

LAW ON STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT

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I. BASIC PROVISIONS

Subject and objectives

Article 1

This Law regulates the conditions, methods and procedure according to which the assessment of impact of certain plans and programmes on the environment (hereinafter referred to as: strategic assessment) shall be carried out in order to provide for the environmental protection and improvement of sustainable development through integration of basic principles of environmental protection into the procedure of preparation and adoption of plans and programmes.

Exemptions

Article 2

The provisions of this Law shall not apply to plans and programmes designated to the national defence purposes, plans of mitigation and elimination of consequences of natural disasters and financial and budget plans.

Meaning of terms

Article 3

Certain terms used in this Law shall have the following meaning:

- 1) **Plans and programmes** are all development and other plans and programmes and sectoral master-plans, including their amendments, which are prepared and/or adopted by the authority at the Republic, provincial or local level, or which are prepared by the competent authority for the purpose of adoption in the appropriate procedure by the Assembly or Government of the Republic of Serbia, or the assembly or the executive authority of the autonomous province, or self-government units, as well as plans and programmes adopted pursuant to legislation;
- 2) **Strategic assessment of impact of certain plans and programmes** on the environment, implies the preparation of the report on the status of the environment, implementation of the consultation procedure, taking into account the report and results of consultations in the decision making procedure and procedure of enactment or adoption of certain plans and programmes, as well as providing of information and data relating to the adopted decisions;

- 3) **Strategic assessment report** means a part of documentation that is attached to plans or programmes and that includes the identification, description and assessment of potential significant effects on the environment caused by implementation of plans and programmes, as well as alternatives considered and adopted based on the objectives and area occupied by plans and programmes;
- 4) **Authorities and organisations** concerned are the authorities and organisations of the Republic, autonomous province and local self-government authorities having interest, in accordance with their responsibilities, in decisions related to environmental protection;
- 5) **Public** includes one or several natural or legal persons, their associations, organisations or groups;
- 6) **Public concerned** includes public affected or public likely to be affected by the plan or programme and/or having interest in decisions related to environmental protection, including non-government organisations involved in environmental protection and registered with the competent authority.

Principles of strategic assessment

Article 4

The basic principles of strategic assessment are as follows:

1) **Principle of sustainable development** – Sustainable development is a harmonised system of technical-technological, economic and social activities within the total development using natural and man-made values in economically efficient and reasonable way aiming at preservation and improvement of quality of the environment for the present and future generations.

Consideration and inclusion of significant environmental aspects in preparation and adoption of certain plans and programmes and setting of conditions for preservation of values of natural resources, landscapes, biological diversity, wildlife species and autochthonous eco-systems, and rational use of natural resources shall contribute to fulfilment of objectives of sustainable development.

2) **Principle of integration** – The environmental protection policy that is implemented through enactment and adoption of plans and programmes shall be based on the inclusion of environmental protection conditions, and conditions of preservation and sustainable use of biological diversity into the appropriate sectoral and inter-sectoral programmes and plans.

3) **Precautionary principle** – Each activity has to be carried out in the way preventing or reducing adverse effects of certain plans and programmes on the environment before their adoption, providing for rational use of natural resources and minimising the risk to human health, the environment and material resources.

4) **Principle of hierarchy and co-ordination** – The assessment of impact of plans and programmes shall be carried out at different hierarchy levels at which plans and programmes are adopted.

The increased level of transparency in decision making within the procedure of strategic assessment of plans and programmes shall be provided through mutual co-ordination of the competent authorities and authorities concerned in the procedure of granting the approval for the strategic assessment, through consultations, and informing and submission of opinions relating to plans and programmes.

5) **Principle of public character of work** – Aiming at informing public about certain plans and programmes and their potential impact on the environment, as well as at providing complete transparency of the procedure of preparation and enactment or adoption of plans and programmes, public has to have access to information relating to such plans and programmes or their amendments prior to adoption of any decision and after the adoption of plans and programmes.

II. STRATEGIC ASSESSMENT PROCEDURE

Subject of the strategic assessment

Article 5

The strategic assessment shall be carried out for all plans, programmes and sectoral master-plans (hereinafter referred to as: plans and programmes) in the fields of spatial and town planning or land use planning, planning in the fields of agriculture, forestry, fishing industry, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, preservation of natural habitats and wildlife (flora and fauna), that set the frameworks for granting the approval for future development projects defined by the environmental impact assessment related legislations.

In cases of plans and programmes referred to in Paragraph 1 of this Article, which determine the use of smaller areas at the local level, or in cases of minor modifications to plans and programmes that do not require the formal adoption procedure, as well as of plans and programmes that are not listed in Par. 1 of this Article, the decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.

Criteria

Article 6

The criteria for determining the possibilities of significant impact of plans and programmes on the environment and passing of the decision on elaboration of

strategic assessment referred to in Article 5, Par. 2 of this Law are listed in Annex I to this Law that is printed along with this Law and that makes its integral part.

Hierarchy framework and basis

Article 7

The strategic assessments elaborated for plans and programmes at different hierarchy levels have to be harmonised with each other and harmonised with assessments of impact of projects on the environment, as well as with the environmental protection plans and programmes.

The basis of the strategic assessment is the plan or programme defining the framework for development of a certain sector, i.e. its characteristics, objectives and affected space.

Stages in the strategic assessment procedure

Article 8

The strategic assessment procedure shall be composed of the following stages:

1) The Preparation stage that shall include:

- The decision on the strategic assessment elaboration;
- The selection of the strategic assessment developer;
- The participation of authorities and organisations concerned;

2) The strategic assessment report;

3) The decision making procedure that shall include:

- The participation of authorities and organisations concerned;
- The participation of the public concerned;
- The report on the results of participation of authorities and organisations and public concerned;
- The evaluation of the strategic assessment report;
- The approval of the strategic assessment report.

1. Preparation stage

Decision on the strategic assessment elaboration

Article 9

The competent planning authority, in accordance with the previously obtained opinion of the competent environmental protection authority and other authorities and organisations concerned, shall make the decision on the strategic assessment elaboration.

The decision referred to in Par. 1 of this Article shall include in particular:

1) The reasons based on which the strategic assessment has been carried out in accordance with the criteria referred to in Art. 6 of this Law;

- 2) The review of issues and problems related to the environment in the plan and programme that are going to be considered within the strategic assessment;
- 3) The reasons for omission of certain issues and problems related to the environment in the plan and programme out of the strategic assessment;
- 4) The elements of the strategic assessment report;
- 5) The selection and obligations of the prime developer of the strategic assessment report (proposal of methodology, composition of the expert team, deadline for elaboration etc.);
- 6) The method of participation of authorities and organisations and public concerned in the procedure of elaboration and consideration of strategic assessment report;
- 7) Other data of relevance for the strategic assessment elaboration.

The competent planning authority referred to in Article 5, Par. 2 of this Law may decide not to elaborate the strategic assessment based on the previously obtained opinion of the competent environmental protection authority and other authorities and organisations concerned.

The decision referred to in Par. 3 of this Article shall include the data on types of plans and programmes and reasons for non-elaboration of the strategic assessment, criteria based on which it has been decided that there is no possibility of significant impact on the environment and other relevant data based on which it has been decided not to proceed with the strategic assessment report elaboration.

The decision referred to in Par. 1 and 3 of this Article is an integral part of the decision on preparation of plans and programmes and it is to be published in the “Official Gazette of the Republic of Serbia”, official journal of the autonomous province, or in the official journals of the local self-government units.

Selection of the strategic assessment report developer

Article 10

The competent planning authority shall decide on selection of the strategic assessment report developer in accordance with the procedure set forth by the Law.

The strategic assessment report developer can be legal or natural person inscribed in the corresponding register as entitled to execute activities related to spatial planning and elaboration of plan documents, or town planning and elaboration of town plans.

Legal or natural persons referred to in Par. 2 of this Article are entitled to establish the multi-disciplinary team composed of persons qualified for analyses of each of the strategic assessment elements that shall elaborate the strategic assessment report.

Persons with University degree of the appropriate profile and with at least 5 years of work in the certain field, or with professional results, i.e. participation in at least two plans and programmes that have already been realised are considered qualified for elaboration of the strategic assessment report.

Participation of authorities and organisations concerned

Article 11

In preparation of the decision on strategic assessment elaboration, or the decision on non-elaboration of the strategic assessment, the competent planning authority shall request from the competent environmental protection authority and other authorities and organisations concerned to submit their opinions.

The draft decision with the prescribed content shall mandatory be submitted along with the request for submission of opinions referred to in Par. 1 of this Article.

The deadline for submission of opinions referred to in Par. 1 of this Article shall be 15 days from the receipt of the request for submission of opinions. In case that the opinion is not submitted within the period set in Par. 3 of this Article it shall be considered that no comments to the proposed content of the decision on strategic assessment elaboration, or the draft decision on nonelaboration of the strategic assessment were submitted.

2. Strategic assessment report

Content of the report

Article 12

The strategic assessment report is the document that describes, evaluates and assesses the potential significant impact on the environment, which could result from implementation of plans and programmes. It shall also define measures for reduction of adverse effects on the environment.

The report referred to in Par. 1 of this Article shall include the following in particular:

- 1) The bases of the strategic assessment;
- 2) The general and specific objectives of the strategic assessment and selection of indicators;
- 3) The evaluation of likely impact with the description of measures planned for reduction of adverse effects on the environment;
- 4) The guidelines for elaboration of lower level strategic assessments and assessments of environmental impact of projects;
- 5) The programme of monitoring of environmental status during the execution of plans and programmes (monitoring);

- 6) The outline of methodology applied and difficulties encountered during the strategic assessment elaboration;
- 7) The outline of decision making methods, description of reasons vital for selection of the given plan and programme from the aspect of alternative solutions considered and the outline of methods in which the environmental issues have been included in plans and programmes;
- 8) The conclusions reached in the process of strategic assessment report elaboration presented in the way understandable for public;
- 9) Other data of relevance for the strategic assessment.

The competent planning authority shall provide for participation of authorities and organisations and the public concerned in the procedure of granting the approval for the strategic assessment report in the way set forth by the law.

Background information

Article 13

The background information in the strategic assessment shall include:

- 1) The short outline of the content and objectives of plans and programmes and relationship with other plans and programmes;
- 2) The outline of the current status and quality of the environment in the area that the report refers to;
- 3) The characteristics of the environment in areas likely to be exposed to significant impact;
- 4) The environmental protection issues and problems that have been considered in plans and programmes and the outline of reasons for omission of certain issues and problems out of the assessment procedure;
- 5) The outline of the prepared alternative solutions relating to the environmental protection in plans and programmes, including the zero alternative solution for plans and programmes and the most favourable solution from the aspect of environmental protection;
- 6) The results of previous consultations with authorities and organisations concerned that are relevant from the aspect of objectives and evaluation of potential impact of the strategic assessment.

General and specific objectives and selection of indicators

Article 14

General and specific objectives of the strategic assessment shall be defined on the basis of requests and objectives related to environmental protection in other plans and programmes, environmental protection objectives set at the Republic and international levels, data collected on the status of the environment and significant questions, problems and proposals related to environmental protection in plans or programmes.

The appropriate indicators that shall be used in the strategic assessment shall be selected based on the defined objectives referred to in Par. 1 of this Article.

Assessment of potential impact

Article 15

The assessment of potential impact of plans and programmes on the environment shall consist of the following elements:

- 1) The outline of the assessed impact of alternative solutions of plans and programmes that are favourable from the aspect of environmental protection, with the description of measures aimed at preventing and limiting of adverse or increase of positive effects on the environment;
- 2) The comparison of alternative solutions and the outline of reasons for selection of the most favourable alternative solution;
- 3) The outline of the assessed impact of plans and programmes on the environment with the description of measures aimed at preventing and limiting the adverse or increasing of positive effects on the environment;
- 4) The way in which the environmental elements have been taken into consideration in the impact assessment, including the data on: air, water, soil, climate, ionising and non-ionising radiation, noise and vibrations, flora and fauna, habitats and bio-diversity, protected natural resources, population, human health, cities and other settlements, cultural-historic heritage, infrastructure, industrial and other structures or other man-made values;
- 5) The ways in which the following impact characteristics have been taken into account: probability, intensity, complexity/reversibility, time dimension (duration, frequency, reversibility), spatial dimension (location, geographical area, size of the exposed population, transboundary nature of impact), cumulative and synergistic nature of impact.

Guidelines for lower hierarchy levels

Article 16

The strategic assessment report shall include the developed guidelines for plans and programmes at lower hierarchy levels that include the determination of the need for the strategic assessment elaboration and elaboration of assessment of impact of projects on the environment. They also define the environmental protection aspects and other questions of relevance for assessment of impact of lower hierarchy level plans and programmes on the environment.

Environmental status monitoring programme

Article 17

The programme of monitoring of the status of the environment during the implementation of plans and programmes shall consist of the following in particular:

- 1) The description of objectives of plans and programmes;

- 2) The environmental status monitoring indicators;
- 3) The rights and obligations of the competent authorities;
- 4) Acting in cases of unexpected adverse effects;
- 5) Other elements depending on the type and scope of plan and programmes.

The environmental status monitoring programme referred to in Par. 1 of this Article can make an integral part of the existing monitoring programme provided by the competent environmental protection authority.

3. Decision making procedure

Participation of authorities and organisations concerned

Article 18

The competent planning authority shall submit the strategic assessment report referred to in Article 12 of this Law to the authorities and organisations concerned, requesting their opinion.

The authorities and organisations concerned shall submit their opinions within 30 days from the date of receipt of the request referred to in Par. 1 of this Article. In case that the opinions are not submitted within the period set in Par. 2 of this Article it shall be considered that there are no remarks to the submitted strategic assessment report.

Public participation

Article 19

The competent planning authority shall provide for public participation in the strategic assessment report consideration prior to submission of application for granting the approval for the strategic assessment report.

The public referred to in Par. 1 of this Article shall consider the report within the procedure of making the plans and programmes available for public insight and during the public debate, if it has not been otherwise provided for by the Law.

The competent planning authority shall inform the public referred to in Par. 1 of this Article about the method and deadlines for insight into the content of the report and submission of opinions, as well as about the time and venue of public debate organised in accordance with the Law regulating the procedure of adoption of plans and programmes.

The report on participation of authorities and organisations and the public concerned

Article 20

The competent planning authority shall compile the report on participation of authorities and organisations and the public concerned, which shall include all the opinions referred to in Article 18, Par. 2 of this Law, as well as the opinions submitted during the public insight and public debate on plans and programmes, and the strategic assessment report referred to in Article 19 of this Law.

The report referred to in Par. 1 of this Article shall be compiled within 30 days from the date of the public debate completion and it shall include the rationale for all the accepted or rejected opinions.

Evaluation of the strategic assessment report

Article 21

The competent planning authority shall submit the strategic assessment report to the competent environmental protection authority for the purpose of evaluation, along with the report on participation of authorities and organisations and the public concerned referred to in Article 20 of this Law.

Upon the receipt of the report referred to in Par. 1 of this Article, the competent environmental protection authority may obtain the opinions of other authorised organisations or experts in certain fields.

The competent environmental protection authority shall evaluate the report referred to in Par. 1 of this Article based on the criteria contained in Annex II which has been printed along with this Law and which makes its integral part.

Approval of the strategic assessment report

Article 22

The competent environmental protection authority shall grant the approval or refuse the application for the strategic assessment report on the basis of evaluation referred to in Article 21 of this Law.

The deadline for decision on granting of approval referred to in Par. 1 of this Article is 30 days from the receipt of the application submitted by the competent planning authority.

The competent planning authority cannot continue further procedure of adoption of plans or programmes without having obtained the approval from the competent environmental protection authority for the strategic assessment report.

Exchange of information on transboundary impacts

Article 23

The Ministry responsible for environmental protection (hereinafter referred to as: the Ministry) shall conduct the exchange of information on transboundary impact of plans and programmes on the environment.

When implementation of plans and programmes may have significant adverse effects on the environment in another state, or when the state whose environment could be significantly threatened requests so, the Ministry shall submit to another state, in the procedure of participation of the authorities and organisations and public concerned, within the shortest possible period and at least simultaneously with informing its own public, the following information requesting its opinion:

- 1) The description of plans and programmes, together with all available information on their possible impact;
- 2) The nature of the decision that may be adopted;
- 3) The period within which another state can notify its intention to participate in the decision-making procedure.

The Ministry shall inform another state, which was consulted in the decisionmaking procedure, about the decision on granting of approval for the strategic assessment by submission of the following information:

- 1) The content of the decision on approval;
- 2) The method of elaboration of the environmental status report and the opinions obtained in the process of elaboration;
- 3) The results of consultations and reasons based on which the decision on approval was made;
- 4) Measures in the field of monitoring of plans and programmes.

The Ministry shall inform the authorities and organisations and public concerned about the received information relating to transboundary impact of the proposed plans and programmes of another state in the way set forth in Article 19, Par. 3 of this Law.

The Ministry shall take into account the results of consultations and obtained opinions of the authorities and organisations and public concerned when submitting the opinion to the competent authority of another state.

Access to information

Article 24

The strategic assessment report and results of participation of the authorities and organisations and public concerned and other states in cases of transboundary impact shall make integral parts of the documentation basis of plans and programmes.

The competent planning authority shall provide for the access to data referred to in Par. 1 of this Article after the adoption of plans and programmes, under the conditions set forth by the Law.

III. PENALTY PROVISIONS

Offences

Article 25

The responsible person in the competent planning, or environmental protection authority shall be fined from 5.000 to 20.000 dinars for the offence if he/she:

- 1) Prepares the plans or programmes referred to in Article 5, Par. 1 of this Law without the previously conducted strategic assessment;
- 2) Elaborates the strategic assessment that is not harmonised with other strategic assessments and assessments of impact of plans and programmes on the environment (Article 7, Par. 1);
- 3) Fails to pass the decision referred to in Article 9, par. 1 and 3 of this Law;
- 4) Conducts the strategic assessment procedure without participation of authorities and organisations concerned or without participation of public concerned (Art. 11, 18 and 19);
- 5) Evaluates the strategic assessment report without applying the established criteria (Art. 21, Par. 3);
- 6) Fails to decide on granting the approval based on the evaluation of the strategic assessment report within the prescribed period (Art. 22, Par. 1 and 2);
- 7) Submits plan or programme for further adoption procedure without having previously obtained the approval for the strategic assessment report from the competent environmental protection authority (Art. 22, Par. 3).

IV. TRANSITIONAL AND FINAL PROVISIONS

The commenced plans and programmes

Article 26

The elaboration of plans and programmes which started prior to entry of this Law into force shall continue in accordance with the procedure set forth by this Law.

Entry into force

Article 27

This Law shall enter into force on the eighth day from the date of publishing in the "Official Gazette of the Republic of Serbia".

ANNEX I

Criteria for determining the potential significant impact

1. Characteristics of plans and programmes, and the following in particular:

- 1) Significance of plans and programmes for environmental protection and sustainable development;
- 2) Environmental protection issues related to plans and programmes and possibility of impact on:
 - (1) Air;
 - (2) Water;
 - (3) Land;
 - (4) Climate;
 - (5) Flora and fauna;
 - (6) Habitats and bio-diversity;
 - (7) Protected natural resources;
 - (8) Population and health;
 - (9) Cities and other settlements;
 - (10) Cultural-historic heritage;
 - (11) Infrastructure, industrial and other structures;
 - (12) Other man-made values.
- 3) The degree to which the plan or programme influences other plans and programmes including those in different hierarchy structures;
- 4) The degree to which the plan or programme sets frameworks for projects and other activities, either with regard to the location, nature, size and operating conditions or with regard to allocating resources.

2. Impact characteristics, and the following in particular:

- 1) Probability, intensity, complexity, reversibility;
- 2) Time dimension (duration, frequency, reversibility);
- 3) Spatial dimension:
 - (1) Location;
 - (2) Geographical area;
 - (3) Size of the population affected;
 - (4) Transboundary nature of impact.
- 4) Cumulative and synergistic nature of impact;
- 5) Risks to human health and the environment;
- 6) Impact on areas of natural, cultural and other significance:
 - (1) Special natural characteristics;
 - (2) Areas and natural resources with the recognised Republic or international protection status;
 - (3) Cultural-historic heritage;
 - (4) Densely populated areas;
 - (5) Areas with different protection regimes.

- 7) Impact on threatened areas:
- (1) Exceeded environmental quality standards or limit values;
 - (2) Intensive land use;
 - (3) Existing risks;
 - (4) Reduced capacities of the environment;
 - (5) Rare and areas of extreme sensitivity;
 - (6) Eco-systems;
 - (7) Flora and fauna/wildlife species.

ANNEX II

Criteria for evaluation of the strategic assessment report

Elements of the strategic assessment

1. Characteristics of plans and programmes

- 1) The way in which plan and programme objectives and contents are presented, the area for which the plan or programme is prepared and time horizon;
- 2) The ways in which the connections with other plans and programmes have been made.

2. Background

- 1) The issues and problems related to environmental protection that have been considered during the elaboration of the strategic assessment report have been presented;
- 2) The reasons for the fact that certain issues and problems have not been taken into consideration in strategic assessment have been listed;
- 3) The way has been described in which strategic assessment objectives have been defined and in which the corresponding indicators have been selected;

3. Status of the environment

- 1) The existing and future status of the environment have been presented;
- 2) The environmental status description has been harmonised with the strategic assessment objectives and indicators;
- 3) Sources of data on the environmental status have been presented and the used methodology has been harmonised with the degree of the strategic assessment complexity.

4. Alternative solutions

- 1) Method of preparation and consideration of alternative solutions for issues and problems related to certain environmental aspects has been presented;
- 2) The non-execution alternative solution (“zero alternative”) for the plan and programme and alternative solution that is the most favourable from the aspect of environmental protection have been prepared;
- 3) Impact of alternative solutions on the environment have been evaluated and comparisons have been made;
- 4) The reasons for selection of the alternative solution that is the most favourable from the aspect of environmental protection have been justified.

5. Environmental impact assessment

- 1) Method of identification and evaluation of significant impact of plans and programmes on the environment has been presented;
- 2) The following elements have been included in the impact assessment:
 - (1) Air;
 - (2) Water;
 - (3) Land;
 - (4) Climate;
 - (5) Flora and fauna;
 - (6) Habitats;
 - (7) Bio-diversity;
 - (8) Landscape (natural amenities);
 - (9) Natural resources;
 - (10) Population and health;
 - (11) Cities and other settlements;
 - (12) Cultural-historic heritage;
 - (13) Infrastructure, industrial and other structures;
 - (14) Other man-made values.
- 3) The following impact characteristics have been taken into consideration in impact assessment:
 - (1) Probability;
 - (2) Intensity;
 - (3) Complexity/reversibility;
 - (4) Time dimensions (duration, frequency, reversibility);
 - (5) Spatial dimension (location, geographical area, size of the affected population, transboundary nature of impact);
 - (7) Cumulative and synergistic nature of impact;
 - (8) Other impact characteristics;
- 4) Identification and evaluation of significant impacts have been harmonised with the valid standards, regulations and limit values;
- 5) The applied methodology has been described.

6. Measures and environmental impact monitoring programme

- 1) Measures of prevention and limiting of adverse impact, and increase of positive impact on the environment for each of the evaluated impact have been planned;
- 2) Method of developing the guidelines for elaboration of environmental impact assessments and other strategic assessments has been presented;
- 3) Environmental status monitoring programme has been prepared in accordance with Article 17 of this Law.

7. Strategic assessment report

- 1) The role of the competent authorities in the strategic assessment elaboration has been clearly defined;
- 2) The report has been prepared in a clear and precise way;

- 3) All the elements of the report set forth in Article 12 of this Law have been considered and sources of information have been identified, including expert opinions;
- 4) The way in which the environmental issues have been included in plans and programmes has been outlined as well as the way in which decision making process has been carried out and the reasons have been described that have been decisive in selection of the given plan and programme from the aspect of alternative solutions that have been considered;
- 5) Conclusions on the strategic assessment report have been presented in the way understandable for public.

8. Participation of authorities and organisations and public concerned

- 1) Participation of authorities and organisations and public concerned in the procedure of the strategic assessment elaboration has been provided;
- 2) The opinions of authorities and organisations and public concerned related to the strategic assessment have been submitted and the decision making process with respect of the submitted opinions has been presented.