

# LAW ON INTEGRATED ENVIRONMENTAL POLLUTION PREVENTION AND CONTROL

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## I. BASIC PROVISIONS

### Subject

#### Article 1

This Law regulates the conditions and procedure of granting of integrated permits for installations and activities that may have adverse effects on human health, environment or material resources, types of activities and installations, supervision and other issues that are of relevance for environmental pollution prevention and control.

### Meaning of terms

#### Article 2

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

- 1) **Matter or substance** means any chemical element and its compounds, with the exception of radioactive substances and genetically modified organisms within the meanings set forth by the Law;
- 2) **Pollution** means the direct or indirect introduction of substances, vibrations, heat or noise into the air, water or land/soil caused by human activities, which may be harmful to human health or the quality of the environment and which may result in damages to material resources;
- 3) **Installation** is a stationary technical unit where one or more activities are carried out that are set by special regulations and that require integrated permit, as well as any other activities which have a technical connection with the activities carried out on the site and that could cause emissions and pollution;
- 4) **Existing installation** means an installation which has been put into operation in accordance with the regulations which were valid before entering of this Law into force, or an installation that integrated permit has been granted for, or an installation that in the view of the competent authority satisfies fully the conditions for applying for an integrated permit for its operation, provided that such installation is not put into operation after the time limit stipulated by this Law, according to the programme of bringing of certain branches of economy into compliance with provisions of this Law;
- 5) **Emission** means direct or indirect emission of substances, vibrations, heat or noise from sources located within the installation into air, water or soil;
- 6) **Emission limit value** means the mass expressed in terms of certain specific parameters, concentration and/or level of an emission that cannot be exceeded within one or more periods of time in accordance with specific regulations;

7) **Environmental quality standard** means the set of conditions and requirements that must be fulfilled at a given time and within certain area or in terms of certain environmental elements in accordance with specific regulations;

8) **Competent authority** means the authority responsible for carrying out of obligations within the functions prescribed by this Law as follows:

- The Ministry responsible for environmental protection issues;
- Provincial authority responsible for environmental protection issues;
- Local self-government authority responsible for environmental protection issues;

9) **Application for integrated permit** means the written document that the operator submits to the competent authority, together with the prescribed documentation, for the purpose of granting the integrated operation permit for the installation;

10) **Integrated permit** means the decision of the competent authority adopted in the written form, approving the start up of the whole or of a part of installation, or the execution of the activity, the integral part of which is the documentation containing the set conditions which guarantee that such installation or activity is in compliance with the requirements prescribed by this Law;

11) **Changes in operation** of the installation means changes in the nature or functioning or an extension of the installation that may affect the environment;

12) **Substantial changes in operation** of the installation means changes in operation which, in the opinion of the competent authority, may have significant adverse effects on human health, the environment or material resources;

13) **Register of the issued permits** means the Main Register in which all the data relating to the issued permits are entered, as well as the collection of documents based on which the data are entered into the Main Register;

14) **Best available techniques (BAT)** means the most effective and advanced stage in the development of activities and their methods of operation which enable more suitable implementation of particular techniques for compliance with the emission limit values prescribed to prevent and, where that is not practicable, generally to reduce emissions and impact on the environment as a whole.

Certain elements of the term “best available techniques” shall have the following meanings:

- **Technique** means the way in which the installation is designed, built, maintained, operated and decommissioned or closed, including the technology used;
- **Available** means techniques that have been developed on a scale which allows the implementation in the relevant industry sector, under economically and technically acceptable conditions, including costs and benefits, as long as they are reasonably accessible to the operator;
- **The best** means the most effective in achieving a high general level of protection of the environment as a whole.

15) **Operator** means any natural or legal person which operates or controls the installation in accordance with the regulations, or to whom decisive economic power over the technical functioning of the installation has been delegated and onto the name of which the integrated permit is granted;

16) **Public** includes one or several physical or legal persons, their associations, organisations or groups;

17) **Public concerned** includes public affected or likely to be affected by the operation of the installation and execution of activities, including nongovernmental organisations dealing with environmental protection and being registered with the competent authority.

## **Principles of integrated pollution prevention and control**

### **Article 3**

Basic principles of integrated pollution prevention and control are as follows:

1) **Precautionary principle** – each activity has to be carried out in such a way that it does not cause any significant pollution, that emissions at the very source of pollution causing air, water and soil pollution are prevented or reduced, that the use of unrenovable natural resources and energy is prevented or reduced, that waste generating is prevented or reduced and that the risk to human health, environment and material resources is minimised.

Precaution principle is implemented through environmental impact assessment, risk assessment and use of the best available techniques.

Absence of scientific reliability cannot be the reason for failure to undertake measures of integrated environmental pollution prevention and control in cases of possible significant impact on the environment.

2) **Principle of integration and co-ordination** – Integrated approach to permit granting is a harmonised procedure of permit granting involving more than one competent authorities undertaking measures for the efficient and integrated approach to this procedure.

The complete joint co-ordination of the competent authorities in the permit granting procedure and setting of conditions shall enable the accomplishment of the highest practically possible level of environmental protection on the whole.

3) **Principle of sustainable development** – Aiming at accomplishment of better sustainable balance between human activities and social-economic development, on one hand, and resources and nature renewal capacities on the other, the regime of integrated pollution prevention and control is provided through granting of permits, setting of conditions for sustainable use of natural resources, raw materials and energy.

The unrenovable natural resources shall be used under the conditions providing for their long-term and rational use.

Sustainable waste management means more efficient use of resources, reduction of waste quantity and handling waste in the way contributing to fulfilment of objectives of sustainable development.

4) **Principle of hierarchy in waste management** –Waste management hierarchy is the order of priorities in waste management practices composed of prevention and reduction of waste production or reduction of use of resources and reduction of quantities and/or dangerous characteristics of generated waste; reuse or use of products for the same or some other purpose; recycling or waste treatment aimed at obtaining of raw materials for production of the same or some other products; utilisation, or use of waste values (composting, energy return etc.).

5) **“Polluter pays” principle** – The polluter has to cover full costs of consequences of his activities or the costs arising from threats to the environment that include costs of imposing threats and risks to the environment and costs of remediation of damages caused to the environment or of returning the site into the satisfactory conditions as far as environmental conditions are concerned upon closing of the installation or termination of activities.

6) **Principle of public character of work** – Aiming at informing public about the operations of the installations and their possible impact on the environment, as well as aiming at providing complete openness/transparency of the permit granting procedure, the public has to have access to information relating to applications for permits for new installations or for substantial changes in operation of the installations, elaboration of draft permit, decision on granting of permit and each of its renewals, as well as to the relevant data obtained through monitoring.

## II. INTEGRATED PERMIT

### **Types of activities and installations**

#### Article 4

Types of activities and installations, that the integrated permit (hereinafter referred to as: permit) shall be granted for, shall be sorted according to the level of pollution and risk that such activities may have to human health and the environment, including other technically similar activities that can cause emissions and environmental pollution.

Types of activities and installations referred to in Par. 1 of this Article relate to both new and the existing installations.

The Government of the Republic of Serbia (hereinafter referred to as: the Government) shall prescribe the types of activities and installations that permits shall be granted for.

### **Competent authority**

#### **Article 5**

The Ministry responsible for environmental protection (hereinafter referred to as: the Ministry) shall grant the permit in accordance with this Law for installations or activities for which the permit or consent for construction and commencement of operation or execution of activities were issued by other competent Ministry.

The Provincial authority responsible for environmental protection shall grant the permit in accordance with this Law for installations or activities for which permit or consent for construction and commencement of operation or execution of activities were issued by other competent provincial authority.

Local self-government authority responsible for environmental protection shall grant the permit in accordance with this Law for installations or activities for which permit or consent for construction and commencement of operation, or execution of of activities were issued by other competent local self-government authority.

### **Obligations of the competent authority**

#### **Article 6**

The competent authority shall provide for:

- 1) The operation of new installations shall not commence before the permit has been obtained, except in the case of test operation approved in accordance with the Law;
- 2) The operation of the existing installations that has commenced before entering of this Law into force shall be harmonised with the requirements and conditions set forth by provisions of this Law;
- 3) Conditions and permit granting procedure shall be fully co-ordinated in case when more than one competent authorities are included;
- 4) Following up of the best available techniques;
- 5) Following up and development of monitoring applied by the operator;
- 6) Public access to the contents of permit granting application, issued permits and monitoring results;
- 7) Keeping of the Register of results of monitoring carried out by the operator;
- 8) Undertaking of other measures set forth by the Law and other regulations.

## **Permit**

### **Article 7**

The operators shall obtain the permit for the operation of installation and execution of activities from the competent authority.

The permit shall authorise:

- 1) The operation of new installations and execution of activities;
- 2) The operation and substantial changes in operation or functioning of the existing installations.

In exceptional cases the permit can be related to termination of activities.

The permit shall be granted with the validity period that cannot be longer than ten years, for one or several installations on the same site operated by the same operator.

## **Permit application**

### **Article 8**

The operator shall submit to the competent authority the permit granting application, which shall contain the data related to the following in particular:

- 1) The installation and its activities;
- 2) The raw and auxiliary materials, other substances and energy used in or generated by the installation;
- 3) The sources of emissions from the installation;
- 4) The conditions typical for the site where the installation is located;
- 5) The nature and quantity of foreseeable emissions from the installation into water, air and soil;
- 6) The identified significant impact of the emissions on the environment and possibilities of causing impact at a long range distance;
- 7) The proposed technology and other techniques for preventing or, where this is not possible, reducing emissions;
- 8) The best available techniques implemented or planned to be implemented by the operator of a new or the existing installation in order to prevent or reduce pollution;
- 9) Measures for prevention and removal of waste generated by operation of the installation;
- 10) Measures for the efficient energy consumption;
- 11) Measures planned to monitor the emissions into the environment;
- 12) Review of the main alternatives reconsidered by the operator;
- 13) Non-technical summary of data that are the basis for the application;
- 14) Other measures planned in compliance with the regulations.

In case that the operator has provided certain data listed in Par. 1 of this Article while obtaining evidence in accordance with other regulations they shall be submitted along with the permit granting application.

The competent authority may request additional data in certain fields necessary for permit granting.

The Minister responsible for environmental protection (hereinafter referred to: the Minister) shall prescribe more precisely the content, format and method of filling in of the application, as well as other issues of relevance for the permit granting application.

### **Documents to be enclosed with the application**

#### **Article 9**

The applicant shall submit the following documents together with the permit granting application:

- 1) The design of the planned, i.e. built installation;
- 2) The report on the latest technical inspection;
- 3) The monitoring plan;
- 4) Results of measuring the pollution of environmental components and other parameters during the trial operation;
- 5) Waste management plan;
- 6) The plan of measures for the efficient energy consumption;
- 7) The plan of accident prevention measures and measures aimed at limiting their impact;
- 8) The plan of environmental protection measures to be implemented upon termination of operation and closing of the installation;
- 9) The document granting the right of use of natural resources;
- 10) The statement confirming that the information contained in the application are true, correct and complete and that they are available to public;
- 11) The evidence on payment of the administrative tax.

In addition to documentation referred to in Par. 1 of this Article, the applicant has to submit the following, depending on the installation:

- 1) For new installations – the approval granted for the Environmental Impact Assessment Study and approval granted for the assessment of the hazard of accidents;
- 2) For the existing installations – the approval granted for the analysis of the current status, the approval granted for the assessment of the hazard of accidents and programme of measures of bringing of the existing installations or activities into compliance with the conditions prescribed by this Law.

The Government shall prescribe more precisely the content and format of programme of measures referred to in Par. 2 Alinea 2) of this Article.

### III. PERMIT GRANTING PROCEDURE

#### **Consideration of applications**

##### Article 10

The competent authority shall consider the application and in case that the submitted application does not contain the prescribed data and/or documentation, the competent authority shall request from the applicant to submit the additional data, documents and information within the reasonable period of time.

In case that the applicant fails to submit the documents, data and information within the set period, the competent authority shall pass, without delay, the conclusion rejecting the application.

The competent authority shall check the data and information contained in the permit granting application, feasibility of the proposed programme of measures referred to in Article 9, Paragraph 2, Alinea 2) of this Law and other data contained in the application and the enclosed documentation.

#### **Information for public, authorities and organisations**

##### Article 11

The competent authority shall inform authorities and organisations responsible for agriculture, water management, forestry, planning, construction, transport, energy, mining, protection of cultural resources, nature protection and other issues, as well as local self-government authorities in the territory of which the activity is planned or the installation is located (hereinafter referred to as: other authorities and organisations) and public concerned on submission of application within five days from the date of receipt of a complete permit granting application.

On the request of other authorities and organisations, referred to in Par. 1 of this Article, the competent authority shall deliver the copy of the permit granting application and make available the appropriate documentation referred to in Article 9 of this Law.

On the request of the public concerned the competent authority shall deliver the copy of the permit granting application.

The applicant, referred to in Par. 3 of this Article, shall cover the costs of elaboration and delivery of the copy of the permit granting application in the prescribed amount.

Other authorities and organisations and representatives of public concerned may submit their opinions to the competent authority within 15 days from the date of receipt of information referred to in Par. 1 of this Article.



## **Draft permit**

### **Article 12**

The competent authority shall compile the draft permit within 45 days from the date of receipt of the complete permit granting application. During the draft permit elaboration, the competent authority shall consider the opinions of other authorities and organisations and the public concerned.

It is the obligation of the competent authority to inform other authorities and organisations and the public concerned about the draft permit and possibilities of their insight into the enclosed documentation. The competent authority shall also have the obligation to submit the draft permit to the above-mentioned parties, on their request, within five days from the date of receipt of such request.

On the request of other authorities and organisations, referred to in Par. 1 of this Article, the competent authority shall deliver the copy of the draft permit without delay.

On the request of the public concerned, the competent authority shall deliver the copy of the draft permit.

The applicant referred to in Par. 4 of this Article, shall cover the costs of elaboration and delivery of the copy of the draft permit in the prescribed amount.

Other authorities and organisations and representatives of the public concerned may submit to the competent authority their opinions relating to the draft permit within 15 days from the date of receipt of the notice referred to in Paragraph 2 of this Article.

The competent authority shall submit the draft permit to the special Technical Commission together with the operator's application and the enclosed documentation and opinions of other authorities and organisations and representatives of the public concerned submitted with respect of the draft permit within 10 days from expiry of the period referred to in Par. 6 of this Article.

## **Technical Commission**

### **Article 13**

The competent authority shall establish the Technical Commission for assessment of conditions set in the draft permit.

The document on establishment of the Technical Commission shall define its composition, tasks and other issues of relevance for the work of Technical Commission.

The Chairman of the Technical Commission shall be appointed among the employees or elected persons of the competent authority.

Members of the Technical Commission can be selected among persons with the appropriate profile of university education, namely branch of specialisation and the corresponding professional results belonging to one of the listed groups:

- 1) Employees or selected persons from the competent authority;
- 2) Employees or selected persons from other authorities and organisations;
- 3) Independent experts.

Members of the Technical Commission cannot be the persons who:

- 1) Participated in elaboration of the impact assessment study that is the subject of evaluation;
- 2) Founders of the legal person or entrepreneur who elaborated the impact assessment study or employees of such persons;
- 3) Founders or employees of the project developer, namely operator;
- 4) Spouses, blood relations up to the fourth level of kinship and relatives of spouses up to the second level of kinship of persons listed in Alineas 1) to 3).

### **Consideration of draft permits**

#### **Article 14**

The Technical Commission shall consider the operator's application and the attached documentation, draft permit, opinions of other authorities and organisations and the public concerned referred to in Article 12, Paragraph 1 of this Law as well as the opinions obtained in the procedure of exchange of information and consultations on transboundary impact.

The operator, or the person authorised by the operator, may be invited to the sessions of the Technical Commission.

The Technical Commission shall consider the following in particular:

- 1) The Environmental Impact Assessment Study or the analysis of impact of the current status on the environment;
- 2) The expected local and wider impact of operation of the installation on the environment;
- 3) Implementation of the best available techniques;
- 4) The expected economic and social consequences and changes of the status of the environment on concrete location, as well as the expected impact on human health and life of the population;
- 5) Documentation listed in Article 9, Paragraph 1, Alineas 3) - 7) of this Law;
- 6) Fulfilment of conditions contained in the draft permit related to Alineas 1) to 5) of this Paragraph.

The Commission shall compile the report, which shall be submitted without delay to the competent authority.

## **Decision making**

### **Article 15**

The competent authority shall decide on permit granting on the basis of the operator's application, the attached documentation, reports and evaluation of the Technical Commission as well as on the basis of the obtained opinions of other authorities and organisations and the public concerned within 120 days from the date of receipt of complete permit granting application.

In exceptional cases, based on the operator's request or on the initiative of the competent authority, the period set in Paragraph 1 of this Article may be extended, but not for more than 240 days from the date of receipt of the complete application.

The competent authority shall inform the applicant on the extension of the period set in Par. 2 of this Article, reasons as well as on the new period for decision making.

The competent authority shall issue the decision on permit granting, or refuse the permit granting application.

The competent authority shall refuse the permit granting application in cases when:

- 1) The installation for execution of activities for which the permit is required does not satisfy the set permit conditions;
- 2) Based on the data and documentation contained in the application it concludes that conditions for implementation of the set environmental quality standards are not fulfilled;
- 3) The application contains incorrect data that are of relevance for permit granting.

The competent authority shall deliver to the operator the decision on permit granting, or refusing of the permit granting application and inform accordingly other authorities and organisations and the public concerned within eight days from the date of decision making.

No complaints can be filed against the decision of the competent authority referred to in Par. 4 of this Article while administrative court proceeding can be instigated.

## **Conditions determined by the permit**

### **Article 16**

The permit shall set the conditions for operation of installations and execution of activities and operator's obligations, depending on nature of activities and their impact on the environment.

The permit shall contain conditions relating to:

- 1) Implementation of the best available techniques or other technical requirements and measures;
- 2) Measures contained in the environmental impact assessment study or study of the current status;
- 3) Emission limit values for pollutants determined for the relevant installation;
- 4) Measures necessary for air, water and soil protection;
- 5) Measures relating to management of waste generated during the operation of the installation;
- 6) Measures relating to reduction of noise and vibrations;
- 7) Measures relating to the efficient energy consumption;
- 8) Requirements relating to monitoring of emission with:
  - The specified methodology;
  - The defined frequency of measuring;
  - The defined rules for interpretation of results;
  - The set obligation to submit the data to the competent authority;
- 9) Measures for prevention of accidents and elimination of their consequences;
- 10) Reduction of pollution, including the transboundary pollution of the environment;
- 11) Measures planned for commencement of operation, for momentary stoppages in cases of disruption in functioning of the installations as well as for the termination of operations;
- 12) Undertaking of measures of protection of the environment after the final termination of activities aimed at avoiding the risk of pollution and returning of the site into the satisfactory status;
- 13) Method and frequency of reporting and scope of data contained in the report that shall be submitted to the competent authority in accordance with the regulations;
- 14) Results of the review of conditions and obligations set by the permit;
- 15) Other specific requirements.

Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, the permit shall contain additional measures providing for implementation of these standards.

In the case referred to in Paragraph 3 of this Article the permit issued by the competent authority shall determine measures and terms related to implementation of the environmental quality standards, prescribed in accordance with the law, and the following in particular:

- 1) The date beginning from which the standards shall be applied and territories that they refer to;
- 2) The maximum and the minimum acceptable level of pollutants and noise in the environment;
- 3) Certain parameters, monitoring procedure and methods used to determine cases when standards are exceeded, as well as measures that shall be taken in such a case.

The permit may contain the temporary exemption from compliance with the set conditions in case that the adopted programme of rehabilitation provides for implementation of measures leading to reduction of pollution and fulfilment of conditions.

The Government shall determine the criteria for determining the best available techniques, implementation of environmental quality standards and emission limit values contained in the permit.

The Minister shall prescribe more precisely the content and format of the permit.

The Minister shall prescribe the conditions for application of the best available techniques.

### **Obligations of the Operator**

#### **Article 17**

The Operator shall:

- 1) Act in compliance with conditions set by the permit;
- 2) Submit the results of monitoring to the competent authority;
- 3) Inform the competent authority about all changes in operation, namely functioning of the installation or on accident, with possible visible effects on the environment or human health;
- 4) Submit to the competent authority the annual report on execution of activities that the permit was issued for;
- 5) Inform the competent authority on the planned change of Operator;
- 6) Undertake all measures that the competent authority set upon expiry of the permit validity.

The Operator shall carry out the monitoring through implementation of the monitoring plan referred to in Article 9, Par. 1, Alinea 3) of this Law and in accordance with the conditions set by the permit related to emission monitoring requirements.

The Government shall prescribe more precisely the way and methods of monitoring.

On the request of the authority competent for permit granting or on the request of the inspector, the operator shall:

- 1) Submit to the competent authority the data necessary for permit granting, changing or revoke.
- 2) Enable the inspection insight into documentation he keeps related to permit granting, ensure access to samples and monitoring sites set by the permit and enable the undisturbed obtaining of information on acting in compliance with permit conditions.

In case that pollution originates from the installation that the permit has been granted for or that is subject to permit granting, the operator shall rehabilitate the consequences of such pollution within the shortest possible period at his own expense, taking into account all technical and economic possibilities.

If the operator fails to carry out the rehabilitation, the the competent authority shall rehabilitate the pollution at the expense of the operator.

During the validity period of the permit and at least five years upon the expiry of the permit validity, the operator shall keep all the documentation related to permit granting, monitoring and inspection supervision over the execution of activities.

### **Permit review**

#### **Article 18**

The issued permit is subject to reconsideration (hereinafter referred to as: the review) at least twice during its validity.

The competent authority launches the review procedure under the official duty or on the request of the operator and it shall be carried out in accordance with Articles 10 to 15 of this Law.

It is the duty of the competent authority to commence the review procedure if:

- 1) Pollution caused by the installation is of such significance that it is necessary to reconsider the existing emission limit values, or it is necessary to include such new values in the permit;
- 2) There is the threat that pollution may cause damage or that damage is caused to the environment and human health;
- 3) Substantial changes in the best available techniques allow for significant reduction of emissions without larger additional costs;
- 4) Changes in requirements related to safety of operation of the installation or safety of certain activity require introduction of new techniques;
- 5) Changes in environmental protection related legislation request so.

In cases referred to in Par. 3 of this Article, the permit reconsideration shall be carried out within 30 days from the date of the receipt of information about the incident that occurred.

In case that the competent authority initiates the permit reconsideration procedure it shall inform the operator about the reasons for such action and request him to submit the data referred to in Article 8 of this Law within the certain period.

## **Change of operator**

### **Article 19**

When the operator changes, the competent authority shall, within 5 days from the receipt of notice on the subject change, make such amendment in the permit without the review procedure and it shall inform the operator accordingly, as well as the competent authority in the territory of which the operator's head office is located.

## **Review of permit conditions**

### **Article 20**

The competent authority may amend the conditions set by the permit in cases of permit review by duty and in cases of the planned changes of installation or its operation that do not mean substantial changes in the sense of this Law. When a large number of changes aggravate the efficient control of the activities, the competent authority may request the operator to submit the new application for permit granting.

## **Extension of permit validity**

### **Article 21**

The validity period of the permit may be extended on the request of the operator.

The operator has the obligation to submit the application with the request referred to in Par. 1 of this Article, four months prior to expiry of the permit validity the latest.

The extension of the permit validity shall be carried out in accordance with the way and the procedure set for its granting.

## **Termination of permit validity**

### **Article 22**

The validity of the permit may terminate if:

- 1) Its validity period expires;
- 2) The operator requests so;
- 3) The operator fails to start up the installation within 12 months from the date of permit granting and he fails to submit the application for changes of conditions contained in the permit within that period;
- 4) The operator ceases fulfilling some of the conditions set by the permit;
- 5) The operator does not dispose with technical and financial resources for satisfying of his obligations set by the permit;
- 6) The competent authority finds that the operator has submitted the incorrect data in the permit granting application or forged the documents that are of relevance for permit granting or when the operator constantly

postpones the final deadline for submission of the requested data, or in other cases determined by the inspector.

- 7) The operator fails to conduct monitoring and does not submit data in accordance with this Law;
- 8) The operator fails to act in accordance with the inspector's request or fails to undertake the required measures within the set deadline;
- 9) The operator is fined two times consecutively for economic offence or offence in accordance with this or specific law;
- 10) The bankruptcy or liquidation procedures are initiated and other operator does not continue activities.

The competent authority shall adopt the conclusion initiating the permit revoke procedure and inform the operator accordingly within five days from the date of procedure initiating, with the justification of reasons for initiating such procedure.

The operator is entitled to file the complaint against the conclusion referred to in Par. 2 of this Article within eight days from the receipt of such conclusion.

The decision on termination of permit validity is final in administrative procedure.

The operator is entitled to initiate the administrative proceedings against the decision on termination of the permit validity.

The decision on the permit validity termination shall also set the mandatory handling measures for the operator related to the installation and site in order to avoid risks for the environment, human health and material resources upon termination of operator's activities.

### **Ways of informing other authorities, organisations and public**

#### **Article 23**

The competent authority shall inform other authorities and organisations and public in cases referred to in Art. 11, 12 and 15 of this Law through the public media, publishing the information about them in at least one local newspapers published in the territory that will be affected by the impact of activities and installations and on the Internet.

In cases referred to in Paragraph 1 of this Article the competent authority shall deliver the written notice to other authorities and organisations.

The notice referred to in Paragraph 1 and 2 of this Article shall contain the details of:

- 1) The title and head office or name and address of the operator;
- 2) The site where it is planned to carry out the activity or where the activity requiring permit granting application is already carried out;



- 3) The activity and the installation;
- 4) The period for submission of opinions;
- 5) Place and time when the application, the attached documentation or the draft permit shall be made available to public;
- 6) Decision on permit granting, or on refusal of permit granting application, and in particular of reasons that the decision was based on as well as on each further permit renewal.

If the operator's permit granting application, the draft permit or permit contains the business secret or data that could require, according to the law, the limited access of public to information, the competent authority may decide to limit the access of public for certain parts of the application or draft permit or permit.

The competent authority shall inform the public about the decision on limiting the access of the public to information referred to in Paragraph 4 of this Article in the way set in Paragraph 1 of this Article and it shall inform the authorities referred to in Article 11, Par. 1 of this Law in the way set forth in Par. 2 of this Article, within five days from the date of decision making.

The limitations referred to in Paragraph 4 of this Article shall not include the information about the emissions, risks from accidents, results of monitoring and inspection supervision.

### **Exchange of information on transboundary impacts**

#### **Article 24**

The Ministry shall carry out the exchange of information on transboundary impact of operation of installations and activities on the environment.

When the operation of certain installation is likely to have significant adverse effects on the environment in another state or when the state likely to be significantly affected so requests, the Ministry shall submit the information to another state, requesting its opinion, in the consultation process, as follows:

- 1) On the permit granting application, including the description of information referred to in Article 8 of this Law;
- 2) On the competent authority that shall decide on the permit granting;
- 3) On the nature of decision that may be made;
- 4) On public participation procedure, including the public concerned.

The Ministry shall inform another state, which has been consulted in the decision making procedure, about the decision on the permit granting or the decision on refusal of application for its granting by means of submitting the information on the following:

- 1) The content of the decision on permit granting or decision to refuse the permit granting application;

2) The reasons that the decision has been based on, including the information on the public participation procedure.

Consultations on transboundary impact shall be organised in the way and within periods set by arrangements between the competent state authorities based on the principles of reciprocity and equality.

The Ministry shall inform the public concerned on the received information on transboundary impact of installations and activities in another state in the way set forth in Article 23, Par. 1 of this Law.

The Ministry shall take into consideration the results of consultations and the obtained opinions of the public concerned in giving its opinions to the competent authority of another state.

### **Register of the permits granted**

#### **Article 25**

The competent authority shall keep the Register of the permits granted, as a part of environmental information system.

The Register of the permits granted is available to public.

The Minister shall prescribe more precisely the content and method of keeping of the Register referred to in Par. 1 of this Article.

## **IV. SUPERVISION**

### **Administrative supervision**

#### **Article 26**

The Ministry shall carry out the supervision over the implementation of provisions of this Law and bylaws adopted based on it.

The Ministry shall carry out the inspection supervision through the environmental inspectors (hereinafter referred to as: the inspector) within the scope of activities set forth by this Law.

The Autonomous Province is entrusted with the task of inspection supervision over the installations and activities for which the permit is granted by the competent provincial authority in accordance with this Law.

The local self-government unit is entrusted with the task of inspection supervision over the installations and activities for which the permit is granted by the competent local self-government authority in accordance with this Law.

## **Rights and duties of the inspector**

### **Article 27**

In execution of inspection control, the inspector has the right and duty to determine the following:

- 1) Whether the new installations have been granted the permit in accordance with this Law;
- 2) Whether the existing installations have submitted the permit granting application in accordance with this Law;
- 3) Whether the operation of the new installations is in compliance with conditions contained in the granted permit;
- 4) Any change in operation, or functioning of the installation;
- 5) Implementation of other prescribed environmental protection measures.

## **Inspector's powers**

### **Article 28**

In execution of tasks referred to in Art. 27 of this Law, the inspector shall have the power to:

- 1) Prohibit the use of the premise, or the operation of the installation and execution of activities until the permit is obtained;
- 2) Prohibit the work of the installation, or execution of activities if it is being done contrary to conditions set in the permit;
- 3) Order obtaining of the permit in accordance with this Law;
- 4) Order undertaking of measures and conditions set in the permit;
- 5) Order the delivery of data necessary for permit granting, changing or revoking;
- 6) Order measures of handling the installation and location upon termination of activities, in the case when the permit is revoked;
- 7) Order the execution of other prescribed obligations within certain period of time.

The complaint against the decision of the inspector can be submitted to the Minister within 15 days from the date of receipt of the decision.

The complaint against the decision of the inspector passed with respect of execution of tasks entrusted to him pursuant to Article 26, Par. 3 and 4 of this Law, can be submitted to the Minister within 15 days from the date of receipt of the decision.

The complaint against the decision of the inspector referred to in Par. 2 and 3 of this Article does not postpone the execution of the decision.

The decisions of the Minister passed with respect of complaints referred to in Par. 2 and 3 of this Article are final.

## V. PENALTY PROVISIONS

### 1. Economic offences

#### Article 29

The operator-legal person shall be fined from 150.000 to 3.000.000 dinars for economic offence if he/she:

- 1) Starts the operation of the installation or execution of activities without permit (Article 7, Par. 1);
- 2) Fails to act in compliance with permit conditions (Article 17, Par. 1, Alinea 1);
- 3) Fails to submit monitoring results to the competent authority (Article 17, Par. 1, Alinea 2);
- 4) Fails to inform the competent authority about any changes in operations, or functioning of the installation or about the accident (Article 17, Par. 1, Alinea 3);
- 5) Fails to submit to the competent authority the annual report on execution of activities that the permit was granted for (Article 17, Par. 1, Alinea 4);
- 6) Fails to inform the competent authority on the planned change of operator (Article 17, Par. 1, Alinea 5);
- 7) Fails to undertake all the measures prescribed by the competent authority upon termination of the permit validity (Article 17, Par. 1, Alinea 6).
- 8) Fails to remedy the consequences of pollution within the shortest possible period at his/her own expense (Article 17, Par. 5).

The responsible person of the operator-legal person shall also be fined from 30.000 to 200.000 dinars for economic offence referred to in Par. 1 of this Article.

Foreign legal person-operator shall be fined from 150.000 to 3.000.000 dinars for economic offence referred to in Par. 1 of this Article if it has its branch office in the territory of the Republic of Serbia.

The responsible person in the foreign legal person-operator shall be fined from 30.000 to 200.000 dinars for economic offence referred to in Par. 1 of this Article.

### 2. Offences

#### Article 30

The legal person-operator shall be fined from 30.000 to 1.000.000 dinars for the offence if he/she:

- 1) Fails to deliver the data to the competent authority necessary for permit granting, changing or revoking (Article 17, Par. 4, Alinea 1);
- 2) Prevents the inspection control of documentation he keeps relating to permit granting, fails to provide the access to samples and monitoring sites set by the permit and fails to enable them to obtain information on acting in compliance with permit conditions in an undisturbed way (Article 17, Par. 4, Alinea 2);

- 3) Fails to keep all the documentation related to permit granting, monitoring and inspection supervision over the execution of activities during the permit validity period and at least five years upon permit revoking (Article 17, Par. 7);
- 4) Fails to act in accordance with the inspector's decision (Article 28).

The responsible person of the legal person-operator shall also be fined from 5.000 to 20.000 dinars for the offence referred to in Par. 1 of this Article.

The operator as the physical person shall also be fined from 5.000 to 20.000 dinars for the offence referred to in Par. 1 of this Article.

#### Fines for responsible person in the competent authority

##### Article 31

The responsible person in the competent authority shall be fined from 5.000 to 20.000 dinars for the offence if it:

- 1) Passes the decision on permit granting contrary to the prescribed procedure (Art. 10-13, Art. 15, Par. 1-6);
- 2) Issues the permit that does not contain the prescribed conditions (Art. 16, Par. 1-5);
- 3) Fails to review the permit (Art. 18);
- 4) Fails to pass the decision on termination of permit validity in accordance with the prescribed conditions (Art. 22);
- 5) Fails to inform other authorities, organisations and public in the prescribed way (Art. 23);
- 6) Fails to keep the Register of the issued permits and enable the insight into the Register (Art. 25, Par. 1 and 2).

#### Protective measures

##### Article 32

In addition to the fine for economic offence referred to in Articles 29 of this Law the protective measure of prohibition of execution of certain economic activities can also be pronounced against the legal person and the protective measure of prohibition of conducting of duties against the responsible person for the period of up to ten years.

## VI. TRANSITIONAL AND FINAL PROVISIONS

### **Harmonisation programme**

##### Article 33

The programme of bringing of certain branches of economy in compliance with provisions of this Law shall be enacted by the Government, based on the proposal of the Ministry and in co-operation with other authorities and

organisations.

The Ministry shall deliver to the Government the proposal referred to in Par. 1 of this Article within one year from the date of coming of this Law into force.

Within 6 months from the date of entering of this Law into force, the Government shall prescribe the temporary/interim limit values of emissions into air and water for the first five years of harmonisation of certain branches of economy with provisions of this Law.

### **Obligations of operators of the existing installations**

#### **Article 34**

The operator shall obtain the permit for the existing installations and activities until the year 2015 the latest, in accordance with the Programme of bringing of certain branches of economy in compliance with provisions of this Law.

The operator shall submit the permit granting application within one year prior to the deadline set forth by the Programme referred to in Article 33 of this Law.

### **Entering into force**

#### **Article 35**

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