

as national government, to define and pursue policies of sustainability in the future development of Serbian towns and municipalities. The major activity for the first year of program implementation was development of **Local Sustainable Development Strategy Paper**. After adoption of the local strategy of sustainable development, there were numerous positive examples of the cities and towns that have made (or are in the process of making) their local strategies.

The city of Zrenjanin has, for example, formed its Council for Strategic Development of the Municipality (long- term municipal development strategy). After 12 months of intensive preparations, public debate and an option of public participation in reviewing the document, the local parliament adopted the Strategy in December 2005. By doing so, Zrenjanin became the first municipality in Serbia to have created such a document, using own manpower and funds. \*

### Rules and Regulations

Major steps in the area of environment were adoption of the Law on the Environmental Protection (2004); Law on integrated Prevention and Pollution Control (IPPC); Law on Environmental Impact Assessment (EIA) and Law on the Strategic Environmental Assessment (SEA). The principle of public access to relevant environmental information and participation in decision- making has been embedded in the above laws and in the Law on Free Access to Information of Public Interest (2004).

<p>Enforcement of the newly adopted legislation will require significant efforts in both Serbia and Montenegro (121).</p> <p>Implementation and enforcement need to be considerably strengthened, notably through the adoption of implementing strategies and plans and institutional capacity building (121).</p> <p>Too little attention is still being paid to environmental enforcement and institutional capacity (123)</p>	<p>When comparing the set of environmental laws adopted in December 2004 with the concept of Draft Law (adopted by the Serbian Government in 2002 and confirmed in 2003, in spite of the fact that over 80% of its text had been taken from the previous draft) (78), basic differences are the lack of regulation for sustainable use of natural resources and unrealistic terms for capacity building of local management, industry and other institutions for the law enforcement.</p> <p>If we present the 2002 Law concept as a major organ in human body – the HEART, then, by the end of 2004, we had 80% of the remains of that HEART, diminished by a ventricle (conditions of sustainable use of resources have been limited). “Heart” has very constrained exit streams (unrealistic terms for implementation, etc.) How will this heart live? Will it be able to function without treatment and surgeries? The practice will tell (36).</p>
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\* Jovanov D., T.Mijatovic, Proc 2<sup>nd</sup> Regional Conference "Environment for Europe" Belgrade 2006

A number of rules and regulations have been adopted in 2005 / 2006. However, they are still insufficient for an effective application of these documents. It will require the adoption of supplementary specific laws, not to mention secondary legislation and subsidiary acts, estimated to be at least 80 separate acts, to make the law applicable (119).

In December 2004, a set of environmental regulations was adopted in Serbia, including the new Law on Environmental Protection. It was based on Aarhus Convention provisions and on other relevant UNECE conventions. The Law was based on EU standards, including provisions on environmental impact assessment, legislation on integrated pollution prevention and control, impact assessment and strategic environmental assessment (104).

Most of the Environmental Protection law, however, has a rather declaratory meaning and it lacks numerous additional laws and by-laws to proceed with the harmonization process (119).

Although the new Law has been based on the principles of Aarhus Convention, Serbia and Montenegro has not yet signed it. It is necessary to undertake steps towards improvement of public access to environmental information, public participation in decision-making and access to justice in environmental cases, as imposed by the Convention. The instrument of environmental impact assessment might demand additional harmonization, in order to be harmonized with the EU legislation. Other important activities (foundation of information system on the environment, of the Agency for Environmental Protection and cooperation with European Agency for Environmental Protection) are also under way. Establishing those ambitious programs in the area of environment has mainly been done by the Serbian Ministry (founded in 2002(104)). Serbia and Montenegro should completely use advantages of cooperation within the SAA Process. It will also demand cooperation in issues to prevent environmental degradation and promotion of resource allocation in the area. At the same time, regulatory and institutional reforms in Serbia and Montenegro must be intensified, due to strengthening of the basis for implementation of a consistent and effective environmental policy (104).

As regards horizontal legislation, Serbia has taken steps to implement the Convention on Access to Information, Public Participation in Decision-Making and access to Justice in Environmental Matters (Aarhus Convention). Public participation in decision-making is foreseen in certain provisions of legislation on environmental impact assessment, strategic environmental assessment and integrated pollution and prevention control (121).

The new law has certain discrepancies in regards to EU directives (for example, provision in Environmental protection Law falls short of the requirements of the Seveso II Directive (119). It needs additional harmonization in relation to environmental impact assessment (104).

The Law was passed on Ratification of Amendment to the Montreal protocol (concerning substances that deplete the ozone layer (2004). The first National Program was defined on the decrease of utilization of the ozone- depleting substances (2004).

New legislation is also being developed on product quality systems and environmental requirements for instance (121).

An innovated Action Plan of approximation to the EU (in 2004 and in 2005) was confirmed. Draft law on national forestry policy has been prepared (2004).

Currently, in Serbia the capacities for adherence to environmental legislation are not satisfactory. The same applies to the capacities that would cover the complete territory by relevant data (for example, soil quality, tropospheric ozone, etc.) To what extent are the adopted laws applicable, from the standpoint of capacity and possible time of the country economy, local management and other subjects need for adaption, is the question with immediate unsatisfactory answer.

In Serbia, approximation to European standards in those areas where draft legislation already exists should be actively pursued, so that the process can be completed in the near future. This also applies to the strategies currently in preparation, which are anticipated for adoption by the end 2006 (121).

Several indicators, with multi- layered interrelationships, have been connected with corruption in the area of environment: inspection, permitting and licensing, law enforcement. The countries in transition have a prominently weak framework of law- enforcing institutions. It was also shown in the first report related to our country and in enforcing the first set of environmental laws in 2004. Low fines continue to be the problem. At the same time, there is a great degree of freedom for discretionary right to interfere in cases of licenses, approvals, permits. The inspection services also fall under this right of interference, so that corruption is greatly encouraged. Therefore, the more inefficient law enforcement is, the greater chances for corruption. Environmental inspectors in countries in transition are subject to corruption. However, the corruption is more frequently seen in the areas of permits and environmental licenses. We might carry out analyses of frequen-

cy, duration and targeting of inspection examinations in the area of environment and their ambiguous relation to corruption. Although in 2004/ 2005, environmental inspection in the country\* has visited 12% of the firms, Only Bosnia and Herzegovina and Azerbaijan are rating behind us. Corruption in the environmental sector is rather low, compared to other countries.

### Institutions

Both Republics need to pay attention to strengthening of their administrative capacities (121). At the end of February 2004, the environmental sector has become again Directorate for Environmental Protection, positioned in the Ministry for Science and Environmental Protection.

In the spring of 2004, the new government reconstructed the previous Ministry and placed the environment sector under the jurisdiction of Directorate for Environmental Protection (within the Ministry for Science and the Environmental Protection). The environment, however, should be given a more prominent position on the present government's Agenda. While certain taxes, posed by the current government, are directly related to the environmental protection, utilization of financial instruments in the area of environmental protection by the "polluter pays" principle, has yet not been developed.

Since then, environmental protection has once again been placed within the Directorate (within the Ministry for Science and Environmental Protection). The main problem that the Ministry has been facing in the approximation process is the large number of laws and by-laws to be drafted in a very short time. The number of staff that is involved in the drafting process contradicts this. For instance the Working Group for the drafting of new legislation on chemicals, which is a vast and complex issue, consists of only three permanent members from three ministries. The public and other relevant stakeholders do not yet play an active part in the drafting process of most laws. (119)

The Government Decree founded the Agency for Environmental Protection in 2003. It became an inseparable part of the Ministry for Science and Environmental Protection. In 2004, certain jurisdictions of the environmental sector have been given to other ministries (Foreign Affairs, Agriculture, Forestry and Water Management (with a Directorate for Waters and Directorate for Forests), Health, Science and Environmental Protection (Science Sector) and Energy and Mining).

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\* EBRD Transition Report 2005: Business in Transition

The Directorate for Environmental Protection (DEP) is an authority within the Ministry for Science and Environment and has a wide range of responsibilities identified in the law. Other ministries with competences for the environment include the Ministry of Agriculture, Forestry and Water Management Directorate for Forests and Directorate for Water (in water, forests, livestock farm waste, etc.); the Ministry of the Economy (in industry); the Ministry of Health (in enforcement of sanitary regulations relevant to the environment); the Ministry for Capital Investments (in urban planning, construction and use permits, and road, air, rail and water traffic); the Ministry for Mining and Energy (in energy efficiency, and permits for extraction of mineral resources); and the Ministry of Trade, Tourism and Services. Responsibilities for water resource management and water quality are with the Directorate for Water, which is within the Ministry of Agriculture, Water Management and Forestry. The Directorate for Water is also specifically responsible for development of water management policy, rational consumption of water resources, provision of drinking water supply (excluding distribution), flood protection, issuance of permits for water abstraction and discharge, and collection of fees for water use and discharge. In addition, there are several institutions responsible for environmental monitoring, including the Institute for Nature Protection, the Hydro-Meteorological Institute, and public health institutes. The Environmental Inspectorate covers compliance monitoring and monitoring of emissions. The Recycling Agency, which is a government institution not subordinate to the Ministry for Science and Environment, is given responsibility for waste management, particularly in recycling and waste recovery. In 2002, certain environmental competences were transferred to the Autonomous Province of Vojvodina under the Law on Competences of the Autonomous Province of Vojvodina. The Provincial Secretariat for Environmental Protection and Sustainable Development of the Autonomous Province of Vojvodina has competences related to environmental programme development, pollution control, EIA, inspection, and monitoring within its territory. There is an overlap of competences between the Water Directorate and the Directorate for Environmental Protection in relation to water quality and water pollution. Forest management is under the discretion of the Forest Directorate, which forms part of the Ministry of Agriculture and Water Management. A potential conflict of responsibilities exists between the Forest Directorate, which manages forests considered to be within the economic sector, and the DEP, which is charged with protection of forest ecosystems. Municipalities have competences in the field of urban plan-

ning, environmental protection and improvement of the environment and public utilities. At the local level, secretariats for environmental protection have limited competences for environmental management including air-quality protection, noise protection, management of communal waste, urban planning, construction permits for smaller facilities, and strategic assessment of plans, programmes, EIA and integrated permits within their statutory tasks. Environmental NGOs in Serbia and Montenegro view cooperation with domestic and foreign NGOs, as well as with EU organisations, as critical to solving environmental problems. NGOs most often enter into cooperation in project implementation and campaigning, less often in lobbying and fundraising. These NGOs look for other organisations with a high level of professionalism that share their goals and ideas in order to exchange information, ideas, and experience. Cooperation assists NGOs in realising projects and initiatives, in achieving stronger public presence, and in laying the foundations for future cooperation.<sup>•</sup>

In the beginning of 2005, an Environmental Protection Fund was founded (118).

The Environmental Protection Fund in Serbia became operational in 2005, with initial funding from the Ministry of Finance. Own resources such as environmental charges (as the existing ones on biodiversity products) are expected to be the financial sources for the Environmental Protection Fund in the future (121).

Following adoption in late 2004 of the Serbian Law on the System of Environmental Protection, Serbia now needs to further strengthen the Agency for Environmental Protection and the Environmental Protection Fund (121).

Serbian environmental legislation has been harmonized with the EU legislation in certain areas. It is realistic to expect that this process will have been finalized by the end of 2009. It can be expected that its complete enforcement will have been realized between 2010 and 2014 (117).

#### Other Relevant Issues

In 2004, a Project Document “Development of a Strategy for Sustainable Development in Serbia and Montenegro through Cooperation among Countries” was made. It was defined with the aid of SIDA- Swedish International Development Assistance.

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<sup>•</sup> REC (2006)

A set of regulations is under way, on the Serbian level. They relate to the following issues: product quality, environmental quality standards (104). It is necessary to develop and apply the strategy for natural resources management (65).

The number of environmental NGOs is constantly growing. However, these organizations have limited impact (77).

Both republics must continue to invest their efforts in the area of harmonization of their regulations with *aquis*. They should try to create favorable conditions for trade and avoid further barriers. More precisely, mechanisms must be introduced to perform internal consultations, verification or reporting on the drafts of technical regulations before their adoption. This is the way to avoid non- tariff barriers and further regulatory complexity. An improvement was made in harmonization with EU standards. However, many of them (regulations on quality, food safety, rules about chemicals and of their packaging, etc.) have been regulated in a rather uncoordinated manner on the level of republics (104).

Both Serbia and Montenegro will have to agree on own obligations for harmonization in the areas such as competitiveness, intellectual, commercial and industrial property, inland transport, law on economic societies, accounting, consumer protection, data protection, health care and occupational safety and equal opportunities. Besides, both republics will have to undertake precise commitments in relation to law enforcement, especially in the area of competitiveness and rights of intellectual, industrial and commercial property (104).

Cooperation between Serbia and Montenegro and the EU in the area of energy should take into account principles of market economy and SEE Treaty. The country's policy in the area of energy supply will have to be additionally developed towards gradual integration to the policies and networks of the EU. Cooperation should be specially focused on formulation and planning of the policies in the area of energy, modernization of the country's infrastructure, better and more varied supply and stimulation of saving and energy efficiency (104).

The previously in 2003 set location for the Center of Chemical Waste Treatment was abandoned in 2004; the new location did not succeed to determine in 2004/2006.

*Agriculture and Food Processing Sector:* Cooperation in this area should be aimed at supporting Serbia and Montenegro to modernize and restructure the sector. This would particularly relate to:

- I) development of privately- owned farms and distributive channels, storing and marketing methods,

- II) modernization of rural infrastructure (transport, water supply, telecommunications),
- III) increase in productivity and improvement of the quality using adequate methods and products,
- IV) training and follow- up of application of the methods to prevent pollution, related to agricultural inputs,
- V) development and modernization of food- processing companies and of their marketing methods, promotion of industrial cooperation in agriculture and exchange of know- how, and
- VI) developing cooperation in the area of animal and plant health by assisting in education and organization of further control, with the aim of gradual harmonization with the EU standards (104).

Other milestones:

2004	<ul style="list-style-type: none"> <li>- Four laws adopted: Law on the Environmental Protection; Law on Integrated Prevention and Pollution Control (IPPC); Law on the Environmental Impact Assessment (EIA) and Law on the Strategic Environmental Impact Assessment (SEA).</li> <li>- Law on the Ratification of Amendment to the Montreal Protocol concerning substances that deplete the ozone layer</li> <li>- National Forestry Policy Draft was prepared</li> <li>- First national program concerning the decrease of substances that deplete the ozone layer was defined</li> <li>- Action plan of EU approximation was updated / redefined</li> <li>- Several sectoral law have been updated and are in the process of drafting</li> </ul>
2005	<ul style="list-style-type: none"> <li>- Environmental Protection Fund was founded</li> <li>- NATIONAL STRATEGY FOR THE ACCESSION OF SERBIA AND MONTENEGRO TO THE EU was adopted. It contains the chapter "ENVIRONMENT"</li> <li>- Draft of National environmental strategy was finalized</li> <li>- A number of regulations were adopted</li> <li>- SEE Treaty was signed</li> <li>- National waste management strategy was applied</li> </ul>
2006	<ul style="list-style-type: none"> <li>- year in progress</li> </ul>



The 2004 program has been marked with gradual continuation toward long- term development assistance and support to institutional reform, with packages of € 214 million for Serbia/ State Union and € 15 million for Montenegro. Additional €19 million were given to Serbia and Montenegro in accordance with the Council Decisions of June 16, 2003 on the Western Balkans (adopted by the Council in Thessalonica on June 19, 2003). The programs are consistent with general priorities of the Stabilization and Accession Process (SAA or SAP) that is also reflected in the European partnership. Major sectors in 2004 were judiciary and internal affairs, reform of the public administration (including institutions on the level of Serbia and Montenegro), energy, the environment and economic development, and return and reintegration of internally displaced persons and refugees (76).

The example of EAR funding reflects the situation in environmental sector (36, 62, 81). In 2004 and 2005, there is (probably temporary) remain behind in the provision of funds. It is interesting to note that the previously allocated funds have not been spent.

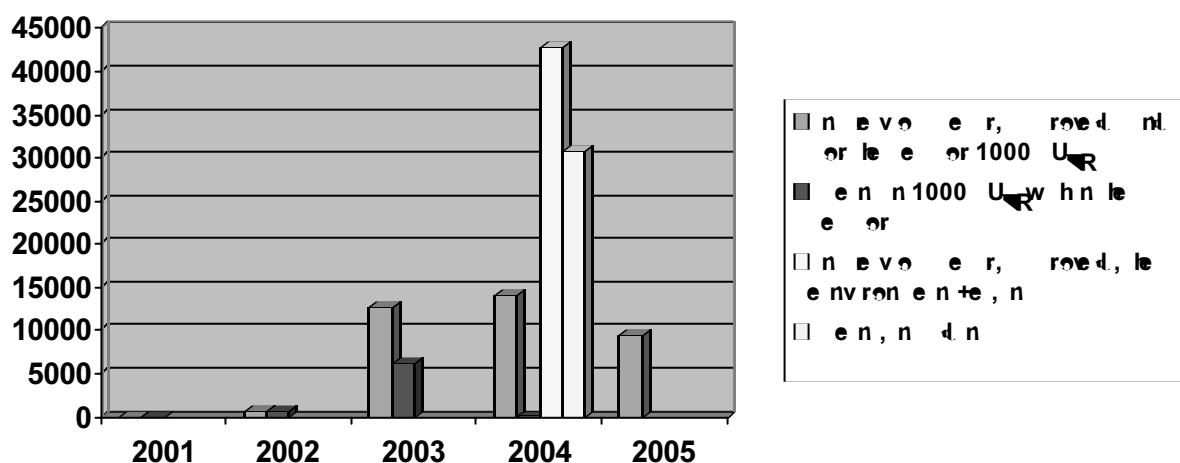


Figure. 7 Illustration of the EAR funds having been allocated for the environment, by year\*

Financial plans have to be developed as regards investments required to meet European standards, particularly in the field of water and solid waste, and to tackle pollution at existing hot-spots (121).

\* Note: The reason for not spending funds in 2003 (allocated for environment) is the disagreement of local management of Pancevo with the UN technical solutions and EAR funds for the cleaning up of the canal in the city industrial zone. There were suggestions that it might be possible to 'transfer' these to another year.

Financial sources should not be observed as “aid given to a certain institution” but rather the funds given in common interest. Recipients of financial funds that cannot solve certain environmental issues using own funds, may do so in an easier way with foreign aid. The supporting organizations must also have some benefits: the benefit arising from the fact that biosphere is our common system and that we all have to take care of it; or the benefit from protecting several especially endangered ecosystems (where GEF has a special role). It may be the benefit from marketing the capital, own products or from opening new markets, provision of free flow of goods and services. That is why both sides, on the giving and receiving ends, are equally responsible for adequate utilization of financial aid.

None of the present new EU member states have been prepared for spending international aid on the best way. Some among them, rare, though, were able to “spend” the sums given by the international community. Sometimes the degree of utilization was under 50 % of their options. Slovenia was among the countries that successfully and effectively used foreign aid. After having adopted the preparatory know-how, Slovenia managed to prepare projects (based on international requirements and standards) in advance, using its own manpower. More often than not, just these projects have been funded from the surplus of financial means that had been laying somewhere because no one had used them, for a number of reasons (102).

The fact that the Environmental Ministry (Ministry for Protection of Natural Resources and Environment) was integrated into the new Ministry for Science and Environmental Protection as a Directorate again, after just two years, certainly does not strengthen the standing of the main environmental authority in Serbia and imply that the relevance of environmental matters in Serbia (in relation to the approximation process) seems rather low. Despite this and the fact there is a lack of human resources for legal drafting process at the Directorate, its recent progress, especially with foreign technical assistance, is quite substantial. If Serbia shall remain on this track, it will definitely require ongoing and intensified external technical assistance (119).

It is noted that plan is to adopt and start implementing strategies on air pollution, waste management and nature protection. Continue implementing the National Environmental Protection Strategy, and the water strategy. Continue strengthening administrative capacity on environmental institutions and bodies. Begin implementing the multi-annual plan for financing investment. Finalize construction of a facility for the treatment and safe disposal of hazardous waste (122).

## 8. EU Harmonization : the Demands

### Environmental Legislation

According to the *acquis*, the environment encompasses mutually harmonized aspects of

- **horizontal legislation** (environmental impact assessment, strategic environmental impact assessment, access to information and public participation in decision- making, manners and standardization of reporting, monitoring and inter- sectoral activities- conditions of sustainable use of natural resources, liability for the damage posed on the environment, etc.)
- **legislation by areas** (the air, water, nature and resources- forests, soil, biodiversity, etc., industrial risk, integrated prevention and pollution control, eco- labeling, management of the system of the environment, noise, chemicals, genetically modified organisms, climate change, waste, radiation, etc.)

Harmonization of the legislation in the area of environment also proves better functioning of the internal European market, improves the life of citizens not only in member- countries but of these whose countries are candidates for EU accession.

In order to harmonize the chapter of environment with the EU legislation, it is necessary to (36, 103, 104):

- Further improve the system of environmental protection that regulates horizontal legislation (according to the *acquis*) and provides the framework for legislation by sectors (according to *acquis*)- through implementation analysis of the adopted laws and their further development, It is time for us to make amendments and changes in the laws adopted in December 2004.
- Adopt legislation by the following areas: Law on Waste Management, Law on Waters, Law on Geology (sustainable use and protection of geologic heritage, i.e. minerals- for the future sustainable utilization, instead of mere exploitation of minerals. It is of major importance to separate this law from mining as an industrial branch) \*, Law on Non-Ionizing Radiation and Nuclear Safety, Law on Packaging and Packaging Waste, Law on the Protection of Nature, Law on the Protection of Air, Law on the Management of Chemicals, Law on Forests, Law on Fisheries (sustainable use and protection of the fish resources), etc.

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\* "Natural Resources Canada" has huge experience in this area. The environmental jurisdiction in Canada has been carried out through three pillars: environment (including waters), natural resources (forests, geology and the conditions within it, mining resources and energy), fisheries and the oceans.

- Complete the defining of strategic documents (NEAP / NESAP, on sustainable development, climate changes, forests, wastewaters, protection of the air from pollution, sustainable use of water resources) and adopt strategies that have been initiated: on the protection of nature and biodiversity, sustainable use of natural resources and other important strategies for the formulation of the system of environmental protection.
- Based on legal provisions, adopt action plans for the protection of air, soil, forests, ecosystems, waters, natural resources and atmosphere; promotion of spatial planning and spatial design; related to waste management, chemicals management; protection from ionizing and non- ionizing radiation, noise and vibrations; accident- hazards protection; sustainable management of energy; development of the information system, research and education.
- Adopt the laws on ratification of international agreements in the area of environment (Kyoto Protocol, Aarhus Convention, etc- 26 priorities); establish effective mechanisms of enforcement of international obligations and cooperation.
- Define two national Strategies: for the control of climate changes and adaptation to the anticipated climate changes by the end of century. They would determine concrete measures in various sectors, related to prevention of GHG emissions and adaptations to changing meteorological conditions. Active factors and measures for their reduction must find their place in the focus of both documents. Serbia and Montenegro is today challenged with serious problem of relative low energy efficiency combined with high intensity of emission of CO<sub>2</sub> (originating from economic activities). On the other hand, the country has been remained behind in the application of climate- protective measures. Both may represent additional obstacle toward European integration and a significant number of options for a high- quality economic growth. In order to utilize the challenges that the policy of climate protection offers to economic growth, not only in the sense of fulfilling obligations toward foreign countries, but in creating conditions for high- quality performance and increase of international competitiveness of the Serbian and Montenegrin economy, the country must perform the above- mentioned steps (95):
- Adopt regulations from a set of laws in the area of environmental protection; adopt regulations and standards (for example, for drinking water).
- Establish the expert groups that will:
  - define EU directives that need a transitional period in order to create basis for negotiations within the process of EU accession;
  - create Integrated strategy of EU approximation in the area of environment;
  - monitor implementation of the National Program of Environmental Protection (NEAP) and Action Plan (NAP) and Strategy of Sustainable Development;
  - coordinate implementation of Integrated strategy of EU approximation in the area of environment, together with Sustainable Development Council,
- Perform periodical monitoring and performance analysis. Introduce procedures, provide

EIA, IPPC and SEA regulations and monitor their application; monitor the results of legislative issues; especially of those that have been significantly altered in the EU (for example, in the process of introducing good laboratory practice and adopting REACH regulations in the EU for chemicals); pass the laws on changing the laws/ adopting new laws (second cycle) and (where necessary) correct the Integrated Strategy.

- Define the instructions that facilitate the procedure within the process of damage claims caused by harm in the environment (105).
- Create national strategy of use of the fish resources, i.e. development strategy for fisheries. The strategy should be used as a basis for further development directions, either through de- etatization or privatization (such as founding of the fishguarding service as a public service; or leasing smaller parts of fishing waters to private owners (fisheries/ tourist facilities) • (89).
- Improve integration of the environment to other sectoral policies. Certain activities in other sectors should implement environmental policy, such as increase in relative energy prices, introduction of renewable energies, energy potentials from treatment of the waste; synchronization of the prices for municipal services; introducing responsibility for the environment within the process of privatization; increasing the share of expenses for the environment in GDP; increasing public expenditures for the environment; preparing of the programs for introduction of competitive programs and including private sector in communal services; using transportation means that create less pollution; applying good agricultural practice in relation to the causes of water pollution caused by agriculture; all in accordance with the EU recommendations. Within this context, it is important to determine long- term significance of integrating the principle of environment into spatial and urban planning, along with the process of adopting and redefining of spatial plans (in accordance with EU recommendations related to landscape, parks and protected areas and necessary revisions of the borders of protected natural reserves and resources).

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• *The new Law on Fisheries should clearly define the conditions under which one should deal with fisheries (fishing for economic or recreational purposes). The state then could clearly define registration of both such kinds of fisher-people. This would enable defining clear obligatory relations. The state is owner of the fish reserves. Based on these new relationships, it would be easy to introduce clear, de- stimulating sanctions for illegal fishing and violation of the relevant regulations and law. The new law would provide the responsible attitude toward fish reserves within fishing areas. By valuing the entrusted fish reserves as a natural resource and paying the deposit for the period of utilization of the fishing area, the state might repay for the possible damage. It should be firm in attitude that the fish reserves must be managed adequately, in a sustainable manner and sensibly (in order to preserve autochthonous diversity of ichthyofauna in Serbia). In turn, this would result in a system capable of providing financial gain for all local communities and the state.*

## 8.1 The Institutions, Human Resources and Funds

In the countries with economies in transition, policy- making was integrated in all sectors within the system of central planning. However, it never included the issues of environmental protection. The institutions that had been responsible for various management aspects in this area, have not been asked in strategic decision- making. One of the major achievements in the policy of environmental protection in transition process was, in a majority of countries, founding of special ministries for the environment. Such ministries exist today in a majority of countries with economies in transition (11). Founding separate ministries for the environment has enabled development of an explicit policy in the area of environment and placing the responsibility for pursuance of this policy to a certain sector. Those newly- founded ministries have been fighting for their own budgets and personnel. They have developed environmental legislation, partly based on principles and strategies adopted in the Rio and Johannesburg summits and in the UNECE “The Environment for Europe” process. However, a great deal of energy has been spent for these ministries to create their identity and authority in relation to the government and society as a whole. Generally speaking, the level of communication among the ministries was very low. Integration is still in its youth; it has been approached rather fragmentarily. In certain countries, limited organizational and administrative means also put restraints on the integration scope. The awareness of the need for integration “tools” has been growing due to the process “Environment for Europe” (106) and demands that the EU has been posing before the countries wishing to access it. However, as is the case in Western countries, many of these strategies suffer from the lack of coordination or do not yield much result. (Effective) organizing for the assignments in environmental protection still remains a challenge for countries in transition as much as it is the case with the whole UNECE (Pan- European) region.

In order to provide strategic determination for EU accession, it is necessary to have adequate institutional capacities. Therefore, the 2002 reform that established in Serbia Ministry for the Protection of Natural Resources and the Environment has only followed the process in which there has been a need to have a strong environmental sector. It was strongly defined as such (76). Discontinuation of the ministry in spring 2004 and combination of the competencies of environment and science into a single ministry on the one side, and adoption of a set of four laws on the other, may be considered unharmonized activities. This is reflected in performance results as well (104). The 2004 and 2005 Work Reports of the Ministry for Science and Environmental

Protection have not shown adequacy and success of the current institutional framework in the area of environment (99).

Inclusion of an Environmental Protection Agency, founded by a Government Decree in 2003, within the framework of the Ministry for Science and Environment Protection (2004) has not contributed to an efficient institutional framework aimed at the EU approximation process. According to the reference 107 and other documents (100), the following should be done:

FOUND MINISTRIES FOR THE ENVIRONMENT PROTECTION in the countries that do not have them; incapacitate the NECESSARY human resources; strengthen inspection services; provide budgets; strengthen services within municipalities; improve system- based monitoring; provide intersectorial cooperation; found ENVIRONMENTAL PROTECTION AGENCY...(100, 107).

Besides the demands to harmonize legislation within environmental sector, an impuls is needed and an active attitude toward foundation of adequate manpower, institutional, technical and other capacities (104) in order to harmonize national legislation with the EU in all areas belonging to the sector of environment and provide enforcement (105):

- It is especially important to strengthen administrative and manpower capacities for strategic planning in the area of environment, various types of permits, inspection services, monitoring of environmental media and project management. It is important that reduction of administration on the level of the state and republic, does not relate to environmental sector. Here, the number of employees should be multiplied in order to perform effective accession. Additionally, on the local level, there should be services and strengthening of capacities that are supposed to have undertaken certain assignments from the central level (AP Vojvodina and partly the city of Belgrade are only ones that have the service which have done so; administrative bodies on the local level mostly do not have environmental services at all).
- It is important to form the institutions in such a manner that they can effectively monitor and carry out the assignments of EU approximation; to provide spatial and technical conditions for their performance (Ministry/ ministries for the environment, waters, forests, Environmental Protection Agency, Regulatory Body for Ionizing Radiation, Environmental Fund and local funds, provincial, city and municipal secretariats for the

environment and sustainable development; Sustainable Development Council and inter-sectoral government body, Center(s) for cleaner technologies and production processes and for sustainable consumption. More efficient government institutions such as institutions for energy efficiency, waste and recycling, environmental protection, hydrometeorology, geology, statistics, standardization, methodology, etc. More efficient institutions and the system for establishing an operational response system in case of accidents- hazards in industry; more effective and accredited institutions and institutes for monitoring and analysis related to the environment, R&D facilities and educational institutions for environment; it is important to provide system- based cooperation among the institutions.

In 2005 the Government of Serbia assumed\* a position that is necessary to establish the Ministry for the Environment, Waters and Forests (in other words, for natural resources and the environment).

- It is necessary to develop full cooperation with the European Environmental Agency (EEA) (104, 105). Since it has already been appointed, in the Partnership Document (64) as well, it is important to establish (and properly direct the performance of) Environmental Protection Agency (100). In the process of structuring of such an agency and information system and their relations with the EEA (i.e. information system and data exchange, based on monitoring of the water, air, soil and other media), great care should be made that the environmental data serve as control and professional mechanism of the measures and activities provided by the relevant ministry. The research ship “Argus” has been in Serbia since 2003. It is a donation of the German government ( the city of Hessen) to the Serbian government- the Ministry for the Protection of Natural Resources and Environmental Protection). The ship should be made completely functional. It is necessary for country to get connected to the international control systems (monitoring devices and their inclusion in a unified information system; development of and inclusion to the model application related to estimates of pollution expansion in various conditions). It is important to develop cooperation in the Danube Basin (ICPDR), the rivers Tisa, Sava , Drina etc. It is important to develop full cooperation with IAEA (International Atomic Energy Agency).
- It is important to make or improve monitoring networks for environmental media and ionization, in accordance with EU demands. It is important to update technical control at the borders concerning waste, chemicals (poisonous and dangerous substances, ozone-depleting substances etc.), sources of ionizing radiation, protected flora and fauna. All those aspects should be an inseparable part of the customs and border control system.

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\* by adopting NATIONAL STRATEGY FOR THE EU ACCESSION, in which it is explicit



- It is important to make the Polluters Registry and closely monitor the performance of major polluters, provide environmental management in the facilities, EMS/ ISO 14000, the EMAS system, “environmental” labeling. It should be attained through cooperation with Serbian Chamber of Commerce. It is important to enforce environmental regulation in huge systems such as Electric Power of Serbia (EPS) and Petrol Industry of Serbia (NIS).

During 2003, an “Innovated methodology for the definition of Integrated Polluters Registry” was tested in several Serbian facilities. This methodology has been harmonized with EU Directives and the existing national legislation. The Registry forms are interactive and work in Adobe® PDF format. The Registry has a tutorial and is made as CD presentation in order to ease distribution and further utilization. The updated, latest version of the Methodology is made for network utilization and has several advantages over the previous technical solution (108).

- It is important to provide financial funds and investment in the environmental sector (from the State Fund, the budget, etc.). It is especially important for the area of waste and wastewater management, to decrease pollution from thermal power plants. It is important to make a long- term investment plan, based on cost estimate and real sources of financing that include private and public funds; make a “list of historic priorities” for the negative “environmental” heritage in “hot spots” and facilities that had been privatized.
- It is important to create a system of “green” public procurements (having in mind system-based solutions of environmental protection and the procedure of tendering), with the aim of a more effective prevention and adherence to the principle of sustainable consumption.
- It is of great importance to promote education in environmental and sustainability issues. It should be done at all levels. Financial stimulation should be undertaken for these who have had best results. It is important to have a plan of organization and promotion of the sector and development within the Pan- European Ministerial Conference “Environment for Europe”, to be held in Belgrade (autumn 2007). This plan should be in accordance with the EU relationship toward the “Environment for Europe” process. It is important to initiate the Organizing Board for the event, maintain standing partnership with the NGO sector, the public and other partners. (This idea has been initiated in the Symposium “Environment for Europe, 2005 and 2006<sup>A</sup>).

<sup>A</sup> Visit [www.ambassadors-env.org](http://www.ambassadors-env.org) (EnE05 and EnE06 Conferences)

What is the price of implementing environmental *acquis*? There are no precise estimates for Serbia. One such rough estimate can be made based on costs of other countries- over € 10 billion. According to the study made for Slovenia, the price of environmental accession is approximately € 1,300 per capita ( initial and all other costs of approximation and association).

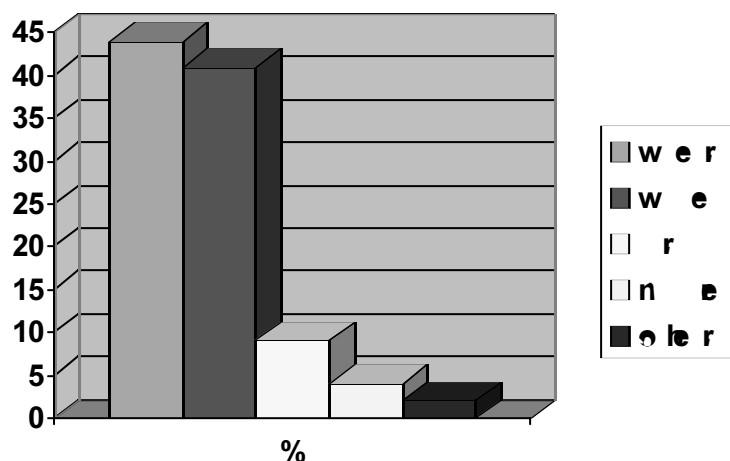


Figure. 7 Share of cost participation of the EU approximation within the environmental sector for Slovenia: An estimate

The estimates for Croatia are at least € 1,500- 2,000 per capita (not including annual operational and maintenance costs). It is evident that we need a sound approximation strategy as well as a separate financial strategy for such large sums. Later on the estimates of implementation costs for each directive will be needed.

What are the areas that demand greatest sums? The example of Slovenia (a full EU member since 2004 and a former Yugoslav republic) may be indicative for Serbia (in % of the total cost of implementation of the environmental *acquis*) and in view of the defined priorities (81). The figure (example of Slovenia) shows the manner in which the expenses of accession will be paid.

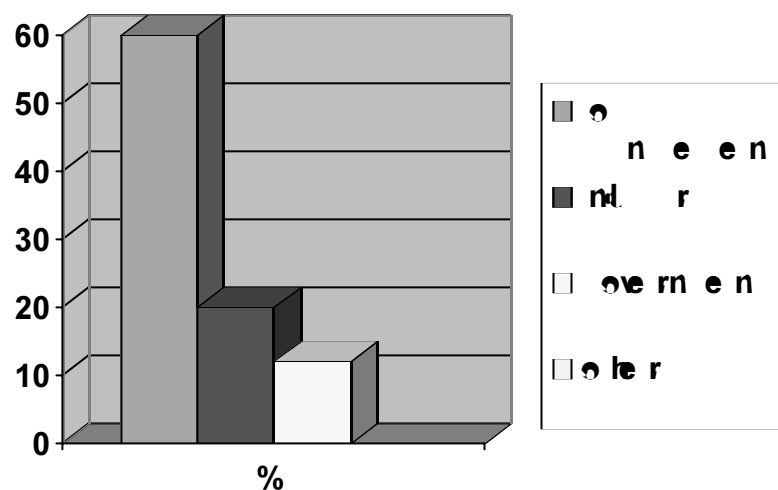


Figure. 8: Share of participation in the costs for the EU approximation within the environmental sector for Slovenia: An estimate

Annually, developed countries usually allocate between 1% and (maximum) 2% of GDP for environmental needs. Based on this, it is rather easy to calculate the necessary sums for the Balkans countries. Having in mind the present level of development and investing in environmental sec-

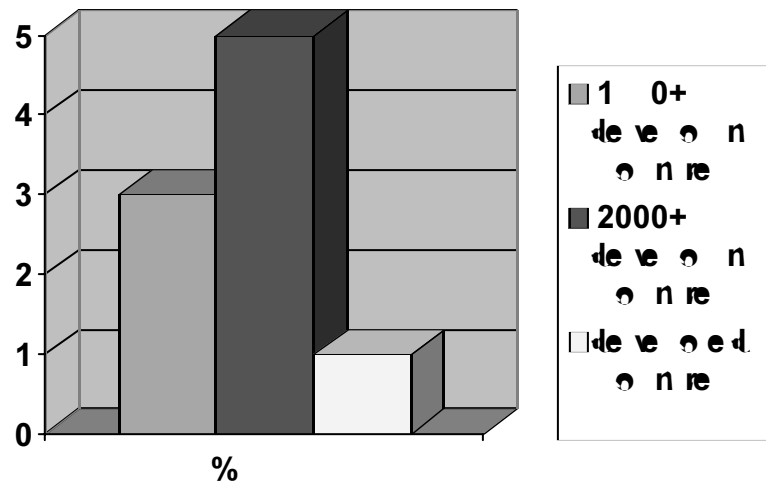
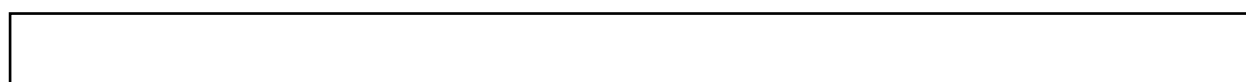


Figure. 9 The necessary portion of GDP that should be allocated for environment (to enable enforcement of the EU legislation in the area) in developing countries (3-5% GDP), Based on practice

tor, in those countries, environmental management on the EU level may be attained in 50- 100 years' time. In these parts of the world, resources have never been earmarked for the environment. This is even more so with the resources that have been result of loading of the environment, i.e. target economic instruments. In Croatia, for example, total resources earmarked for environment are 0.3-0.5% of GDP; 0.77% of GDP in Slovenia (the 2003 data) (102). The sum in Serbia is even smaller. Each candidate country should determine its own transitional periods needed for approximation (first of all, for its industry) to the EU legislation demands. The structure of such a document has been already given in the reference 109.

International financial organizations have a set of procedures that should be met in applying for financial aid. These procedures are to be applied in the preparational and all other phases of project realization. The example is given of one of operational procedures by the Workd Bank (*"WB operational policies"*) within *safeguarding policies*. The example is given for the society preservation analysis. It is applied in the first phase, along with the environmental preservation analysis. Afterwards, it is added and monitored within the project realization (110).



## 8.2 Pan- European Perspective and the Process "Environment for Europe" - Towards a Pan- European Ministerial Conference, Belgrade 2007

"Environment for Europe" is a process which associate activities of all the countries that work on sustainable development in Europe. It encompasses the almost entire globe, with special emphasis being given to Eastern Europe and the former Soviet Union. Representatives of the UNECE region (the "Pan- European" region) participate in this process. Decisions are brought on ministerial level. Inter- governmental and international organizations are part of this process: UN Economic Commission for Europe, UNEP- UN Program for the Environment, OECD- Organization for Economic Cooperation and Development, EEA- European Environmental Agency, EC- European Commission, WHO- World Health Organization, CE- Council of Europe, WB- World Bank, EBRD- European Bank for Reconstruction and Development, EIB- European Investment Bank) and many NGOs. "Environment for Europe" is an effective forum for defining of the common policy and gathering of relevant partners. As a mechanism and manner of coordination , the process ensures that financial support and loans will be directed toward priorities in the environment, where aid is really needed. Ministerial conferences are held within the process "Environment for Europe", in 3- 5 year intervals.

The 1995 Sofia Conference included adoption of the Environmental Program for Europe (EPE), the first attempt to define environmental long- term priorities on the Pan- European level and help make Agenda 21 more operational within the European context. It is especially so with the Agenda 21 provision that relates to the integration of environmental policy with other policies. The aim of EPE is to serve as framework for better coordination of national and international efforts in improving environmental conditions throughout Europe. It covered number of issues and contained hundreds of recommendations (including, in respect to integration, recommendations for better cooperation of ministries within governments); it also contained provisions that enabled updating of the program in the light of experiences obtained during its application.

On the Fourth Conference “Environment for Europe”, held in Aarhus in 1998, ministers adopted the communiqué on the EPI issue: the policy toward energy efficiency (with the exception of Canada and the USA). They also adopted recommendations on economic instruments and guidelines on energy preservation. European ministers have confirmed again that further integration of environmental aspects to the policies of all sectors is critical. However, no clear strategy has been adopted in relation to EPI. Targets have not been defined, nor have the terms and indicators.

The Fifth Ministerial Conference “Environment for Europe” was held in Kiev in 2003. Adoption of a protocol on Strategic Impact Assessment was a step forward. The Conference was dedicated to energy issues. A certain number of statements was given on energy efficiency. In the EU, “tools” such as environmental impact assessment and strategic environmental impact assessment help integrate environmental criteria in the formulation of the policy. The Fifth Ministerial Conference “Environment for Europe” concluded on 23 May, 2003, in Kiev, Ukraine, with the adoption of the Ministerial Declaration. The document underlined the importance of the EfE process as a tool in promoting environmental protection and sustainable development in the region, thus contributing to more global peace and security. Environment Ministers and Heads of delegation from 51 countries in the UNECE region and the Representative of the European Commission emphasized their common goals with respect to the environment and highlighted their common dedication to cooperate in achieving high standards of environmental protection. The Ministers and Heads of delegations also endorsed the Guidelines for Strengthening Compliance with and Implementation of MEAs in the UNECE region. Governments of all seven countries of the Carpathian region adopted a Convention on Environment Protection and Sustainable Development of the Carpathians.

According to the available information, our country has participated in Pan- European Ministerial Conference in Kiev FOR THE FIRST TIME (106, 111).

In Kiev, priority activities were within the following areas: model of consumption; integration of environmental policy to other sectoral policies; public participation; phasing out leaded petrol; energy savings and economic instruments. The conference supported *EnvSec- the UNEP/ OSCE Environmental Security initiative*.

*Fifth Ministerial Conference "Environment for Europe"*

*Kiev, Ukraine, 21-23 May 2003*

*Item 14: Consideration of the draft ministerial declaration*

*MS. ANDJELKA MIHAJLOV, MINISTER FOR PROTECTION OF NATURAL RESOURCES AND ENVIRONMENT, REPUBLIC OF SERBIA, ON BEHALF OF SERBIA AND MONTENEGRO*

Dear Ministers,

Ladies and Gentlemen, and our host in a beautiful city of Kiev, as well as UNECE Secretariat congratulating for work done, here in Kiev with agreed text of Declaration, we-Ministers are showing the scope of our responsibility for future. 51 participating countries are offering declaration with clear targets and signs. Having that influence we associate ourselves with EU addition statement. I would like to point out that the most important is Post-Kiev implementation process for each country and in general, Serbia and Montenegro is committed (as Balkans/Danube/Mediterranean/CEE/Carpathian/ towards EU) to implement provisions of declaration, signed convention & protocols.

I have to note that Post-Kiev environmental investments are the part of success of process. Serbia and Montenegro is committed to make environmental pillar of sustainable development stronger. I would like to note that I am happy that changes in our country are so rapid; among the rare countries environment become priority in the second year of reforms and just issued EPR already needs new assessment.

Few days ago, European Commission supported Serbia and Montenegro and gave the assurance that "THE DOOR FOR EUROPE" would be open for Serbia and Montenegro at the upcoming EU Summit, as expressed EC is ready to support Serbia and Montenegro in process of accession to EU.

Being the part of "Environment for Europe" process, we are substantially helping this way towards EU.

We committed ourselves to implement among others system building in partnership with NGO and other stakeholders, provisions on shared water, environ-

mental security, renewable energy, waste and waste water management.

At the end, I would like to express strong interest of Serbia and Montenegro to host the next Conference of Ministers in Belgrade, and that could be noted in the point 76 of Declaration.

With no doubt, I am looking forward to implementation process as the part “Environment for Europe” process as beneficial Environment of Europe and other UNECE countries.

### 8.2.1 Belgrade- the Host of Sixth Ministerial Conference

On the occasion of the Ministerial Conference “Environment for Europe”, held in Kiev (May 21-23, 2003), the Serbian government has analyzed the Conference information. It has adopted the Conference Conclusions in July 2003 and supported initiative for Serbia and Montenegro to submit their appeal for organization of the following, sixth conference. The conference was scheduled for the period between 2006 and 2008. Serbian and Montenegrin Council of Ministers analyzed in August 2003 the Information concerning the appeal for organization of the “Environment for Europe”. On that occasion, it has suggested to the Government of Serbia to nominate the Ministry for the Protection of Natural Resources and the Environment as the organizational focal point of the Conference. In accordance with the Conclusions of Ministerial Council of Serbia and Montenegro, a coordinating body was formed for the Conference organization. It consisted of representatives from the Ministry for the Protection of the Environment and Natural Resources of Serbia, Ministry for the Protection of the Environment and Spatial Issues of Montenegro and Ministry for Foreign Affairs of Serbia and Montenegro. Inter- ministerial coordinating body was assigned to prepare the proposal of activities of Serbia and Montenegro in relation to organization of the above conference and monitor those activities. The Ministerial Council has recommended to the Government of Serbia to nominate Ministry for the protection of Natural Resources and the Environment as focal point for the Conference organization “Environment for Europe”. The Ministry for Protection of Natural Resources and the Environment was nominated to be the contact authority to carry out assignments proposed by the inter- ministerial coordinating body.

Ministry for Foreign Affairs of Serbia and Montenegro has addressed official appeal to organize Sixth Ministerial Conference “Environment for Europe”. The appeal was submitted through Standing Mission of Serbia and Montenegro in Geneva.

On the meeting of high officials of UNECE countries, held in Geneva, Switzerland on October 22, 2003, a decision was made that the organization of Sixth Ministerial Conference “Environment for Europe” was entrusted to Serbia and Montenegro. The Conference was scheduled to be held in Belgrade, in September or October, 2007.

The Government of Serbia concluded in December 2003 that the Ministry for the Protection of Natural Resources and the Environment should prepare a document (act) to form the Initial Board for organization of the Sixth Ministerial Conference “Environment for Europe- Belgrade 2007”. The Government made that decision and it was published in “Official Herald of the Republic of Serbia”, no 4/ 2004. Initial Board has an assignment to plan activities related to organization of the conference, in cooperation with non- governmental organizations, business enterprises, economic and international organizations.

The assignments of Ministry for the Protection of Natural Resources and the Environment were taken over by the newly- formed (March 2004) Ministry for Science and Environmental Protection.

Members of the Initiative Board were nominated in 2005.

At the meeting of Working Group of senior officials of the UNECE Committee for Environmental Policy, held in Geneva in October 2004, the Working Group was formed for the Preparatory (Sixth) Ministerial Conference “Environment for Europe- Belgrade 2007”. The representative of Serbian Ministry for Science and Environmental Protection, Directorate for the Environment was nominated presiding of the Working Group.

Representatives of the secretariat visited Belgrade in September 2005 to inspect the venue and discuss the preparations. The secretariat expressed its appreciation for the efficient co-operation and warm welcome that it received from the host country during its mission to Belgrade<sup>11</sup>

The host country is invited by UNECE to update on national preparatory process for the organization of the Belgrade Conference, including political and operational aspects<sup>x</sup>

Awarding Belgrade as the host to the Sixth Ministerial Conference “Environment for Europe, Belgrade 2007” was an acknowledgement and a challenge. Our country has not been host to such high- level meeting for a long time.

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<sup>11</sup> UNECE CEP/AC.11/2005/2 (2005)

<sup>x</sup> UNECE Working Paper No WSGO/EXECOM-2/2006/1/Rev.1 (2006)



### 8.2.2 Towards the Belgrade 2007 Conference

This conference is an important **opportunity** for country; opportunity for us to show the degree of transition (including the environment) and define the vision of its development (towards sustainable development). If the organization of the Conference is prepared well, the economies of our country and of Pan- European region might be represented in such a manner to create new options for business cooperation; profit could be also made in the sector of tourism. The ministers and conference participants might become promoters of the values our country has.

After the EU enlargement, Pan- European cooperation has been defined by the document COM (2003) 62 final: EU support to the Balkans countries is based on the process of stabilization and association and aid through the CARDS Program. The very process “Environment for Europe” has been changing; by enlarging the EU, Pan- European dimension has been changed. For the EU, the process now represents cooperation with its neighboring states. This cooperation is viewed through sustainable development, partnership and political dialogue, improvement of understanding of the environment within the Pan- European perspective and promotion of the role of civic society.

Organization of the Conference is very important, especially in light of the significance of the process “Environment for Europe” and the position of our country (i.e. strengthening of our general position within the international community). It is especially so in the area of EU approximation, aid in strengthening of our environmental institutions; contribution to awareness- raising concerning the environment in country; the impact the Conference organization might have on other relevant sectors (energy, traffic and transportation, agriculture, etc.)

Towards the Belgrade 2007 Conference, Serbia and Montenegro (or only Serbia) should make a sound shift towards quality. Ratification of the remaining international agreements (concluded within the UNECE, without protocol) in the area of environment might be considered such a shift. In other words, Serbia should ratify the Helsinki Convention on the protection of transboundary waterways and international lakes, Helsinki Convention on transboundary effects of industrial accidents; Espoo Convention on environmental impact assessment in the transboundary context and Aarhus Convention on access of the public to environmental information, public participation in decision- making and access to judiciary in relation to environmental issues. The status of Serbia and Montenegro should be viewed upon within the context of present process of EU

approximation. Membership in the EU has been proclaimed as one of major goals of Serbian policy. National Parliament, the Government of Serbia and relevant authorities have adopted a great number of relevant documents on the issue. Adherence to international agreements in the area of environment is neglected for a number of reasons. The formal one is related to the fact that the EU, as an organization, is member of a majority of those agreements. In view of international environmental agreements, the opportunities of Belgrade Conference should be sought in concrete results, measurable from the standpoint of two key criteria: enhancement of effectiveness of policy instruments in the area of environment and promotion of regional cooperation. In this sense, the two aspects of discussion on international agreements deserve special attention: first- the list of priorities that are in the focus of attention in the preparatory period; and, second- integration of certain issues and instruments for their solution, i.e. integration in more comprehensive goals of environmental policy. More than a year ahead of the Conference, we are still in the stage of general discussions on possible issues. So far, no concrete activities have been defined (Provisional agenda of the Conference will be discussed at the end of June 2006 in Geneva). It also means that no single effort has been made to define starting position of interest of Serbia and Montenegro (i.e. the whole region)\*. One of the issues that deserve attention of the Conference in Belgrade is the option of promotion of regional cooperation in South- Eastern Europe. Organizing a regional (“the Balkans”) convention might be in the function of such goals, if the idea is supported.

The Working Group of Senior Officials appointed that the Belgrade Conference should become a conference of delivery. Three major components within this context were identified:

- assessment of the effectiveness of agreed commitments and tools (e.g.Environment Programme for Europe, Kiev Declaration, Environmental Strategy for Eastern Europe, the Caucasus and Central Asia –EECCA, as well as multilateral agreements, Johannesburg Plan of Implementation, Millenium Development Goals)
- analysis of problems in the implementation of existing commitments and their causes, and
- presentation of successful stories and good practices to be build on for further progress in capacity building and in the implementation of existing commitments.

Possible themes for the Agenda of the Belgrade Conference are<sup>®</sup>:

- State of Environment in the UNECE Region:
  - Monitoring and Assessment,
  - Environmental Performance Reviews
- Thematic Areas:
  - Energy for Sustainable Development,

\* Todić D, Proc 2<sup>nd</sup> Regional Conference "Environment for Europe" Belgrade 2006

® UNECE Working Paper No WGSO/EXECOM-2/2006/3 (2006)

- Biological Diversity and Ecosystems (The European ECO-Forum suggests a roundtable discussion between Ministries and NGOs on biodiversity, with a special focus on the *Countdown 2010 Initiative*, the PEBLDS role and status, further actions and partnerships in this area)
- Cross-sectoral Issues:
  - Implementation of the 2005 UNECE Strategy for Education for Sustainable Development,
  - Sustainable Production and Consumption Patterns,
  - UNECE Multilateral Environmental Agreements
- Sub-regional Focus:
  - Environment Strategy for EECCA
  - Progress and Prospects of the Central Asian Initiative on Sustainable Development
- Cooperation with other ministerial processes.

Expected outcomes (2006) of the Belgrade 2007 Conference could be a short Ministerial Declaration providing strategic directions for the future of the Environment for Europe Process. In addition there might be a Chair's summary outlining major substantive outcomes of the Conference.



### 8.2.3 Western Balkans Environmental Cohesion Process

The Western Balkans and Eastern Europe should be priority areas for the European Union's Common Foreign and Security Policy. Its importance and responsibility is to keep country's (and regional) reforms on track. The prospect of accession must remain real.

This is why the network of NGOs, FORUM EfE07, has suggested Declaration on Environmental Cohesion of Western Balkans as the tool for Sustainable Development\*. After the adoption on June 5, 2006, it will be distributed to the relevant bodies, with the purpose of its inclusion in the agenda and/ or document within the agenda of the Belgrade 2007 Conference and discussed:

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Taking into account that:

- In achieving sustainable development and security is the high importance of regional harmonization in environmental sector;

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\* Declaration text is cited in the random text, dated May 2006

- Environmental sector is the important segment of foreign policy
- Environment and Sustainable Development are not having price and borders
- The region faces many treats, including but not limited to poverty, unemployment, unplanned development, pollution, regional energy deficit, over exploitation of natural resources, as well as extensive fishery and hunting, neglectance of animal welfare;
- The next Pan-European Ministerial Conference “Environment for Europe” will be in Belgrade in October 2007 (BELGRADE 2007);
- The citizens of Western Balkans and South Eastern Europe compliment the UNECE for 2003 decision to have the next 2007 Pan-European Ministerial Conference “Environment for Europe” in region and expressing the interest for region as the one of the key partners;
- NGOs of the region welcome the opportunities to participate in EfE (Environment for Europe) Process, yet regret the lack of financial resources to participate consistently in all meetings and to carry out an ongoing and broader consultation in preparation for BELGRADE 2007;

#### Affirming:

- A common goal of peace, stability and security, creating the region of shared prosperity;
- Johannesburg 2002 Plan of Actions and the decisions from Kiev 2003 Conference;

#### Following:

- Conclusion of Meeting of the Ministers of Environment of the countries involved in Stabilization and Association process to EU, held on October 15 in Skopje, Republic of Macedonia;
- 2003 Initiative by Serbian Ministry for the Protection of Natural Resources and Environment on environmental cohesion of Western Balkans, expressed by Draft Declaration on Environmental Cohesion as the WB countries tool to EU accession;

#### Contributing to:

- EU cohesion policy in support of growth and jobs 2007-2013

#### With note that:

- region is shaping challenges for sustainable future;
- it is a lack of ambition, quantitative goals and timetables in Belgrade 2007 preparation by some relevant partners;
- to environmental security, sustainable development concerns and social responsible behaviour in region are not given appropriate priority;

- the need for solidarity between the citizens of the region, as well as the right ( especially for women and children) to be protected at the highest level;
- it is the need for affirmation of principles and guidelines on animal welfare;
- investments in environmental sector and education for sustainable development are investments in the future

We, the citizens and non-governmental organizations of the region, participants on Preparatory Meeting, held in Belgrade, Serbia and Montenegro, on June 5<sup>th</sup> 2006, at the initiative of FORUM EfE07, are requesting international NGOs, organizations (such UNECE, UNEP) and relevant governments to follow-up activities, including developing of the instruments and financing for implementation, particularly to develop and include this Declaration (with preamble) in Agenda of BELGRADE 2007:

#### DECLARATION ON ENVIRONMENTAL COHESION OF WESTERN BALKANS AS THE TOOL FOR SUSTAINABLE DEVELOPMENT

1. We call to overcome environmental differences in region in partnership with NGOs:
  - a) We call for NGO networking and straightening, such as NGO FORUM EfE07 developed in the process of preparation of this declaration;
  - b) We request regular participation on NGO and governmental institutions on all relevant international meetings;
  - c) We request by governments the regular participation of representative relevant NGOs in all official governmental delegations on international meetings, as well as representative NGOs participation of strategic documents and legislation on sustainable development and environment, including biodiversity and animal welfare issues;
2. We call to contribute to human security by mitigating transboundary risks and further enhance regional and transboundary cooperation, in anticipation of future EU accession:
  - d) We request straightening capacities for environmental management at all levels (local, provincial, national, regional), including human, technical, institutional, organizational and financial capacities;
  - e) We call the need of ratification of multilateral environmental agreements, particularly UNECE Conventions and their Protocols, as well as MEA signed in 2003 in Kiev, as the minimum for regional environmental cohesion; we recommend the rapid regional implementation of agreements;

- f) We call to secure the further development and implementation of sub-regional agreements or arrangements such as the Danube Basin Protection Convention, the Carpathian Convention, a future Convention for the Protection and Sustainable Development of mountain region in SEE, etc;
  - g) We call to secure collaborative capacities in monitoring and respond of accidents, early warning systems, hazardous waste and chemical management;
3. We call on strategies and activities to secure sustainable development:
- a) We call for preparation and support to implementation of different level Strategies for sustainable development, stressing the need for Working Group for preparation of Western Balkans Strategy for Sustainable Development;
  - b) We are pointing out that the biodiversity protection and animal welfare have to be included in strategies for sustainable development;
  - c) To call for partnership between ministries, agencies and other institutions related to environmental sector, including joint platforms aimed to efficient activities;
  - d) We call for proper environmental education and education for sustainable development on all levels, including the establishment of educational institution / school for environment and sustainable development of Western Balkans;
  - e) To call for efficient judiciary system for environment and sustainable development, including establishment of special Environmental Court for environmental and sustainable development issues;
  - f) We request efficient exchange of information on environment and sustainable development;
  - g) We call for promotion on importance of inclusion of environmental issues in other sectoral policies, such as energy, transport, agriculture, geology, fishery, hunting, mineral resources, industry, common regional market, diplomacy and foreign policy', as well as to implement corporate social responsible activities
  - h) We call for gender equality representation in all projects, delegations and activities (minimum 30% of women/men) in sustainable development and environmental issues;
  - i) We call upon governments in region to make complete commitment to support environmental sector by providing minimum 3% GDP within the next twenty years
4. We are requesting on modalities to monitor Declaration follow-up and implementation, including annually reporting on implementation to UNECE
5. We request by international and EU institutions financial support to region in achieving above listed goals.

## 9. Afterward: Instructions for Making Steps

### Steps

2005 - suggested	<p>Step 1- Performance of National Council for Sustainable Development should be made operational</p> <p>Step 2- Adopt First Communication with Framework Convention on Climate Change</p> <p>Step 3- Pass the Law on Ratification of the Kyoto Protocol with Framework UN Convention on Climate Change, National Strategy of Controlling Climate Changes and National Strategy of Adaptation to Climate Changes by the end of the century</p> <p>Step 4- Adopt National Program of Environmental Protection and Action Plan</p> <p>Step 5- Adopt Strategy on the Forestry Policy</p> <p>Step 6- Form the commission / expert group to negotiate in the environmental sector within the process of EU approximation</p> <p>Step 7- Adopt Wastewaters Strategy</p> <p>Step 8- Adopt by- laws and procedures to ease adherence to a set of relevant environmental laws, based on initial experiences</p> <p>Step 9- Adopt regulations on liability to the environmental damages (with Privatization Law)</p> <p>Step 10- Pass the Law on Non- Ionizing Radiation</p> <p>Step 11- Pass the Law on Waste Management</p> <p>Step 12- Pass the Law on the Protection from Ionizing Radiation and Nuclear Safety</p>
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	<p>Step 13- Adopt National Strategy for the Use of Fish Resources and Fishery Law (sustainable use and protection of fish resources)</p> <p>Step 14- Form organizing board for the Pan- European Conference “Environment for Europe”, to be held in Belgrade in 2007. It should direct organization of the conference toward the established EU relationship and the process “Environment for Europe”</p> <p>Step 15- Define the location for Center for the treatment of chemical waste; start building the facility; start solving issues with other types of waste and of medical waste</p> <p>Step 16- Prepare the manner of treatment of radioactive waste; adopt the procedure</p> <p>Step 17- Pass the Law on Ratification of the Convention on Environmental Impact Assessment in Transboundary Context</p> <p>Step 18- Pass the Law on Ratification of the Convention on the Protection of European Wildlife and Natural Habitats</p> <p>Step 19- Pass the Law on Ratification of the Convention on Preservation of the Species of Migratory Wild Birds</p> <p>Step 20- Found the <u>Regulatory Body for the Protection from Ionizing Radiation</u>; make it operational; develop full coordination with International Agency for Atomic Energy</p> <p>Step 21- Form the commission/expert group to define the EU directives for which our country needs transitional period in order to make basis for negotiations (in the process of EU approximation)</p> <p>Step 22- Form the commission /expert group to define Integrated Strategy (IS) for the EU approximation in the area of environment</p> <p>Step 23- Form the commission /experts group for the National Strategy of Sustainable Use of Natural Resources</p>
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<p>2006 - steps ahead</p>	<p>Make the steps 1, 2, 3, 6, 7, 9, 10, 11,12, 13, 16,17, 18,19, 20,21,22 that have not been made</p> <p>Make the step 79 that has not been made</p> <p>Finish the steps 4, 5, 8. 15, 23</p> <p>Make the leap of the step 14</p> <p>Step 24- Make the <u>Environmental Fund</u> more operational (the Fund being established by the law (in full capacity)- at the latest</p> <p>Step 25- Establish the Ministry for Environment and make it operational; functional in carrying out its numerous assignments in the EU approximation process- at the latest</p> <p>Step 26- Make the Ministry for <u>Water Management</u> more operational in carrying out its numerous assignments in the area of environment, along with the EU approximation process- at the latest</p> <p>Step 27- Make the Ministry for <u>Forestrs</u> more operational in carrying out its numerous assignments in the area of environment in the EU approximation process- at the latest</p> <p>Step 28- Establish an independent <u>Agency for the Environment</u> and make it operational. It should be a regulatory body in relation to the Ministry and its assignments. Completely develop cooperation with European Environmental Agency- at the latest</p> <p>Step 29- Make completely operational the cooperation and reporting in the issues concerning the protection of the Danube</p> <p>Step 30- Start using the advantages of mechanisms provided by the Kyoto Protocol</p> <p>Step 31- Adopt the Law on Ratification of the SEA Protocol</p> <p>Step 31a- Adopt the Law on Ratification of the Carpathian Convention</p> <p>Step 32- Adopt the Law on Ratification of the Convention on Transboundary Effects of Industrial Accidents</p>
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<p>2006 - steps ahead</p>	<p>Step 33- Adopt the Law on Chemicals Management; create the system of good laboratory practice in accordance with relevant 2004 EU directives</p> <p>Step 34- Adopt the Law on Ratification of the Convention on Persistent Organic Pollutants- POP</p> <p>Step 35- Adopt the Law on Waters (sustainable use and protection)</p> <p>Step 36- Adopt the Law on Forests (sustainable use and protection)</p> <p>Step 37- Adopt the Geology Law (sustainable use and protection of geologic resources, i.e. minerals)</p> <p>Step 38- Adopt the Law on Wildlife Preservation and Hunting (sustainable use and protection)</p> <p>Step 39- Form the commission/ unit to carry out National Program of Environmental Protection and Action Plan (NEAP/NESAP) and Strategy of Sustainable Development</p> <p>Step 40- Form the Commission to coordinate the IS (together with the Council for Sustainable Development)</p> <p>Step 41- Restructure public utilities for protected areas Kopaonik, Fruska gora, Djerdap, Tara (and Sara). Monitor the process of restructuring (including “Srbijasume” Public Utility)</p> <p>Step 41+ - Establish National Authority for Geology</p>
<p>2007</p>	<p>Step 42- Completely establish an operational system of response in case of industrial and chemical accidents. Establish a system of participation in response and remediation measures</p> <p>Step 43- On the local level, provide the services and strengthen capacities that should have taken certain responsibilities from the central level (province, city, local management)</p> <p>Step 44- Strengthen administrative and human resources capacities for strategic planning in the area of environment; permitting procedures; inspection services; monitoring of the environmental media and project management.</p>

2007	<p><i>(It is important appoint that reduction of state administration and the administrative apparatus on the level of republic, do not relate to the sector of environment; on the contrary, here the number of employees should be much greater in order to attain effective approximation results).</i></p> <p>Step 45- Define the strategy of use of renewable energy from waste and adopt it</p> <p>Step 46- Prepare the National Strategy of Sustainable Development and adopt it</p> <p>Step 47- Prepare the Strategy for the Protection of the Nature and Biodiversity and adopt it</p> <p>Step 48- Prepare the National Chemicals Profile and NEHAP (National Plan for the Protection of Public Health and the Environment) and adopt them</p> <p>Step 49- Prepare the National Strategy of Sustainable Use of Natural Resources and adopt it</p> <p>Step 50- Make an investment plan for several years, based on assessment of costs and real sources of funding (including public and private funds) and adopt it</p> <p>Step 51- Adopt relevant regional plans to carry out National Non-Hazardous Waste Management Strategy</p> <p>Step 52- Define the EU directives that need longer transition period, in order to make basis for negotiations within the EU approximation process. Define the negotiation strategy</p> <p>Step 53- Adopt the Law on Packaging and Packaging Waste</p> <p>Step 54- Adopt the Law on Protection of the Air</p> <p>Step 55- Adopt the law on the Protection of Nature and Landscape</p> <p>Step 56- Found the Center(s) for Cleaner Production and Sustainable Consumption</p> <p>Step 56+ - Make frameworks for the companies' social and societal responsible behaviors, i.e. corporate social responsibility</p>
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2008	<p>Step 57- Adopt all regulations and by- laws (procedures) i.e. amendments to the laws (after an initial period and experiences in applying them)</p> <p>Step 58- Adopt the Law on Ratification of the Pollutant Release and Transfer Register Protocol (PRTR)</p> <p>Step 59- Adopt the Law on Ratification of the Protocol on Biosafety with the Convention on Biodiversity</p>
2009	<p>Step 60- Adopt the Law on Ratification of the Protocol on Decrease of Sulphur Emissions or of their Transboundary Flows by at least 30 per cent with the Convention on Long- Range Transboundary Air Pollution</p> <p>Step 61- Adopt the Law on Ratification of the Protocol on Emission Control of Nitrite Oxides or of their Transboundary Flows, along with the Convention on Long- Range Transboundary Pollution</p> <p>Step 62- Adopt the Law on Ratification of the Protocol related to Emission Control of Volatile Organic Compounds or of their Transboundary Flows, along with Convention on Long- Range Transboundary Pollution</p> <p>Step 63- Adopt the Law on Ratification of the Protocol on further Decrease of Sulphur Emissions, along with the Convention on Long- Range Transboundary Pollution</p> <p>Step 64- Adopt the Law on Ratification of the Protocol on Heavy Metals, along with Convention on Long- Range Transboundary Pollution</p> <p>Step 65- Adopt the Law on ratification of the protocol on persistent organic pollutants, along with the Convention on Long- Range Transboundary Pollution</p> <p>Step 66- Adopt the Law on ratification of the protocol on Acidification Decrease, Eutrophization and Ground- Level Ozone</p> <p>Step 67- Adopt the Law on Ratification of the Convention on the Procedure of Previous Informed Consent (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade</p> <p>Step 68- Adopt the Law on Ratification of the Convention on the Protection and Utilization of Transboundary Water Flows and International Lakes</p> <p>Step 69- Adopt the Law on Ratification of the Aarhus Convention (at the latest)</p>

2010	<p>Keep walking...</p> <p>Keep on making steps....</p> <p>Check whether all that had to be done so far has been really done....</p> <p>For example, whether the Law on the Protection of Animals has been passed.....</p> <p>...Whether the judiciary has been empowered for the issue of environment....</p>
2011	<p>Step 70- Adopt the Law on Ratification of the Convention on Landscape Preservation</p> <p>Step 71- Adopt the law on ratification of the protocol on responsibility and damage claims along with the Basel Convention on transboundary movements of hazardous wastes and of their disposal</p> <p>Step 72- Adopt the Law on Ratification of the Convention on Non-Navigable Utilization of International Water Routes</p> <p>Step 73- Adopt the Law on Ratification of the UN Convention on Desertification in the Countries Faced With Severe Drought and/ or Desertification, Especially in Africa</p>
2012	<p>Step 74- Perform periodic monitoring and performance analysis; make an overview of the performance and propose bills to change the laws/ adopt new laws (second cycle)</p>
2013	<p>Keep walking....</p> <p>Keep on making steps....</p> <p>Check whether all that had to be done so far has been really done....</p> <p>And whether something new has come up....</p>
2014	<p>Keep walking....Keep on making steps....Check whether all that had to be done so far has been really done....</p>

2015+	Step 75- Perform periodic monitoring and performance analysis; make an overview of the performance and propose bills to change the laws/ adopt new laws (third cycle)
Continually 2005- 2008	Step 76- Establish standing partnership with the NGO sector, interested public and other parties
	Step 77- Start developing Regional Waste Management Plans and building regional landfills (realization of the national Waste Management Strategy)
	Step 78- Start building the plants for wastewater treatment
2009+	Step 79- Prepare the 2004 and 2005 Report on the State of Environment (legally- obliged commitment that we failed to observe in due time)
	Step 80- Prepare the 2006, 2007, 2008... Environmental Reports (legally- obliged commitment)
	Step 81- Initiate the measures aimed at decreasing of air pollution in large systems (EPS)
	Step 82- Initiate measures to permanently resolve the issue of disposal of radioactive waste
2015+	Step 83- Make the Polluters Registry and monitor the major polluters
	Step 84- Promote education for environment and sustainable development, at all levels; stimulate awarding of these who have best results
	Step 85- Improve environmental integration in other sector policies (monitoring and interfering in the procedures of passing of laws within other sectors)
	Step 86- Define standards (quality of drinking and bathing waters, city wastewaters, nitrite contents; pesticide contents, biocide, quality of the sewage sludge, etc.)
2015+	Step 87- Innovate curricula in the area of environment and sustainable development at all levels)

	<p>Step 88 – still....improve integration of the environment to other sector policies (monitoring and interfering in the procedures of passing of laws within other sectors)</p> <p>Step 89- Continue with remediation of unacceptable landfills, i.e. dumps</p> <p>Step 90- Provide adherence to environmental regulations within large systems (EPS- Electric Energy of Serbia; NIS- Petrol and Oil Company of Serbia) through realistic planning</p> <p>Step 91- Make technical improvements in border control: waste, chemicals (dangerous substances, ozone- depleting substances, etc.); sources of ionizing radiation; protected plants and animals. Include the country to the system of unified border and customs control</p> <p>Step 92- Initiate or expand environmental media and radiation monitoring networks, in line with the EU demands</p> <p>Step 93- Provide application of environmental managing in facilities, the EMAS system (EMS/ ISO 14 000) and “<i>environmental</i>” labeling</p> <p>Step 94- Reclaim the historical negative “<i>environmental</i>” heritage in “hot spots” based on the list of priorities and options</p> <p>Step 95- Provide the conditions to implement the adopted regulations</p> <p>Keep on walking....Keep making steps...and check whether or not all that had to be done until now has really been done....</p>
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## 10. Towards European Union

The idea of uniting Europe is old; it can be traced to the time before the Second World War. Creation and gradual development of the EU can be best understood through the milestones of its history:

- ⊗ 1951: Six neighboring European states- West Germany, France, Italy, Belgium, The Netherlands, Luxembourg- signed the Treaty of Paris. According to it, European Community for Steel and Coal (ECSC) was set up. The plan was put into force on August 10, 1952.
- ⊗ 1957: The six countries signed in Rome the so- called “Treaties of Rome “ and thus created European Economic Community (EEC) and the European Atom Energy Community (Euratom). The Member States undertook steps to eliminate trade barriers among themselves by forming a unanimous market, allow free movement of people, goods and services. The colonies and dependent areas, governed by Member States, were also joined to the EEC.
- ⊗ 1961: Common agricultural policy
- ⊗ 1967: The institutions of all three communities (EEC, ECSC and Euratom) were formally merged into European Community (EC), creating a single Commission, a single Council of Ministers and the European parliament.
- ⊗ 1968: The Merger Treaty of April 8, 1965, which came into force on July 1, 1967, established a single executive for the ECSC, the EEC and Euratom. The term European Community (EC) describes the coming together of the institutions of these three organizations. Six Member States canceled trade barriers and adopted common customs tariff policy for the goods coming outside of EC.
- ⊗ 1973: The first enlargement of the EC took place; the Six became the Nine (with addition of Denmark, Ireland and the United Kingdom). Norway remained outside the EC (with 53.5% of the votes on the referendum not in favor of joining the Community).
- ⊗ 1979: European Monetary System (EMS) was put into force. It established that international settlements are done in the common unit, ECU.
- ⊗ 1981: Greece became the tenth Member State.
- ⊗ 1986: Spain and Portugal joined the Community.
- ⊗ 1987: The Single European Act entered into force. It promoted the “Europe 92” Project



and was an important addition to the founding acts (amendments). In its preamble, the unanimous goal was defined: creation of European Union.

- ⊗ 1992: The Treaty on the European Union was signed in Maastricht by the Foreign and Finance Ministers of the Member States. It was aimed at easier development of economic and monetary policy as the EU policy.
- ⊗ 1993: The Single European Act came into force.
- ⊗ 1994: Stage II of economic and monetary union began and the European Monetary Institute (EMI) was established. It was predecessor of European central Bank and had less competences than the future Bank.
- ⊗ 1995: Austria, Sweden and Finland became members of the EU (fourth enlargement). Norway had again voted against accession to the EU.
- ⊗ 1995: The Schengen Agreement came into force. It advocates open borders, cessation of border control among the signatory countries and enhances cooperation among the police and judiciary.
- ⊗ 1997: The European Council met in Luxembourg and took the decisions needed to launch the enlargement process (10 countries)
- ⊗ 1998: European Commission formally recommended 11 countries to enter EMU and participate in making of Euro: Germany, France, Austria, Belgium, Finland, Ireland, Italy, Luxembourg, The Netherlands, Portugal and Spain.
- ⊗ 1999: The Euro was officially launched. Central monetary power was taken over by European Central Bank (ECB), with its main office in Frankfurt.
- ⊗ Euro is the currency unit in 11 countries- members of EMU. ECU was repealed from use.
- ⊗ 2001: Greece became the 12<sup>th</sup> member of the euro zone.
- ⊗ 2002: The Euro became legal means of payment.
- ⊗ 2002: The Euro became the sole currency within the 12 participating Member States as the period of dual circulation came to an end.
- ⊗ 2003: The Treaty of Nice entered into force.
- ⊗ 2004: The Accession Treaty entered into force and the EU's biggest enlargement ever in terms of scope and diversity became a reality with 10 new countries: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak republic and Slovenia, representing altogether more than 100 million citizens joining the European Union.

The European Union is based on a unique institutional system. Member Countries are independent in certain issues, in independent institutions that represent the interests of Union as a whole, the very member Countries and their citizens. The Commission traditionally represents the Union

interests as an entirety, while each national government is represented in the Council. The European Parliament is directly voted by citizens. Democracy and rule of law are therefore pillars of this structure. This “institutional triangle” has been aided by additional two institutions- the European Court of Justice and European Financial Court. The other institutions make the system complete.

**The anthem:** It is the anthem not only of the European Union but also of Europe in a wider sense. The melody comes from the Ninth Symphony composed in 1823 by Ludwig Van Beethoven.

For the final movement of this symphony, Beethoven set to music the “Ode to Joy” written in 1785 by Friedrich von Schiller. This poem expresses Schiller’s idealistic vision of the human race becoming brothers - a vision Beethoven shared.

In 1972, the Council of Europe (the same body that designed the European flag) adopted Beethoven’s “Ode to Joy” theme as its own anthem. The well-known conductor Herbert Von Karajan was asked to write three instrumental arrangements - for solo piano, for wind instruments and for symphony orchestra. Without words, in the universal language of music, this anthem expresses the ideals of freedom, peace and solidarity for which Europe stands.

In 1985, it was adopted by EU heads of State and government as the official anthem of the European Union. It is not intended to replace the national anthems of the Member States but rather to celebrate the values they all share and their unity in diversity.

The Council of Europe was considering what symbol to adopt for its own use. After much discussion, the present design was adopted for the flag - a circle of twelve gold stars on a blue background. In various traditions, twelve is a symbolic number representing perfection. It is also, of course, the number of months in a year and the number of hours shown on a clock face. The circle is, among other things, a symbol of unity. Therefore, the European flag was born, representing the ideal of unity among the peoples of Europe.

The ninth of May has also become a symbol- **Europe Day**. Together with the anthem and the flag, it identifies political entity of the European Union. The anniversary is annil;I7kX00facei 5EFW0peoir 5FGP8

Commission, of the enlargement by ten new member states and the year when new constitutional framework was adopted (although not yet ratified).

Brussels (the headquarters of EU institutions) in the year 2005 is characterized by a new face, 25 Member States and 20 languages. Everyone is a bit worried how the new member States will get along- the EU is in constant motion and change. The framework for the steps our country will make toward the EU is defined in the Feasibility Study (2005) on the preparedness of Serbia and Montenegro to negotiate a Stabilisation and Association Agreement (SAA) with the European Union (104). The certain parts, without alterations, important for the sector of the environment in the approximation process were cited:

### 3.7.9 Environment

*In the framework of an SAA, both Serbia and Montenegro would strengthen their co-operation with the EU in combating deterioration of the environment, in particular, but not exclusively, as regards air and water quality, pollution monitoring, promotion of energy efficiency and safety at industrial plants, classification and safe handling of chemicals, urban planning, waste management and protection of forest, flora and fauna.*

Both Republics are in the process of establishing a basic legislative framework on environmental protection. In Serbia, a number of laws in the area of environmental protection was adopted in December 2004, including a new Law on Environmental Protection (based on the provisions of the Aarhus Convention and other UNECE Conventions, harmonised with EU standards and including provisions on Environmental Impact Assessment) as well as legislation on Integrated Pollution Prevention Control (IPPC), Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA). Although the new law is based upon its principles, the State Union of Serbia and Montenegro has not yet signed the Aarhus Convention. Progress should be made to improve access to information, public participation in decision-making and access to justice in environmental matters as promoted by the Convention. The EIA instrument may need further fine-tuning in order to become in full compliance with EU rules. Other important activities (establishment of an environment information system, creation of the Agency for Environment Protection and collaboration with the European Environmental Agency) are also underway.

The establishment of such an ambitious legislative programme in the area of environmental protection were mainly driven by the Serbian Ministry established in 2002. In spring 2004 the new Government has abolished the previous separate Ministry and placed environment within the Directorate for Environmental Protection (within the Ministry for Science and Environmental Protection). Still, on balance, the resources for environmental administration are scarce and environment needs greater prominence in the agenda of the present Government. While some taxes are directly earmarked for environmental aims, the use of financial instruments for the purposes of environmental protection, in line with the polluter-pays-principle, is still not developed.

Coordination of laws and policies between the Republics has commenced and the cooperation between the authorities of the two seems to function well. The international representation of the State Union (in which the Republics take turns and which also depends on the environmental subject being discussed) seems to function relatively well in practice. Serbia and Montenegro is participating in the various environmental regional initiatives promoted by the European Commission such as the Regional Environmental Reconstruction Programme (REReP) and the Balkans Environmental Regulatory Compliance and Enforcement Network (BERCEN). Serbia has not always approached these meetings with the same willingness to participate openly and constructively as displayed by the other participants.

Serbia and Montenegro should continue to make full use of environmental cooperation under an SAA, which would require the parties to cooperate in combating environmental degradation and enhance allocations of resources to an improved environment. At the same time, regulatory and institutional reform in Serbia and Montenegro must be accelerated to strengthen the basis for implementation of a consistent and effective environmental policy.

In the Feasibility Study, environment has also been mentioned in the chapters other than 3.7.9 Environment.

#### Technical Standards

The State Union Bureau for Standardization and the Bureau of Measures and

Precious Metals play a lead-role in the definition of EU-compatible technical standards and regulations. Draft Laws on Standardization, Accreditation, Metrology and Technical Conformity Compliance are being finalized on State Union level. They aim at compatibility with the relevant EU and WTO provisions, in particular as regards rules on technical barriers to trade.

Since technical standards are largely defined on State Union level, both Republics follow the same technical rules, which are now being brought in line with European and international standards. There is also a developing set of legislation on republican level, for instance regarding product quality and environmental standards. Both Republics need to continue their efforts to align their regulations with the 'acquis' to create conditions favorable to trade and avoid further barriers. More specifically, internal consultation mechanisms, screening or the notification of draft technical regulations prior to their adoption need to be introduced to avoid non-tariff barriers and further regulatory complexity.

There is thus progress in alignment with EU standards. However, a variety of norms (e.g. quality legislation, food safety, rules on chemicals and packaging etc.) are regulated by the republics, in a somewhat uncoordinated manner.

### 3.7.8 Energy, including Nuclear Safety

*Co-operation between both Serbia and Montenegro and the Community in the field of energy would need to take into account the principles of the market economy and the European Energy Charter Treaty. The energy policies of Serbia and Montenegro would need to be further developed with a view to gradual integration with EC policies and networks. Co-operation could focus in particular on formulation and planning of energy policies, the modernization of infrastructure, improvement and diversification of supply, development of energy resources and renewable energy, and promotion of energy saving and energy efficiency.*

### 3.5 Standardization and Conformity Assessment

*In order to comply with an SAA, both Serbia and Montenegro would need to gradually achieve conformity of their legislation with EU acquis comprising technical regulations and align to the European harmonized standards, as well as introduce the relevant legislation and establish the institutional capacity on*

*standardization metrology, accreditation market access and conformity assessment procedures. In particular, it would be required to i) promote the use of Community technical regulations and conformity assessment procedures, ii) conclude, when appropriate, Agreements on Conformity Assessment and Acceptance of Industrial Products, iii) foster the development of quality infrastructure: standardization, metrology, accreditation and conformity assessment; and iv) further promote Serbia and Montenegro's participation in the work of specialized organizations (CEN, CENELEC, ETSI, EA, WELMEC, EUROMET etc).*

The State Union Bureau for Standardization and the Bureau of Measures and Precious Metals play a lead-role in the definition of EU-compatible **technical standards** and regulations. Draft Laws on Standardization, Accreditation, Metrology and Technical Conformity Compliance are being finalized on State Union level. They aim at compatibility with the relevant EU and WTO provisions, in particular as regards rules on technical barriers to trade.

Since technical standards are largely defined on State Union level, both Republics follow the same technical rules that are now being brought in line with European and international standards. There is also a developing set of legislation on republican level, for instance regarding product quality and environmental standards. Both Republics need to continue their efforts to align their regulations with the '*acquis*' to create conditions favorable to trade and avoid further barriers. More specifically, internal consultation mechanisms, screening or the notification of draft technical regulations prior to their adoption need to be introduced to avoid non-tariff barriers and further regulatory complexity.

There is thus progress in alignment with EU standards. However, a variety of norms (e.g. quality legislation, food safety, rules on chemicals and packaging etc.) are regulated by the republics, in a somewhat uncoordinated manner.

### 3.7.3 Agriculture and Agro- Industrial Sector

*Co-operation in this field would aim at helping both Serbia and Montenegro to modernise and restructure their agriculture and agro-industrial sector. In particular, it would include i) increased development of private farms and distribu-*

*tion channels, methods of storage and marketing, ii) modernisation of rural infrastructure (transport, water supply, telecommunications), iii) improvement of productivity and quality using appropriate methods and products; iv) training and monitoring in the use of anti-pollution methods in connection with inputs, v) development and modernisation of processing firms and their marketing methods, promotion of industrial co-operation in agriculture and the exchange of know-how, and vi) development of co-operation on animal and plant health in the form of assistance for training and the organization of controls with a view to gradual harmonisation with Community standards.*

*Cooperation in this area should aim at supporting Serbia and Montenegro in modernization and restructuring of agricultural and agro- industrial sector. This would particularly relate to: i) development of privately- owned farms and distributive channels, manners of storing and marketing, ii) modernization of rural infrastructure (transport, water supply, telecommunications), iii) increase in productivity and quality using adequate methods and products, iv) training and monitoring of utilization of methods against pollution in relation to agricultural inputs, v) development and modernization of processing firms and their marketing methods, promotion of industrial cooperation in the area of agriculture and exchange of know- how, and vi) development of cooperation in the area of animal and plant health in the form of aid for training and organizing of control with the aim of gradual harmonization with the Community standards.*

#### Regional Cooperation

Serbia and Montenegro participates in numerous regional initiatives, including SECI, Central European Initiative, Adriatic- Ionian Initiative, International Commission for the Protection of Danube and the Black Sea Economic Cooperation Council.

The European Union that Serbia has been approaching is an ever- changing entity and so is Serbia. That is why that reform processes of transition, that has started in 2001, toward a “European Serbia”, have a continuous nature. It is a step- by step process. In the area of environment, it is important that we keep on walking, keep on making steps. There are not only 95 steps but also 95+ steps, i.e. many, many more ahead (36).

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