



Republic of Serbia
Ministry of Agriculture and
Environmental Protection



Further Implementation of Environmental Approximation Strategy



This project is funded
by the European Union

Project Overview

Further Implementation of Environmental Approximation Strategy

The project is implemented by **eptisa** in consortium with PM Group and Umweltbundesamt

Dubljanska 8, Belgrade, Serbia, Tel: +381 11 2400 277



EU Funded Project Further Implementation of Environmental Approximation Strategy EuropeAid/135629/IH/SER/RS

- **The overall objective** of the project is to assist Serbia to meet environmental and climate Acquis through institutional building and improvement of environmental infrastructure

Specific Project objective

- Is to support the **Ministry for environment (MAEP) and Negotiating Group 27** in ensuring further alignment with EU environment Acquis, with the specific focus on development of **institutional capacities and enforcement of national legislation and strategic planning**

Results

Result 1

- Strengthened institutional capacities in all relevant institutions to implement Serbian environmental legislation harmonised with EU legislation at all levels of governance.

Result 2

- Enhanced capacities for planning implementation of the environmental heavy investment directives requirements and for negotiations process.

Result 3

- Improved capacities in investment and financial planning of environmental projects.



Final Outputs

1. Final output No.1: Action Plan for Administrative Capacities Development (APACD) prepared.
2. Final output No.2: DSIP for Directive batteries and accumulators;
3. Final output No.3: DSIP for Directive on waste electrical and electronic equipment (WEEE);
4. Final output No.4: DSIP for Directive on packaging and packaging waste;
5. Final output No.5: DSIP for Waste Framework Directive;
6. Final output No.6: DSIP for Urban Waste Water Directive;
7. Final output No.7: DSIP for Drinking Water Directive;
8. Final output No.8: DSIP for Water Framework Directive;
9. Final output No.9: DSIP for Nitrates Directive.
10. Final output No. 10: Multiannual Investment and Financing Plan (MIFP)



Chapter 27 Challenges

Chapter 27: large, complex and resource intensive

- **Large:** Environment is regarded as one of the challenging chapters of the acquis with about 700 legal acts and 200 main directives, regulations, decisions. Screening over 70 main Legal acts

Chapter 27 Challenges

- **Complex:** The Environmental *acquis* is broad and complex covering 10 Subsectors. The very wide scope of regulation constitutes an important capacity challenge
- The environmental *acquis* also deploys a **wide array of techniques and skills.**
- Requires intensive **investment** to ensure environmental infrastructure provides for standards set out in the legislation

Challenge: Costs of Implementation

- Strategy estimated total cost of implementation of EU at **EUR 10.6 billion**, which is about **EUR 1,400 per capita** of total estimated costs
- The most demanding sector is **water management, including water supply and waste water treatment (about EUR 5.6 billion)**, then **waste management (about EUR 2.8 billion)** and the sector of **industrial pollution (EUR 1.3 billion)**



CHALLENGE:EU LAW DYNAMIC

- As part of its Smart Regulation policy, the Commission initiated the **Regulatory Fitness and Performance Programme (REFIT)**
- REFIT aims to make EU law simpler and less costly.

CURRENT EU LEGISLATIVE DEVELOPMENTS ENVIROMENT

- Commission completed fitness checks EU legislation on freshwater and on waste
- Key proposals for new or updated EU Directives in the environmental sector:
 - **Waste Revised Legislative Proposals : EU Circular Economy Package**



CURRENT EU LEGISLATIVE DEVELOPMENTS ENVIROMENT

- **‘Fitness check’ Nature protection legislation (‘Birds’ and ‘Habitats’ directives)**
- **Climate Change:** Result of Paris COP21 and future climate change-energy EU legislative package
- **EIA Outcomes:** Environmental Impact Assessment (EIA) Directive from 2014

Result 1: Strengthened institutional capacities in all relevant institutions to implement Serbian environmental legislation harmonised with EU legislation at all levels of governance

Requirements:

- Clear allocation of responsibilities for **transposition, implementation, enforcement**
- Systematic approach to **monitoring, enforcement and inspection capacities**
- Identification of **institutional gaps**
- Elaboration of institutional development plan (APACD)



Institutions

- Ministry of Agriculture and Environmental Protection
- Ministry of Finances
- Ministry of Economy
- Ministry of Mining and Energy
- Ministry of Construction, Transport and Infrastructure
- Ministry of Health
- Ministry of Interior
- Ministry of Public Administration and Local Self - Government
- Ministry of Education, Science and Technological Development
- Institute for Standardization
- Republic Hydro-meteorological Service
- Republic Geodetic Authority
- Agency for Road Safety
- Civil Aviation Directorate
- Institute for Nature Protection
- SEIO
- Office for Cooperation with Civil Society
- Republic Secretariat for Legislation

Analysis of Institutional Framework

- **Institutionally Complex:** institutions at different levels central, regional and local authorities, civil society organizations, industries
- 10 Working Groups(WGs) APACD WG
- Vertical and horizontal coordination required



APACD STRUCTURE

1. EXECUTIVE SUMMARY

2. ANALYSIS OF INSTITUTIONAL FRAMEWORK

3. COMPARISON OF REQUIREMENTS UNDER EACH ANALYSED EU LEGAL ACT WITH SITUATION IN SERBIA AND IDENTIFICATION OF INSTITUTIONAL GAPS FOR IMPLEMENTATION, MONITORING, INSPECTION AND ENFORCEMENT

4. SWOT ANALYSIS OF INSTITUTIONAL FRAMEWORK FOR IMPLEMENTATION OF THE EU ENVIRONMENTAL REQUIREMENTS

5. STRENGTHENING THE INSTITUTIONAL FRAMEWORK

6. HUMAN AND FINANCIAL RESOURCES REQUIRED FOR EFFECTIVE IMPLEMENTATION, MONITORING, INSPECTION AND ENFORCEMENT

7. CONCLUSIONS AND ACTIONS TO BE TAKEN

Transposition & Effective Implementation

- **Transposition** includes not merely the reproduction of the words of a Directive, but also **additional provisions necessary to ensure that national law as a whole properly achieves the result intended by the Directive.**
- **Implementation** implies not just the formal transposition of Directives, but also the **far more difficult task of practical application** — i.e. ensuring that the environmental obligations or standards of environmental quality or performance **are in place on the ground.**



Monitoring

- Ensure regulatory system can **monitor the implementation of the Environmental *Acquis* in a practical and cost-effective manner**
- **Extensive reporting to the Commission.**
- **Information Management**

Inspection

- Inspections are an **indispensable link in the regulatory chain** and an efficient instrument to contribute to a more consistent implementation and enforcement of environmental legislation
- Enables authorities to identify breaches and enforce environmental laws through sanctions or other means.

Inspectorate

- Strong enforcement of the Environmental acquis implies **strong and committed environmental inspectorates with adequate resources, systems of fines and penalties and criminal liability for serious violations.**
- **From an institutional point of view, environmental inspectorates and enforcement bodies are at the core of compliance systems for the environmental acquis**



Enforcement

- A country's ability to enforce environmental legislation is a **key criterion when assessing readiness for candidate status** and ultimately EU membership



Enforcement

- Enforcement requirement is testing even for Member States
- Enforcement requirements are challenging, notably in sectors such as **Air, Water, Waste, Nature Protection, Industrial pollution and Industrial Hazards, Chemicals, GMOs and Noise**



Result 2

Enhanced capacities for planning implementation of the environmental heavy investment directives requirements and for negotiations process.



Result 3

Improved capacities in investment and financial planning of environmental projects

Multiannual Investment and Financing Plan (MIFP)

- Focused on the coordination of investment and financing planning using Project DSIPS
- **Investment demands and financing resources will be identified**
- Supported with **clear justification why funds have been proposed to be allocated in a particular way**

MIFP

- Proposed **timeframe** to develop new or upgrade existing infrastructure and **estimate costs**
- Develop **ranked list of infrastructure projects** based on criteria for priority project selection
- **Matching investment needs and available or potential financial resources** and propose policy to close the financing gap
- Establish **affordability** criteria



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