

## **Standard Summary Project Fiche – IPA centralised programmes**

### **Project number 23: Strengthening the Serbian Environmental Inspectorate and Relevant Stakeholders**

#### **1. Basic information**

- 1.1 CRIS Number: 2009/021-765**
- 1.2 Title:** Strengthening the Serbian Environmental Inspectorate and Relevant Stakeholders
- 1.3 ELARG Statistical code:** 03.27
- 1.4 Location:** Republic of Serbia

#### **Implementing arrangements:**

- 1.5 Contracting Authority:** EU Delegation to the Republic of Serbia
- 1.6 Implementing Agency:** EU Delegation to the Republic of Serbia
- 1.7 Beneficiary** (including details of project manager):

The main beneficiary of the project will be the Sector for Control and Surveillance (Environmental Inspectorate or EI) of the Ministry of Environment and Spatial Planning (MESP).

The Project Director will be Ljiljana Stanojevic, Assistant Minister responsible for the EI in MESP. For the day-to-day management Svetlana Parezanin will be responsible (she will be the Project manager and counterpart for the twinning).

A Project Steering Committee (PSC) will guide the overall quality of project implementation and provide strategic direction. The PSC will ensure that the project outputs and goals are met in a timely fashion, approve work plans and reports, offer guidance and advise on project activities. The PSC will meet on a quarterly basis.

The PSC will include one representative of each of the key project stakeholders: MESP, Ministry of Public Administration and Local Self-government, Ministry of Agriculture, Forestry and Water Management, Ministry of Justice, Ministry of Interior and Custom Administration; (the ECD will be invited as observers). “Pomoravlje”, the Public Health Institute (PHI) based in Čuprija, an accredited sampling and analytical services organisation, will be invited to attend the PSC as required. The PSC will be chaired by the Project Manager.

#### **Financing:**

- 1.8 Overall cost (VAT excluded): 2 500 000 EUR**
- 1.9 EU contribution: 2 500 000 EUR**
- 1.10 Final date for contracting:** 2 years after the signing of the Financing Agreement (FA)

**1.11 Final date for execution of contracts:** 4 years after the signing of the FA

**1.12 Final date for disbursements:** 5 years after the signing of the FA

## **2. Overall Objective and Project Purpose**

### **2.1 Overall Objective:**

To improve the quality of the natural environment and the health of the population through the effective enforcement of environmental regulations.

### **2.2 Project purpose:**

To improve the capacity and effectiveness of the Serbian Environmental Inspectorate at republic, province and local levels and improve cooperation with relevant stakeholders.

### **2.3 Link with AP/NPAA / EP/ SAA**

The 2008 European Partnership defines the following environmental priorities:

#### **Short-term priorities:**

- Accelerate harmonization of laws and standards with the EU *acquis*;
- Strengthen administrative capacities of bodies in charge of planning, licensing, controlling, monitoring and project management;
- Strengthen local level capacities and
- Ensure operational coordination between local and central levels;

#### **Mid-term priorities:**

- Ensure full implementation of laws that have been harmonized with the EU legislation;
- Continue strengthening national and local level administrative capacities in charge of environmental issues;

The National Programme for Integration with the European Union (NPI) defines the priority as: continue with the inspection training programs at all levels and continue strengthening administrative and institutional capacities of the Ministry, the Agency, the Environmental Inspection and monitoring institutions, by hiring new employees and offering training programs.

In the Stabilisation and Association Agreement (article111) states that the Parties shall develop and strengthen their cooperation in the environmental field with the vital task of halting further degradation and start improving the environmental situation with the aim of sustainable development.

### **2.4 Link with MIPD**

The MIPD 2009-2011 defines as priority support to environmental authorities at all levels in terms of project preparation, management, planning, permitting, inspecting, and monitoring. The extract from the relevant sections of the current MIPD is given in Annex IV.



## **2.5 Link with National Development Plan (where applicable)**

N/A

## **2.6 Link with national/ sectoral investment plans (where applicable)**

The National Sustainable Development Strategy (NSDS) highlights the need to further strengthen the capacities of MESP, the Environmental Protection Agency and the Environmental Protection Fund, as well as of other relevant institutions.

## **3. Description of project**

This project is designed to enhance EI's effectiveness; this will require working with a range of stakeholders, as well as improving EI's skills and techniques. It includes a comprehensive training programme, along with a review of the EI's responsibilities following the recent introduction of new legislation.

### **3.1 Background and justification:**

The EI<sup>1</sup> is part of the Ministry of Environment and Spatial Planning; it is the cornerstone of environmental enforcement, and has a pivotal role in adopting the environmental acquis. It involves, however, a complex system of interconnected areas ranging from routine inspections, legal regulation to public trust. Therefore, this project covers the entire spectrum, from public relations, inspection, compliance checking, to any necessary enforcement action. Enforcement, involves not only EI, but also other agencies: the customs service, police, public prosecutors, and judiciary.

Although this project does involve these agencies, in for example joint workshops, it focuses on providing EI with the skills and techniques to be effective in their work; this will include preparation of inspection programmes, manuals and protocols, and in the event of enforcement action legal-case preparation prior to handling over to the public prosecutors.

### Problem Analysis

In the last four years, there have been four external reviews of EI's capacity; the first was a peer review performed by ECENA in December 2005; it reviewed EI's IPPC system and their plans for implementing the "recommendations for minimum criteria for environmental inspection" (the ECENA RMCEI report<sup>2</sup>). The second was carried out a year later and was an internal RMCEI review and updated the status of the earlier recommendations. The third review was the environmental performance review by UNECE in 2007. The final report is an administrative assessment, which was conducted by a framework contractor in February 2009.

The recommendations from this most recent report, which reinforces UNECE's recommendations, are included at the end of Annex IV. In summary EI has scarce resources (both human and technical), work plans are still rudimentary and the monitoring system needs development. Further, inspectors at all levels would benefit from more training and there is a need for more effective coordination and liaison between the agencies.

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<sup>1</sup> The responsibilities and tasks of the Environmental Inspectorate are described in the Law on Environmental Protection, Chapter VIII (Supervision), Articles 109-115. The details are shown in Annex 3.

<sup>2</sup> The report makes three sets of recommendations covering permitting, RMCEI itself and benchmarking.

Therefore, this project will address the three main problems identified in these reports that EI faces; these are:

- Coordination, management and effectiveness within EI;
- Relationship with other stakeholders; and
- Out of date equipment to support EI in its duties.

### Management and effectiveness

EI's complement is 99 inspectors<sup>3</sup>; 30 are located in Belgrade within MESP and 69 are located in provincial and regional offices distributed all over the country. In addition, there are approximately 180 inspectors at the municipal level where most towns have a single inspector.

Environmental inspectors have to pass an exam and prove his/her legal knowledge, covering such areas as environmental protection, integrated pollution prevention and control (IPPC), Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA). This is fundamental knowledge and the inspectors would also benefit from training to develop their investigative, management and planning skills to deal with their heavy workloads.

Inspections may occur as a result of regular planned visits; or following a complaint or an accident; further inspections take place during construction of facilities, beginning of new processes or activities. EI prepares an annual report summarising the number of visits and any resultant actions. An extract from the 2008 report is given in Annex III; in summary there were over 16,000 inspections, of which 53%, 31% and 17% related to industry, nature protection and customs respectively.

There are an estimated 238 IPPC<sup>4</sup> installations in the country<sup>5</sup>, each must be visited at least once a year. The available statistics show that inspectors, on average, made a visit a week of which one in eight resulted in enforcement proceedings; however 47% of proceedings are not successful. Approximately 11% of inspections resulted in some form of enforcement action. There were nearly 1,800 enforcement decisions, of which 48% resulted in no further action, but 42% developed into cases that were heard at a magistrates' court for minor offences; and 8% and 2% of cases resulted in convictions for economic crimes and criminal offences respectively.

EI believes that the enforcement of environmental protection legislation in Serbia suffers from several deficiencies: particularly, low capacity, a weak monitoring system, gaps in environmental legislation and standards, low awareness of and compliance with the law. EI also does not have a modern information network to support their inspectors in the field this hampers inspectors because they are obliged by law to provide written reports at the end of their inspections. Further the lack of vehicles prevents a more efficient programme of inspections<sup>6</sup>. In addition, support staff from other institutions, such as the PHI, involved in the environmental enforcement lack monitoring and sampling equipment.

Another factor influencing the level of environmental enforcement is the insufficient capacity at a local level where these inspectors lack training, both in technical and legal knowledge; they also lack basic equipment to carry out their duties properly.

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<sup>3</sup> This reflects the data in EI's 2008 annual report

<sup>4</sup> The number of IPPC installations was confirmed at a meeting with EI on 8<sup>th</sup> June 2009.

<sup>5</sup> RMCEI report, based on IMPEL guidance for minimum criteria for environmental inspections (2001/331/EEC), October 2006

<sup>6</sup> Every four inspectors share a vehicle; this makes the logistics of planning regular inspections very difficult.

There is one final factor that contributes to EI's effectiveness; limited feedback comes from the legal authorities on the success, or otherwise, of proceedings initiated by EI. Without quality feedback, it is hard to evaluate EI's effectiveness. This aspect of the project is discussed in the next section on the relationship between stakeholders.

### Relationship between EI and its Stakeholders

EI's main stakeholders are the Ministries of: Public Administration and Local Government; Agriculture, Forestry and Water Management (Water inspectorate); Interior; Justice; and Finance (Custom Administration). In addition EI relies on the services provided by PHIs and accredited and authorized organizations who conduct environmental monitoring and sampling.

The effectiveness of the relationship between EI and its various stakeholders is hampered by legislative gaps, lack of technical knowledge amongst stakeholder staff involved in enforcement. In addition information exchange could be improved dramatically particularly between: inspectors-prosecutors; prosecutors-judges; inspectors-judges; prosecutors-Ministry of Interior.

There is a perception that the Serbian Judiciary is ineffective when it comes to imposing sanctions for environmental offences; the available statistics show that 48% of cases laid before the authorities are unsuccessful. Further it is alleged, in the absence of benchmarks, that fines and penalties are inadequate deterrents. It can take some time for a court proceeding to result in a court order and an eventual sanction<sup>7</sup>; then in many cases, sanctions are not imposed or are largely symbolic. Judges are not adequately trained in environmental law, nor are State prosecutors and the police; however, at a recent TAIEX workshop representatives from all enforcement agencies attended and were enthusiastic in support of EI.

The police are required to accompany inspectors during site visits; however, because the former are unfamiliar with environmental protection issues their support is inadequate. This could be improved through joint workshops where issues surrounding environmental problems and infringements and implementation of the environmental laws can be discussed and resolved.

The Customs administration is responsible for the inspection of import, export, and transit of goods; it is also responsible for the protection of public health and the environment through the detection of dangerous substances, protected endangered species of flora and fauna, hazardous waste and ozone depleting substances. Customs officers may request the assistance of environmental inspectors; however, the EI feels that environmental issues are not high enough on Customs' priorities.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

The project has three elements, each will have a particular impact; the elements are:

- Legislative review, leading to updated secondary and tertiary legislation;
- Administrative and coordination review, leading to updated manuals, procedures and checklists; and
- Provision of essential equipment that will make EI more effective at all levels.

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<sup>7</sup> There are no statistics to substantiate this; but they are being gathered under the newly reorganised EI.

### Project impact

The legislative review and implementation of associated regulations and byelaws will equip EI with the necessary foundation to address the challenges faced by the inspectorate when enforcing environmental legislation. Improved inspection practices following the EU's recommendation of minimum standards for EI's, and training of stakeholders on new legislation, notably the recently adopted green package of 16 new laws. The provision of essential equipment is expected to make EI more efficient and effective.

### Catalytic effect

The improved coordination and liaison with stakeholders and partner agencies should help instil a new culture of cooperation, which will lead to improved efficiency and effectiveness throughout the agencies involved in environmental enforcement. An enhanced awareness of EI's activities amongst industry and the public at large should also contribute to the developing culture of respect for the environment thus contributing to compliance with environmental legislation.

### Sustainability

EI's budget is part of the overall budget of the MESP; EI's share has increased on an annual basis for the last five years. This is largely due to both its increased complement and responsibilities. There are no plans yet for an independent inspectorate, especially as there are no revenues dedicated to support the service it provides; such as these revenues are contribute to the Environmental Fund. Therefore, EI will continue to be supported from MESP's budget.

Provision of equipment will be used by EI to increase its efficiency and effectiveness; it will also contribute making each inspection visit more time effective. After acceptance, the operational and maintenance costs of the equipment will be the obligation of the competent authorities, which will be demonstrated by inter-sector agreements.

In essence this project is about institution and capacity building; part of this process is the development of EI's human resource management capacity, including a "training of trainers" programme. A successful project will also enable continued professional development. In terms of the project's intangible components, there are two types of sustainability: mandatory and voluntary. "Mandatory sustainability" means achievements that over time become part of legally binding laws, internal regulations and protocols. This includes coordination agreements, network bylaws, planning instructions and inspection protocols. "Voluntary sustainability" refers to the transfer of knowledge, in a non-obligatory way, in this case through training the trainers, establishing networks that will operate in the long run and by establishing contacts with EU expertise.

### Cross border impact

One of the project's stakeholders is the customs administration; improved cooperation and coordination between this service and EI will help combat cross-border infringements of environmental law.

### 3.3 Results and measurable indicators:

**Result 1:** Recommendation for revisions to Serbian Legislation that covers EI's responsibilities in line with EU legislation

Measurable indicators are:

- Completed Gap Analysis<sup>8</sup> of existing environmental legislation enforced by EI according to EI's practical experience in the enforcement of the green package of 16 new Laws and related byelaws (amongst others in the fields of accidents - Seveso Directive and waste management).
- Number of primary, secondary and tertiary legislation revised
- Number of new operational procedures, manual and checklists produced
- Identify benchmarks for EI's effectiveness

**Result 2:** Increased effectiveness of EI and stakeholders at republic and provincial levels through the adoption of best practice procedures.

The choice of best practice procedures is yet to be determined, but it is likely to include, amongst others, the fields of accidents and waste management and harmonisation of inspection procedures across all levels in line with RMCEI current recommendations, and any future amendments.

Measurable indicators are:

- Number of sector action / inspection programmes at all levels
- Number of inspectors trained in core areas: inspection protocol, BREFS (including air, hazardous substances and waste), legal case preparation, at local, provincial and state levels
- Number of joint training sessions held with customs, police, prosecutors, and judiciary
- Manuals, case studies and checklists updated
- Protocol for exchange of information between stakeholders
- EI annual inspection plans based on RMCEI recommendations

**Result 3:** More efficient EI due to the availability and effective use of equipment provided by the project.

The exact needs for monitoring and sampling equipment have yet to be determined; an indicative budget of 0.5 M€ has been earmarked and assistance is available to determine EI's requirements (e.g. mobile monitoring and analytical equipment and vehicle, IT support, and vehicles for national and provincial inspectors / services).

Measurable indicators are:

- Delivery and fully commissioned mobile laboratory;
- New vehicles for EI, delivered and equipped
- New inspection tools for the inspectorate

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<sup>8</sup> This gap analysis primarily relates to the lag in preparation of secondary and tertiary legislation, i.e. technical regulations and byelaws. This practical legislation is prepared by MESP and then adopted by either Ministerial Order or by Government/Governmental order one year after adoption of new laws. It may be necessary for the Serbian authorities to transpose further primary legislation that directly impinges on the practical work of EI.

### 3.4 Activities

1. Recommendations for revisions to Serbian Legislation that covers EI's responsibilities in line with EU legislative.

- 1.1. Conduct gap analysis of existing environmental legislation enforced by EI. In particular review EI's practical experience in enforcement of the green package of 16 Laws (enabling legislation passed in May 2009) and their related regulations and byelaws that will have been drafted (amongst other in the fields of accidents - Seveso Directive and waste management);
- 1.2. Identify number of primary, secondary and tertiary legislation needing revision; assist EI in making recommendations for any necessary changes;
- 1.3. Identify new operational procedures, manual and checklists; and
- 1.4. Conduct a benchmarking exercise amongst similar inspectorates in the region to determine optimum staffing levels, inspection, monitoring and sampling powers. The objective is to set benchmarks for EI's effectiveness.

2. Increased effectiveness of EI and stakeholders at Republic and Provincial levels through the adoption of best practice procedures

- 2.1. Revision and preparation of sector action / inspection programmes at all levels;
- 2.2. Prepare and deliver "Train the trainers programme" for core areas: inspection protocol, BREFS (including air, hazardous substances and waste), legal case preparation, at local, provincial and state levels;
- 2.3. Assist in the organisation and delivery of joint training sessions with customs, police, prosecutors, and judiciary (and any other stakeholders);
- 2.4. Update operational manuals, case studies and checklists; and
- 2.5. Assist in the preparation of the protocol for the exchange of information between stakeholders.

3. More efficient EI due to the effective use of equipment provided by the project

(The assistance will assist in determining the needs of EI and its supporting agencies; i.e. equipment and vehicles for mobile laboratory, national and provincial inspectors)

- 3.1. Assess equipment needs and draft technical specifications, making provision for adequate training associated with the equipment; this training should be provided by the supplier and be included in the tender package.
- 3.2. Draw up tender package for set of equipment identified with activity 3.1 (e.g. mobile measuring devices / analytical equipment, IT equipment, vehicles, for national and provincial inspectors / services).
- 3.3. Assist in the Tender evaluation
- 3.4. Supervise, with EI, the handover and commissioning of the equipment (with legal guarantee of proper use, repair and maintenance).

Activities one, two and part of activity three (the preparation of technical specification for equipment) will be delivered through a twinning covenant or service contract (the type of the contract to be decided in due course).

Activity three will also implemented through a supply contract to deliver the equipment.

### **3.5 Conditionality and sequencing:**

The following conditions are required to maximise project impact:

- High level cooperation between EI and other partner enforcement agencies; this cooperation should be demonstrated by memoranda of agreement / service level agreements between the partners;
- Full cooperation of EI and all other stakeholders at National, Provincial, Local levels

The first phase of the project will see the preparation of a detailed needs assessment and technical specifications of equipment for supply contract(s).

The technical assistance (or twinning) contract will provide assistance for the legislative review and the preparation of manuals; further it will deliver a comprehensive training programme. The training events should occur throughout the whole duration of the technical assistance (or twinning) contract.

### **3.6 Linked activities**

As noted in section 3.1, ECENA has been providing training in Serbia; specifically, there is a cluster dealing with environmental crimes - there have been already two regional training events, and a third one is planned for the autumn. EI also participates in training delivered by the Regional Environmental Centre (REC), and makes use of the manuals developed with this assistance.

The Norwegian funded project, “Institutional Support to Law Enforcement and Policy Planning” (ISLE), was designed to strengthen the capacity of MESP, regional and local authorities to implement and enforce environmental laws, especially in the field of industrial pollution (EIA, IPPC, and SEVESO II). The project trained 80 people from EI, starting with training of trainers for chief inspectors. The training improved the training skills and helped improve annual planning and reporting (in order to adequately follow up the new Serbian directive on planning and reporting inspection activities in accordance with EU’s Recommendation on Minimum Criteria). This bilateral project focused on licensing and IPPC because of recent changes in this area and increased capacity in the Ministry of Environmental Protection.

ISLE’s activities were just a beginning of RMCEI implementation and start of establishment of EI Management system in National level Inspectorate. Both, RMCEI and EI management system should be developed on local and provincial level with support of this IPA 2010 project. As part of the ISLE project six seminars for employees in local self-government were held in November-December 2007, for 206 participants. The aim of the training was to increase administrative capacity of local self-government to allow better implementation of environmental laws.

The IPA 2008 project “Assistance to Serbian Environment Protection Agency as National focal point institution for cooperation with European Environment Agency in strengthening the EIONET in Serbia”, will support environmental data sharing and allow integration of information exchange, down to local level. The project will help improve environmental monitoring, polluter self-monitoring and reporting system at the national level. This system is seen as a model for establishing reliable environmental reporting mechanisms to be used for raising public awareness, implementation of international conventions such as the Aarhus convention, PRTR protocol, Montreal protocol, etc.

In addition, to show that IE have learnt the importance of getting their procedures and guidance material published, two milestone publications have been issued:

- “Guidelines for Operators through environmental legislation”; published in December 2007 and distributed to judges and public prosecutors during trainings
- “Guidelines for the Environmental Protection in the local self-government”; published in May 2008 and distributed during trainings to all local managers and Mayors.

However, these will need to be updated to reflect recent changes in legislation.

EI participates in regular cross-border initiatives; for example Serbia is a member of ECENA network and participates in the environmental crime training; two such events have already taken place and another is planned. Arising from these trainings, EI began planning the creation of the environmental network. The Serbian delegation included representatives from EI, the police, prosecutors and judiciary

Recently a TAIEX training mission (May 2009) on environmental crimes, where representatives from the police, prosecutors and judiciary and EI were gathered, it became clear that these agencies should meet more often to discuss areas of cooperation and exchange of information. It may be beneficial to draw-up service level agreements or memoranda of understanding to facilitate this cooperation. As a result of the meeting an environmental network is going to be established.

Environmental Capacity Building Programme (ECBP) 2003, financed from CARDS 2003 supported the publishing of two manuals for the inspections (2005 and 2007), and the booklet „HAZARDOUS WASTE IN THE REPUBLIC OF SERBIA in installations that fall under the law on integrated environmental pollution prevention and control (IPPC)“ (2007). ECBP financed the delivery of a training for the environmental inspectors and border customs (Basel convention and CITES), and two trainings to the EI (in 2005).

Republic EI in cooperation with SCTM (Standing Conference of Towns and Municipalities) and with support of GTZ (Deutsche Gesellschaft fuer Technische Zusammenarbeit) organized two series of meetings with managers and decision makers of towns and municipalities, during 2008 to strengthen the capacity of municipal administration, i.e. personnel and organization in the field of environment.

EI has also organized a series of trainings for judges and public prosecutors (five trainings during 2008) and magistrates (one training in March 2009) with support of OSCE. Main goal of this training was increasing awareness of judges and public prosecutors on environmental issues and better enforcement of environmental laws (i.e. attaining faster proceeding and timely reaction of judiciary to inspector’s file). Consideration is being made to encourage a judge to participate as a “member-observer” in the EU Forum of Judges for the Environment<sup>9</sup>.

Still, despite all this training, there has been little improvement in local and provincial level Inspectorate. Also, despite all mentioned activities with representatives of judiciary, and efforts on initiating the establishment of judicial environmental practise, it was just beginning of large process and should be developed and elaborate. Also, as was commented in the Serbia Progress Report 2008: „*However, institutional capacity and technical and human resources at the local level are still insufficient, as is coordination with the central level. Judicial enforcement of environment legislation still needs to be strengthened*“.

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<sup>9</sup> <http://www.eufje.org/>

### 3.7 Lessons learned

Although the EI has had limited bilateral and EU support in the past, a number of lessons have been learned: they need to translate the formal instructions and guidance contained in their manuals into best practice. This would increase the efficiency and effectiveness of EI operations and casework.

For example, the outputs from the Environmental Capacity Building Programme (ECBP) (CARDS 2003) are: Inspection Manuals (two); training of inspectors, training on new environmental legislation for judges and training on new environmental legislation for border customs. These are now out of date and need urgent revision, but EI's experience shows that that regulations and byelaws may lag behind the primary legislation by at least a year. The lesson here is that more resources are needed to assist in the preparation of regulations and byelaws, along with associated guidance manuals.

Four training sessions were delivered to the Environmental Inspectorate in 2005, before the first manual was published. During the training and discussions, presentations on the new environmental legal requirements were carried out and discussed. Proposals for check lists and pro-forma for inspection reports for each type of industrial facility were discussed with the view to standardize inspection work and reporting. Afterwards, these check lists and format for inspection reports were published, including examples, with contact details, list of relevant laws, etc. Manual 2, an upgraded version of Manual 1, was published in 2007. These are now out-of-date.

However, following recent legislation the benefit derived from these manuals is limited; the lesson that needs to be applied is that such manuals, procedures and case studies need updating regularly, perhaps with replacement sections as laws and regulations are changed.

A current issue that EI is learning lessons from at the moment is how to apply new primary legislation when the old regulations and byelaws are still in force. EI's experience is that it takes at least a year to prepare and introduce new regulations and byelaws once new primary legislation is passed by Parliament. The lesson to be applied from this experience is that new legislation should only come into force once the associated regulations and byelaws are introduced.

#### 4. Indicative Budget (amounts in EUR)

Strengthening of Environmental Inspectorate and relevant stakeholders in Serbia			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a) = (b) + (c) + (d)	EUR (b)	% (2)	Total EUR (c) = (x) + (y) + (z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activities 1 & 2												
<u>Twining or Service contract 1</u>	X	-	2,000,000	2,000,000	80%							-
Activity 3												
<u>Supply contract 2</u>	-	X	500,000	500,000	20%							
TOTAL IB			2,000,000	2,000,000	80%							
TOTAL INV			500,000	500,000	20%							
TOTAL PROJECT			2,500,000	2,500,000	100							

(1) In the Activity row use "X" to identify whether IB or INV; (2) Expressed in % of the **Total** Expenditure (column (a))

## 5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1 <u>Twinning or Service</u>	T+ 1Q	T+ 4Q	T+12Q
Contract 2 <u>Supplies</u>	T+ 4Q	T+8Q	T+12Q

All projects should in principle be ready for tendering in the 1<sup>st</sup> Quarter following the signature of the FA

## 6. Cross cutting issues (where applicable)

### 6.1 Equal Opportunity

The programme does not target women specifically, but general improvement in environmental regulations and standards will be beneficial to all citizens, including women. EI has an equal opportunities policy, and does not discriminate against its employees in any form, be it age, gender, or race.

### 6.2 Environment

This project directly relates to environmental issues and strengthening environmental aspects of the Serbian legal framework. EI is at the forefront of environmental protection in Serbia; its activities directly contribute to protecting the natural environment and mitigating the effects of an industrial society,

### 6.3 Minorities

All minorities and vulnerable groups will benefit from this project, as it impact concerns a clean and safe environment. Vulnerable groups tend to suffer disproportionately from environmental degradation, and will thus benefit disproportionately from their improvement.

**ANNEX I: Logical Framework Matrix**

Strengthening of the Serbian Environmental Inspectorate and relevant stakeholders		Programme number:	
		Contracting expires: 2 years after signature of FA	Disbursement expires 5 years after signature of FA
		Total budget: 2.5 M €	IPA budget: 2.5 M €
Overall objective	Objectively verifiable indicators	Sources of Verification	Assumptions
To improve the quality of the natural environment and the health of the population through the effective enforcement of environmental regulations.	Data on environmental condition state in Serbia	Annual SEPA's reports	
Project purpose:	Objectively verifiable indicators	Sources of Verification	Assumptions
To improve the capacity and effectiveness of the Serbian Environmental Inspectorate at republic, province and local levels and improve cooperation with relevant stakeholders.	Effectiveness measured by conversion percentage of cases submitted to public prosecutors resulting in prosecutions.  Efficiency measured by the use of equipment  Efficiency measured by time spent on inspections, versus number of inspection visits made	<ul style="list-style-type: none"> <li>• MESP reports</li> <li>• Annual Report of Environmental Inspectorate</li> </ul>	Continued positive attitude towards EU harmonisation

<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
1. Recommendations for revisions to Serbian Legislation that covers EI's responsibilities in line with EU legislative.	Completed Gap Analysis <sup>10</sup> of existing environmental legislation enforced by EI according to EI's practical experience in enforcement of the green package of 16 new Laws and related byelaws (amongst others in the fields of accidents - Seveso Directive and waste management). Number of primary, secondary and tertiary legislation revised Number of new operational procedures, manual and checklists produced Identify benchmarks for EI's effectiveness	<ul style="list-style-type: none"> <li>• EC reports</li> <li>• Official Gazette</li> </ul>	<ul style="list-style-type: none"> <li>• EI willing to make necessary adjustments</li> <li>• Quality of TA team</li> <li>• Agreement of choice of equipment</li> </ul>
2. Increased effectiveness of EI and stakeholders at Republic and Provincial levels through the adoption of best practice procedures	Number of sector action / inspection programmes at all levels Number of inspectors trained in core areas: inspection protocol, BREFS (including air, hazardous substances and waste), legal case preparation, at local, provincial and state levels Number of joint training sessions held with customs, police, prosecutors, and judiciary Manuals, case studies and checklists updated Protocol for exchange of information between stakeholders EI annual inspection plans based on RMCEI recommendations	<ul style="list-style-type: none"> <li>• MESP and EI reports</li> <li>• Training reports</li> <li>• EEA reports</li> </ul>	
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
3. More efficient EI due to availability and effective use of equipment provided by the project (e.g. mobile measuring devices / analytical equipment, IT equipment, vehicles, for national and provincial inspectors / services)	Delivery and fully commissioned mobile laboratory; New vehicles for EI, delivered and equipped New inspection tools for the inspectorate	<ul style="list-style-type: none"> <li>• Tender announcement</li> <li>• Commissioning report</li> </ul>	

<sup>10</sup> This gap analysis primarily relates to the lag in preparation of secondary and tertiary legislation, i.e. technical regulations and byelaws. This practical legislation is prepared by MESP and then adopted by either Ministerial Order or by Government/Governmental order one year after adoption of new laws. It may be necessary for the Serbian authorities to transpose further primary legislation that directly impinges on the practical work of EI.

Activities	Means & costs:	Assumptions
<p>1. Recommendations for revisions to Serbian Legislation that covers EI's responsibilities in line with EU legislative.</p> <p>1.1. Conduct gap analysis of existing environmental legislation enforced by EI. In particular review EI's practical experience in enforcement of the green package of 16 Laws (enabling legislation passed in May 2009) and their related regulations and byelaws that will have been drafted (amongst other in the fields of accidents - Seveso Directive and waste management);</p> <p>1.2. Identify number of primary, secondary and tertiary legislation needing revision; assist EI in making recommendations for any necessary changes;</p> <p>1.3. Identify new operational procedures, manual and checklists; and</p> <p>1.4. Conduct a benchmarking exercise amongst similar inspectorates in the region to determine optimum staffing levels, inspection, monitoring and sampling powers. The objective is to set benchmarks for EI's effectiveness.</p> <p>2. Increased effectiveness of EI and stakeholders at Republic and Provincial levels through the adoption of best practice procedures</p> <p>2.1. Revision and preparation of sector action / inspection programmes at all levels;</p> <p>2.2. Prepare and deliver "Train the trainers programme" for core areas: inspection protocol, BREFS (including air, hazardous substances and waste), legal case preparation, at local, provincial and state levels;</p> <p>2.3. Assist in the organisation and delivery of joint training sessions with customs, police, prosecutors, and judiciary (and any other stakeholders);</p> <p>2.4. Update operational manuals, case studies and checklists; and</p> <p>2.5. Assist in the preparation of the protocol for the exchange of information between stakeholders.</p> <p>3. More efficient EI due to the effective use of equipment provided by the project</p> <p>3.1. Assess equipment needs and draft technical specifications, making provision for adequate training associated with the equipment; this training should be provided by the supplier and be included in the tender package.</p> <p>3.2. Draw up tender package for set of equipment identified with activity 3.1 (e.g. mobile measuring devices / analytical equipment, IT equipment, vehicles, for national and provincial inspectors / services).</p> <p>3.3. Assist in the Tender evaluation</p> <p>3.4. Supervise, with EI, the handover and commissioning of the equipment (with legal guarantee of proper use, repair and maintenance for five years minimum).</p>	<p>Service or Twinning contract: 2.0 M€</p> <p>Supply contract: 0.5M€</p>	<p>Full cooperation of EI and all other stakeholders at National, Provincial, Local levels</p>

Conditionality: High level cooperation between EI and other partner enforcement agencies; this cooperation should be demonstrated by memoranda of agreement / service level agreements between the partners<sup>11</sup>

<sup>11</sup> A letter of support already exists from the Ministry of Interior – responsible for the police.

**ANNEX II Amounts contracted and Disbursed per Quarter over the full duration of Programme**

Contracted	2010				2011				2012		Totals
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	
Service or Twinning Contract 1			2,000,000								2,000,000
Supply Contract 2						500,000					500,000
Cumulated			2,000,000			2,500,000					2,500,000
<b>Disbursed</b>											
Service or Twinning Contract 1			400,000	233,000	233,000	233,000	233,000	233,000	233,000	202,000	2,000,000
Supply Contract 2						300,000				200,000	5,00,000
Cumulated			400,000	633,000	866,000	1,399,000	1,638,000	1,865,000	2,098,000	2,500,000	2,500,000

### **ANNEX III Description of Institutional Framework**

Since October 2008, the Environment Inspectorate consists of eight departments:

- Department for nature and natural resources protection
- Department for environmental pollution protection
- Department for waters and fishery
- Department for hazardous and other waste management control
- Department for accidents
- Department for inspection cooperation with international networks, local self-government and integrated approach on the border
- Department of republic construction inspection
- Department of inspection for urbanism

In addition there is a legal and administrative section.

Environment inspectors operate at three levels:

- Republic: 99 national level inspectors
- Provincial: e.g. Vojvodina, 10 inspectors
- Local: At the municipal/town level there are approximately 215 inspectors. Most towns (but not all) have municipal inspector authorities prescribed by the Law.

At the local level the inspector supervises the implementation of the activities in several fields:

- Air protection field (buildings where competent authority for issuing the construction permit is a local self-government unit),
- The enforcement of measures for noise protection in towns, i.e. municipality in residential, trade and communal buildings,
- Checking the prescribed environmental conditions within the objects, for the beginning of work and performing activities

The division of responsibilities between the National level inspectors and the Provincial / Local inspectors is the same as the division of responsibilities in the framework of the Law on Construction and Physical Planning and the Law on EIA: if the Construction permit and the EIA are dealt with at national level, the National inspectors are in charge of enforcement, etc. According to the Law on Construction and Physical Planning ('Official Gazette of RS', No. 47/03, 34/06) the responsibilities for enforcement of the environmental laws are distributed between: republic, provincial and local inspectorates, Article 89: "Responsibility for issuing the construction permit".

At the international level, the environmental inspectorates cooperate with similar institutions in the area of environmental law enforcement, e.g. within the network ECENA.

According to the Law on State Administration, there is an obligation for each environmental inspector to pass an exam and prove their knowledge of the Law on Environmental Protection, Law on IPPC, Law on Strategic Environmental Impact Assessment and Law on Environmental Impact Assessment and other Laws related to environmental protection.

An Environmental Inspectorate authority should identify and establish effective working relations with other agencies and departments whose activities influence environmental enforcement. Interviews with other environment related inspection bodies in Serbia have uncovered shortcomings as well as a strong need for more cooperation between related

inspection agencies that have relevant powers in the protection of environment. In this framework it is focused upon enhancing of working relations of environmental inspectors with water inspectors and customs guards.

Reporting to the court is one of the most powerful instruments in the inspector's arsenal, but the Inspectorate uses this reluctantly because collaboration with courts is perceived as inadequate – thus providing one of the strong justifications for the current project.

The communication between courts and environmental inspectors is strained at times especially when considering the far reaching remit of such courts (responsible for deciding over all types of offences and misdemeanours, issues that could easily be dealt with my on-the-spot fines from inspectors). During interviews the following was reported:

- Fines are too low. Infringement of the Law and payment of fines is often cheaper than mitigation or pollution reduction. This is not a sufficient deterrence to violators of the law.
- Often court cases are not finalized. The Environmental inspectorate does not feel well informed on the progress of environmental court cases.
- Court lack environmental knowledge. Today there is no centrally organized capacity building for judges in environmental issues; however that would be useful in the future.
- Measurements by the Inspection are not directly recognized as valid proof in a court case

The first part of this section describes the Environmental Inspectorate, according to existing legislation and distribution of competencies between the three levels of enforcement (Republic, Province, Local). This is followed by a problem analysis. Annex 5 describes the planned activities and provides a description of the work to be carried out and equipment provided.

#### Environmental Inspectorate - Responsibilities and Tasks

The responsibilities and tasks of the EI are described in the Law on Environmental Protection (''Official Gazette of RS'', No. 134 /04, No.36/09) which is the basic law and other specific laws such as: Law on IPPC, Law on SEA, Law on EIA, Law on waste management etc. All three levels of the EI are authorized to enforce same laws and regulations. They have competencies distributed according to Law on Physical Planning and Construction – mainly on the basis of the controlled installation size. The details on responsibilities and organization of Environmental inspectorate are shown in Annex 3.

The instruments used by the inspectors are determined by the Law on State Administration (''Official Gazette of RS'', No. 79/05, 101/07), Law on administrative procedures (''Official Gazette of FRY'', No. 33/97, 31/01) and special environmental laws, and their most frequent forms are rulings (ordering measures, prohibition of installation work...) and files (application to the prosecutor). When carrying out their activities, inspectors may temporarily confiscate objects, goods or devices, for which the use is not allowed, or which have been used for illicit activities.

There are two types of inspection:

- regular inspection: new or reviewed licences, planned inspections and specific inspection campaigns
- 'ad hoc' inspection: on request, complaints, questions from the Public Prosecutor, orders from hierarchical supervisors, parliamentary questions, incidents, accidents etc.

On the basis of inspections, proposals for prosecuting minor offences can be issued, proposals for commercial offences and proposals for criminal prosecutions.

Environmental inspectors cannot impose fines themselves. Fines can be imposed only by courts. They can also make proposals to prosecutors to undertake a prosecution by the court, but do not receive feedback as to whether prosecution has been pursued.

If an inspector becomes aware of an offence, s/he may issue a prohibition or enforcement order that either prohibits an activity or requires it to be changed; if these orders are ignored then the officer may apply for a court injunction, but this requires the police / prosecutors / investigating judge to gather evidence. Therefore, the officer applies to the prosecutors office, who decides whether to take the case.

Commercial offences regarding the environment are covered in the laws regulating environmental protection – they define activities performed by enterprises or other legal entities which are contrary to legal provisions and which are sanctioned as commercial offence. Sanctions for commercial offences are prescribed by all environmental laws. However, it is fair to say that these sanctions (including fines) are, in general, not considered to be a sufficiently strong deterrent.

In the case of commercial offences an inspector brings criminal charges and submits an application for initiation of commercial offence proceedings to the prosecutor. The public prosecutor considers the charges and decides whether to accept the application or not. If required, the public prosecutor's office asks the Ministry of Interior to provide and / or collect evidence and provide details of the site of the alleged offence.

The commercial court deals with commercial offences while the Municipal and District courts deal with criminal charges. In court the inspector acts as witness.

With minor offences, an inspector submits an application to initiate minor offence proceedings to the minor offences authorities. In this case the inspector acts as the witness and/or applicant in the proceedings.

The public prosecutor's office and public attorney's office represent governmental bodies, i.e. ministries, in court.

The role of institutes (accredited and authorized organizations) is to establish facts during the juridical process and to provide expert opinion in court. Also, their report could form the basis of an inspector's application.

## EI statistics 2008

Month	Number of inspections in the field of				Number of				
	Nature protection, resources and fishery	Industry	Border inspection	Total inspections	Enforcement Decisions	% of enforcement action per inspection	Files for economic crimes (1)	Files for minor offences (2)	Criminal offences
January	302	560	536	1,398	92	7%	8	62	1
February	375	596	831	1,802	109	6%	15	32	1
March	375	625	908	1,908	125	7%	10	61	2
April	358	619	387	1,364	168	12%	10	44	9
May	397	795		1,192	126	11%	6	70	1
June	404	632		1,036	162	16%	7	71	2
July	500	774		1,274	156	12%	8	62	0
August	370	759		1,129	122	11%	11	67	0
September	437	749		1,186	162	14%	16	101	3
October	458	876		1,334	188	14%	15	103	3
November	433	893		1,326	250	19%	20	77	4
December	539	597		1,136	112	10%	13	77	5
<b>IN TOTAL</b>	<b>4,948</b>	<b>8,475</b>	<b>2,662</b>	<b>16,085</b>	<b>1,772</b>	<b>11%</b>	<b>139</b>	<b>827</b>	<b>31</b>

Average per inspector (if there are 300)	31%	53%	17%				8%	47%	2%
	16	28	9	54	8				

These statistics are not available by sub-sector. This is because the EI was reorganized in specialist units in October 2008; from when the data will be available.

[1] Application to Municipal Public Prosecutors Office to initiate proceedings

[2] Case heard at the magistrates court

#### **ANNEX IV - Reference to laws, regulations and strategic documents:**

In 2001, the European Parliament and the European Council adopted a Recommendation on minimum criteria for Environmental Inspectorates (RMCEI) in the Member States. Its recommendation provides for minimum criteria (2001/331/EC)<sup>12</sup> with a view to more consistent implementation and enforcement of EU environmental law in all Member States. However, it is limited to industrial installations and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorization, permit or licensing requirements, without prejudice to specific inspection provisions in existing legislation. The Recommendation comprises all inspections of industrial installations by all competent authorities, so is not limited to Environmental Inspectorates. At the end of 2006, Ministry responsible of environment published the Guideline on content of annual work plan and content of reports on inspections as well as on the way and conditions of reports submitting, legal act based on RMCEI.

#### Laws and Regulations

16 new environmental laws were approved in May 2009:

1. Law on environmental protection (“Official Gazette of RS” No. 135/04 and No. 36/09)
2. Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (“Official Gazette of RS” No. 36/09)
3. Law on nature protection (“Official Gazette of RS” No. 36/09)
4. Law on environmental impact assessment (“Official Gazette of RS” No. 135/04 and No.36/09)
5. Law on waste management (“Official Gazette of RS” No. 36/09)
6. Law on packaging and packaging waste (“Official Gazette of RS” No. 36/09)
7. Law on air protection (“Official Gazette of RS” No. 36/09)
8. Law on chemical management (“Official Gazette of RS” No.36/09)
9. Rotterdam Convention On the Prior Informed Consent Procedure for certain hazardous Chemicals and Pesticides in international trade (“Official Gazette of RS” No. 36/09)
10. Law on biocidal products (“Official Gazette of RS” No. 36/09)
11. Law on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (“Official Gazette of RS” No. 36/09)
12. Law on ionizing radiation protection and nuclear safety (“Official Gazette of RS” No. 36/09)
13. Law on non-ionizing radiation protection (“Official Gazette of RS “No. 36/09)
14. Law on protection and sustainable use of fishing resources (“Official Gazette of RS” No. 36/09)
15. Law on amendment ratification to Annex B of Kyoto Protocol with Framework Convention on Climate Change (“Official Gazette of RS” No. 36/09)
16. Law on noise protection (“Official Gazette of RS” No. 36/09)

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<sup>12</sup> This is a benchmark for improvement of the organization and management of the Environmental Inspectorate in Serbia.

After adoption of these laws we expect adoption of relevant regulations and bylaws which will fully transpose Acquis. Next step is implementation of these laws. Gap analysis which is the part of this project will show the level of implementation.

Please, see the Progress Monitoring Report of Republic of Serbia, September 2008.

The responsibilities and tasks of the Environmental Inspectorate are described in the Law on Environmental Protection («Official Gazette of RS», No. 134/04 and 36/09), Chapter VIII (Supervision), Articles 109-115 as well as in other new Laws mention above.

The articles on Inspection Supervision in the Law on Environmental Protection («Official Gazette of RS», No. 134/04 and 36/09) include the following: Article 109 on administrative supervision in general, Article 110 on the Rights and Duties of the Inspector, Article 111 on the Powers of Inspectors, Article 112 on special powers and duties of the inspector, Article 113 on information of other authorities, Article 114 on the right of appeal, Article 115 on identity card and equipment

The Environmental Inspectors have the power to order, to prohibit and to instruct. It is referred to article 111 of the Law on Environmental protection.

The inspection activities are carried out by local municipal inspectors, whose role is stipulated by the *Law on Local Self-government* (Official Gazette RS No. 9/2002,33/2004, 135/2004, 62/2006), the *Law on Establishing Certain Competencies for the Autonomous Province of Vojvodina* (Official Gazette RS No.6/2002), and several other laws and regulations.

According to the Law on planning and construction (‘‘Official Gazette of RS’’, No. 47/03, 34/06) the responsibilities for enforcement of the environmental laws are distributed between: state, provincial and local inspectorates, Article 89. ‘‘Responsibility for issuing the construction permit’’.

#### AP /NPAA / EP / SAA

The 2008 European Partnership defines the following environmental priorities:

#### **Short-term priorities:**

- Accelerate harmonization of laws and standards with the EU acquis;
- Strengthen administrative capacities of bodies in charge of planning, licensing, controlling, monitoring and project management;
- Strengthen local level capacities and
- Ensure operational coordination between local and central levels;

#### **Mid-term priorities:**

- Ensure full implementation of laws that have been harmonized with the EU legislation;
- Continue strengthening national and local level administrative capacities in charge of environmental issues;

**National Programme for Integration with the European Union** (NPI), chapter 3.27 (Environment) defines:

Short-term priorities (2008 – 2009)

- Strengthen institutional capacities of the Ministry for Environment and Spatial Planning, the Agency, the Fund and the Inspection:
- Continue with the inspection training programs at all levels.

### **Mid-term priorities** (2010 – 2012)

- Continue strengthening administrative and institutional capacities of the Ministry, the Agency, the Environmental Inspection and monitoring institutions, by hiring new employees and offering training programs.
- It is necessary to continue with the inspection and monitoring training programs for inspections at all levels.

In the Stabilization and association agreement, article 111: The Parties shall develop and strengthen their cooperation in the environmental field with the vital task of halting further degradation and start improving the environmental situation with the aim of sustainable development.

### **MIPD**

The MIPD 2009-2011.

#### *2.3.1.3 Ability to assume obligations of membership*

**Environment:** Support to the approximation process; development and implementation of Environmental strategies and policies and related legislation; support for integration of environmental protection principles into sectoral policies, support for environmental authorities at all levels in terms of strategic planning approach in developing environmental strategies, programs and plans, project preparation, management, planning, permitting, inspecting, and monitoring; developing capacities for implementation of major environmental infrastructure projects; support to national and local infrastructure investments including environmental information systems, hazardous and solid waste treatment and/or disposal, regional land fields, water and sewage, air quality monitoring, nature protection, biological and landscape diversity, climate change, reducing environmental impacts from polluters. Support for participating in environmental networks including the European Environmental Agency. Capacity development in the area of providing earmarked funds for improving the state of environment (application of the "polluter pays" and "user pays" principle). Support to the cooperation on activities undertaken in the framework of the Community Civil Protection Mechanism.

*Expected results by the end of the covered period and measurable indicators*

**Environmental** laws and by-laws approximated to EU legislation and implemented. National Environmental Protection and Sustainable Development Strategies, as well as plans and programmes to ensure implementation of legislation, adopted and implemented. Databases on specific environmental sectors set up. Reinforced administrative capacity of authorities at central, regional and local level in charge of planning, permits, inspection and monitoring, project management, implementation and enforcement of environmental legislation and standards. Improved coordination between those levels.

### **Reference to national / sectoral investment plans**

In the National Sustainable Development Strategy is defined that there is need to further strengthen the capacities of the ministry in charge of environmental protection, the Environmental Protection Agency and the Environmental Protection Fund, as well as of other institutions relevant to environmental protection and use of natural resources.

In the National Strategy of Serbia for the Serbia and Montenegro's Accession to the European Union it is stated that in order to harmonise the chapter on environmental protection with EU regulations, it is necessary to establish institutions in such a way that they will efficiently

monitor and implement activities relating to the EU approximation; provide technical conditions and office space for the Ministry of Environmental Protection, Agency for Environmental Protection..

A report established under the framework contract (EuropeAid/119860/C/SV/Multi) built upon the recommendations and comments from the UNECE report, which found that the Serbian inspectorates suffer from a number of fundamental weaknesses in the state system of environmental control. The following bullet points and subsequent text are a verbatim quotation from the report:

- There are only 101 federal inspectors to serve a population of 7.3 million;
- The work plans are inefficient and lack focus;
- There is a lack of monitoring systems;
- There is a lack of public awareness of the laws;
- The fines and penalties are too weak to function as deterrents
- The municipal inspectors lack training and equipment
- The courts need education about environmental laws and penalties.

“The new environmental laws provide broad powers to the inspectors to go on the sites and inspect operations and documents, and the inspectors are generally satisfied with the scope of their authority, with one important exception:

The laws must be modified to allow inspectors to go onsite without notice at any time of day or night to take samples and control compliance. Effective control is impossible without this authority. In order to exercise this power, the inspectors will need sampling and analysis technology and training in their use. At present, the analysis is done offsite by laboratories that are not part of the Environment Inspection. This is a severe handicap to the effectiveness of the Environment Inspectors.

To repeat the point made earlier, there do not seem to be formal procedures in place on the exchange of information and cooperation between the inspectorates. This is partly due to longstanding practices where longstanding Inspections worked under separate legal mandates and environment inspections had not been established. It is also probably partly due to the fact that the Environmental Inspection is comparatively new and still evolving, and partly due to the fundamental changes in the legislation that will greatly strengthen the position of the Environment Inspection in the future as Serbia prepares for accession to the EU. All of these reasons – historical, institutional, cultural, political (EU accession) and legal – mean that creating a strong, effective system of enforcing environmental law will be a tremendous and ongoing task for the coming decade.

UNECE recommendation: Build local enforcement and management capacity including municipal environmental inspectors and protected area management staff.”

## **ANNEX V Details per EU funded contract (\*) where applicable:**

The project will be implemented via two contracts, a Service or Twinning Covenant to handle Activities 1, 2 and 3.1 (technical specifications) and a Supply Contract under Activity 3 (procurement).

### Service or Twinning

It is recommended that a twinning contract be the preferred implementation modality than technical assistance. This is because Member State assistance would be invaluable both in terms of preparing recommendation for revision of secondary and tertiary operational legislation (and primary, if necessary) and for the operational needs of EI in terms of preparing and validating management plans and developing relationships with stakeholders.

### Supply Contract:

Supply contract will assist EI in preparing the necessary tender for the equipment; in particular it will devise technical specifications for the mobile sampling and analytical laboratory.

As described earlier, the EI is hampered by a lack of key equipment for enforcement (transport and IT) and for communication of data (network). In order to enhance the institution building element of the proposed project, an appropriate package of equipment would be provided using IPA funding. Need assesment for equipment would be agreed during the formulation of ToR for the Twinning Covenant/Service contract. A preliminary estimate of equipment needs is listed below, followed by a brief justification. However, it should be kept in mind that the key aim of the project is to strengthen the EI and the relevant stakeholders. Equipment will simply help implement this institutional building effort.

- Sampling vehicle (mobile laboratory equipped with e.g. water, air and soil measurement / sampling equipment)
- Transport vehicles for Inspectors (15)
- General equipment (e.g. protective clothing)
- IT (desktop computers, laptops, portable printers, GPS, cameras, digital communication networks)

The current monitoring and sampling strategy calls for a regional based capability; however, there are only two mobile monitoring stations, both based around Belgrade. The proposed mobile laboratory, with multi-parameter equipment for water, air and soil sampling as well as measuring *in situ*, will enable faster and more efficient sampling / measuring and processing of information. This will help engage relevant stake holders for appropriate action to protect the environment. Currently, the Public Health Institutes (PHI) in Serbia possesses only two monitoring / sampling vehicles (in Pancevo and Belgrade); these cover the entire country. A new vehicle would cover central Serbia, from the PHI in Čupirja, and greatly enhance EI's work.

Environmental inspector tasks are mainly carried out in the field. Inspectors should be available at short notice e.g. in case of emergency. For this reason it is necessary to equip inspectors with cars (current estimate, 15 cars for national level EI). Currently, the government has no resources to purchase new cars and inspectors mostly drive old and unreliable vehicles.

Protective clothing is necessary for inspectors to be safe in they work on sites.

Notebooks and small mobile printers are necessary for on-site inspection work. This will allow the on-site printing of reports, short term permits and licenses etc.

The EI currently has no GPS devices or cameras. These would enhance field work and are important tool in investigative procedures. Photography combined with accurate positioning can easily locate a place of pollution and can be used evidence in court.

As regards equipment, many local environmental inspectors do not even have desktop computers.

Finally, a digital network (e.g. GPRS etc.) would help inspectors to access EI servers from the field.

An indicative budget for the equipment is shown below, the supply contract will face part of these costs, according to need assesment:

### Indicative budget for EI

	Unit	Cost (Net of VAT)	Total
Mobile sampling & analytical unit	1	450,000 €	450,000 €
Vehicles (site visit & investigation)/ motorboat	15	15,000 €	225,000 €
GPS, interface to PC (100 units)	100	200 €	20,000 €
Digital camera (50 units)	50	1,500 €	75,000 €
Laptops for inspectors (100 units)	100	400 €	40,000 €
Communication network	1	62,750 €	62,750 €
			<u>872,750 €</u>

  

	Regional	Unit	Cost (Net of VAT)	Total
Protective clothing & ICT				
hard hats	10	5	50 €	2,500 €
Overalls	10	5	75 €	3,750 €
Boots	10	5	100 €	5,000 €
Bag for equipment / samples etc.	10	5	50 €	2,500 €
Laptops for field use	10	5	650 €	32,500 €
Printers for field use	10	5	350 €	17,500 €
				<u>63,750 €</u>

  

	Unit	Location	Cost (Net of VAT)	Total
Communication system				
Central server	1	1	7,000 €	7,000 €
Regional server	1	9	3,000 €	27,000 €
3G phone / connection to laptops	5	9	350 €	15,750 €
Software	1	10	800 €	8,000 €
Modems / routers	1	10	500 €	5,000 €
				<u>62,750 €</u>

  

<b>Total budget</b>				<b><u>999,250 €</u></b>
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