

## Nova Uredba o proceni uticaja na životnu sredinu

U „Službenom glasniku RS“, br. 106/2025, objavljena je nova Uredba o listi projekata za koje je obavezna procena uticaja na životnu sredinu, listi projekata za koje se odlučuje o potrebi procene i kriterijumima za takvo odlučivanje (u daljem tekstu: Uredba) koja je doneta u cilju usklađivanja sa ranije donetim Zakonom o proceni uticaja na životnu sredinu („Sl. glasnik RS“, br. 94/2024)

Uredbom se preciznije razlikuju:

- projekti koji uvek podležu obaveznoj proceni uticaja (Lista I) i
- projekti kod kojih se prethodno odlučuje o potrebi procene (Lista II).;

Lista I obuhvata sve projekte koji moraju biti predmet procene uticaja na životnu sredinu, bez izuzetaka. U nju su uvršteni svi projekti navedeni u Aneksu I Direktive 2011/92/EU, čime je domaći propis dodatno usklađen sa pravom Evropske unije. U praksi, to su pre svega veliki infrastrukturni, energetske, industrijski i drugi projekti sa nesumnjivo značajnim uticajem na životnu sredinu.

U članu 4 Uredbe detaljnije se uređuje Lista II koja uključuje projekte iz 15 uopštenih segmenata privrede, koja sadrži:

- naziv projekta,
- njegovu pripadnost odgovarajućoj privrednoj grani,
- oznaku rednog broja, tačke i podtačke,
- kao i kriterijume u vezi sa mogućim uticajem na životnu sredinu, veličinom, kapacitetom, površinom ili dužinom projekta.

## New Regulation on Environmental Impact Assessment

The new Regulation on the List of Projects Requiring Mandatory Environmental Impact Assessment, the List of Projects Subject to a Decision on the Need for Environmental Impact Assessment, and the Criteria for Such Decision-Making (the Regulation) was published in the Official Gazette of the Republic of Serbia No. 106/2025. The Regulation was adopted in order to ensure alignment with the previously enacted Law on Environmental Impact Assessment (Official Gazette of the RS, No. 94/2024).

The Regulation introduces a clearer distinction between:

- projects that are always subject to mandatory environmental impact assessment (List I); and
- projects for which the need to conduct an environmental impact assessment is determined on a case by case basis (List II).

List I includes all projects that must undergo an environmental impact assessment without exception. It incorporates all projects listed in Annex I to Directive 2011/92/EU, thereby further harmonizing Serbian legislation with EU law. In practice, these are primarily large-scale infrastructure, energy, industrial, and other projects that are deemed to have an unquestionably significant impact on the environment.

Article 4 of the Regulation provides a more detailed framework for List II that includes projects from 15 general commercial segments and which specifies:

- the name of the project;
- its classification within the relevant economic sector;
- the applicable item, sub-item, and reference number; and
- criteria related to the project's potential environmental impact, including its size, capacity, surface area, or length.

Formulacija ovog člana otvara i određena tumačenja u praksi. Naime, Uredba propisuje da za projekte kod kojih nije izričito navedena veličina, kapacitet, površina ili dužina, obaveza podnošenja zahteva za odlučivanje o potrebi procene postoji za sve projekte te vrste, bez obzira na njihov obim. Ovo rešenje zahteva dodatnu pažnju investitora, jer može značajno proširiti krug projekata koji ulaze u postupak procene.

Važna novina je i to što Uredba sadrži poseban prilog sa kriterijumima za odlučivanje o potrebi procene uticaja za projekte sa Liste II. Kriterijumi su podeljeni u tri grupe:

1. Karakteristike projekta (veličina, kumulacija sa drugim projektima, korišćenje prirodnih resursa, nastanak otpada i sl.);
2. Lokacija projekta, uključujući osetljivost prostora, zaštićena područja i kapacitet sredine da primi planirani zahvat;
3. Priroda i obim mogućih uticaja, uključujući trajanje, učestalost, intenzitet i kumulativne efekte.

Tek primenom sva tri seta kriterijuma, nadležni organ donosi odluku da li je za konkretan projekat sa Liste II neophodna izrada Studije

U praksi su tokom godina uočeni brojni problemi, koje prethodni propisi nisu adekvatno rešavali. Posebno su se izdvajali sledeći izazovi:

- Veštačka podela projekata na više manjih celina, sa ciljem da se izbegnu propisani pragovi a time i obaveza sprovođenja procene uticaja;
- Vođenje više odvojenih postupaka za delove jednog projekta, čime se gubila svrha procene ukupnog uticaja na životnu sredinu;
- Izostanak jasnih pravila o kumulativnom uticaju više projekata na istoj lokaciji, naročito kada se pojedinačno ne nalaze na listama, ali njihov zbirni efekat može imati značajan negativan uticaj..

The wording of this provision gives rise to certain interpretative issues in practice. Specifically, the Regulation stipulates that where the size, capacity, surface area, or length of a project is not expressly defined, the obligation to submit a request for a decision on the need for environmental impact assessment applies to all projects of that type, irrespective of their scale. This solution requires heightened attention from investors, as it may significantly broaden the scope of projects subject to the assessment procedure.

An important novelty introduced by the Regulation is the inclusion of a separate annex setting out the criteria for determining whether projects listed under List II require an environmental impact assessment. These criteria are divided into three groups:

1. Project characteristics, including size, cumulative effects with other projects, use of natural resources, and waste generation;
2. Project location, taking into account environmental sensitivity, protected areas, and the environmental carrying capacity of the site; and
3. Nature and magnitude of potential impacts, including their duration, frequency, intensity, and cumulative effects.

Only through the application of all three groups of criteria may the competent authority determine whether the preparation of an environmental impact assessment study is required for a specific List II project.

Over the years, a number of practical issues were identified which were not adequately addressed under the previous regulatory framework. In particular, the following challenges were observed:

- Artificial fragmentation of projects into several smaller components in order to remain below the prescribed thresholds thereby avoiding the obligation to conduct an environmental impact assessment;
- Conducting multiple separate procedures for different parts of a single project, which undermined the purpose of assessing the overall environmental impact;
- Lack of clear rules on cumulative impacts of multiple projects located at the same site, especially where individual projects were not listed, but their combined effects could nevertheless result in significant adverse environmental impacts.

Nova Uredba uvodi jasnija pravila, ali istovremeno nameće i viši stepen regulatorne pažnje. Investitori su dužni da:

- pažljivo procene da li projekat potpada pod Listu I ili Listu II;
- vode računa o kumulativnim uticajima, naročito kod fazne ili sukcesivne realizacije;
- blagovremeno pokrenu odgovarajući postupak, kako bi se izbegla kašnjenja u dobijanju dozvola.

Za sve dodatne informacije ili konsultacije, tim Mladenović & associates stoji Vam na raspolaganju.

While the new Regulation introduces clearer and more comprehensive rules, it also entails a higher level of regulatory scrutiny. Investors are therefore required to:

- carefully assess whether a project falls under List I or List II;
- take cumulative impacts into account, particularly in the case of phased or successive project development; and
- initiate the relevant assessment procedure in a timely manner in order to avoid delays in obtaining the necessary permits and approvals.

For any additional information or consultations, the team of Mladenović & associates remains at your disposal.