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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Other complaints

**Possible negative impact of a harbor's
construction on the confluence of the Sava into
the Danube (Serbia)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Environmental Protection, Serbia*

- August 2018 -

Progress Report on the complaint of the Council of Europe no. 2017/3 on possible negative influence of building the Port on the area of the confluence of the Sava river into the Danube river (Serbia)

Progress report on the Complaint No. 2071/3 was made on the base of a joint meeting with the Ministry of Construction, Transport and Infrastructure of the Republic of Serbia.

In the meantime, there was no procedural progress on the preparation of planning documents, including a strategic assessment of the impact on the new port on the Danube.

Preparation of the draft document is still in progress. Regarding Complaint no. 2017/3, activities are in progress on correcting the conceptual solution. The analysis is in line with the Law on Planning and Construction, and the regulations adopted on the basis of this law in the corrected version of the draft planning document bearing in mind that the boundaries of the planned coverage at this stage are approximately defined.

When adjusting the boundaries, it takes care inter alia, on the conditions of nature protection, so that it can be estimated that it will be planned document and a strategic assessment report who will only be sent to public insight in an appropriate way to be treated protected species, and that the possible impact of the planned activities will be minimized.

Coordinated and prepared by:
Ms. Snežana Prokić, MSc, Focal point for the Bern Convention,
Head of Department for Ecological Network and Appropriate Assessment



- February 2018 -

**Republic of Serbia
MINISTRY OF ENVIRONMENTAL
PROTECTION**

No. 337-00-00067/2017-03

Data: 5th February 2018.

Belgrade

Iva Obretenova, Secretary
Council of Europe
Biological Diversity Unit
Secretariat of the Bern convention
F-67075Strasbourg Cedex
France

Subject: Report on the complaint of the Council of Europe No. 2017/3 - possible negative influence of building the Port on the area of the confluence of the Sava river into the Danube river (Serbia)

Dear Ms Obretenova,

In reference to the request of the Bureau of the Bern Convention from 8th November 2017., Ministry of Environmental Protection of the Republic of Serbia would like to send to you the Official Report on the complaint of the Council of Europe no. 2017/3 - possible negative influence of building the Port on the area of the confluence of the Sava river into the Danube river (Serbia), which was submitted to the Secretariat of the Bern Convention by the NGO EPAR – OIPA Serbia (Alliance for Nature Protection, the rights of the animals and people).

In the course of acting upon the complaint of the Council of Europe no. 2017/3, Ministry of Environmental Protection has undertaken the appropriate measures in cooperation with other competent authorities and organizations, including nongovernmental organizations with active informing public.

Hoping that we have provided sufficient and adequate information on the said complaint, we would like to thank you in advance for highest consideration of this report at the forthcoming meeting of the Bureau of the Berne Convention.

Sincerely yours,

MINISTER

Appendix: Report

Goran Trivan

**REPORT ON THE COMPLAINT OF THE COUNCIL OF EUROPE NO. 2017/3 ON POSSIBLE
NEGATIVE INFLUENCE OF BUILDING THE PORT ON THE AREA OF THE CONFLUENCE OF THE
SAVA RIVER INTO THE DANUBE RIVER (SERBIA)**

The report on the complaint no. 2071/3 was done on the base of a joint meeting with competent authorities and reports obtained by officials of the Ministry of Construction, Transport and Infrastructure, the Institute for nature conservation of Serbia and the Secretariat for Environmental Protection of the Assembly of the City of Belgrade.

1. The meeting on possible negative influence on building **of the Port on the area of** the confluence of the Sava river into the Danube river, was held on 25.01.2018. in Belgrade.

On the meeting it was agreed the following:

- to prepare integrated text on Report, that includes the individual ones by all relevant institutions;
- to put protection of “Forland of the left bank of the Danube near Belgrade” on higher level of protection, the national and international level instead of on the local one;
- to keep in mind that rivers Sava and Danube enter into coverage of ecological network of the Republic of Serbia, as well as the ecological corridors of international importance (regulation on ecological network);
- also, to keep in mind that this protected area goes through the ecological network and implementation if procedure appropriate assessment in according to Article 6. Directive on Habitats CE 43/92 (prepared Proposal of regulation on procedure appropriate assessment according to the Law on Strategic Assessment and on Law on Environmental Impact Assessment);
- also, to keep in mind the obligations of protection and management of strictly protected species and their habitats (Law on Nature Protection, Article 48), and the obligations on reporting to the Secretariat of Bern Convention on derogations (Law on Nature Protection, Article 75);
- to implement recommendations of the Action plan of the Council of Europe for protection White-tailed eagle (*Haliaeetus albicilla*) along Danube.

2. Report of the Ministry of Construction, Transport and Infrastructure:

2.1 The Spatial plan of area of special purposes of the new Port in Belgrade (further: SPASP of the new Port in Belgrade) with its free zone (hereinafter: Spatial plan) is done according the decision on making of Spatial plan („Official gazette of RS”, no. 22/16), Law on Planning and Building („Official gazette of RS”, no. 72/09, 81/09 – correction, 64/10 – YC, 24/11, 121/12, 42/13 – YC, 50/13 – YC, 98/13 – YC, 132/14 and 145/14) and regulations adopted on the basis of this Law.

2.2 According to the The Law on Strategic Environmental Impact Assessment (“Official Gazette of RS”, No 135/2004 and 88/10) the Report is being preparing on strategic environmental impact assessment of area’s Spatial plan of the new Port in Belgrade with its free zone, on environmental protection (hereinafter: Report on SEIA) as well as the draft of Spatial plan. The Report on SEIA of this plan, Ministry of Environmental Protection gives consent to previously obtained opinion of the Institute for nature conservation of Serbia on the fulfillment of the conditions of nature protection.

2.3 Planning and building will be implemented according to the Law on planning and building („Official gazette of RS”, no. 72/09, 81/09 corr.,64/10-decision YC, 24/11, 121/12, 42/13- decision YC, 98/13- decision YC, 132/14 and 145/14) and regulations adopted on the basis of this law;

2.4 After the adoption of Spatial plan the creation of the technical documentation will be started for building of the port which shall in all cases have to fulfill the conditions determined in the Report on SEIA. In process of preparation of plan and technical documentation shall be considered different possibilities in order to come to the optimal solution in accordance with the basic principles of economic justification, ecological sustainability and social acceptance, and all in accordance with domestic regulations and confirmed international agreements. An integral part of this technical

documentation will be the Study on environmental impact assessment (EIA). This Study should show the effects of the construction of the port as well as from the aspects of carrying out of the works, and also from the aspect of exploitation and to define possible technical protection measures and recommendations for environmental protection.

2.5 In relation to the specific allegations on the denunciation of EPAR – OIPA Serbia / Alliance for Nature Protection, the rights of animals and people, it points to the following:

- that the construction of the Port of Belgrade is planned on 873 hectares points out that it is not clear how the complainant has determined that the construction is planned on the large area, bearing in mind that at present time even proponent of the decision to make Spatial plan, the Ministry of Construction, Transport and Infrastructure, does not know how precisely required area for building the port capacity in Belgrade. Namely, it is stated that the area represents the entire location which is upstream from Pupin Bridge and quoted in the coverage the draft of Spatial plan because at the time of making the decision to build this, the technical solution of the port itself was not known. The technical solution is not known at this time, but will certainly not be greater than 180 hectares.
- The memorandum of understanding signed between *China Environmental Energy Holding* was not agreed for building the Port of Belgrade but rather the development of a previous feasibility study.
- That during the mid of 2018 the rail traffic will be halted through the center of Belgrade, in order to implement regulations on the prohibition of transport of dangerous goods through the city center, by which the Port of Belgrade will lose the existing connection with the rail traffic. In accordance with the mentioned the displacement of the existing port of Belgrade, represents a strategic commitment of the Republic of Serbia which is established by the Law on the Spatial plan of Republic of Serbia from 2010 to 2020 („Official gazette of RS”, no. 88/10), the strategy of development of water and other planning documents, from spatial to general level of planning and regulation.

3. Report of the Institute for nature conservation of Serbia including part of the Report of the Secretariat for environmental protection of the City of Belgrade:

3.1 Institute for Nature Conservation of Serbia sent to the Secretariat for environmental protection of the City of Belgrade on 29.11.2013, the Study of protection the area with the exceptional features “Forland: of the left bank of the Danube near Belgrade”, the second phase* with the notebook of attachments. The last version of the Study was sent to the Secretariat on 20.04.2015;

3.2 The proposal of the act on protection of “Forland of Belgrade” Secretariat for environmental protection sent it to the Ministry of Environmental Protection in order to obtain the consent of that Ministry.

3.3 On 02.09.2015 the Secretariat returned to the Institute, the Study of protection the area with the exceptional features “Forland of the left bank of the Danube near Belgrade” - the second phase with the notebook for appropriate changes or for the corresponding corrections as necessary to harmonize with the realization of the program of building of new port and industrial park;

3.4 Ministry of Construction, Transport and Infrastructure called the Institute on 28.07.2016 to take active participation and send all remarks and suggestions about materials prepared for early public insight into SPASP of the new Port in Belgrade, with its free zone. The Institute submitted its remarks on the material prepared for early public insight SPASP of the new Port in Belgrade to the Ministry of Construction, Transport and Infrastructure on 05.08.2016. and it was emphasized that the planned area is on the proposed protection regimes of second and third degree of the area with the exceptional features “Forland: of the left bank of the Danube near Belgrade” and is in the area which is considered for building the new port, there are a number of nests of strictly protected species found on Bern Convention list among which is White-tailed eagle (*Haliaeetus albicilla*). It was suggested that in case of endangering natural values of the area, it should be defined by planes and technical documentation what will be the compensatory measures during the work on SPASP of the new Port in Belgrade;

3.5 On the request of Ministry of Construction, Transport and Infrastructure from 02.09 2016. The Institute, according to the Act no.020-1790/2 on 17.10.2016, issued conditions for Nature protection during works on SPASP of the new Port in Belgrade. Taking into account the strategic importance of the project and building of new port, planned capacity of port area and environmental importance of the area with the exceptional features "Forland: of the left bank of the Danube near Belgrade" The Institute will request the implementation of compensatory measures, if they were foreseen to endanger the natural values of the area;

3.6 In relation to the statement that the building of Port of Belgrade will destroy 3 nests of White-tailed eagle, we point out that the question of given nests were thoroughly considered by the authors of Spatial plan, as well as the request of the Institute for Nature Conservation of Serbia to consider technical solutions of port which will not require the relocation these nests. In relation to the complainant relating to the nests of White-tailed eagle already destroyed, it is not clear what is the connection of statement that the nests were destroyed on the territories of the cities of Пожаревац and Сремска Митровица, and what kind of logical connection they have with nests of 3 White-tailed eagles which are found in Forland of the left bank of the Danube;

3.7 In relation to the other specified species of animals such as Black stork, European tree frog, Yellow – bellied toad and other mentioned species of animals that live here, or periodically live within the overall Forland of the left bank of the Danube, which takes several thousand of hectares of the left bank of the Danube, it is not clear on the bases of which data the complainant concluded that this species of animals live or move exclusively in these 180 hectares potentially foreseen for the Port of Belgrade. We point out that all protected species of birds on the area of Бељарице are registered under the so-called south and central Forland, the creators of the Spatial plan of the area for the special purpose, currently are considering the solutions for the northern part of Beljarice, making efforts to find solution with minimal coverage of area belonging to so-called central Forland, while the so-called south Forland is not considered at all for building of port of Belgrade. We emphasize here that protected species of animals which are covered by the Study of protection of "Forland of the left bank of the Danube" which are recorded on area that occupies several thousands of hectares and extends from site Широке баре, over site Бељарице and site Црвенка to site Кожара and further. All these sites constitute the totality that is named "Forland of the left bank of the Danube", and on which the new port of Belgrade will not have any effect except on 180 hectares of the northern part of Forland located at the site Бељарице;

3.8 On the occasion of the issued conditions of the Institute, Ministry of Construction, Transport and Infrastructure organized meeting on 20.10.2016. The meeting was attended by representatives of Ministry of Construction, Transport and Infrastructure, Ministry of Agriculture and Environmental Protection, Agency of port management ЈВП, Urban Planning Institute of Belgrade and the Institute. On the meeting it was agreed that in case of threats to natural values by building of the port on the area of the Forland upstream from the Pupin Bridge, SPASP of the new Port in Belgrade, compensatory measures must be foreseen. The procedure for determining any compensatory measure has been agreed, so that Ministry of Construction, Transport and Infrastructure, should submit the request for determination of compensatory measures to the Ministry of Environmental Protection. would then prescribe compensatory measures within 6 months, based on the proposal of the Institute.

3.9 In accordance with the work program of the Institute for the year 2017, during May and November this year, the expert controls were performed on location in Forland of Danube and Tamish, where the nests of White-tailed eagle were registered, in order to follow the general situation of the nesting couples. The activities and limits of forest exploitation in zones of 100 and 300 meters in radius from the nest were suggested. It was established that natural values of the area with the exceptional features "Forland of left bank of Danube near Belgrade" are saved and are now in the same stage like at the time of valorization of area in 2013.

In so for the future technical solution of the Port of Belgrade should in any way cause the adverse consequences on saving of the species on the list of Bern Convention, the compensatory measures will be applied in accordance with the Article 12 of the Law on nature protection („Official gazette of RS", no. 36/09, 88/10, 91/10 – corr. and 14/16).

4. The seminar was held “Protection and management with habitat of White-tailed eagle”

In organization of Ministry of Environmental Protection and PE “Vojvodinasume” the seminar was held “Protection and management with habitat of White-tailed eagle” in Posavska hunting area “Karakusa”, 26.10.2016. During this seminar the presentations of competent institutions and organizations with proposals for realization of Action plan of the Council of Europe about protection of White-tailed eagle along the bank of Danube. (Agenda of the seminar is given in attachment).

5. General conclusion

In accordance with the above specified, the conclusion is that the complaint submitted denunciation to early, without waiting the authors of Spatial plan of the area of special purpose of the new port in Belgrade to announce and perform the public insight in Spatial plan and Report of SEIA, and that in such procedure suggest possible notes on the Plan and strategic assessment of the effect of this Spatial plan on the environment.

In this way, the complaint do not respect the procedures prescribed by the domestic law and submits the denunciation directly to the Council of Europe. This fact indicates that all procedures of creation of plan and technical documentation are realized in accordance with the frame of laws of The Republic of Serbia, and that it is regulated by law the active taking part of the interested public, as well as that these procedures are not still finished.

Coordinated and prepared by:

Ms. Snežana Prokić, MSc, Focal point for the Bern Convention,
Head of Department for Ecological Network and appropriate assessment and

Data source:

- Report of the Ministry of Construction, Transport and Infrastructure(No:340-01- 9624/2017-01/1 from 18. 01. 2018.)
- Internal report of the Ministry of Environmental Protection;
- Report of the Institute for nature conservation of Serbia (03 No: 020-3044/4 from 05. 01. 2018.)
- Report of the Secretariat for environmental protection of the City of Belgrade: (B-01No: 501-456/2017 from 19. 12. 2017.)
- Minutes of the meeting



Republic of Serbia
 MINISTRY OF AGRICULTURE
 AND ENVIRONMENTAL
 PROTECTION



**The seminar “Protection and management with habitat of White-tailed eagle”
 in Posavska hunting area “Karakusa”, 26.10.2016. 11.00 am**

Agenda:

- Introductory remarks:
 - *Марта Такач* – director of the PE „Vojvodinasume“;
 - *Слободан Ердељан*, Assistant of the Minister,
 - *Александар Андрић*, Deputy Secretary of Vojvodina Province,
- Presentations:
 - The legislative framework for the protection and management of habitats of White-tailed eagles in the Republic of Serbia – Snezana Prokic, Focal point for Bern Convention;
 - White-tailed eagle (*Haliaeetus albicilla L.*) protective measure and factors of endangering, Milos Radakovic, Institute for Nature Conservation of Serbia;
 - Preservation of nesting big birds of prey and the Black stork in forest habitats, Ctojnic N., Tucakov, M., and Puzovic, S., Provincial Institute for Nature Protection;
 - Protection and management of habitats of White-tailed eagles in forests management JP “Srbijasume” Belgrade, Gordana Jančic, “Srbijasume”;
 - Activities of JP “Vojvodinasume” on protection of the population of White-tailed eagles and their habitats, Ivana Vasic, JP “Vojvodinasume”;
 - Monitoring of White-tailed eagles in Serbia, Istvan Ham, ornithologist;
 - Management of forests ecosystems and White-tailed eagles in Europe: protective measure and factors of endangering, Drazenko Rajkovic, Society for the Protection and Study of Birds of Serbia
- Information on Inspection Control;
- Discussion ;
- Conclusions;
- Tour of white-tailed eagle nesting sites