** is a presence or dispersion of different elements and features of geological texture, geological structure and processes, geochronological units, rocks and minerals of different composition and genesis types and different paleoecosystems which have been changed in space under influence of internal or external geodynamic components in the course of geological time;

7) **biodiversity (biological diversity)** is a diversity of organisms within a specie, among the species and eco-systems and it covers full genetic diversity, species and ecosystems diversity at local, national, regional and global level;

8) **cadastre** of polluters is a registry of all polluters of environmental media containing systematic information and data on their location, production processes, characteristics, materialistic balance between the input and output of raw materials, semi – finished products and final products, treatment installations, waste flows and polluting substances, the location of their discharge, treatment and disposal;

9) **activity affecting the environment** (hereinafter: “activity”) is any action (permanent or temporary) which changes or may change the status and conditions in the environment and relates to: utilization of resources and natural goods; production and circulation processes; distribution and use of materials; emissions of pollution into water, air, or soil; waste and wastewater management; chemicals and harmful substances management; noise and vibrations; ionizing and non-ionizing radiation; accidents;

10) **installation** is a stationary technical unit where one or more activities are performed for which special regulations have been determined and permit has been issued, as well as any other activity where there is a technical connection to the activities that are performed at the place and which, as a result, may cause emission and pollution;

11) **environmental pollution** is introduction of pollutants or energy into the environment, caused either by human activities or natural processes, which has or may have adverse effects towards quality of the environment and human health;

12) **environmental capacity** is the ability of environment to accept certain quantity of pollutants per unit of time and space so as to avoid irreparable damage towards the environment;

13) **endangered environment** is a certain part of environment where pollution or risk from pollution exceeds the environmental capacity;

14) **polluter** is a legal or natural entity who by its activity or inactivity pollutes the environment;

15) **pollutants** are substances whose outflow into the environment affects or may affect its natural composition, properties and integrity;

16) **load to the environmental** is individual or cumulative effect of activities to environment, which may be expressed as aggregate (several similar components), common (several heterogeneous components), permitted (within the permitted limit values), excessive (exceeding limit values) load;

17) **degradation of environment** is a process of degradation of environment quality caused either by natural or human activity or it occurs as a consequence of non – performance of measures for elimination of causes of degradation of quality or damage towards the environment, natural or any man-made values;

18) **emission** is the discharge of pollutants or energy from individual and/or diffuse sources into the environment and its media;

19) **immission** is the concentration of pollutants and level of energy in the environment expressing the quality of environment at a particular time and place;

20) **waste** is any object or substance categorized according to certain classification of waste, treated by the owner or obliged to be treated, i.e. managed;

21) **dangerous substances** are chemicals or other substances with harmful or hazardous intrinsic properties;

22) **best available techniques** represent the most effective and most advanced phases in the development of certain activities and the way of their performance which enable more appropriate application of certain techniques to meet limit values of emissions projected in the way to prevent or, where not feasible, to reduce emissions and overall impact towards the environment;

23) **risk** is a certain level of probability that certain activity, directly or indirectly, shall cause danger towards the environment, life and human health;

24) **accident** is a sudden and uncontrolled event or series of events which occur with uncontrolled release, leakage or dispersion of dangerous substances in the process of production, circulation, utilization, transport, processing, storage, disposal or long term inadequate storage. This term shall not cover: military facilities; nuclear accidents; genetically modified organisms; transport of dangerous substances through pipe systems, including pump stations; accidents during the research and exploitation of mineral raw materials; damages to dams, with an exception of consequences from industrial accidents caused by such damages;

25) **rehabilitation, i.e. remediation** is the process of undertaking measures in order to halt pollution and further degradation of environment up to the safe level for future use of the location including also arrangement of the area, revitalization and recultivation thereof;

26) **public** is one or several natural or legal entities, their associations, organizations or groups.

Subjects of the Environmental Protection System

Article 4

The environmental protection system shall be carried out, within their respective competencies, by:

- 1) the Republic;
- 2) Autonomous Province;
- 3) Municipality, i.e. the city (hereinafter “local self-governance body”);
- 4) Companies, other domestic and foreign legal entities and entrepreneurs who use natural values in their economic and other activities, to endanger or pollute the environment (hereinafter “legal and natural entities”);
- 5) Scientific and expert organizations and other public services;
- 6) Citizens, groups of citizens, their associations, professional and other organizations.

All the subjects of the environment system shall be obliged to preserve and develop the environment.

Subjects’ Liabilities

Article 5

In the realization of the environmental protection system, the Republic, Autonomous Province, local self-governance body, legal and natural entities shall be responsible for every activity with which they change or may change environmental status and conditions, i.e. for failing to implement environmental protection measures in compliance with the law.

In performing their activities, legal and natural entities are obliged to provide: rational use of natural resources, calculation of environmental protection expenditures in their investment and running costs, implement regulations, namely take environmental protection measures in compliance with the law.

Raising Awareness

Article 6

State authorities, scientific institutions, education, information, culture and other institutions, as well as other types of societies, in the field of their work shall inspire, direct and ensure better awareness concerning the importance of environmental protection.

Raising awareness about the importance of environmental protection is provided through education and upbringing system, science research and technological development, public information and popularization of environmental protection.

Civil Societies

Article 7

Civil societies, founded for the environmental protection shall prepare, promote and realize their protection program, protect their rights and interest in the environmental protection, propose activities and measures conducive to protection, participate in the decision making process in compliance with the law, help or directly disseminate information about the environment.

Cooperation

Article 8

The subjects involved in the environmental protection system shall be bound to cooperate, provide for coordination and harmonization in decision making and decision implementation.

The republic shall cooperate with other governments and international organizations in the environmental domain.

Principles of Environmental Protection

Article 9

The basic principles of environmental protection shall be:

1) **Integration principle** - state authorities, those of the autonomous province and local self-governance unit shall provide the integration of environmental protection and enhancement into all sector policies by implementing mutually harmonized plans and programs and by implementing regulations through permit system, technical and other standards and norms, by financing, through incentive and other measures of environmental protection.

2) **Principle of prevention and precautionary** – every activity must be planned and implemented in the way that: causes minimal possible change in the environment; represents the smallest risk towards the environment and human health; reduces spatial burden and consumption of raw materials and energy in construction, production, distribution and utilization; includes the possibility for recycling; prevents or limits impact to the environment at the source of pollution.

The principle of proximity shall be realized through environmental impact assessment and through usage of best available and accessible technologies, techniques and equipment.

The absence of full scientific reliability cannot be the reason for non-performance of measures for the prevention of environmental degradation in case of possible or existent significant impacts to the environment.

3) **Principle of natural value preservation** - natural values shall be used under the conditions and in the manner to ensure the preservation of the values of geodiversity, biodiversity, protected natural goods and landscape.

Renewable natural resources shall be used under the conditions which ensure their permanent and efficient renewal and permanent quality enhancement.

Non-renewable natural resources shall be used under the conditions which ensure their long-term, economical and reasonable utilization, including limited utilization of strategic or rare natural resources and substitution by other available resources, composite or artificial materials.

4) **Principle of sustainable development** - the sustainable development is harmonized system of technical/technological, economic and social activities in the overall development, where the natural and acquired values of the republic are used in a cost efficient and reasonable manner, in order to preserve and enhance the quality of the environment for the present and future generations.

The system of environmental protection shall be implemented through promulgation and implementation of decisions producing balance between the environmental protection and the interest of economic development.

5) **Principle of polluters' and legal successors' liability** - Any legal or natural entity who shall be involved in environmental pollution by its illegal or improper activities shall be liable in compliance with the law.

The polluter shall be liable for environmental pollution also in the case of liquidation or bankruptcy of the company or other legal entities, in accordance with the law.

The polluter or its legal successor shall be bound to eliminate the cause of pollution and the consequences of direct or indirect environmental pollution.

Changes in the ownership of companies or other legal entities or other changes in the ownership structure shall include assessment and allocation of liability for environmental pollution, and settlement of debts (charges) of the ex-owner on account of pollution or damage to the environment.

6) **Principle "polluter pays"** - the polluter shall pay charges for environmental pollution if it causes or may cause, by its activities, environmental loading, namely if he produces, utilizes or markets raw material, semi finished or final product containing material dangerous for the environment.

The polluter, under the legal regulations, shall bear the total costs of measures for prevention and reduction of pollution, including the costs of risks for the environment and cost of elimination of damage inflicted on the environment.

7) **Principle "user pays"** – any person who utilizes natural values shall pay real cost for their utilization and recultivation of the area.

8) **Principle of subsidiary liability** - state authorities, within their financial abilities, shall eliminate the consequences of environmental pollution and reduce damages when the polluter is unknown, and when pollution originates from the sources outside the territory of the Republic.

9) **Principle of incentives** - state authorities, i.e. those of the autonomous province, units of local self governance shall take the measures for the preservation and sustainable management of environmental capacities, particularly by reduced utilization of raw materials and energy and prevention or reduction of environmental pollution via economic instruments and other measures, by the best available techniques, facilities and equipment which shall not require excessive cost and through selection of products and services.

10) **Principle of public information and participation** - in the exercise of the right to healthy environment everyone shall be entitled to be informed of the environmental status and to participate in the process of decision making whose implementation may have an effect towards the environment.

The data about the environment status shall be open to public.

11) **Principle of protection of right to healthy environment and access to justice** - a citizen or groups of citizens, their associations, professional and other organizations shall be entitled to exercise their right to healthy environment before the competent authority or the court in accordance with the law.

Special Laws

Article 10

Sustainable management of natural values as well as the protection of the environment shall be governed by this Law, special laws and other regulations, governing:

- 1) Environmental impact assessment of plans, programs and projects;
- 2) Integrated prevention and pollution control;
- 3) Protection of nature;
- 4) Protection of air, water, soil, forests, geological resources;
- 5) Chemicals management;
- 6) Waste management;
- 7) Ionizing and non-ionizing radiation;

8) Protection against noise and vibrations, etc.

II MANAGEMENT OF NATURAL VALUES

1 Planning and Utilization of Natural Values

Management of Natural Values

Article 11

Natural values management shall be carried out by planning sustainable utilization and preservation of their quality and versatility, in accordance with the conditions and measures of environmental protection set out in this and in special laws.

Natural values shall be:

- 1) natural resources as renewable or non-renewable geologic and biologic values, which are, directly or indirectly, usable or exploitable, and which have real or potential economic value;
- 2) protected natural goods;
- 3) public natural goods.

Natural values may be subject to concession in accordance with the conditions and in the manner set in this and in special laws.

Strategic Documents

Article 12

Sustainable usage and protection of natural values shall be provided for within the Strategy for spatial development of the Republic and within the National strategy of sustainable use of natural resources and goods.

National strategy of sustainable utilization of natural resources and goods (hereinafter: National strategy) shall be enacted by the National Assembly of the Republic of Serbia for the period of minimum ten years.

National strategy shall contain, in particular:

- 1) Principles of sustainable development in the national policy of management of natural resources and goods;
- 2) State analysis and so far level of exploitation of natural resources and goods by types, spatial layout, diversity, volume and quality;
- 3) Balance categories (functions of place and time, quantities, quality, threat, renewability, strategic reserves, etc.) and anticipation of trends of change;
- 4) Valuation methods and conditions for sustainable use of natural resources and goods;

- 5) Planning developmental and socio-economic analysis of strategic priorities of exploration and utilization of natural resources;
- 6) Ecological-spatial principles on the potentials of natural resources or good;
- 7) Conditions for progressive substitution of natural resources;
- 8) Guidelines for further research in the area of individual natural resources and goods and for planning needs, i.e. enacting the plans and programs.

National strategy shall be realized through plans, programs and principles on every individual resource or good enacted by the Government of the Republic of Serbia.

On the basis of data and records on the implementation of plans, programs and principles, the Government of the Republic of Serbia (hereinafter: the Government) shall biannually report to the National Assembly on the achievements of the National strategy.

If the report finds that the use of natural resources significantly endangers the unity of ecosystem, the Government may, at the proposal of the ministry competent for environmental protection or another ministry, temporarily limit the scope of use of natural values in certain area.

The National strategy shall be published in the “Official Gazette of the Republic of Serbia”.

Plans and Programs of the Autonomous Province and Local Self-Government Unit

Article 13

The autonomous province and local self-governance unit, within the competencies spelled out in the present and specific law, shall issue their respective plans and programs of natural resources and property management in accordance with the strategic documents referred to in Article 12 of this Law and their specific requirements.

Two or more self-governance units may promulgate joint programs referred under paragraph 1 of this Article.

Control over Utilization and Protection

Article 14

Control on the utilization and protection of natural resources and property shall be ensured by the bodies and organizations of the Republic, autonomous province and unit of self-governance, in accordance with this and special laws, and in particular by means of:

- 1) Implementation of the National strategy, plans, programs and principles;
- 2) Application of standards, norms and regulations on utilization and protection of natural resources and good;
- 3) Strategic impact assessment of plans, programs, principles and other documents governing the utilization of natural values and environmental protection;
- 4) Environmental impact assessment of projects at all levels of research and exploitation;
- 5) Integrated prevention and pollution control;
- 6) Harmonized system of licenses, approvals and consents;
- 7) Maintenance of cadastre of utilization of natural resources and goods;
- 8) Organized monitoring of utilization of natural resources and goods, status of environment by means of compilation, integration and analysis of data and quantification of trends.

Consent on Usage

Article 15

Authority in charge may not issue approval for the usage of natural resources or goods without the consent on project containing measures of environmental protection and rehabilitation.

The consent from paragraph 1 of this Article shall be issued by the ministry in charge of environmental protection (hereinafter: the Ministry), which shall determine the fulfillment of conditions and measures on sustainable use of natural resources or goods and environmental protection during and after the activities have been finished and on the basis of the conditions evaluation made by competent organizations.

Users' Duties

Article 16

Legal and natural entity that uses natural resources or goods is obliged to plan and implement preventive measures for environmental protection during the performance of work or activities and after they have been accomplished.

Any person who degrades the environment is obliged to perform recultivation or to rehabilitate in any possible way degraded environment in accordance with this and special laws.

The Ministry shall give consent to the projects from paragraph 2 of this Article.

The methodology of prioritization for rehabilitation of the environment shall be prescribed by the Minister.

Protected Natural Goods

Article 17

Protected natural goods shall be used and developed in the manner that enables their permanent preservation and advancement in accordance with the law on nature protection.

The activities which threaten environmental capacity, natural balance, biodiversity, hydrographic, geomorphologic, geological, cultural and landscape values or which in any way degrade the quality and properties of the natural good shall not be allowed within a protected natural good.

Utilization and Protection of Public Natural Goods

Article 18

Public natural goods, as well as goods of general interest shall be used in a way and under conditions which shall enable development and permanency of their natural, physical, health or aesthetic values in accordance with the regulations.

Utilization of Space

Article 19

Developing and spatial plan shall determine construction zones at certain locations depending on environmental capacity and the degree of load, as well as on the objectives of the construction within certain parts of those locations.

In certain zones where protected distance or area has been established, it shall be allowed to carry out the activities in a way determined by special regulations in accordance with natural load of the environment.

Public Green Areas

Article 20

Public green areas in the settlements and places covered by spatial and urban plans shall be made and maintain in a way which shall enable preservation and development of natural and man-made values.

If a public green area has been destroyed due to a facility construction, they must be made up under conditions and in a way that has been determined by local self-governance unit.

General conditions of protection, the way of making, maintaining and renewing the destroyed public green areas as well as data recording about the public green areas shall be regulated by special law.

2. Protection of Natural Values

Integrated Protection

Article 21

Protection of natural values shall be ensured through the implementation of measures for their quality, quantity and reserves preservation, as well as their natural processes, inter-relation and overall natural balance.

Protection of Land and Soil

Article 22

Protection, utilization and arrangement of land, agricultural and forest soil and goods of general interest shall comprise preservation of productivity, structure, layers, rocks and mineral formation, as well as their natural and transitive shapes and processes.

The activities that shall not pollute or damage the soil may be carried out on the ground surface or under it.

Throughout project realization as well as before its execution (constructing, mineral raw material exploiting and so on), the protection of land and soil shall be ensured.

Water Protection

Article 23

Water may be used and loaded, and wastewaters discharged in water by applying adequate treatment, in a way and up to the level which shall not represent threat towards natural resources or quality and quantity of water renewal and which shall not reduce the possibility of their multi-purpose usage.

Protection and use of water shall be realized within the integral water management through implementation of measures for preservation of surface and ground waters and their reserves, quality and quantity, as well as through protection of river beds, waterfronts and courses in accordance with special law.

Measures of water protection shall ensure prevention or restriction of introduction of hazardous, waste and other harmful substances into the water, monitoring and research of quality of surface and ground water, as well as quality of wastewaters and their treatment.

Air Protection

Article 24

Air protection shall be ensured through undertaking measures of systematic air quality monitoring, reducing air pollution to regulated limit values and below and by undertaking technical-technological and other necessary measures for emission reduction and by monitoring polluted air impact towards human health and environment. Measures of air protection shall ensure overall atmosphere preservation with all the processes and climate characteristics thereof.

Protection and Preservation of Forests

Article 25

In order to preserve and enhance forest ecosystems, forests shall be managed in a way that shall ensure rational forest management, genetic fund preservation, enhancement of the structure and realization of forests priority function.

State authorities, forests owners and users are obliged to undertake necessary measures for preservation and sustainable use of forests, measures of renewal, afforestation and improvement, as well as control and protection of forests in case of transboundary pollution.

Biosphere Preservation and Biodiversity Protection

Article 26

Biosphere preservation shall comprise protection of organisms, their communities and habitats including preservation of natural processes and balance within the ecosystem, ensuring their sustainability.

Biodiversity and biological resources shall be protected and used in a way that shall enable their survival, diversity, renewal and improvement in case of misbalance.

Biodiversity protection, use of biological resources, genetically modified organism and biotechnology shall be executed on the basis of this Law and obligations taken through international agreements.

Protection and Use of Flora and Fauna

Article 27

In order to protect biodiversity and biological resources, i.e. autochthonic plant and animal species and their spreading, the Ministry, other competent bodies and organizations shall control import and growth of plant and animal species of foreign origin.

It shall be prohibited to harass, abuse, hurt and destroy wild fauna and to demolish their habitats.

It shall be prohibited to destroy, tear or in any other way to desertification wild flora or to destroy and demolish its habitats.

Certain species of wild flora and fauna, their developing forms and parts may be collected and placed on the market in a way and under conditions determined in the permit issued by the Ministry, after having obtained opinion of the organization in charge of nature protection.

Legal entity or entrepreneur that carries out the activity of trade with wild flora and fauna shall be obliged to pay the charge.

The amount of the charge from paragraph 5 of this article shall be determined by the act of putting under control the usage and trade of wild flora and fauna which shall be enacted by the Government.

The means gained from the charges from paragraph 6 of this Article shall be earmarked for environmental protection in accordance with this Law.

Trade with Endangered and Protected Species of Wild Flora and Fauna

Article 28

Import and export of endangered and protected species of wild flora and fauna, their developing forms and parts shall be carried out under condition that import or export has not been prohibited, i.e. that the exported quantity or the number of specimens of the endangered and protected species of wild flora and fauna shall not be detrimental to the survival of the species concerned in the Republic, as well as under other conditions regulated by law, on the basis of the permit issued by the Ministry.

Transit of endangered and protected species of wild flora and fauna, their different life-cycle forms and parts shall be subject to an export permit.

An application for import/export permit referred to in the previous paragraph must be accompanied by:

- 1) the opinion of a scientific and professional organization that export of the endangered or protected species of wild flora and fauna in the requested quantity or number of specimens shall not be detrimental to their survival in the Republic;
- 2) statement by the importer, i.e. exporter, concerning the intended use of the specimen concerned; and
- 3) any other prescribed documentation.

The minister competent for environmental protection designates the scientific and professional organizations to advise whether the exports of the endangered or protected species of wild flora and fauna in the requested quantity or number of specimens will be detrimental to the survival of the species in the Republic.

The Minister shall closely prescribe documentation that is to be submitted along with the requirement from paragraph 3 of this article, as well as the contents and design of the permit.

The Ministry shall keep the register of issued permits in a prescribed way.

Dangerous substances

Article 29

Management of dangerous substances, i.e. protection from organic and inorganic matters with hazardous intrinsic properties, as well as planning, organizing and undertaking preventive and measures of rehabilitation shall be carried out under conditions and in a way that shall ensure reduction from risk of accident and provision of an adequate response to the accident.

Legal and natural entity managing dangerous substances or applying technologies that are harmful towards the environment is obliged to undertake all the necessary protective and security measures by which the risk towards the environment and human health shall be reduced to the least possible level.

Waste Management

Article 30

Waste management shall be enforced according to regulated conditions and measures of waste treatment through system of collecting, transport, treatment and disposal, including supervision over those activities and concern for the facilities for waste treatment after their closure.

The owner of the waste is obliged to undertake measures of waste management in order to prevent or reduce waste generation, reuse and recycle; separation of secondary raw materials and use of waste as energents, i.e. waste disposal.

Protection from Noise and Vibrations

Article 31

The user of a noise source may place on the market and may use noise sources according to regulated conditions and by applying regulated measures of protection by which noise emissions, i.e. the use of facilities, devices, machines, transport means and gadgets that produce noise shall be abated.

Protection from vibrations shall be enforced by undertaking measures by which threat towards the environment from effects of mechanical, periodical and individual vibrations caused by human activity shall be prevented and eliminated.

Protection from Radiation

Article 32

Protection from radiation shall be enforced by implementing measures by which threat towards the environment and human health from the effects of radiation generated in ionizing and non-ionizing sources shall be prevented and by which the consequences of emissions that those sources beam or may beam shall be prevented.

Legal and natural entity may produce, circulate or use sources of ionizing and non-ionizing radiation according to regulated conditions and in a regulated way.

III MEASURES AND CONDITIONS OF ENVIRONMENTAL PROTECTION

1. Preventive Measures

Planning and Construction

Article 33

Spatial planning, use of natural resources and goods established by spatial and urban plans and other plans (plans of spatial arranging and agricultural land basis, forests, water-system, hunting basis and programs of enhancement of fishery in fishing areas as well as other plans) shall be regulated by the obligation to:

- 1) preserve and enhance natural resources and goods at greatest possible extent, and if they are not renewable, to use them rationally;
- 2) ensure protection and smooth realization of functions of protected natural values with their protected environment and to preserve wild plant and animal species habitats and communities at greatest possible extent;
- 3) ensure preservation of built-up areas;
- 4) ensure conditions for human relaxation and leisure;
- 5) establish measures of environmental protection;
- 6) show existent status following the elements from points 1, 2, 3 and 4 of this Article and planned status with measures needed for the fulfillment of those plans.

The Ministry, autonomous province authority or local self-governance unit shall participate in the procedure of preparation and planning from paragraph 1 of this Article in a way established by law.

Spatial and Urban Planning

Article 34

Spatial and urban plans shall ensure measures and conditions of environmental protection and in particular:

1) to determine special regimes for preservation and use of the areas of protected natural goods, water springs, thermal and mineral springs, forests, agricultural land, public green areas, recreation areas and spas;

2) to determine areas of threatened parts of the environment (polluted areas, areas endangered with erosion and torrents, exploitation of mineral raw materials, flooded areas and so on) and determination of measures for these areas rehabilitation;

3) to determine measures and conditions of environmental protection according to which space intended to be exploited for minerals shall be utilized, or according to which industrial and energetic plants shall be constructed, as well as facilities for waste treatment and disposal, infrastructure and other facilities whose construction or utilization may threaten the environment.

The conditions for measures from paragraph 1 of this Article shall be issued by the Ministry, autonomous province body or self-governance units at request of the authority in charge of plan preparation and its passing in, and on the basis of conditions and measures of competent authorities.

Strategic Environmental Impact Assessment

Article 35

The strategic environmental impact assessment shall be made for certain plans, programs and principles in the domain of spatial and urban planning or land utilization, agriculture, forestry, fishing, hunting, energy, industry, traffic, waste management, water management, telecommunications, tourism, infrastructure systems, protection of natural and culture goods, flora and fauna and their habitats etc., and shall be an integral part of the plan, program or principle.

Strategic environmental impact assessment must be harmonized with other environmental impact assessments, as well as with the plans and programs for the protection of environment and shall be made in keeping with the procedure set out in special law.

Autonomous province or local self-governance units, within their rights and responsibilities, shall stipulate the types of plans and programs subject of the strategic impact assessment.

Environmental Impact Assessment

Article 36

The environmental impact assessment of the project shall be done for the projects planned and realized in the place, including changes in technology, reconstruction, and extension of facilities or winding up of operations, which may result in major environmental pollution or which constitute the risk to human health.

Environmental impact assessment shall cover the projects in industry, mining, energy, traffic, tourism, agriculture, forestry, water management and communal activities, and all the projects planned on the protected natural goods and in the protected environment of non-movable culture good.

Environmental impact assessment shall be an integral part of the technical documents; without it no project execution may start and it shall be realized in accordance with the procedure stipulated by special law.

Integrated Prevention and Pollution Control

Article 37

The operation of new and existent installations that may have negative impact on human health and environment shall require an integrated permit which shall secure the prevention and control on the environmental pollution.

Types of activities and installations, conditions and procedure of granting of integrated permit, control and other issues relevant for IPPC shall be governed by special law.

Accident Risk Assessment

Article 38

Legal and natural entity running the activities that involve or may involve one or more dangerous substances in the quantities equal or above the stipulated ones, and which may cause an accident shall be obliged, during the procedure of project environmental impact assessment, namely application for integrated permit elaborate the accident risk assessment.

Accident risk assessment shall be made on the basis of special methodology prescribed by the Minister, after gathering other authorities' and organizations' opinions, and shall contain the conditions for risk management referring to:

- 1) Realization of prevention, preparedness and accident response;
- 2) Measures for elimination of accident consequences, i.e. rehabilitation.

The consent to accident risk assessment shall be provided by the Ministry.

2. Conditions for Environmental Protection

2.1. Environmental Quality Standards and Emission Standards

Limit Values

Article 39

Standards of quality of the environment and emission standards, i.e. limit values of imission and emission of pollutants and energy into air, water and soil shall be established in the Republic of Serbia, including the emission from mobile sources of pollution.

Integral norms shall be established in order to: control the quality of air, water and soil, procedures with waste and chemicals, wastewater treatment, industrial pollution and risk management, level of noise and vibrations etc.

Limit values of the emissions for pollutants at the place of their outflow into the environment and the levels of imissions for pollutants in the environment shall be determined by the Government.

Conditions for Facilities' Work and Activities

Article 40

Construction and facilities' work and activities shall proceed if the set standards for emission and imission and equipment that reduce or prevent emission of pollutants or energy and provide for its conservation are fulfilled, i.e. if other measures and activities have been undertaken to secure the prescribed conditions for environmental protection.

Pollutants and dangerous substances, wastewater or energy shall be released into air, water and soil in the manner prescribed and in the quantities, namely concentrations or levels not exceeding the prescribed limit values.

Means of transportation made and placed on the market must comply with the conditions for emission from mobile pollution sources.

Limits to Enable Standards

Article 41

With the view to progressive implementation of standards for emission and imission referred to in Article 39 of this Law and conservation of natural values, the Government may, for a period of time, limit the operations of installations and activities in certain area.

The time limits referred to in par 1 of this Article, that may be imposed by the Government shall be in line with the prescribed limit values and National Environmental Program.

Public Alerts

Article 42

The Ministry shall inform the public and issue an act introducing special measures in case of immediate threat or excess of prescribed threshold values of pollution.

The Minister shall prescribe the criteria for promulgation of the act referred to in par 1 of this Article and the manner of public alert.

The local self-governance unit shall stipulate the act introducing special measures in the case from paragraph 1 of this Article if the pollution has been limited to the territory of the local self-governance unit and has no impact on the wider area.

Status of Endangered Environment

Article 43

The status of endangered environment and the regime for rehabilitation and remediation in an area of importance for the Republic shall be determined by the Ministry and for the area of local relevance by the local self-governance unit.

The status of specially endangered environment shall be determined by the Government.

The Government shall determine criteria for determination of the status of specially endangered environment, i.e. the status of endangered environment and for prioritization for rehabilitation and remediation.

2.2 Environmental Protection Management System

Integration into the Environmental Protection Management and Control System

Article 44

Domestic and international standards and regulations for management, certification and registration of the environmental protection management system shall be applied in the Republic.

Legal and natural entity may certify the environmental protection management system according to JUS-ISO 14001, in compliance with law.

Legal and natural entity may register the certified environmental protection management system in order to get involved into the system of environmental protection management and control of the EU (hereinafter: EMAS system), in compliance with this Law.

Request for Registration into EMAS System

Article 45

Legal and natural entities which in the process of their work meet all the requirements of environmental protection management system regarding its policy establishment and execution, planning, implementation, control and check of the management system and the implementation of its advancement measures may be included into the EMAS system.

In order to fulfill conditions for establishing the environmental protection management system and for registration into the EMAS system, legal and natural entity is obliged to report on activities, products and services impact towards the environment, organize and implement the harmonization check of the management system carried out by the evaluator from legal and natural entity or by an outsourced one.

The registration into the EMAS system shall be carried out on the basis of the request from legal and natural entity submitted to the Ministry.

Along with the request for registration into the EMAS system, submitted in a regular format, the following shall be submitted:

1) A statement of a prescribed contents from legal and natural entity for inclusion into EMAS system;

2) The confirmation of the accredited evaluator saying that the report on fulfillment of conditions of environmental protection for inclusion into EMAS system given by legal and natural entity is truthful.

The decision on registration shall be made by the Ministry on the basis of documentation submitted, as well as on the basis of performed inspection control on implementation of environmental protection regulations.

The format referred to in paragraph 4 of this Article shall be prescribed by the Minister.

Legal and natural entity shall pay charge for registration.

The height of registration charge shall be prescribed by the Government.

The registration shall be done for one year period and may be extended at request from legal and natural entity.

The request for prolongation of registration shall be submitted at latest 30 days before the valid registration's expiry date.

Accreditation

Article 46

EMAS auditor's accreditation and control of their activities shall be done in accordance with law and other regulations referring to accreditation.

The accredited EMAS auditor shall check the fulfillment of all the conditions prescribed for legal and natural entities joining or being part of EMAS system.

Registers of EMAS System

Article 47

The Ministry shall keep the register of legal and natural entities included in EMAS system.

The data from the register are public.

Accreditation body keeping the register of accredited auditors of EMAS system is obliged to, at least once a month, submit the register data to the Ministry, and at the request of the Ministry it shall also submit the data in relation to accreditation procedure of EMAS auditors.

At the request of the Ministry the accredited EMAS auditors shall submit data on the results of check-up processes of EMAS system in legal and natural entity.

The Ministry shall provide protection of data from paragraphs 3 and 4 of this Article which represent business secret.

Decline and Cancellation of Registration

Article 48

The Ministry shall decline the request for registration if legal or natural entity does not fulfill conditions for inclusion into EMAS system.

The Ministry shall cancel legal or natural entity from the register of EMAS system in the following cases:

1) If, in regulated period of time, they fail to submit the request for registration extension with fulfilled in statement, registration form and proof on paid charge;

2) If it has been judged that legal and natural entity does not fulfill one or more conditions for registration;

3) If accreditation body has submitted to the Ministry a negative report from the accredited EMAS auditor on control of legal and natural entity's work.

The Ministry may, in case from paragraph 2 of this Article decide to suspend temporarily the registration of legal and natural entity until they fulfill registration conditions.

EMAS Logo

Article 49

EMAS logo may be used only by legal and natural entities registered in EMAS system in cases and in the way determined in compliance with law.

Authorizations for Regulations Promulgation

Article 50

The Minister shall prescribe:

- 1) requests for establishing and implementation of environmental protection management system;
- 2) the contents of reports on activities, products and services' impact towards the environment;
- 3) the contents of statement for inclusion into EMAS system and public access to information about EMAS system;
- 4) the way of EMAS system check within legal and natural entity and the contents of auditor's report;
- 5) contents, appearance and use of EMAS logo.

2.3 Products, Processes and Services Standards

Technology, Process, Finished and Semi-products, Raw Materials

Article 51

Domestic or imported technologies or processes can be applied, or products produced or offered on the market on the territory of the Republic if they meet the prescribed environmental protection standards, i.e. product quality standards, and are not prohibited in the exporter country.

The Ministry may, in case of any doubts, request the evaluation of damaging effects of the technology, process, finished or semi-finished product or raw material from paragraph 1 of this Article, even if duly accompanied by regulated documents.

The assessment of the technology or process, finished or semi-finished product, or raw material from paragraph 2 of this Article shall be given by an accredited organizations or persons competent for certain areas within the period of 30 days from the day of receiving the relevant request.

Installations for removal or treatment of pollutants, which have not been addressed by relevant domestic standards, may be used if their efficiency for the purpose has been established by an authorized professional organization.

The Ministry may prohibit the production and trade of certain products and performance of certain activities, for a specific period of time, or on a part of the Republic territory, Autonomous province or local self-governance unit in order to prevent the danger for the environment and human health.

Warning in the Declaration

Article 52

Producer or distributor shall be obliged to warn in the declaration of raw material, semi-finished or finished products of environmental pollution and damage to human health, which the product or its packaging causes or may cause.

The warning must contain the instructions for the use or handling of the product, its contents and packaging in the production, use and disposal in compliance with the standards in force and instructions for handling.

Ecological Label

Article 53

The ecological label shall be established for products intended for general consumption, except for foodstuffs, beverages and pharmaceutical products, if their production, marketing, consumption and disposal cause less environmental pollution compared with similar products, or if they are produced from waste recycling.

Ecological label is also anticipated for less polluting processes and services.

Legal and natural entity may obtain the right to use ecological label for their products, processes or services if their production or course result in reduced:

- 1) Consumption of energy sources;
- 2) Harmful and dangerous emissions;
- 3) Production of waste;
- 4) Consumption of natural resources etc.

The Minister shall prescribe closer conditions and procedures for obtaining rights to use the ecological label, elements and design, and the manners of use of ecological label for products, processes and services.

Awarding and Withdrawal of Ecological Label

Article 54

The Ministry shall issue the act awarding the right to use the ecological label.

The right to use the ecological label shall be granted for the period up to three years.

The person concerned shall submit the application for ecological label to the Ministry.

The application shall be supported with the evidence of compliance with the requirements referred to in Article 53 of this Law.

The costs of awarding the right to use the ecological label shall be borne by the applicant.

The right to use the ecological label shall be withdrawn if the product, process or service ceases to comply with any of the requirements for the issue.

Appreciations and Awards

Article 55

Acclaims and awards shall be granted by the Ministry on the basis of competition for:

- 1) prevention of environmental pollution;
- 2) best acceptable solutions in production processes for environmental protection;
- 3) developing and research projects in the field of environmental protection;
- 4) develop educational programmes on environmental protection;
- 5) competition of individuals for development and advancement of environmental protection or competition in international cooperation;
- 6) competition of professional, other associations and non-governmental organizations for development and advancement of environmental protection.

Acclaims and awards shall be granted by the Ministry on the basis of competition.

The Minister shall prescribe more closely the procedure and conditions for the grant of acclaims and awards.

3. Measures of Protection from Dangerous Substances

3.1. Production and Placement on the Market

Substances Depleting Ozone Layer

Article 56

Production of substances depleting ozone layer shall be prohibited on the territory of the Republic.

Import and export of substances depleting ozone layer shall be prohibited, namely the products which contain such substances, as determined in the ratified international treaty from countries, namely to countries that are not parties of such an agreement.

Import, production and placement on the market of new and used products, which contain substances depleting ozone layer, shall be prohibited, except for special purposes.

Substances depleting ozone layer, whose trade, namely use has not been prohibited, as well as products containing the substances depleting ozone layer, and are used for special purposes, may be imported or exported under the permit of the Ministry.

Importer or exporter shall submit the application for permit, supported by the following documents:

- 1) type and quantity of a substance or a product containing the substance depleting ozone layer, and which are subject to import or export;
- 2) data about the origin of a substance or a product containing the substance depleting ozone layer which are being imported or about the destination where the substance is being exported or about the end-user;
- 3) other documentation prescribed by regulations.

Importer or exporter is obliged to keep the records and to submit to the Ministry data about the type and quantity of imported or exported substances, about quantity of sold imported substances and about legal and natural entities to which the substances have been sold.

The Government shall prescribe:

- 1) list of substances depleting ozone layer whose import or export has been prohibited;

2) list of substances and products containing the substances depleting ozone layer whose import or export has been allowed;

3) list of substances and products containing the substances depleting ozone layer for special purposes.

The Ministry shall keep the register on import, export and consumption of substances depleting ozone layer, namely the products.

The Minister shall more closely prescribe documentation which is to be submitted along with the application for permit for import and export, the way of keeping the records, namely register on import, export and consumption of substances, namely products, the way and deadline of data submission

Import, Export and Transit of Waste

Article 57

The import of hazardous waste shall be prohibited.

The waste may be imported only if not available in the Republic, but is necessary in production as a secondary raw material.

Permit for import, export and transit of waste shall be issued by the Ministry in compliance with law and other regulations.

When applying for permit for import, export and transit from paragraph 1 of this Article, the applicant shall submit the documentation whose contents shall be prescribed by the Ministry.

The Minister shall regulate the conditions which are to be fulfilled by professional organizations for waste research.

The Minister shall determine professional organizations from paragraph 5 of this Article.

3.2. Handling with Dangerous Substances

Obligations of Legal and Natural Entities

Article 58

Handling of dangerous substances in the production, use, transport, trade, processing, storage and disposal shall proceed in such a way as to avoid threat to life and health of people, pollution of the environment, provide for and take protection measures and other measures determined by law.

Legal entity and natural person producing, transporting, placing on the market, use, processing, storing or disposing dangerous substances shall be obliged to:

1) Make the plan for accident prevention and update or review the same every three years, at least, in compliance with the changes in the operations of the plant, applying technology or operations, including the check up readiness for its implementation;

2) Implement preventive and other measures management of risk from accident from the plan of accident prevention;

3) Make the report on safety state which shall be available to public and, at least once in five years, just like in case of changes in operation and activities of a plant, to review the report on safety state.

The entity from paragraph 2 of this Article shall keep the records about types and quantities of dangerous substances.

In case of malfunction in installations or devices for environmental protection due to which the exceed of emission limit values occurs, the entity from paragraph 2 of this Article is obliged to inform about that, without any delay, the Ministry, competent authority of Autonomous Province or authority of local self-governance unit.

The transporter carrying dangerous substances is obliged to obtain the permit from the authority in charge of transport of dangerous substances in compliance with special law.

Response to Accident

Article 59

In case of the accident, legal or natural entity shall, without any delay, organize and implement planned measures and procedures of reacting to accident and shall engage people and means in accordance with designed plan of protection from accident including the obligation of notifying the Ministry, competent authority of the Autonomous province and Ministry in charge of activities of protection from fire, production and placement on the market of explosive substances, flammable liquids and gases and other competent authorities, in compliance with law.

The notification from paragraph 1 of this Article shall contain: the accident circumstances, place, time, present dangerous substances, immediate danger towards human health and environment as well as short description of undertaken measures and immediate measures of readiness which are necessary in order to prevent recurrence of the accident.

Obligatory Notification

Article 60

Legal or natural entity referred to in Article 58 of this Law shall notify the Ministry, the authority of autonomous province, namely local self governance unit on the

territory of which it is based of the following information for the existing and new activities and installations:

- 1) At least three months prior to the start of construction or commissioning in the case of new installation;
- 2) At least one year from the date of enforcement of this law about the existing installations.

The notification from paragraph 1 of this Article shall contain data on:

- 1) Type of activity and operations of the plan, location and immediate neighborhood of the installation;
- 2) Identification, quantity and physical form of dangerous substances, and their categorization;
- 3) Safety situation;
- 4) Preventive measures implemented for prevention of accidents and containment of consequences;
- 5) Rehabilitation measures, planned or taken in case of accident.

Obligations of Competent Authority

Article 61

State authorities, those of autonomous province and units of local self-governance shall enact plans for protection of accidents.

The plan for protection from accident with transboundary effects shall be approved by the Government.

The plans referred to in par 1 and 2 of this Article shall be reviewed every third year.

The Minister shall prescribe:

- 1) Content of the accident protection plan and of the report of the state of safety;
- 2) Manner of keeping records by types and quantities of dangerous substances in the production, use, trade, transport, processing, storage and disposal, ways and deadlines for submission of data;
- 3) Level of concentration of dangerous substances in the environmental medium of which the public is to be informed;
- 4) The manner and criteria for categorization and characterization of dangerous substances;

5) Criteria for determination of the scope of accident for the proclamation of the state of threat to environment due to accident.

Further to the notification under Articles 59 and 60 of this Law, the Ministry shall keep the register of installations, as well as the register of accidents notified.

The Ministry shall be obliged to identify the installations or group of installations where the likelihood or possibility of occurrence of accidents may be increased due to location or proximity of such installations, and to make identification of dangerous substances (domino effect).

Proclamation of the State of Endangerment

Article 62

In the case of accident, depending of its scope, within or outside the plant and estimated consequences, which may cause direct or deferred threat towards human health and environment, the state of endangerment of environment shall be proclaimed, and the public shall be informed of the measures taken.

State of endangerment referred to in par 1 of this Article shall be proclaimed by the Ministry, namely the authority of autonomous province, namely unit of local self-governance.

For the accidents with transboundary effects, the state of the endangerment shall be proclaimed by the Government.

Rehabilitation Measures and Subsidiary Liability

Article 63

To prevent further spread of pollution caused by an accident, legal and natural entity shall immediately take rehabilitation measures planned for protection at its own cost.

If the polluter who is responsible for the accident has been determined subsequently, the authority that paid the cost of elimination of the consequences of environmental pollution shall claim the reimbursement.

4. Programs and plans

National Program

Article 64

Planning and management of environmental protection shall be secured and implemented via National program of environmental protection (hereinafter: National program) to be promulgated by the National Assembly, for the period of 10 years, minimum.

National program referred to in par 1 of this Article shall provide for integrated environmental protection and contain in particular:

- 1) Description and rating of environmental status;
- 2) Basic objectives and criteria for implementation of environmental protection in general, in areas and spatial regions with priority measures of protection;
- 3) Conditions for implementation of most favorable economic, technical, technological and other measures for sustainable development and environmental protection measures;
- 4) Long-term and short –term measures for prevention, mitigation and control of pollution;
- 5) Proponents, manner and dynamics of the realization;
- 6) Funds for realization.

National program shall be carried out via action and rehabilitation plans to be promulgated by the Government for the period of five years.

The Government shall report biannually to the National Assembly about the realization of the National program.

Action Plan

Article 65

Action plans shall be made for:

- 1) Advancement of spatial planning and landscaping;
- 2) Protection of soil;
- 3) Protection of water;
- 4) Protection of air and atmosphere;
- 5) Protection of forests;
- 6) Protection of ecosystems;
- 7) Protected natural goods;
- 8) Waste management;
- 9) Chemicals management;
- 10) Protection from ionizing and non-ionizing radiation;
- 11) Protection from accident;
- 12) Protection from noise and vibrations;
- 13) Sustainable energy management;

- 14) Development of information system;
- 15) Development of scientific research and education;
- 16) Development and application of economic instruments etc.

Rehabilitation Plan

Article 66

The rehabilitation plan shall be made whenever pollution in the given area exceeds the effects of the measures taken, namely when the capacity of the environment is at risk or there is a risk of permanent degradation of the quality or damage in the environment.

The rehabilitation plan shall be made by the Government in the following cases:

- 1) When the level and the scope of degradation of the environment exceeds the rehabilitation possibilities of the autonomous province, namely local self-governance unit;
- 2) When the responsible polluter is unknown and the environmental pollution causes harmful consequences across the borders of the Republic;
- 3) When the responsible polluter is beyond the jurisdiction of the Republic, and the environmental pollution causes harmful effects in its territory;
- 4) When the environmental pollution endangers an area of extraordinary relevance for the Republic or causes harmful effects;
- 5) When it is necessary to take urgent and intervention measures in emergency cases.

If the polluter who is responsible for the pollution has been determined subsequently, the authority that paid the cost of environmental rehabilitation shall claim reimbursement.

In the case of excessive levels of emission and other activities resulting in the environmental degradation, the polluter shall be obliged to make and implement rehabilitation plan at its own cost.

Contents of Plans

Article 67

Action and rehabilitation plans shall contain in particular: status, measures, impact assessment to human health in case of the endangered environment, proponents, manner, dynamics and financial resources for the realization of the plan.

Action and rehabilitation plans shall be prepared by the Ministry with the ministries in charge of certain area.

Programs and Plans of Autonomous Province and Local Self-governance Unit

Article 68

Autonomous province and local self-governance units shall promulgate the program for environmental protection on their territory, namely local action and rehabilitation plans, in accordance with the National program and plans referred to in Articles 65 and 66 of this Law and their interest and specificities.

Two or more units of the local self-governance shall enact joint program of environmental protection for reduction of negative effects on the environment and for cost-efficiency reasons (joint waste management, wastewater management, and the similar).

IV. ENVIRONMENTAL MONITORING

1. Monitoring

Provision of Monitoring

Article 69

The Republic, autonomous province, and local self-governance unit, within their respective competencies under the law, shall provide for continual control and monitoring of the state of the environment (hereinafter: monitoring) in compliance with this and special laws.

Monitoring shall be an integral part of the uniform information system on environmental protection.

The Government shall make the program of monitoring for two-year period.

Autonomous province, namely local self-governance unite shall make the monitoring program on its own territory that must be in compliance with the program referred to in paragraph 3 of this Article.

The Republic, autonomous province and local self-governance unit shall provide for financial means for monitoring.

Contents and Mode of Monitoring

Article 70

State monitoring shall be carried out by systematic measurement, examination and rating of indicators of the status and pollution of environment, including the monitoring of natural factors, namely changes of status and characteristic of the environment, including transboundary monitoring of: air, water, land, forest, biodiversity, flora and fauna, elements of climate, ozone layer, ionizing and non-ionizing radiation, noise, waste and early warning of accidents with monitoring and assessment of the development of environmental pollution, as well as obligations from international agreements.

The Government shall determine criteria for the number and lay-out of measurement points, measurement point's network, scope and frequency of measurement, classification of phenomena monitored, methodology and indicators about the pollution of the environment and their monitoring, deadlines and manner of data submission.

Authorized Organization

Article 71

An authorized organization may do the monitoring, provided that it meets the conditions of human resources, equipment and space, accreditation for the measurement of the given parameter and JUS ISO standards in the domain of sampling, measurement, analysis and reliability of data in compliance with law.

After obtaining the consent from the Ministry in charge of certain area, the Minister shall prescribe closer conditions that must be fulfilled by the authorized organization from paragraph 1 of this Article.

The Minister shall identify authorized organization from paragraph 1 of this Article.

The act from paragraph 3 of this Article shall be published in the "Official Gazette of the Republic of Serbia".

Polluter Self Monitoring

Article 72

Legal and natural entity who is the owner, namely operator of a installation that is the source of emission and pollution of the environment, in compliance with law, via competent authority, organization or authorized organization, is obliged to:

- 1) Perform emission monitoring;

2) Provide for meteorological measurements for big industry complexes or facilities of special interest for the Republic, autonomous province or local self-governance unit;

3) Participate in expenditures of measurement of imissions in the impact zone, when necessary;

4) Monitor other impacts of their activity towards the environment.

The Government shall prescribe types of emissions and other phenomena which are subject to polluter monitoring, measurement methodology, sampling, way of recording the data, deadlines for submission and keeping the data.

The polluter shall plan and provide for financial means for performance of emission monitoring, as well as for other measurements and monitoring of their activity impact towards the environment.

Data Submission

Article 73

State authorities, organizations, authorities of autonomous province and local self-governance unit, authorized organizations and polluters are obliged to submit the data on monitoring from Articles 70 and 72 of this Law to the Environmental Protection Agency in a way prescribed by regulations.

2. Information System and Manner of Data Submission

Information System

Article 74

For more efficient identification, classification, processing, monitoring and record keeping of natural values and environmental management in the Republic an information system for environmental protection shall be established (hereinafter: information system).

The information system shall procure formation, classification, maintenance, presentation and distribution for numerical, descriptive and spatial databases on: quality of the environmental media, monitoring of the status and protection of the environment, legal, administrative and organizational and strategic measures, scientific-technical information about planning measures of prevention and exchange of information with other information systems etc.

The information system shall be run by the Environmental Protection Agency.

The information system shall provide access for other information systems and harmonization of all relevant information and data at national and international level.

The Government shall prescribe more closely the contents and the manner of maintenance of information system, methodology, structure, common bases, categories and levels of data compilation, as well as the contents of information regulatory and obligatory released to public.

Integrated Polluter Cadastre

Article 75

An integrated pollutant cadastre shall be maintained in accordance with this Law to monitor qualitative and quantitative changes in the environment and measures for the protection of the environment.

The integrated polluter cadastre shall be maintained by the Environmental Protection Agency.

The Minister shall prescribe methodology for integrated cadastre of polluters, as well as the type, manners, classification and deadlines of data submission.

The polluter is obliged to submit mandatory data at its own cost in the manner and within timeframes prescribed by this Law.

3. Environmental State Report

Environmental State Report

Article 76

The Government shall annually report to the National assembly on environmental state in the Republic.

Competent authority of the Autonomous province or local self-governance unit shall report biannually to the assembly of the autonomous province or to the assembly of the local self-governance unit on the environmental state at their territory.

The environmental state reports shall be published in official bulletins of the Republic, autonomous province and local self-governance unit.

Contents of Environmental State Report

Article 77

The report from Article 76 of this Law shall particularly contain data about:

- 1) State and changes in the environment;
- 2) Implementation of Strategy, National program and action plans;
- 3) Rehabilitation plans and other measures undertaken;
- 4) Financing the system of environment protection;

5) Priority obligations and measures in the area of environmental protection;

6) Other data which are relevant for management of natural values and environmental protection.

V. INFORMATION AND PUBLIC PARTICIPATION

Access to Information

Article 78

State authorities, those of the autonomous province, local self governance units and authorized and other organizations shall be obliged to regularly, timely and objectively inform the public on the environmental status, namely phenomena monitored in keeping with the monitoring of imission and emission and warning measures or development of the pollution which may pose threat to human life and health, in compliance with this Law and other regulations.

The public is entitled to access of statutory registers or records containing the information and data in compliance with this Law.

Data Supply at Request

Article 79

Information concerning environmental protection shall be forwarded from the competent authority to the applicant within 30 days of the date of submitting such a request.

If the information from paragraph 1 of this Article is voluminous or if their preparation would take a longer period of time, the deadline shall be 60 days of the date of submission.

The cost of the supply of the data from paragraph 1 of this Article shall be borne by the applicant.

The Minister shall prescribe the amount of costs from paragraph 3 of this Article, depending on the scope and character of the data.

Rejecting the Request for Data Supply

Article 80

A request for information about the environmental protection system may be declined if their publication would adversely affect:

1) Confidentiality of the state authorities when stipulated by law;

- 2) International relations, national defense and public security;
- 3) Judiciary;
- 4) Confidentiality of commercial and industrial data when provided so by law, except for information on emissions endangering the environment;
- 5) Intellectual property rights;
- 6) Confidentiality of personal data or files when stipulated so by the law;
- 7) Interests of the third parties in possession of information and not having the obligation to submit it, i.e. they have not agreed to publicize it.

Participation of Public in Decision-making

Article 81

The public shall be entitled, in compliance with law, to participate in the process of decision-making in:

- 1) Strategic assessment of plans and programs impact on environment;
- 2) Environmental impact assessment of projects whose realization may result in environmental pollution or threat for environment and human health;
- 3) Approving new or existent installations.

Participation of public regarding strategic impact assessment shall be ensured by displaying spatial and urbanity plan, i.e. any other plan or program from Article 35 of this Law to the public scrutiny.

Participation of public in decision-making about environmental impact assessment of project implementation shall be carried out through public project presentation and public debate.

Participation of public in decision-making about commissioning new or existent installations shall be carried out during the procedure of issue of IPPC permit.

The stakeholders shall be informed by public announcement of the procedure for decision-making and shall take part in the process by submitting opinion, comments and suggestions to the competent authority and shall be timely informed about the decision.

Limited Participation of Public in Decision-making

Article 82

The Government may, in order to protect the interests of national security and defense, limit participation of public in decision-making from Article 81 of this Law.

VI. ECONOMIC INSTRUMENTS

Financing Environmental Protection

Article 83

The Republic, autonomous province or local self-governance unit within their competencies shall provide for funds and realization of the environmental protection objectives, in compliance with this Law.

1. Types of Economic Instruments

1.1. Charges for Use of Natural Resources

Article 84

The user of the natural values shall pay a charge for the utilization of natural values and bear the cost of rehabilitation and recultivation of degraded area, in compliance with special law.

60% of means obtained from the charges from paragraph 1 of this Article shall be allocated to the Republic budget and 40% shall go to the budget of autonomous province.

1.2. Environmental Pollution Charges

Article 85

The polluter is obliged to pay a charge for environmental pollution.

The criteria for determination of the charge from paragraph 1 of this Article shall be:

- 1) type, quantity or characteristics of the emission from certain sources;
- 2) type, quantity or characteristics of the emissions of produced or disposed waste;
- 3) contents of matters which are harmful to the environment within the raw material, semi product and final product.

The obligor for charges referred to in par 1 of this Article (hereinafter: obligor) shall be any person causing environmental pollution by emission, namely waste or who shall produce, operate or market raw material, semi finished or final products containing environmentally harmful substances.

The Government shall determine the type of pollution, the criteria for charge calculation and obligors to pay, the amount and method of calculation, assessment and collection of charges.

40% of the means obtained from the charges from paragraph 1 of this Article shall be allocated to the Republic budget, and 60% of the means shall go into the budget of the local self governance unit.

The funds from paragraph 5 of this Article shall be used for protection and improvement of the environment according to programs, namely action and rehabilitation plans made in compliance with this and special laws.

Refund, Relief or Reduction of Environmental Charges

Article 86

The obligor shall be entitled to get the refund, relief or reduction of the paid environmental charge if the funds are used for the implementation of measures for harmonization with prescribed limit values or if other measures are being implemented in contribution to reduction of environmental pollution to the level below prescribed limits.

The Government shall determine criteria and conditions for refund, exemption or reduction of charges.

The Minister shall determine about the right from paragraph 1 of this Article in accordance with prescribed criteria and conditions.

Charges of the Local Self-governance Unit

Article 87

The unit of local self-governance may, within the framework of its rights and liabilities, impose the charge for environmental protection and improvement in line with its needs and specificities.

Exceptionally, the self-governance unit with the status of endangered environment may impose a charge for the protection and enhancement of environment also for the owners of freight vehicles, namely legal and natural entity involved in transport and carriage of oil and oil derivatives, as well as raw material, finished products and semi-finished products of chemicals and other dangerous substances from or for the industry located in its territory.

The amount of the charge from paragraphs 1 and 2 of this Article, the manner of payment as well as relief for certain categories of obligors shall be prescribed by local self-governance unit.

The means obtained from charges must be earmarked into environmental protection and improvement.

Ensuring Payment of Charges

Article 88

As for the payment of charges from Articles 84, 85 and 87 of this Law, calculation of penalty interest for default, forced collection and others not specifically prescribed by this Law, the provisions of the law specifying taxation procedures shall be applied accordingly.

1.3. Budgetary and International Financial Assistance Funds

Use of Funds

Article 89

Budgetary financing and international financial assistance funding shall be carried out within the activities of the Fund for Environmental Protection in accordance with this Law.

1.4. Fund for Environmental Protection

Establishment of the Fund

Article 90

In order to provide financial means to enhance and advance environment protection in the Republic, the Fund for environmental protection shall be established (hereinafter: the Fund).

The Fund shall have the status of legal entity.

The Fund shall be situated in Belgrade.

Fund's Activities

Article 91

The Fund shall carry out activities in relation to financing the preparation of implementation and development of programs, projects and other activities in the area of preservation, sustainable use, protection and advancement of the environment, as well as in the area of energetic efficiency and use of renewable energy sources, and in particular:

- 1) professional and other activities in relation to acquisition, management and utilization of Fund's means;
- 2) mediation concerning financing of the environmental protection and energy efficiency from the funds of foreign countries, international organizations, financial institutions and bodies, as well as of domestic and foreign legal and natural entities;

3) keeping database on programs, projects and other activities in the area of environmental protection and energy efficiency, as well as on necessary and available financial means for their realization;

4) encouragement, establishment and realization of co-operation with international and domestic financial institutions and other legal and natural entities in order to finance environmental protection and energy efficiency in accordance with the National program and other strategic plans and programs and concluded international agreements for the purposes determined by this Law.

The Fund shall work in compliance with Law on budget.

Revenues of the Fund

Article 92

The revenues of the Fund shall be realized from:

1) earmarked funds of the Republic budget realized on the basis of charges prescribed in Articles 27 and 45 and certain charges from Article 85 of this Law;

2) funds realized on the basis of changes in ownership of the companies in privatization process;

3) revenues realized on the basis of international bilateral and multilateral co-operation on programs, projects and other activities in the area of environmental protection and energy efficiency;

4) revenues and receipts from the management of liquid money assets of the Fund;

5) contributions, donations, grants, and assistance;

6) other sources in compliance with law.

Every increase of the Fund property shall be written in the Register of economy subjects once a year.

The amount of the means realized on the basis of change in ownership of companies in privatization process from paragraph 1, point 2 of this Article shall be determined in compliance with Law on privatization.

Use of the Fund's Finances

Article 93

In the process of its work, and especially in planning and utilization of the finances, the Fund shall apply the principles of objectiveness and responsibility, internationally recognized standards of good practice and public in its work and decision making.

The Fund's finances shall be used for financing action and rehabilitation plans in accordance with the National program, and in particular for:

- 1) protection, preservation and improvement of the quality of air, water, soil and forests, mitigation of climate changes and ozone layer protection;
- 2) rehabilitation of waste landfills, encouragement of reduction of waste creation, recycling and waste re-use;
- 3) incentives for cleaner production and application of best available techniques for operation of facilities and activities performance;
- 4) technology and products which shall reduce burden and pollution of the environment;
- 5) biodiversity protection and preservation;
- 6) incentives for sustainable use of protected natural values;
- 7) incentives for sustainable development of rural areas;
- 8) incentives for use of renewable energy sources and increased energy efficiency;
- 9) incentives for cleaner transport;
- 10) incentives for sustainable economy activities, namely sustainable economy development;
- 11) development of the system of information about environmental state, monitoring and evaluation of environmental state, as well as introduction of the system of environmental management;
- 12) incentives for educational, research and developing studies, program, projects and other activities, including demonstration activities;
- 13) co-financing preventive and intervention measures in emergency environmental pollution and training for reacting in case of accidents;
- 14) co-financing the obligations of the Republic in relation to subsidiary measures.

The Fund may participate in co-financing of the programs, projects and other activities for the purposes from paragraph 2 of this Article, if organized and financed by international organizations, financial institutions and bodies or other foreign legal entities.

Manners of Use of the Fund's Assets

Article 94

The assets of the Fund shall be granted to legal and natural entities, users of the means for the purposes determined in Article 93 of this Law through loans, guarantees and other forms of collateral, subsidies, assistance and donations on the basis of public advertisement published by the Fund.

The Fund shall not publish public initiation if, as a contracting party, directly finances and participate in realization of programs, projects and other activities in accordance with this Law.

General act of the Fund shall determine the conditions which are to be fulfilled by the users of the Fund's assets, conditions and manner of drawing on its funds, appraisal criteria for project proposals evaluation, namely requirements for credit applications, manner of monitoring the earmarked use of the funds and contracted rights and duties, as well as other important issues for allocation and usage of the Fund's assets.

Programs of the Fund

Article 95

The Fund shall:

- 1) enact its annual and medium-term working program;
- 2) determine its financial plan, periodic and annual account;
- 3) follow the program realization and control rational use of the funds;
- 4) decide on other issues and carries out other activities determined in the Fund's statute.

The Government shall give the consent to the medium-term program, and the Ministry to the annual one.

The Fund shall submit to the Ministry the report on realization of working programme for the previous year at latest by 31st March of the current year.

The Fund shall submit the report on working programme to the Ministry at any other time at the Ministry's request.

Bodies of the Fund

Article 96

Bodies of the Fund shall be: managing board, supervisory board and director.

Members of the managing and supervisory board shall be appointed and recalled by the Government.

The managing board shall consist of seven members: three representatives of the Government, one representative of each the National Bank, autonomous province, local self-governance unit and Fund.

The supervisory board shall consist of five members: two representatives of the Government, one of each the autonomous province authority, local self governance unit and Fund.

The director of the Fund shall be appointed and recalled by the Government, at the proposal of the Minister.

The members of the managing and supervisory board and the director shall be appointed for four years period.

General Acts of the Fund

Article 97

The Fund shall have the Statute and other general bylaws in compliance with law and its Statute.

The Statute shall be enacted by the managing board of the Fund with the approval of the Government.

The Statute of the Fund shall regulate: organization and operation of the Fund, competency and work of the managing and supervisory board and the Fund director, agency and representation of the Fund, rights, liabilities and responsibilities of the Fund employees, organization of the activities and other issues of relevance for the work and operations of the Fund.

Publicity of the Fund

Article 98

The work of the Fund is public.

The Fund shall timely and truly inform the public about the activities which were the basis for its foundation, in the manner prescribed by Statute.

The Fund may deny the information which has been declared an official or business secret.

Professional and Other Activities

Article 99

Professional and other administrative-technical activities shall be carried out by the Fund's employees.

The Fund's employees shall have rights and duties in accordance with Law on labour in state authorities.

Funds of the Province and Local Self-governance

Article 100

The autonomous province, local self governance unit, namely two or more self-governance units may establish the fund for environmental protection to be financed out of the revenues obtained at their territory.

The provisions of Articles 90-99 shall be consistently applied to the Fund referred in paragraph 1 of this Article.

1.5. Economic Incentives

Types of Incentives

Article 101

For the legal and natural entities applying technologies, produce and place on the market the products environmentally more friendly than others, namely use renewable energy sources (energy of the Sun, wind parks, biogas, etc.) plant and equipment directly protecting the environment, may have taxation, customs and other relief or exemption provided under the terms and conditions of special law.

For the consumers who return used and non used devices and parts thereof, products or their packaging, the producers who provide for their recycling or elimination, namely reduction of negative impact of their activity on the environment in another organized manner, may get special incentives such as subsidies, deposit refunds under the terms and conditions stipulated in the special law.

VII. LIABILITY FOR ENVIRONMENTAL POLLUTION

Liabilities of Legal and Natural Entities

Article 102

Legal and natural entity shall be obliged to ensure environmental protection while performing their activity, through:

- 1) applying and implementing regulations on environmental protection;
- 2) sustainable use of natural resources, goods and energy;
- 3) introducing energy efficient technologies and use of renewable natural resources;
- 4) using products, processes, technologies and practice less harmful to the environment;
- 5) undertaking preventive measures or eliminating the consequences of threat and damage to the environment;
- 6) keeping records in a prescribed way on raw materials and energy consumption, pollutants and energy release, classification, characteristics and quantities of waste, as well as on other data and their submission to competent authorities;
- 7) controlling the activities and operation of installations that may represent risk or that may cause danger towards human health and environment;
- 8) other measures in compliance with law.

Legal and natural entity shall implement measures of environmental protection from paragraph 1 of this Article on their own or via authorized organization.

Liability for Pollution

Article 103

Polluter causing environmental pollution shall be responsible for the occurred damage under the principle of objective responsibility.

Legal and natural entity that through their illegal or inadequate acting has enabled or allowed environmental pollution shall also be responsible.

Polluters' Obligation

Article 104

Polluter causing environmental pollution by its acting or non-acting shall be obliged to, without any delay, undertake measures determined by rehabilitation and plan of protection from accident, namely to undertake necessary measures in order to reduce damage in the environment or eliminate further risks, hazard or rehabilitation of the damage in the environment.

If the damage made to the environment cannot be rehabilitated through adequate measures, the person that has caused it shall be responsible to pay charge equivalent to the value of the destroyed good.

Liability for Damage

Article 105

Polluter shall be liable for the damage made to the environment and space and shall cover expenditures for the evaluation of damage and elimination thereof, and in particular:

- 1) costs of urgent interventions undertaken at the moment of the damage occurrence which are necessary for organizing and preventing the effects of damage towards the environment, space and human health;
- 2) direct and indirect costs of rehabilitation, establishment of new or recoverage of the previous environmental and spatial status, as well as monitoring of rehabilitation and environmental damage effects;
- 3) costs for prevention of the occurrence of the same or similar damage towards the environment and space;
- 4) charge costs which are to be paid to persons directly threatened by environmental and spatial damage.

The polluter is obliged to ensure financial or other warranties in order to ensure the payment of the charge from paragraph 1 of this Article, during and after performance of the activity.

The Government shall prescribe type of warranty from paragraph 2 of this Article, the amount of the means and validity period of the warranty supplied by the polluters.

Insurance

Article 106

Polluter whose installation or activity represents threat towards human health and environment shall be obliged to insure themselves against liability for possible damage made to third party in an accident.

Reimbursement of Damage

Article 107

Every person affected by damage shall have right to reimbursement.

The request for reimbursement may be submitted directly to the polluter or insurer, namely to the financial guarantee of the polluter where the accident happened, if such insurer, namely financial guarantee exists.

If several polluters are responsible for the environmental damage, and if it is not possible to determine share of certain polluters, the costs shall be borne jointly and individually.

The procedure for reimbursement shall be out-of-date in three years period since the damaged party found out about the damage and damage maker. However, this claim shall be out-of-date in 20 (twenty) years after the occurrence of the damage.

Court procedure for reimbursement shall be urgent.

The Republic shall keep the right to reimburse the means if there are no other persons with such right.

Appropriate Law Implementation

Article 108

To the issues regarding liability for damage to the environment which have not been particularly regulated by this Law, general rules of the Law on Obligations shall be applied.

VIII. SUPERVISION

Administrative Supervision

Article 109

Supervision over the implementation of this Law provisions and regulations made on its basis shall be carried out by the Ministry if not regulated differently by this Law.

The inspection supervision shall be performed by the Ministry via inspectors for environmental protection (hereinafter: the inspector) within competencies determined by this Law.

Autonomous province shall perform inspection supervision over the implementation of the activities given by this Law and regulations made on its basis.

Local self-governance unit shall perform inspection supervision over the implementation of the activities given by this Law and regulations made on its basis.

Rights and Duties of the Inspector

Article 110

During the performance of their supervision, the inspectors shall have right and duty to determine the following:

- 1) whether the management, namely sustainable use and protection of natural resources and goods are carried out in line with strategic documents and conditions and measures determined in compliance with this Law;
- 2) whether collecting and placement on the market of wild flora and fauna and their developing forms and parts are carried out in accordance with prescribed conditions;
- 3) whether import, export and transit of endangered and protected species of wild flora and fauna and their developing forms and parts are carried out in compliance with prescribed conditions;
- 4) whether the measures and conditions of environmental protection in planning and constructing are being implemented;
- 5) whether the standards of environmental quality and emission are being applied;
- 6) whether the conditions for operation and activation of the installation have been fulfilled;
- 7) whether the conditions for inclusion into EMAS system, namely acting of legal and natural entity already included into EMAS system is in compliance with prescribed conditions;

- 8) whether EMAS logo is being used in a prescribed manner;
- 9) whether domestic or imported technologies or processes are being applied, namely production and placement on the market of finished products, semi-finished products and raw materials are being carried out in compliance with prescribed norms of environmental protection;
- 10) whether prescribed prohibitions on production and trade with certain products and performance of certain activities are being implemented;
- 11) whether ecological label for products, processes or services is being used in a prescribed manner;
- 12) whether import and export of substances depleting ozone layer are being carried out in compliance with this Law;
- 13) whether import, export and transit of waste are being carried out in compliance with this Law;
- 14) whether dangerous substances in production, use, transport, trade, processing, storage and disposal are treated in accordance with prescribed measures;
- 15) whether the National program, action and rehabilitation plans are being implemented;
- 16) whether monitoring of environmental state is being performed;
- 17) whether information system and integrated cadastre of polluters are being kept;
- 18) whether the Fund's finances are being earmarked;
- 19) whether the obligations from ratified international agreements from the area of environmental protection are being implemented;
- 20) whether other prescribed measures and conditions for environmental protection are being implemented.

The control of import, export or transit from paragraph 1 of this Article shall be carried out by the Republic border inspectors.

Powers of Inspectors

Article 111

In the course of performing their tasks from Article 110 of this Law, the inspector shall be authorized to:

- 1) order the correction of irregularities in implementation of measures of protection, recultivation and rehabilitation of the environment in the process of utilization of natural resources and goods, in a certain period of time;
- 2) prohibit use or utilization of natural resources and goods without consent or against the consent and to instruct rehabilitation, namely undertaking other appropriate protective measures;

3) prohibit import and grow of foreign flora and fauna for free development in nature, and which could threaten autochthonic species and their spreading;

4) prohibit destroying and damaging of wild flora and fauna and their habitats;

5) prohibit collection and placement on the market of wild flora and fauna, their developing forms and parts without permit;

6) prohibit import and export of endangered and protected species of wild flora and fauna and their developing forms and parts whose trade has been prohibited by international agreements;

7) prohibit import and export of endangered and protected species, their developing forms and parts whose trade has been allowed if carried out without the permit;

8) prohibit construction and use of a installation and performance of activities if prescribed standards and norms regarding emissions and imissions have not been fulfilled, if they do not possess adequate equipment and devices in function which mitigate or prevent the emission of pollutants or energy or if other measures and conditions of environmental protection have not been undertaken;

9) prohibit production and trade with vehicles not fulfilling conditions regarding emission for mobile sources of pollution;

10) prohibit release of polluting and dangerous substances, waste water or energy into air, water and soil in a way and in quantities, namely concentrations or levels exceeding prescribed ones;

11) prohibit use of EMAS logo if the use is contrary to the provisions of this Law;

12) prohibit operation, use or utilization of technology, technological process, finished product, semi-finished product or raw material not allowed by the provisions of this Law;

13) instruct that, in case of doubt, certain technology, technological process, finished product, semi-finished product or raw material must be examined regarding possible harmful effect towards the environment and to temporary ban their use or utilization until the results of the examination have been submitted;

14) withhold the operation until the efficiency of the devices for elimination or treatment of pollutants for which there are no prescribed standards have not been examined;

15) prohibit placement on the market of raw materials, semi-finished products or finished products which do not have obvious label about possible harm towards the environment;

16) prohibit use of ecological label if being used contrary to this Law;

17) prohibit import and export of substances and products depleting ozone layer whose trade has been banned by ratified international agreements and to order the return of those substances and products to sender;

18) prohibit import or export of substances depleting ozone layer whose trade has been allowed if being performed without a permit or contrary to the permit conditions;

19) order to keep prescribed records from Article 56, paragraph 6 of this Law; -

20) prohibit import of foreign hazardous waste;

21) prohibit import, export and transit of waste if being contrary to the provisions of this Law and to order the return of the waste to sender;

22) prohibit treatment with dangerous substances if being contrary to the provisions of this Law;

23) order the assessment of the risk from accident, the design of a installation for protection from accident and a report on security status, as well as undertaking adequate preventive and other measures of environmental protection from dangerous substances in compliance with law;

24) in case of an accident, order undertaking intervene measures and procedures of reaction to accident, implementation of the measures in accordance with the plan of protection from accident, engaging people, means and undertaking measures of rehabilitation and prevention from spread of pollution caused by the accident;

25) order the monitoring in a prescribed manner;

26) order implementation of measures of environmental protection in compliance with this Law;

27) order performance of other prescribed obligations within certain deadline.

To the inspector's ruling from paragraph 1 of this Article an objection can be made, if not prescribed differently by this Law.

The objection from paragraph 2 of this Article shall be stated to the Minister within 15 days from the day of the reception of the ruling and shall not delay its implementation.

The inspector's ruling from paragraph 1, points 6), 7), 17), 18), 20) and 21) of this Article shall be final.

Against the ruling from paragraph 4 of this Article, an administrative litigation may be put into procedure.

Article 112

In the course of performing their activities from Articles 110 and 111 of this Law, the inspector may temporarily confiscate the objects, goods or devices whose use has not been allowed or which have occurred, namely which have been used for illicit activities.

In the course of supervision over the implementation of measures of environmental protection, the inspector shall have powers and duties determined by special law.

Article 113

If during the inspection supervision, the inspector estimates that, apart from violating this Law, the other laws and regulations being related to issues of importance for environmental protection or its certain part have been violated as well, the inspector is obliged not only to undertake measures for which they have been authorized, but also to inform other competent authority.

Other competent inspection authority shall inform the inspector about the undertaken measures.

In cases when the inspector determines such kind of violations for which there are competencies prescribed for other inspection bodies, the inspector is obliged to, without any delay, inform the Minister so that the supervision may be performed jointly and adequate measures undertaken.

Article 114

The appeal against first degree ruling of competent municipal, namely city authority made in the course of tasks performance shall be decided by the Ministry, if not prescribed differently by this Law.

The appeal against first degree ruling of competent municipal, namely city authority from the autonomous province made in the course of tasks performance shall be decided by the competent authority of the autonomous province.

The appeal against first degree ruling of competent municipal authority from the city territory made in the course of tasks performance shall be decided by the competent authority of the city.

The appeal against first degree ruling of competent provincial authority shall be decided by the Ministry.

The appeal against first degree ruling of the Ministry shall be decided by the Government.

Article 115

The inspector shall have an official Identity Card, label and appropriate equipment.

The Minister shall prescribe the format of the official ID, the appearance and contents of the label and type of equipment.

IX. PENALTY PROVISIONS

1. Commercial Offences

Article 116

Legal entity shall pay a fine ranging from 150,000 to 3,000,000 dinars if it commits any of these commercial offences:

1) uses natural resources and goods without the Ministry consent (Article 15, paragraph 1);

2) in the course of use of natural resources and goods and during performance of activities, and after their termination it fails to implement measures preventing threat towards the environment (Article 16, paragraph 1);

3) does not carry out recultivation or in some other way does not rehabilitate degraded environment (Article 16, paragraph 2);

4) collects and place on the market certain species of wild flora and fauna, their developing forms and parts without the Ministry's permit, namely contrary to conditions determined in the permit (Article 27, paragraph 4);

5) imports and exports endangered and protected species of wild flora and fauna, their developing forms and parts without the Ministry's permit, namely contrary to determined conditions (Article 28, paragraph 1);

6) in dangerous substances management does not undertake all the necessary protective and safety measures (Article 29, paragraph 2);

7) does not make assessment of the risk from an accident (Article 38, paragraph 1);

8) constructs and uses installations and performs activities if prescribed standards of emission and imission, equipment and devices for mitigation and prevention of emission of pollutants or energy have not been fulfilled, as well as if other measures and activities for ensuring prescribed conditions of environmental protection have not been undertaken (Article 40, paragraph 1);

9) releases polluting and dangerous substances, waste waters or emitates energy into air, water or soil in a way and in quantities, namely concentrations or levels exceeding the prescribed ones (Article 40, paragraph 2);

10) produces and places on the market vehicles not fulfilling conditions regarding emissions for mobile sources of pollution (Article 40, paragraph 3);

11) applies domestic or imported technology or process, namely produces and places on the market products not fulfilling prescribed standards of environmental protection, i.e. standards of quality of products or the technology, process, finished product, semi-finished product or raw material is banned in the exporter country (Article 51, paragraph 1);

12) uses devices which serve for eliminating or treating the pollutants for which no domestic standards have been prescribed and which are contrary to Article 51, paragraph 4 of this Law;

13) if on the declaration of raw material, semi-finished product or finished product there is no warning to environmental pollution and harm towards human health which that raw material, semi-finished product or finished product or their package causes or may cause in the environment (Article 52, paragraph 1);

14) produces substances depleting ozone layer (Article 56, paragraph 1);

15) imports an exports substances depleting ozone layer, namely products containing these substances, which have been determined by ratified international agreement from the countries, namely to the countries which are not contract parties of that agreement (Article 56, paragraph 2);

16) imports, produces and places on the market new and used products containing substances depleting ozone layer contrary to Article 56, paragraph 3 of this Law;

17) imports and exports substances depleting ozone layer without the Ministry's permit (Article 56, paragraph 4);

18) imports hazardous waste (Article 57, paragraph 1);

19) imports, exports or transit waste without the Ministry's permit and determined conditions (Article 57, paragraph 3);

20) does not proceed in accordance with the provisions of Article 58, paragraph 2 of this Law;

21) does not undertake rehabilitation measures at their own cost (Article 63, paragraph 1);

22) does not make or realize rehabilitation plan from Article 66, paragraph 4 of this Law;

23) does not insure themselves in case of damage made to third parties in an accident (Article 106).

For the commercial offence from paragraph 1 of this Article the responsible person within legal entity shall also pay fine ranging from 30,000 to 200,000 dinars.

2. Offences

Article 117

Legal entity shall pay fine ranging from 30,000 to 1,000,000 dinars for the offence if:

1) uses EMAS sign and has not been registered in EMAS system (Article 49);

2) uses ecological label contrary to the provisions of Article 53 of this Law;

3) does not submit data from article 56, paragraph 6 of this Law;

4) does not keep the records on types and quantities of dangerous substances in production, transport, use, processing, storage or disposal (Article 58, paragraph 3);

5) without any delay does not inform the Ministry in case of malfunction in installations or devices for environmental protection due to which there occurs exceed in limit values of emission (Article 58, paragraph 4);

6) does not obtain permit from the competent authority for transport of dangerous substances (Article 58, paragraph 5);

7) in case of accident, without any delay, does not organize and implement planned measures and procedures of reacting to accident, engage people and means in line with the plan for protection from accident, including obligation to inform competent authority (Article 59);

8) does not submit information to competent authority containing data from Article 60 of this Law;

9) performs monitoring without an authorization (Article 71, paragraph 3);

10) does not perform monitoring of other impacts to environmental state (Article 72);

11) does not submit data from monitoring in a prescribed way (Article 73);

12) does not submit data which are important for keeping the integrated cadastre of environmental polluters in a prescribed way (Article 75, paragraph 4);

13) does not let the inspector perform the control, namely does not act in line with the inspector's ruling (Article 111).

For the offence from paragraph 1 of this Article a responsible person within legal entity shall also have to pay fine ranging from 5,000 to 20,000 dinars.

For the offence from paragraph 1 of this Article an entrepreneur shall have to pay fine ranging from 10,000 to 200,000 dinars or shall be punished with 30 days imprisonment.

For the offence from paragraph 1 of this Article, except for points 3) and 9), a natural entity shall have to pay fine ranging from 5,000 to 20,000 dinars or shall be punished with 30 days imprisonment.

Article 118

Natural entity shall have to pay fine ranging from 5,000 to 20,000 dinars or shall be punished with 30 days imprisonment for the offence if:

- 1) disturbs, maltreats, hurts and destroys wild flora and fauna or their habitats (Article 27, paragraph 2);
- 2) destroys, tears or in any other way desertification wild flora and destroys its habitats (Article 27, paragraph 3).

Article 119

Natural entity – accredited evaluator of EMAS shall have to pay fine ranging from 5,000 to 20,000 dinars or shall be punished with 30 days imprisonment if at the request from the Ministry does not submit data on check-up procedure of EMAS system in legal or natural entity (Article 47, paragraph 4).

Article 120

Responsible person within competent authority or organization carrying out public authorizations shall have to pay fine ranging from 5,000 to 20,000 dinars for the offence if:

- 1) issues approval for using natural resource or good without consent from the Ministry (Article 15, paragraph 1);
- 2) issues permit without obtained opinion of the organization in charge of nature protection (Article 27, paragraph 4);
- 3) issues permit without prescribed documentation or does not keep the register on issued permits in a prescribed way (Article 28);
- 4) prepares spatial or urbanity plan without conditions for environmental protection measures from Article 34;
- 5) does not inform public and does not promulgate an act on introducing special measures in cases from Article 42 of this Law;
- 6) registrates legal and natural entity into EMAS system contrary to the provisions of Article 45 of this Law;
- 7) does not keep the register of legal and natural entities included in EMAS system (Article 47, paragraph 1);
- 8) rejects to write in and deletes from the register contrary to Article 48 of this Law;

9) does not keep the register on import, export and consumption of substances depleting ozone layer (Article 56, paragraph 8);

10) does not make plan for protection from accident from Article 61, paragraph 1 of this Law and does not fulfill duties from paragraphs 5 and 6 of this Article;

11) does not proclaim status of endangered environment and inform public about undertaken measures (Article 62);

12) does not perform monitoring (Article 69);

13) does not submit data on monitoring in a prescribed way (Article 73);

14) does not keep information system of environmental protection (Article 74);

15) does not keep integrated cadastre of polluters (Article 75, paragraph 2);

16) carries out submission of information contrary to Article 79 of this Law;

17) does not submit reports on realization of working program of the Fund in prescribed deadline or at the Ministry's request (Article 95, paragraphs 3 and 4);

18) does not inform public timely and truly about its activities for which purpose it has been established in a way prescribed in the Fund's Statute or if it does not give information about the activities from its competency at the public request (Article 98, paragraph 2).

Article 121

For the offence from Articles 117 and 118 of this Law, along with the penalty, a protective measure may be imposed by confiscating objects which have been used or intended to be used for an offence, or which have occurred or have been obtained in an offensive action.

X. TRANSITIONAL AND FINAL PROVISIONS

Article 122

Legal and natural entities shall harmonize their operating with the provisions of this Law in a year period from the day when this Law enters into force.

Article 123

In a year period from the day when this Law enters into force, the National Assembly shall enact the following:

1) National Strategy of sustainable use of natural resources and goods from Article 12 of this Law;

2) National program of environmental protection from Article 64 of this Law.

Article 124

The Government shall promulgate, in a year period from the day when this Law enters into force, the act from Article 43, paragraph 3 of this Law, and in two years period from the day when this Law enters into force action plans from Article 65 of this Law and program from Article 69, paragraph 3 of this Law.

Until the Strategy and national action plans have been promulgated, the basis for utilization of natural resources and goods shall be bases of natural resources (water, forest, geological, mineral-raw material, pedological, agricultural, spatial protection and other ecological-spatial bases) as special documents on potentials of natural resources or goods which are made or innovated on the basis of determined or estimated balances and other categories in compliance with Spatial Plan of the Republic of Serbia and other spatial and urbanity plans.

Article 125

Fund for environmental protection shall start its work in the period of six months from the day when this Law enters into force at latest.

Article 126

The President and members of Managing and Supervisory Board and the Director of the Fund shall be appointed by the Government in 60 days from the day when this Law enters into force.

The Managing Board shall promulgate the Statute of the Fund in 30 days from the day of their appointing.

Article 127

The provisions of the law and other regulations for management of natural resources and goods, planning and constructing, and which are contrary to this Law shall not be applied.

Article 128

Until the promulgation of regulations on the basis of authorizations from this Law, the regulations promulgated on the basis of the following shall be applied:

1) Law on Bases of Environmental Protection ("Official Gazette of FRY", no. 24/98, 24/99 and 44/99);

2) Law on Environmental Protection ("Official Gazette of the Republic of Serbia", no. 66/91, 83/92, 53/93, 67/93, 48/94 and 53/95).

Article 129

On the day when this Law enters into force, the following shall not be in force:

1) Law on Bases of Environmental Protection ("Official Gazette of FRY", no. 24/98, 24/99 and 44/99);

2) Law on Environmental Protection ("Official Gazette of the Republic of Serbia", no. 66/91, 83/92, 53/93, 67/93, 48/94 and 53/95), apart from the provisions referring to protection of air, nature protection and protection from noise.

Article 130

This Law shall enter into force eight days after it has been published in "Official Gazette of the Republic of Serbia".