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Technical Assistance for Capacity Building on European Pollutant Release and Transfer Register (E-PRTR) in Turkey

TR2013/0327.06-01-02/001

Technical Assistance for Capacity Building on European Pollutant Release and Transfer Register (E-PRTR) in Turkey

Workshop Event

Serbia PRTR Implementation Overview – Legislative Instruments



Presenter:

Nebojša Redžić

SEPA, Serbia

Date: 5 – 9 March 2018



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CONSTITUTION OF THE REPUBLIC OF SERBIA

Right to Healthy environment

Article 74

Everyone shall have the right to healthy environment and the right to timely and full information about the state of environment.

Everyone, especially the Republic of Serbia and autonomous provinces, shall be accountable for the protection of environment.

Everyone shall be obliged to preserve and improve the environment.



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LAW ON ENVIRONMENTAL PROTECTION

(Official Gazette of the Republic of Serbia Nos 135/2004, 36/2009, 36/2009 -
other law, 72/2009 - other law, 43/2011 - Decision of the Constitutional Court
and 14/2016)

Subject of the Law

Article 1

This Law shall regulate the integral system of environmental protection which shall ensure human right to live and develop in healthy environment as well as balanced economy growth and protection of the environment in the Republic of Serbia.



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System of Environmental Protection Article 2

The system of environmental protection shall comprise measures, conditions and instruments for:

- 1) sustainable management, preservation of nature balance, integrity, diversity and quality of natural values and conditions for survival of all living beings;
- 2) prevention, control, reduction and rehabilitation of all kinds of environmental pollution.

Sustainable management of natural values and environmental protection shall be realised in accordance with this Law and special law.



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Polluter Monitoring Article 72

The operator of the installation/establishment, which represents source of emissions and environmental pollution, shall, in accordance with law, through the responsible authority, authorized organization or independently, if it meets the conditions prescribed by law, perform monitoring, i.e.:

1. monitor the emission indicators and/or indicators of effect of its activities on the environment, indicators of efficiency of applied measures for the prevention of occurrence or reduction of the level of pollution;
2. ensure meteorological measurements for big industrial establishments or facilities of special interest for the Republic of Serbia, autonomous province or local self-government unit.



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Polluter Monitoring Article 72

The polluter shall prepare a plan for monitoring performance, keep good records on monitoring and submit reports, in accordance with this Law.

The Government shall determine types of activities and other occurrences which are subject to monitoring, work methodology, indicators, manner of recording data, deadlines for submission and keeping data, pursuant to special laws.

The polluter shall plan and provide the financial resources for performing monitoring as well as other measurements and monitoring the effect of its activity on the environment



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Data Submission Article 73

State authorities and/or organizations, authorities of autonomous province and local self-government unit, authorized organizations and polluters shall submit the data from monitoring referred to in Articles 70 and 72 of this Law to the Environmental Protection Agency in the prescribed manner.



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Registers of Environmental Pollution Sources Article 75

National and local registers of sources of environmental pollution shall be maintained in accordance with this Law for the purpose of monitoring the qualitative and quantitative changes in the environment and undertaking measures for the protection of the environment.

National register of sources of environmental pollution shall be maintained by the Environmental Protection Agency.

Local register of sources of environmental pollution shall be maintained by the responsible authority of the local self-government unit.

The Minister shall prescribe the methodology for preparation of the national and local registers of sources of environmental pollution as well as the methodology for determining types, manner and deadlines for data collection.

The polluter shall be obliged to submit the prescribed data at its own cost, in the manner and within deadlines specified in accordance with law.



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Control of Data Submission and Accuracy of Submitted Data for the National Register of Pollution Sources Article 75a

The Environmental Protection Agency shall, on its own or in collaboration with a competent inspection, monitor data submission for the National Register of Pollution Sources and the accuracy of submitted data.

The Agency shall initiate misdemeanor proceedings charges against persons who are obliged to report to the National Register of Pollution Sources and who have not submitted the required data or data were not submitted in the prescribed manner and within the statutory deadline and/or who have submitted inaccurate data.



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Access to Information Article 78

State authorities, authorities of the autonomous province, authorities of local self-government units and authorized and other organizations shall be obliged to regularly, timely, fully and objectively inform the public on the state of the environment, namely occurrences that are observed within the monitoring of the pollutant level and emission, as well as warning measures or development of the pollution which may pose threat to human life and health, in accordance with this Law and other regulations.

Access to environmental information shall be exercised in accordance with the Law on Free Access to Information of Public Importance.

When application is related to information relating to measurement procedures, including analysis, sampling and sample pretreatment, that were used for information gathering, public authority, with a notification about web page with available information, shall deliver to the applicant a notification on standard procedure used as well.



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Access to Information Article 78

When due to technical reasons public authority is not able to deliver the environmental information in the requested form, it shall deliver it in other form or format, stating the reasons for such action.

Public authorities shall make all reasonable efforts to maintain environmental information held by or for them in forms or formats that are readily reproducible and accessible via computer telecommunications or other electronic means.



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Dissemination of Environmental Information Article 80

Public authorities shall undertake all necessary measures to ensure that environmental information which is relevant to their functions and which is held by or for them are actively and systematically disseminated to the wider public, in particular by means of computer telecommunication and/or electronic technology. Public authorities shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunication networks.



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Dissemination of Environmental Information Article 80

Public authorities shall regularly update and disseminate environmental information, in particular:

- 1) International conventions, agreements and legislation on the environment or relating to it;
- 2) Strategies, plans, programmes and other documents relating to the environment;
- 3) Progress reports on the implementations of legislations on environment, including the implementation of international agreements, strategic documents, plans, programmes in the field of environment, when public authorities have prepared them or hold them in electronic form;
- 4) State of the environment reports;
- 5) Data obtained on the basis of monitoring activities affecting or likely to affect the environment;



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Dissemination of Environmental Information Article 80

6) Permits and authorisations for performing activities that have significant effect on the environment;

7) agreements concluded with the aim of environmental protection;

8) Environmental impact assessment studies and risk assessments relating to environmental factors, and decisions relating to all three phases of the impact assessment procedure.

Public authorities shall without delay inform the public, by means of public notifications or in some other appropriate manner, of an existing threat to human life and health, environment or material goods, regardless of whether the threat was caused by human activity or natural causes.

In case of a failure to act or in case of inadequate and untimely action in accordance with the previous paragraph, the public authority bodies shall be responsible under the general rules for damage compensation.



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Right to Justice Article 81a

The interested public, in the process of exercising the right to healthy environment, shall have the right to initiate as a party the decision review procedure before the responsible authority and/or court, in accordance with law.



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IX PENALTY PROVISIONS

2. Misdemeanors

Article 117

Legal person shall be fined in the amount ranging from 500,000 to 1,000,000 dinars for misdemeanor if it:

- 10) does not perform monitoring and observance of other effects on the state of the environment (Article 72);
- 11) fails to submit monitoring data in the prescribed manner (Article 73);
- 12) does not submit data of importance for keeping the register of environment pollution sources in the prescribed manner (Article 75 (5));
- 12a) fails to submit data referred to in Article 90d (3) of this Law to the Ministry and the Environmental Protection Agency;



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Sectoral laws

Sectoral laws, such as Waste management law, Air quality Law, Water law etc. have similar provisions related to reporting to the Environmental Protection Agency which prescribes the obligation of monitoring and reporting.



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Fees

Environmental law and few other sectoral laws prescribes also obligation
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Fees

1.2. Environmental Pollution Charge Article 85

The polluter shall be obliged to pay a charge for environmental pollution. The criteria for determination of the charge referred to in paragraph 1 of this Article shall be:

- 1) type, quantity or characteristics of emissions from individual source;
- 2) type, quantity or characteristics of emission of produced or disposed waste;
- 3) content of substances which are harmful to the environment in a raw material, semi-finished product and product.

The payer of the charge shall be any person causing environmental pollution by emissions, and/or waste or that produces, uses or places on the market raw material, semi-finished products or products containing substances harmful to the environment.



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THE RULEBOOK ON METHODOLOGY FOR THE DEVELOPMENT OF NATIONAL AND LOCAL REGISTERS OF POLLUTION SOURCES, AND METHODOLOGY FOR TYPES, MEANS AND DATABASES OF DATA COLLECTION

This Rulebook prescribes the methodology for national and local development the source of pollution register, as well as the methodology for the types, methods and deadlines for data delivery.

The National Registry contains data provided by companies and other legal entities and entrepreneurs representing sources of pollution of various activities, given in Appendix 1. - List 1. List of activities and minimum limit values for reporting to the National Pollutant Source Register.



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List of activities and minimum limit values for reporting

СПИСАК ДЕЛАТНОСТИ И МИНИМАЛНЕ ГРАНИЧНЕ ВРЕДНОСТИ ЗА ИЗВЕШТАВАЊЕ ЗА НАЦИОНАЛНИ РЕГИСТАР ИЗВОРА ЗАГАЂИВАЊА

Бр.	Делатност	Минималне граничне вредности капацитета	Минималан просечни број запослених ⁺
1	Енергетски сектор		
а)	Рафинерије минералних уља и гаса	Сви	10 запослених
б)	Постројења за гасификацију и ликвификацију	Сви	
в)	Термоелектране и друга постројења за сагоревање	Са излазом топлоте већим од 50 MW	
г)	Пећи за кокс	Сви	
д)	Млинови за угаљ	Са капацитетом већим од 1 t на сат	
ђ)	Постројења за производњу производа од угља и чврстог бездимног горива	Сви	
2	Производња и прерада метала		



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For the needs of the registers, data on polluting substances that are emitted to the environment are collected, which are given in Annex no. 2. A list of pollutants.

СПИСАК ЗАГАЂУЈУЋИХ МАТЕРИЈА

Редни број	CAS број	Загађујућа материја
1	74-82-8	Метан (CH ₄)
2	630-08-0	Угљен моноксид (CO)
3	124-38-9	Угљен диоксид (CO ₂)
4		Флуороугљоводоници (HFCS)
5	10024-97-2	Азот субоксид (N ₂ O)
6	7664-41-7	Амонијак (NH ₃)
7		Неметанска испарљива органска једињења (NMVOC)
8		Азотни оксиди (NO _x /NO ₂)
9		Перфлуороугљоводоници (PFCS)
10	2551-62-4	Сумпор хексафлуорид (SF ₆)
11		Сумпорни оксиди (SO _x /SO ₂)
12		Укупни азот
13		Укупни фосфор
14		Хидрохлорофлуороугљоводоници (HCFCs)
15		Хлорофлуороугљеници (CFCS)
16		Халони
17		А...



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For the needs of the registers, data on certain pollutants emitting in air and water depending on the activity are collected, given in Annex no. 3. - List of pollutants emitted in the air depending on the activity and Annex no. 4. List of pollutants emitted into water depending on the activity.

For the purposes of waste reporting, data shall be provided on the quantities and characteristics of non-hazardous and hazardous waste produced in facilities of activity referred to in Article 3, 1. and 2. of this Regulation.



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Гидни број пољупца		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30			
Код	Делатност	Метан (CH ₄)	Угљен моноксид (CO)	Угљен диоксид (CO ₂)	Азот диоксида (NO ₂)	Азот оксиди (NO _x)	Амониак (NH ₃)	Метански еквивалент органске једињења (MEVOC)	Ацетилен (C ₂ H ₂)	Парфлуорисована једињења (PFCS)	Бромил хлоридована (BHC)	Бромил јодиди (BOJOD)	Хидрофлуорисована једињења (HFCS)	Хлорофлуорисована једињења (CFCS)	Халони	Арсен и једињена једиња (као As)	Кадмијум и једињена једиња (као Cd)	Арсен и једињена једиња (као Cr)	Баријум и једињена једиња (као Ba)	Жењо и једињена једиња (као Hg)	Мали и једињена једиња (као Ni)	Сребро и једињена једиња (као Pb)	Мали и једињена једиња (као Zn)	Кобалт	Купрум	Купрум	Купрум	DDT	Д-Делтаметил (DDM)	Делтаметил (DDM)	Делтаметил	Експан		
1	Енергетски сектор																																	
1	Рафинерија минералног угља и гаса	*	*	*	*	*	*	*	*																									
1	Постројења за пелетизацију и ликвидацију	*	*	*	*	*	*	*	*																									
1	Термоелектране и друга постројења за сагоревање	*	*	*	*	*	*	*	*																									
1	Печи за кокс	*	*	*	*	*	*	*	*																									
1	Млински за угљ	*	*	*	*	*	*	*	*																									
1	Постројења за производњу производа од угља и чврстог безугљениг горива	*	*	*	*	*	*	*	*																									
2	Производња и прерада метала																																	
2	Постројења за пречишћавање и окисавање металне руде (укључујући отпорну руду)	*	*	*	*	*	*	*	*																									
2	Постројења за производњу сировог гвожђа или челика (примарна или секундарна фаза) укључујући континуално ливење	*	*	*	*	*	*	*	*																									
2	Постројења за обраду црног метала	*	*	*	*	*	*	*	*																									
2	Ливнице за црни метале	*	*	*	*	*	*	*	*																									
2	Постројења за производњу сировог обојеног метала из руде, концентрата или секундарних сировина металуршком, земљором или електролитичким процесом и топљење укључујући легирање обојеног метала, укључујући поново добијене производе	*	*	*	*	*	*	*	*																									





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For the Register, data on the quantities of pollutant emissions can be obtained by measurement, calculation or engineering estimation.

Measurements, calculation methods and engineering estimates, must be in accordance with relevant national, European and international guidelines and standards.

Calculations for determining the quantities of pollutants emitted into the air are given in Annex 5, for:

- 1) broilers farms and poultry;
- 2) laying hence farms,
- 3) pigs farms.



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Data for the registry data need to be submitted in 5 forms, as follows:

- 1) Form no. 1. - General data on the pollution source;
- 2) Form no. 2. - Emissions into the air;
- 3) Form no. 3. - Emissions into water;
- 4) Form no. 4. - Emissions into land;
- 5) Form no. 5. - Waste management.

The data shall be submitted no later than March 31 of the current year for data from the previous year.

All forms are also available in English.



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Data for the National Register shall be submitted as follows:

- 1) by entering data into the information system of the National Register of Pollution Sources;
- 2) one set of forms printed out of the information system of the National Register in paper form, duly signed and certified by the responsible person.



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Guidelines for submitting data to the National Register of Pollution Sources



Страна 1. - Објашњење	
Назив поља	Објашњење поља
ПОДАЦИ О ПРЕДУЗЕЋУ	
Порески идентификациони број (ПИБ)	Унети порески идентификациони број предузећа (9 цифара)
Матични број предузећа	Унети матични број предузећа
Пун назив предузећа	Унети пун назив предузећа
Место	Унети место у коме се предузеће налази
Шифра места	Унети шифру места → Обавезно погледати - Систематски списак насеља Републике Србије по окрузима и општинама, Републичког Завода за статистику. ? Потребно је пронаћи назив општине у Систематском списку насеља Републике Србије по окрузима и општинама и у оквиру ње наћи назив места, у колони поред је налази шифра места.
Поштански број	Унети поштански број места
Улица и број	Унети улицу и број предузећа
Телефон	Унети телефонски број предузећа
Телефакс	Унети број телефакса
E mail	Унети E mail адресу предузећа
Општина	Унети назив општине у којој се предузеће налази
Шифра општине	Унети шифру општине у којој се предузеће налази. → Обавезно погледати Списак општина по окрузима са матичним бројевима општина и шифрама округа, Републичког Завода за





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