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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

Bureau of the Standing Committee

18-19 March 2024 Strasbourg

Complaint on stand-by: 2022/01

Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure constructions (Serbia)

- GOVERNMENT REPORT -

Document prepared by Ministry of Environmental Protection Republic of Serbia



Republic of Serbia MINISTRY OF ENVIRONMENTAL PROTECTION Number: 337-00-00059/2023-04 Date: 1 February 2024 Belgrade

Council of Europe Directorate General of Democracy and Human Dignity Secretariat of the Bern Convention F-67075 Strasbourg, France Mr. Mikaël POUTIERS

Subject: Progress report on complaint No. 2022/1: the complaint on stand-by: Serbia: Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure constructions

Dear Mr. POUTIERS,

Secretary of the Bern Convention

Regarding the request of the Secretariat of the Bern Convention dated 20 April 2023, which refers to the complaint number 2022/1: the complaint on stand-by: Serbia: Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure constructions, which was filed to the Secretariat by the non-governmental organisation "World and the Danube" ("Svet 1 Dunav"), we would like to inform you, on behalf of the Ministry of Environmental Protection, about the following:

In accordance with the Decision of the Bureau of the Bern Convention, the Ministry of Environmental Protection, in the capacity of the competent authority that monitors the implementation of the Bern Convention for the Republic of Serbia, sent a Request for progress reporting (Number 337-00-00059/2023-04 dated 9 May 2023) to the competent authorities and organisations, as follows: the Ministry of Construction, Transport and Infrastructure of the Republic of Serbia, the Institute for Nature Conservation of Vojvodina Province, the City Administration for Environmental Protection of the City of Novi Sad and the Public Company "Urbanizam" from Novi Sad, including the competent sectors of the Ministry of Environmental Protection.

Based on the reports received from the aforementioned authorities and organisations, we would like to inform you of the following:

 The Ministry of Construction, Transport and Infrastructure submitted a Progress Report on this Complaint (number: 351-03-1516/2023-07 of 6 February 2024, stating the same facts as the Statement issued in 2022, i.e., that the Government of the Republic of Serbia adopted the Regulation on Establishing the Spatial Plan of the Special Purpose Area of the Infrastructure Corridor of the Class IA State Road No. 21 Novi Sad – Ruma - Šabac and Class IA State Road No. 19 Šabac - Loznica (Official Gazette RS, No. 40 dated 8 June 2011, 39 dated 6 June 2019, 88 dated 22 June 2020), where, in the section pertaining to implementation, it was established that the City of Novi Sad is the entity responsible for further more detailed development of the aforementioned planning document concerning the urban planning matters.

 <u>The Ministry of Environmental Protection</u>, pursuant to the Law on Environmental Impact Assessment, adopted the following act:

In accordance with the request of the Company "Corridors of Serbia" LLC ("Koridori Srbije" d.o.o.) dated 18 April 2022, to decide on the need for an environmental impact assessment for the project to build a bypass around Novi Sad with a bridge over the Danube River on the route of the IIA category state road number 111, the Ministry of Environmental Protection issued the Decision No. 011-00-00511/2022-03 dated 22 June 2022 on the need to prepare an Environmental impact assessment study for the project to build a bypass around Novi Sad.

In December 2022, the Ministry of Environmental Protection received the Environmental impact assessment study for the project to build a bypass around Novi Sad with a bridge over the Danube River on the route of the IIA category state road number 111 on cadastral plots Nos. 4227/4 and 4440 within the Cadastral Municipality of Novi Sad II and other cadastral plots within the Cadastral Municipality of Sremska Kamenica, number 353-02-04777/2022-03.

Based on the review of the submitted Environmental impact assessment study, it was concluded that the study was not fully compliant with the Decision on the need to prepare an Environmental impact assessment study and determine the scope and content of the Environmental impact assessment study. The project holder was informed about the observed deficiencies in a letter from the Ministry of Environmental Protection dated 17 February 2023. The edited Environmental impact assessment study was resubmitted to the Ministry of Environmental Protection in April 2023. The Ministry of Environmental Protection carried out an advertising procedure containing information regarding the place and time of the public presentation and public hearing, as well as information on where it was possible to conduct public inspection of the study.

The inspection of the Environmental impact assessment study was enabled on the premises of the Ministry of Environmental Protection, in Novi Beograd, address: 1 Omladinskih brigada Street, room 424 and on the premises of the City Administration for Environmental Protection of the City of Novi Sad, address: 110 Rumenačka Street. The advertisement was published in the daily newspaper "Dnevnik" of 13 June 2023 and on the official website of the Ministry.

The public hearing and presentation of the Environmental impact assessment study was held on 6 July 2023, at the hall of the Novi Sad City Assembly, which was attended by more than a hundred participants.

In accordance with the law, the Technical Commission for the evaluation of the Project environmental impact assessment study was established by the decision of the Ministry of Environmental Protection dated 12 May 2023. By 6 July 2023, the Technical Commission members submitted individual reports based on the review of the study, whereas on 7 July 2023, they all subsequently received comments, objections and opinions for consideration, submitted by interested authorities and organisations, as well as interested public. At the first working meeting, held on 1 August 2023, the Technical Commission drew up a report on the evaluation of the Environmental impact assessment study in question, in which they stated that the study was not prepared in full compliance with the Law on Environmental Impact Assessment and the Rulebook on the content of the environmental impact assessment study ("Official Gazette of the RS", number 69/05).

On 27 October 2023, the Technical Commission held a second working meeting, which was preceded by detailed analyses by members of the Technical Commission for the parts of the study that were subject to amendments, based on the aforementioned report on the evaluation of the Environmental impact assessment study in question of 1 August 2023.

In continuation to the procedure, an updated Environmental impact assessment study was submitted on 2 November 2023, in accordance with the law.

After that, the Ministry of Environmental Protection rendered a Decision on granting consent to the project holder, the Company "Corridors of Serbia" LLC ("Koridori Srbije" d.o.o.), address: 21 Kralja Petra Street, Belgrade, regarding the Project environmental impact assessment study – pertaining to construction of a bypass around Novi Sad with a bridge over the Danube River on the route of the IIA category state road number 111 on cadastral plots Nos. 4227/4 and 4440 within the Cadastral Municipality of Novi Sad II and other cadastral plots within the Cadastral Municipality of Sremska Kamenica, filed under number 353-02-04777/2022-03 of 7 November 2023.

By means of this decision, the project holder was ordered to comply with the conditions of other competent authorities and organisations during the implementation of the project concerned, including the nature conservation conditions of the Institute for Nature Conservation of Vojvodina Province, and especially the environmental protection measures specified in the study concerned and the environmental impact monitoring programme.

The decision and the relevant Environmental impact assessment study make an integral part of the technical documentation.

3. <u>The Institute for Nature Conservation of Vojvodina Province</u> submitted a Progress report on this complaint (03 number: 022-206/5 dated 25 December 2023) and a supplementary notification (03 number: 022-206/7 dated 18 January 2024), in which they specified the following facts:

The Institute carried out expert supervision, in cooperation with the competent inspection in the *Šodroš* area 03 number: 025-900/2 on 23 March 2023, in connection with the Decision on nature conservation conditions 03 number: 019-384/2 dated 7 March 2022 and pertaining to the felling of trees, i.e. protection measures from the decision which read as follows: 3.2. Felling of trees with hollows that represent a nesting place for birds or are used for hibernation of bats is permitted in the period from 1 August until 1 November. Based on a detailed tour of the field, the following conclusions have been reached: 1. At the time of the inspection, there were no activities related to the felling of trees; 2. Lying (felled) trees have been recorded in the part of the site between *Dunavac*, *Sodroš* and the Danube; 3. Marks have been observed on the felled and certain surrounding standing trees, indicating that they were marked for felling; 4. All felled trees have been marked with a forest sign, in accordance with the relevant Rulebook on the manner and timing of marking, assignment of marking sign, manner of marking stumps of illegally felled trees, manner of entering such trees and stumps in marking records, i.e. forest damage records, the form and content of marking signs and forest damage signs, as well as of marking records forms ("Official Gazette of the RS", Nos. 30/10, 93/12, 89/15 and 95/18 – other law); 5. The activity of birds in the field corresponds to the phase that precedes nesting, with no indication of the beginning of nesting itself, i.e. it has been recorded, as follows: marking of the territory with a song in the Eurasian Blue Tit (*Parus caeruleus*), nuptial flights in the Common Wood-Pigeon (*Columba palumbus*), last year's empty nest on a willow near the backwater; 6. A pair of gray crows has been found next to the nest on an unmarked tree, i.e. outside the concerned area; 7. Among the trees in question, there were no trees with hollows that represent a nesting place for birds or are used for hibernation of bats.

The Institute prepared an expert study entitled "Guidelines for the revitalisation of the area for the construction of the Sremska Kamenica - Novi Sad bridge with its surroundings" and submitted it to the Ministry of Environmental Protection in July 2023.

In accordance with the request of the Ministry of Construction, Transport and Infrastructure, the Institute for Nature Conservation of Vojvodina Province previously issued nature conservation conditions in the process of preparing the construction of infrastructure facilities that are the subject of this complaint, namely:

 Decision on nature conservation conditions for location requirements, phased construction of a bypass around Novi Sad with a bridge over the Danube River on the route of the IIA category state road number 111 (03 number: 020-3709/6 dated 24 January 2022).

 Decisions on nature conservation conditions for location requirements, which refer to the construction of temporary roads with temporary bridges for the construction of a bridge over the Danube River (03 number: 019-384/2 dated 24 March 2022).

 The City Administration for Environmental Protection of the City of Novi Sad submitted a report (number VI-501-1/2023-203 dated 19 July 2023) in which it informed the Ministry of Environmental Protection that there were no additional information and statements, in relation to the previously submitted report number VI-501-1/202-154a dated 22 November 2022.

5. <u>The Public Company "Urbanizam" from Novi Sad</u> submitted a Progress report on this complaint (number 1105/23 dated 8 December 2023), indicating that the locations and route for the construction of the bypass, Bulevar Evropa Blvd. and the bridge as its extension, were defined in the first General Plan of the City of Novi Sad from 1951 and that they had not changed since then, i.e. that they were established as such by the General Urban Plan of the City of Novi Sad until 2030. The route and position of the bridge were checked with the adoption of each new general plan (8 times so far) and they always received all the necessary consents and approvals from all competent institutions and the citizens themselves. Based on the aforementioned, it can be concluded that there is no alternative route of the bypass and the bridge, nor should there be.

Within the rationale of that report, it was also stated that the total length of the route of 11.1 km was realised over time in phases (about 80%) and that the last phase of the bridge construction works remained (a route with a length of 2.19 km or about 20% realisation of the plan). The report as a whole with a cartographic overview of the abovementioned is submitted in the attachment. It was also stated that the implementation of the construction of the bridge would have been realised earlier, but it had been discontinued, due to the bombing of Serbia in 1999, when all three existing bridges over the Danube River had been demolished, so it was necessary to begin their reconstruction first. Taking all that into account, Novi Sad has not built a new bridge over the Danube River since 1982, when the Liberty Bridge (*Most Slobode*) was built.

Copies of the aforementioned documents with English translation are attached to this report. Looking forward to your reply, we would like to thank the Bureau in advance for its highest consideration of this report.

Respectfully,

MINISTER Upeng Mype Irena Vajović

Annexes:

Annex I – Report by the Ministry of Construction

Annex II – Report by the PE Urbanizam Novi Sad

Annex III - Report by the Institute for Nature Conservation of Vojvodina Province

Annex IV - Comments on the Study of EIA by the Institute for Nature Conservation of Vojvodina Province (attachment – the EIA study - missing)

Annex V - Report by the City of Novi Sad

Annex I



Republic of Serbia MINISTRY OF CONSTRUCTION, TRANSPORT AND INFRASTRUCTURE Department for Spatial and Urban Planning No: 351-03-1516/2023-07 Date: 6 February 2024 10a Kralja Milutina St Belgrade

MINISTRY OF ENVIRONMENTAL PROTECTION

1 Omladinskih brigada St 11070 Novi Beograd

To Whom It May Concern,

This letter is to inform you that we have received your letter number 337-00-00059/2/2023-04 dated 10 January 2024 requesting the delivery of the Scope of Work Report pertaining to the Complaint No. 2022/1: Complaint on stand-by: Serbia: Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure construction. With reference to the aforestated and in accordance with the competencies of the Department for Spatial and Urban Planning, the Ministry of Construction, Transport and Infrastructure, we hereby inform you that the Government of the Republic of Serbia adopted the Regulation on Establishing the Spatial Plan of the Special Purpose Area of the Infrastructure Corridor of the Class IA State Road No. 21 Novi Sad – Ruma - Šabac and Class IA State Road No. 19 Šabac - Loznica (Official Gazette RS, Nos. 40/2011, 39/2019 and 88/2020), according to which, in the section regarding implementation, it was established that the City of Novi Sad is the entity responsible for further elaboration of the aforementioned planning document for the concerned location.

Sincerely,

STATE SECRETARY

Aleksandra Sofronijević As per Minister`s Authorisation No. 000159170 2024 14810 010 006 000 001 of 29 January 2024 Annex II

Public Company "Urbanizam", public company "urbanizam" institute for urban planning, novi sad, bulevar CARA LAZARA STREET 3/II Telephone: +381 21 4802 199, fax. '381 21 455 395 e-mail: <u>office@nsurbanizam.rs</u> www.nsurbanizam.rs

No. 1105/23 Date: 08.12.2023

REPUBLIC OF SERBIA Ministry of Environmental Protection 11000 Belgrade

Reference: Your number: 337-00-000591/1/2023-04 from 16.11.2023

SUBJECT: URGENT REQUEST FOR REPORTING RE. APPEAL No. 2021/1: Appeal being tracked -Serbia: Alleged destruction of habitat on the territory of Novi Sad due to construction of infrastructure facilities

We are informing you that on 5th December 2023, we have received your motion no. 337-00-000591/1/2023-04 from 16th November 2023 in relation to national progress report in accordance with the Decision of the Bureau of the Bern Convention regarding mentioned appeal wherein it is requested to provide explanation whether alternative locations for construction of the ring road and the bridge have been taken into consideration and in case this is true, why such alternatives have been rejected.

In accordance with the above, we are informing you that the location and the route for construction of the ring road, the Evropa Boulevard and the bridge in its extension have been defined by the first General Urban Plan of Novi Sad already in 1951, in other words 72 years ago, and have not been changed since. Back then the alternative routes have probably been taken into consideration, but as far as we know there is no technical documentation thereof.

Statement of reasons:

The mentioned route of the Evropa Boulevard and the bridge in its extension has been preserved in all general plans of Novi Sad since 1951 until this very day, in other words whole 72 years. It means that the route and the location of the bridge have been checked on the occasion of every adoption of new general plan (8 times so far) and have always received necessary approvals and conformities from all competent institutions and from the citizens as well. The route and the bridge (encircled in green) can be seen in the following photos representing all general plans of Novi Sad in the past 72 years.

TIN: 100237773 unique ID no. 08113700business activity code: 7111Current account: INTESA Bank 160-923824-88Poštanska štedionica Bank: 200-2632220102934-31AIK Bank: 105-32666-98

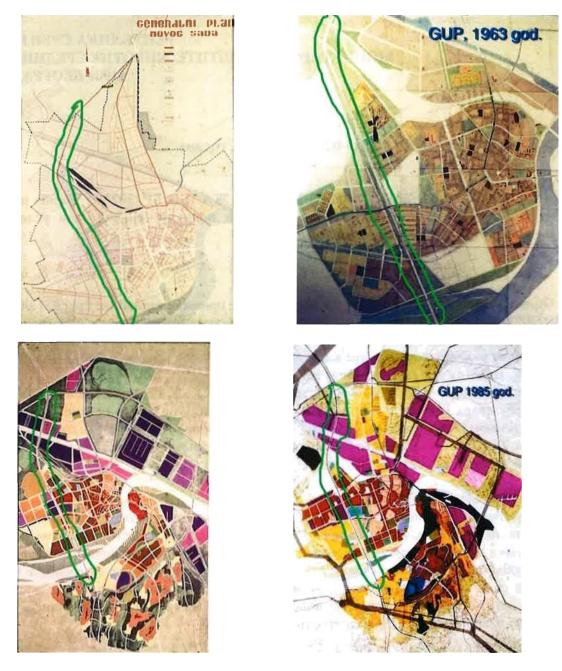


Image: General plans of Novi Sad from 1951, 1963, 1974 and 1985

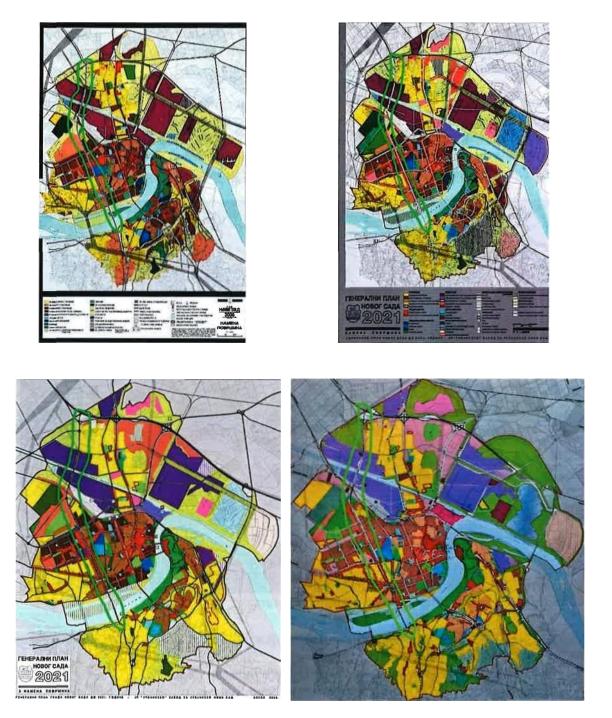


Image: General plans of Novi Sad from 1994, 2000, 2006 and the newest one from 2022.

Considering the total length of 11.1 km, the route has been realized in stages (80% has been realized already) and what is left now is the last and the most important stage (2.19 km length or c. 20%), which is the bridge over the Danube. Its realization would have happened much earlier had it not been postponed due to air strikes on Serbia in 1999 when all three existing bridges over the Danube were destroyed, so it was necessary to reconstruct them first.

Bearing all this in mind, Novi Sad has not built a new bridge over the Danube since 1982. The last bridge that was built was the Sloboda Bridge 41 year ago.

Considering the length of the period between the beginning of the planning to its final realization, which took 72 years, it is obvious that all the surrounding spaces have long been occupied with some other constructions, or if not constructions, then, they have been protected by other decisions on nature conservation.

However, what is important is, that the planned corridor has been preserved all those years and is free for construction of the bridge which can best be seen on the following image:

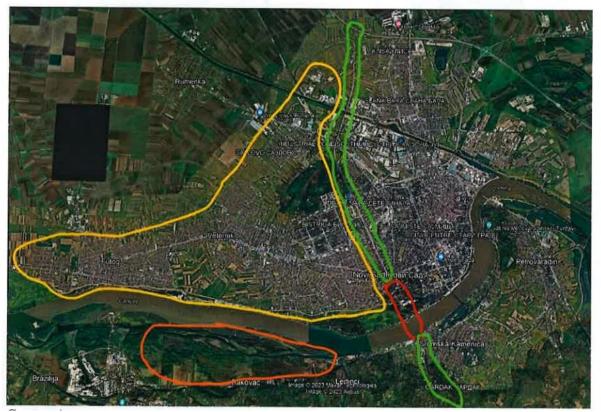


Image: Analysis of the surrounding space as it is now.

The image shows that east of the corridor, Novi Sad is densely urbanized. West of the corridor falls under the following regimes:

Green: The section of the ring road already built and the Evropa Boulevard Red: Missing part of the corridor - bridge over Danube Yellow: Urbanized part of Novi Sad, Veternik and Futog already constructed Orange: Under nature conservation

From the above it can easily be deduced that there is no alternative route for the ring road and the bridge, nor should there be. Planning documentation must be abided by, and in particular when it comes to the domain of construction of traffic network of primary character such is the network in question.

Cancelling its vital section represented in the bridge over the Danube would render futile all that has been realized in the previous 72 years in the domain of traffic infrastructure in Novi Sad.

Respectfully,

Drafted by: Enter Alestor мр Алекеанд

Aleksandar Jevćenić, M.Sc., B. Sc. in Traffic Engineering



Dušan Miladinović, B.Sc. in Architectural Engineering

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- 1. Addressee
- 2. Archive

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Annex III

INSITUTE FOR NATURE CONSERVATION OF VOJVODINA PROVINCE Serbia • 21101 Novi Sad • Radnička 20 A Phone +381214896301 • Fax +381216616252 e-mail: novi.sad@pzzp.rs • www.pzzp.rs

No: 03. number 022-206/5 Date: 25.12.2023.

MINISTRY OF ENVIRONMENTAL PROTECTION Omladinskih brigada 1 11070 NEW BELGRADE

Subject: Information on the newest activities related to the Bern convention on the Complaint number: 2022/1, Complaint on stand-by: Republic of Serbia: The Alleged destruction of the habitat in the area of Novi Sad due to building infrastructure

Dear Sir Madam,

We inform you that We have received your request No. 337-00-00059/1/2023-04 from the 16.11.2023. received in the Institute on the 05.12.2023. related to the Report on progress in regards to the Complaint No. 2022/1, Complaint on stand-by: Republic of Serbia: The Alleged destruction of the habitat in the area of Novi Sad due to a building infrastructure, that is designated to the Bureau of the Bern Convention.

The Institute has conducted on the 23.03.2023. a proffesional supervision 03 No. 025-900/3 from the 23.03.2023, in collaboration with the Provincial Inspection for Environmental Protection, regarding a trees cutting down on Šordoš. The Report on the proffesional supervision has been forwarded to the Provincial Secretariat for urban planning and environmental protection.

The Institute, replying on the Request about the informations of public importance, has delivered to the Renewables and Environmental Regulatory Institute (RERI) the Request 03 No. 022-959/2 from the 31.03.2023. related to the conducting of two proffesional supervisions 03 No. 025-900/2 from the 23.03.2023. and 03 No. 022-3722/2 from the 25.01.2023. in the area of Šordoš.

The Institute has conducted a Study on the revitalisation of the Šordoš area and delivered it to the Ministry of Environmetal Protection in the june of the year 2023.

The Institute has forwarded the Information on a previous actions regarding a Bern Convention on the Complaint No.2022/1 – Complaint on stand-by: Republic of Serbia: The Complaint destruction of the habitat in the area of Novi Sad due to a building infrastructure, to the Ministry of the Environmental Protection, in a Request 03 No. 022-206 from the 25.01.2023.

With Respect,

DIRECTOR'S VD Dr Željka Jeličić Marinković

Annex IV

INSITUTE FOR NATURE CONSERVATION OF VOJVODINA PROVINCE Serbia • 21101 Novi Sad • Radnička 20 A Phone +381214896301 • Fax +381216616252 e-mail: <u>novi.sad@pzzp.rs</u> • <u>www.pzzp.rs</u>

No: 03 022 - 2000 Date: 05.07.2023.

> MINISTRY OF ENVIRONMENTAL PROTECTION Sector for environmental management Omladinskih brigada 1, 11070 New Belgrade

Dear Sir/Madam,

Regarding the infrastructure works on the construction of the bridge Sremska Kamenica – Novi Sad with the viaduct over the Fisherman's and the Kamenička island, this way We want to inform you that the Institute for nature conservation of Vojvodina Province, Radnička 20 A, Novi Sad, within its jurisdiction determined by the Articles 102. and 103. of the Law on nature protection ("Official Gazette RS", No. 36/2009, 88/2010, 91/2010 –correction, 14/2016, 95/2018 – other Law and 74/2021 – in further text: the Law) has conducted a Study called "Guidelines for the revitalisation of the construction area of the bridge Sremska Kamenica – Novi Sad with the environment (in further text: the Study). Within the construction's project of the named bridge, it is predicted to conduct a revitalisation of the space, by the end of the infrastructure's works. The conducted Study aims to contribute finding and applying the optimal solutions for the revitalisation of the Danube's coastal area, by the end of infrastructure's works of the bridge with a road, and to enhance compatibile multipurpose usage of the space in the surrounding area.

Furthermore, the areas of the Fisherman's and Kamenička islands, represent the part of the international ecological coridor of the Danube's river, selected by the Regulation on the ecological network ("Official Gazette RS", No. 102/2010). In this area there are many users present, with different needs, which clearly indicates a need for finding the wholesome and complementary solutions for the space arrangement that provide the functionality of the ecological corridor for its multipurpose usage. Considering that the accessibility for wild species and the revitalization of habitats do not depend solely on the space within the scope of the works on the road with viaduct, the Study contains the guidelines for the bigger part of the Fisherman's and the Kamenička island.

The Study has been conducted by the Institute for Lowland Forestry and the Environment (Novi Sad) and the Institute, in partnership with the researchers and professors from the Department of the biology and ecology at the Faculty of natural sciences University in Novi Sad.

The guidelines and complaints of the good practice represented in the Study show that with the correct zonation and application of the suitable spatial solutions it is possible to provide the complementarity of an area's functions with an increase of ecological values, social and cultural goods.

We hope that this Study, with examples of the good practice and the guidelines for zonation of the contents and activities, for the arrangement of the existing and buildiing a new green surfaces in urban and suburban environment (close to nature habitats, parks' parts with the sport-recreational contents, tree lines, hedges, natural protection buffer belts etc.), will be useful for space arrangement, and with that help harmonizing user needs with the general interest of preserving the Danube's ecological corridor in longterm sustainable manner. We deliver you this Study for the purpose of enhancing the Environmental Impact Assessment Study for the project of the ring road around the Novi Sad with the bridge across the Danube on the route of the state road IIA type number 111, that is, for the clarification and practical examples of nature's protection measures, designated by the resolutions of the onditions of nature protection, number 03 No. 020-3709/6 from the 24.01.2021. year, issued for the fase of the construction of the ring road around the Novi Sad with the bridge across the Danube on the route of the state road IIA type number 111.

In Attachement: The Study

DIRECTOR'S VD Dr Željka Jeličić Marinković

Annex V

REPUBLIC OF SERBIA AUTONOMOUS PROVINCE OF VOJVODINA CITY OF NOVI SAD City Administration for Environmental Protection Number: VI-501-1/2023-203 Date: 19th of July 2023. Novi Sad

MINISTRY OF ENVIRONMENTAL PROTECTION Bulevar Mihajla Pupina 2 Novi Beograd

LINK: Your Number 337-00-00059/2023-04 from the 9th of May 2023.

SUBJECT: The Request for the Statement regarding the "Complaint Number 2022/1: Complaint on standby: Republic of Serbia: The Alleged habitat destruction in the area of Novi Sad due to proposed infrastructural constructions"

The City Administration for Environmental Protection has considered Your Request for the Statement regarding the "Complaint Number 2022/1: Complaint on stand-by: Republic of Serbia: The Alleged habitat destruction in the area of Novi Sad due to proposed infrastructural constructions", number 337-00-00059/2023 from the 9th of May 2023., and We inform you that there are no additional informations nor statements beside those given in the documents number VI-501-1/2022-154 from the 17th of May 2022. and VI-501-1/2022-154a from the 22nd of November 2022.

CHIEF'S V.D. Dr. Dragica Marković