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## **THE ACTIVITIES OF THE REPUBLIC OF SERBIA IN THE AREA OF ENVIRONMENTAL PROTECTION AS ONE OF THE GOALS OF THE DANUBE STRATEGY**

### ABSTRACT

Five years ago, the European Commission adopted the EU Strategy for the Danube Region, together with the Action Plan on its implementation. After that, the Council of the European Union adopted a decision which called upon all stakeholders to get actively involved in its implementation. The Danube Strategy contains several priority areas. One of them is the protection of the environment and the sustainable use of natural resources in the Danube River Basin. For the sake of the improvement of the economy, the process of integration and inclusion of the Republic of Serbia in the development plans of the European Union and connecting with all the countries of the Danube River Basin, our country, before obtaining the EU membership candidate status, participated equally in defining the objectives of the Danube Strategy. In addition, Serbia participates in their implementation as well. Although the Republic of Serbia is one of the coordinator countries for science and transport (except waterways), important for its development, as well as the process of accession to the European Union, are activities in the field of environmental protection and sustainable use of natural resources in the Danube River Basin. No special funds are provided for the realization of the objectives defined by the Danube Strategy, and it is not required to adopt new regulations. Therefore, for the implementation of projects in the field of environmental protection and sustainable use of natural resources, the Republic of Serbia will mainly have to use pre-accession funds, as well as funds from international financial institutions.

*Key words:* the Danube River Basin, the environment, natural resources, the European Union, finances.

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## 1. INTRODUCTION

In order to integrate sectoral policies in development programmes and plans of the European Union, as well as to promote bilateral and multilateral cooperation with all countries in the Danube River Basin, the Republic of Serbia has actively participated in drafting the European Union Strategy for the Danube Region (hereinafter referred to as: the Danube Strategy) and Action Plan on its implementation.<sup>2</sup> This activity has been recognized as an opportunity for further improvement of cooperation between the Republic of Serbia and neighbouring and other European countries. Therefore, the Danube Strategy represents a very important instrument with which the Republic of Serbia can strengthen the institutional and human capacities through the development of local, regional and national potentials.<sup>3</sup> The Danube Strategy is contained in two documents: the Communication from the European Commission to the other institutions of the European Union and the Action Plan which accompanies the Communication. The Strategy is based upon four pillars and eleven priority areas. The environmental protection is among the four main objectives.<sup>4</sup> Within this pillar, the following three Priority Areas have been defined: 1) restoring and maintaining the quality of waters; 2) environmental risk management, and, 3) preservation of biodiversity, landscapes and the quality of air and soils. Pollution can be caused by various factors: the discharge of agricultural substances (phosphates and nitrogen as a result of tillage) or discharge of industrial waste water. The environmental risks management aims at reducing the threats to the environment and the population. Implementation of activities in this field refers to the prevention, preparation and timely response to natural disasters as well as to disasters caused by human factors, such as massive floods or industrial accidents. In this way, risks that have a negative impact on the environment and biodiversity, and which also result in loss of human lives and economic damage due to natural disasters, are reduced. It should be borne in mind

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<sup>2</sup> Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, European Union Strategy for Danube Region, Brussels, 8/12/20010, COM (2010)715, Internet: [www.danube-region.eu/component/edocman/?task=document.viewdoc&id=36&temid=0](http://www.danube-region.eu/component/edocman/?task=document.viewdoc&id=36&temid=0), 2/11/2015; Action Plan accompanying document to Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, European Union Strategy for Danube Region, Brussels, SEC (2010)1489, Internet: [www.danube-region.eu/component/edocman/?task=document.viewdoc&id=34&temid=0](http://www.danube-region.eu/component/edocman/?task=document.viewdoc&id=34&temid=0), 2/11/2015.

<sup>3</sup> Jelena Stojović *et al*, *Vodič kroz Dunavsku strateriju*, Evropski pokret u Srbiji, Beograd, 2012, p. 19.

<sup>4</sup> The other basic goals (pillars) of the European Union Strategy for the Danube Region are: connecting the Danube Region, building prosperity in the Danube Region and strengthening the Danube Region. Each pillar defines the priority areas.

that industrial production contributes to the pollution of the environment in several ways. In addition to emission of pollutants and waste disposal, a significant factor is the use of energy and raw materials, since the industry is a major consumer of energy.<sup>5</sup> Within this priority, particular attention is paid to the climate change and the possible consequences for the Danube Region. Excessive exploitation of natural resources in conditions of underdeveloped environmental infrastructure and underdeveloped public awareness about the ecological needs imposes the need for cooperation of the Danube River Basin countries and the sharing of knowledge and use of best available practices in this area.<sup>6</sup> The Danube Strategy represents a strategic document and is not legally binding, hence the activities of the Danube Region countries are carried out in accordance with the EU regulations and national regulations. No special funds are provided for the realization of the objectives envisaged by the Danube Strategy; therefore, for the implementation of projects related to the environmental protection in the Danube River Basin, the EU funds are used, as well as funds from international institutions.

## 2. THE APPLICATION OF REGULATIONS OF IMPORTANCE FOR ENVIRONMENTAL PROTECTION

The preservation and protection of the environment is consistent with the EU values and the EU acquis. Thus, in accordance with the Article 174 of the European Community Treaty, it is stipulated that the Community policy on the environmental protection should contribute to:<sup>7</sup> preservation, protection and improvement of the quality of the environment; protection of human health and rational use of natural resources and promotion of measures and activities at international level to deal with regional or worldwide environmental problems. The implementation of environmental policy is based on the principle of precaution and the principle of preventive action, according to which the damage caused to the environment is repaired at the source, and the polluter pays for it. When designing environmental policy, one must take into account the available scientific and technical data on the environment in different regions of the European Union, the potential benefits and costs of action or inaction, economic and social development of the European Union

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<sup>5</sup> Miloš Vasiljević, Đuro. M. Đurić, "Harmonizacija propisa Republike Srbije u oblasti zaštite životne sredine sa pravom EU", in: Aleksandra Čavoški, Ana Knežević Bojović (eds.) *Ekologija i pravo*, Institut za uporedno pravo, Pravni fakultet Univerziteta Union, Beograd, 2012. p. 143.

<sup>6</sup> Jelena Stojović et al, *Vodič kroz Dunavsku strategiju*, op. cit., pp. 23-24.

<sup>7</sup> Aleksandra Ljuština, *Ekološka bezbednost*, Kriminalističko-policijska akademija, Beograd, 2012. p. 118. Internet: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12002E%2FTXT>, 2/11/2015.

as a whole and even development of all its regions.<sup>8</sup> The interest of our country for the protection of the Danube has existed even before drafting and adoption of the Danube Strategy. In 2003, the Federal Republic of Yugoslavia ratified the Convention on Cooperation for the Protection and Sustainable Use of the Danube River.<sup>9</sup> That same year, the State Union of Serbia and Montenegro became a full member of the International Commission for the Protection of the Danube River, which consists of fourteen Danube countries, signatories of the said Convention.<sup>10</sup> Given the above mentioned, the conditions were created for the application of measures concerning the protection of the environment in the Danube River Basin. It seems that citizens' engagement in the field of environmental protection is necessary in the Republic of Serbia, as much as possible. Not only their engagement as a passive side, but also as a side that is going to give their suggestions for improvement of the environment. Of great importance for the Republic of Serbia is the ratification of the Aarhus Convention, which was adopted in 1998 at a conference in the Danish town of Aarhus.<sup>11</sup> What is prescribed by the said Convention, is in fact a constitutional right as well. Specifically, the Article 74 of the Constitution of the Republic of Serbia, in accordance with international documents which guarantee protection of human rights, guarantees the right of citizens to a healthy environment,

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<sup>8</sup> *Ibid.*

<sup>9</sup> The Law on Ratification of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River („Службени лист СРЈ – Међународни уговори“, број 2/2003). The said Convention defines the principles and rules concerning the protection and sustainable management of the Danube River. Its adoption should enable the provision of sustainable and equitable use of water resources in the basin, including measures for preservation (conservation).

<sup>10</sup> The International Commission for the protection of the Danube River accomplishes its goals by adopting recommendations for the improvement of water quality, by developing mechanisms for flood and accidents control, by agreeing standards in the field of emissions, as well as by ensuring some of the measures to be implemented and through national legislation, as well as through the implementation of water management policy in countries in the Danube Region. Interenet: <https://www.icpdr.org/main/icpdr, 2/11/2015>. By joining the International Commission for the Protection of the Danube River, our country has assumed the obligation to implement parts of the Water Framework Directive, even though it is not a member state of the European Union. In 2009, the said Commission adopted the Danube River Basin Management Plan with a program of measures that should to be implemented until 2015.

<sup>11</sup> The Aarhus Convention (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) is ratified in the Republic of Serbia by the Law on Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters („Службени гласник Републике Србије-Међународни уговори“, број 38/2009). The said Convention was adopted by the United Nations Economic Commission for Europe – UNECE. The text of the Aarhus Convention in English language is available at the following web page: <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf, 2/11/2015>.

as well as to timely and complete information about its condition. Furthermore, the same provision provides that everyone, especially the Republic of Serbia and the Autonomous Province of Vojvodina, is responsible for environmental protection, and that everyone is obliged to preserve and improve the environment.<sup>12</sup> Therefore, the initiator of the projects that would be implemented in order to protect the environment in the Danube River Basin should primarily be the Republic of Serbia and the Autonomous Province of Vojvodina. The Aarhus Convention provides for the right of citizens to access to information, the right of citizens to access to environmental information, and the right of citizens to legal protection in the case that the above rights have been violated.<sup>13</sup> Since one of the criteria for accession to the European Union is protection of the environment, measures taken in the Danube River Basin in that regard should be seen as part of measures taken in order to meet the requirements for EU accession. One of the activities which leads towards harmonization with the European standards is the application of the following Directives: 1) the EU Water Framework Directive<sup>14</sup>; 2) the EU Urban Waste Water Treatment Directive<sup>15</sup> and, 3) the EU Nitrates Directive<sup>16</sup>. The provisions of the Directive basically always serve as guidelines for the determination of policies in certain areas at the national level. Therefore, their implementation depends solely upon national regulations. In addition, the Republic of Serbia passed a number of regulations relating to environmental protection in the previous period, such as:

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<sup>12</sup> Ustavni zakon za sprovođenje Ustava Republike Srbije (“Službeni glasnik Republike Srbije”, broj 98/2006).

<sup>13</sup> The Article 3 of the Aarhus Convention stipulates the obligation of educating and informing the public about the importance of the environment, while the Articles 6 and 7 provide for the possibility of public participation in decision-making, plans, programs and policies relating to environmental protection.

<sup>14</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. The objective of the adoption the said Directive is the protection against water pollution, river basins and the environment. Directive is amended by Decision No 2455/2001/EC of the European Parliament and of the Council, Directive 2009/31/EC, Directive 2013/39/EU and Directive 2013/64/EU. The text of the said Directive in English language is available at the following web page: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32000L0060>, 2/11/2015.

<sup>15</sup> Council Directive of 21 May 1991 concerning urban waste water treatment 91/271/EEC is amending by Directive 91/15/EEC. The text of the Urban Waste Water Treatment Directive in English language is available at the following web page: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31991L0271>, 2/11/2015.

<sup>16</sup> Council Directive 91/676/EEC concerning the Protection of waters against pollution caused by nitrates from agricultural sources. The text of the said Directive is available at the following web page: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31991L0676>, 2/11/2015.

1) the Law on Environmental Protection;<sup>17</sup> 2) the Law on Environmental Impact Assessment;<sup>18</sup> 3) the Law on Integrated Environmental Pollution Prevention and Control;<sup>19</sup> 4) the Law on Waste Management;<sup>20</sup> 5) the Law on Nature Protection.<sup>21</sup> The largest number of regulations on environmental protection, which are related to EU accession, was passed in 2009. A total of sixteen regulations were passed then. However, the obligation to protect the environment is not contained only in harmonization of regulations concerning the protection of the environment with the EU *acquis*, but also in the application of certain measures of importance for preservation and improvement of the environment. These measures are defined in national legislation. More significant measures are implemented through regional and national projects. Since the Danube Strategy does not provide for additional funds, one might ask how it is possible to finance projects in the field of environmental protection. These projects can be funded from national or international donations, structural funds of the European Union and pre-accession funds in case of a country candidate for membership in the European Union. However, the adoption of European standards in the field of environmental protection is not the only thing that is of importance for its protection, but the implementation of specific measures through projects at national and regional level is important as well. Of great importance is connecting with other regions involved in the Danube Strategy. Taking measures related to the protection of the environment in the Danube River Basin can be important for the development of agriculture, tourism and other industries in the that area. The projects that will be implemented in the forthcoming period should be part of national programmes and strategies, as well as the result of research in the field of environmental protection. Bearing in mind that the Republic of Serbia has a status of a candidate for membership in the European Union, it is unable to use the funds to finance projects in this area. However, it is possible to use the funds from the EU pre-accession funds (IPA), as well as funds from other international organizations.

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<sup>17</sup> Zakon o zaštiti životne sredine (“Službeni glasnik Republike Srbije”, broj 135/2004, 36/2009, 36/2009-dr. Zakon, 72/2009-dr. Zakon i 43/2011-odluka US). The Law on Environmental Protection set the entire environmental protection system, including the protection of water, soil and land, biosphere and biodiversity, as well as the protection of flora and fauna in the territory of the Republic of Serbia.

<sup>18</sup> Zakon o proceni uticaja na životnu sredinu (“Službeni glasnik Republike Srbije”, broj 135/2004 i 36/2009).

<sup>19</sup> Zakon o integrisanom načinu i kontroli zagađenja životne sredine (“Službeni glasnik Republike Srbije, broj 135/2009).

<sup>20</sup> Zakon o upravljanju otpadom (“Službeni glasnik Republike Srbije, broj 36/2009 i 88/2010).

<sup>21</sup> Zakon o zaštiti prirode (“Službeni glasnik Republike Srbije, broj 36/2009, 88/2010 i 91/2010).

### 3. FUNDING OF THE ENVIRONMENTAL PROTECTION AS ONE OF THE GOALS OF THE DANUBE STRATEGY

The Danube Strategy does not provide for additional funding sources for implementation of projects in the field of environmental protection in the Danube River Basin. For their implementation, funds from the national budgets, donations, pre-accession funds and other sources are used. Hence, the quality and effectiveness of measures taken by the countries in the Danube River Basin depend not only upon the will of these countries, but also upon their economic development. Thus, countries that have not only the will, but also the ability to allocate more public funds to the implementation of projects related to environmental protection, will be more successful in their implementation. The Republic of Serbia is a candidate for membership in the European Union, and therefore has the ability to use pre-accession IPA funds. These funds are available to countries while in a position of a negotiator for EU membership. As soon as a candidate country gets accepted in membership, it loses the right to receive benefits from these funds, but then it has a number of options for financing through structural and cohesion funds. That is why it is believed that pre-accession instruments are a form of preparation for a country's entry into the system of a single European market and the Common Agricultural Policy, but also for transition to funding from the structural and cohesion funds.<sup>22</sup> For the funding of projects relating to the protection of the environment in the Danube Region, pre-accession funds for the period 2014-2020 can be used. By using these funds, candidate countries or potential candidates are preparing for the use of cohesion and structural EU funds. The aforementioned funds provide for up to 4% means, which will be directed to programmes of cross border cooperation in accordance with their needs and priorities for national and regional projects.<sup>23</sup> However, all projects, including those related to environmental protection, must be planned and fit into the strategies. The funds serve to support reforms in the EU accession process. Contribution in the field of environment, improvement of infrastructure, the integration of the region, strengthening research, technological development and innovative capacity, are also listed as priority areas. Of course, one of the goals is to strengthen the capacity of countries to meet their obligations arising from EU membership and to be ready for later use of structural and cohesion funds. However, IPA funds foresee the possibility of support through strengthening

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<sup>22</sup> Snežana Stojanović, *Finansiranje Evropske unije*, Službeni glasnik, Beograd, 2009, pp. 110 and 111.

<sup>23</sup> Andrija Pejović, et al, *Vodič kroz IPA II instrument za pretprištopnu pomoć 2014-2020*, Evropski pokret Srbije, Friedrich Ebert Stiftung, Beograd, 2014. p. 8, available at the following web page: [www.emins.org/uploads/useruploads/knjige/vodic-kroz-IPA-II-2014-2020-za-web.pdf](http://www.emins.org/uploads/useruploads/knjige/vodic-kroz-IPA-II-2014-2020-za-web.pdf), 2/11/2015.

of regional and territorial cooperation of beneficiary countries. The field of environmental protection in the Danube Region can be financed from pre-accession funds if it fits in the Indicative strategic documents of the Republic of Serbia for the period 2014-2020.<sup>24</sup> Pre-accession funds can be used for financing of projects in the field of environmental protection, climate change, development and improvement of environmental infrastructure, particularly in the areas of waste management, water and wastewater treatment in urban areas.<sup>25</sup> However, since a number of measures to improve environmental protection must be undertaken in the coming period, one may reasonably ask whether the pre-accession funds will be sufficient for the realization of all projects. In case of insufficiency of these means, funding can be combined with other means, such as, for example, the Western Balkans Investment Framework.<sup>26</sup> Of great importance is the international cooperation programme for the Danube Region as well. The Danube Transnational Programme is a financial instrument with a specific goal, and an independent body which should support the integration policies in the Danube Region. It is closely linked to the EU Strategy for the Danube Region. Geographically, the Programme covers nine EU member countries and four non EU member countries.<sup>27</sup> The Danube Transnational Programme also affects other areas and takes into account the objectives identified in specific thematic areas. Strategic documents and policies include: the EU Water Framework Directive of 2000, the EU Biodiversity Strategy, the Prioritised Action Framework for Natura of 2000, the 7<sup>th</sup> Environment Action Programme of the European Union, the EU Plans on energy efficiency – climate and energy. When it comes to climate change and risk management, characteristic is cooperation programme within the Danube Transnational Programme for restoring water quality and ecological balance.<sup>28</sup>

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<sup>24</sup> *Ibid.* pp. 16 and 17.

<sup>25</sup> *Ibid.* p. 20.

<sup>26</sup> Financing from the Western Balkans Investment Framework is done by areas. One of the areas for which it is possible to receive funding is the environmental protection. Call for participation is published for two years, in September and February. However, only projects approved by the national IPA coordinator are eligible. The means from these funds are mostly used when means from the EU pre-accession funds are not sufficient for the realization of projects. For more information about the Western Balkans Investment Framework, see the following web site: <http://www.wbif.eu/>.

<sup>27</sup> The following EU member countries are covered by the Programme: Austria, Bulgaria, Croatia, Czech Republic, Hungary, Germany – Baden-Wurttemberg and Bayern, Romania, Slovakia and Slovenia. The following non-EU member countries are covered by the Programme: Bosnia and Herzegovina, Moldavia, Montenegro, Serbia and Ukraine.

<sup>28</sup> For more information about the Danube Transnational Programme visit the following web site: [http://www.southeast-europe.net/en/about\\_see/danubeprogramme/](http://www.southeast-europe.net/en/about_see/danubeprogramme/), 2/11/2015. The objective of joining this Programme is to achieve better results through international cooperation. These

#### 4. CONCLUSION

The Danube Strategy represents a document of great importance for the development of countries located in the Danube River Basin. In order to improve cooperation and its EU accession processes, the Republic of Serbia participated in defining the objectives of the said Strategy. For its implementation, adoption of new regulations is not necessary, but additional funds are not provided for as well. However, the measures concerning the environmental protection are carried out not only through harmonization of national legislation with the EU *acquis*. Although the Republic of Serbia passed a number of regulations in the area of environmental protection in 2009, the list of measures for environmental protection did not become final. The adoption of national regulations that protect the environment enabled the implementation of the Directives of the European Union, which are important for the protection of the environment in the Danube River Basin: the EU Water Framework Directive, the EU Urban Waste Water Treatment Directive and the EU Nitrates Directive. When it comes to financing of projects concerning environmental protection, the existing funds can be used, such as the structural or IPA EU funds, donations or funds from international financial organizations (EBRD), etc. When it comes to countries that are in the process of accession to the European Union, it seems that it is the best to finance national projects, as well as transnational ones, from pre-accession funds. Under the IPA funds for the period 2014-2020, special funds are provided for national projects related to environmental protection, as well as funds related to transnational cooperation between countries that are in the process of joining the European Union with the EU member countries. In addition to the funds that can be used for cooperation with the EU member countries, funds that can be used for transnational cooperation with countries which are also beneficiaries of pre-accession funds are foreseen. However, in order to use these funds, it is necessary to implement a series of measures at the national level, which will consist of determining the priority areas and development of plans and programmes for future projects. Since it can happen that means from pre-accession EU funds are not sufficient for the realization of projects in the field of environmental protection, funds from additional sources can be used, such as funds from the Western Balkans Investment Framework. Although the benefits from environmental protection in the Danube River Basin are multiple and has an impact on economic development, it can be said that additional engagement is necessary in the coming period in the promotion of measures concerning the protection and improvement of the environment in this basin. The adequate protection of the environment can be of great importance for the development of tourism and other economic sectors.

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results should be achieved in the field of prevention of floods, industrial accidents and fires as well. For this purpose, exchange of knowledge at international level is encouraged as well.

However, one should not forget that it is also important to carry out certain research. Therefore, it can be concluded that the improvement of scientific and research activity is necessary in these fields, which also represents one of the priority areas envisaged by the Danube Strategy.

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