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## **INTEGRATED POLLUTION PREVENTION AND CONTROL IN EU AND SERBIAN LAW**

**Abstract:** *The implementation process of the European Union Directive on Integrated Pollution Prevention and Control (IPPC) is a good example of unforeseeable and sometimes insurmountable obstacles to a workable transposition of European legal acquis into the Serbian legal system. A highly technical, costly and legally complicated procedure which presupposes coordination among many various bodies of the state administration came into life as a dead letter for most of its purposes. However, it seems that lessons have not been learnt and that the newly prescribed deadlines for the next round of implementation are again being formulated in the optimistic manner. In the course of this article, author is analyzing the contents and implications of the pollution control on the Union level, as well as the manner and success of the Republic of Serbia in its implementation. Author indicates that the results so far represent an underachievement but, at the same time, the question is whether they could have been any better regarding the level of legal and socio-economic development of the Republic of Serbia.*

**Keywords:** *Integrated control, environment, pollution, EU, Republic of Serbia.*

### **1. Introduction**

Industrial activities play a very important role in the economic welfare of contemporary society since they contribute to sustainable economic growth. However, industrial activities have a serious impact upon the environment. The largest industrial plants share a great part of total atmospheric pollution level.

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Besides, the harmful emissions can finish inside water and soil. Furthermore, these plants produce constant waste and consume great quantities of energy. Therefore, on the European level, integrated pollution prevention and control (IPPC) policy and legislation requires industrial and agricultural activities with a high pollution potential to have a special permit. This permit can only be issued if certain environmental conditions are met, so that the companies themselves bear responsibility for preventing and reducing any pollution they may cause. This legislation has been duly transposed to Serbian law.

This article aims to analyse the contents of IPPC legislation in the Republic of Serbia, the problems of its implementation and to give a critique of the legislative response to these problems.<sup>1</sup> Suffice it to say for now that these problems were multiple and the legislative reaction was less than successful.

## 2. General international and European framework

Since the UN conference for environment and development in 1992, the cleaner production has been accepted as the road to the achievement of sustainable development.<sup>2</sup> Since then, cleaner production has been practised in a great number of states in various ways. The World Summit on Sustainable Development in Johannesburg, convened in 2002, identified the cleaner production as the preventive strategy of environmental protection and sustainable development, which includes methods of production, products and services, whose application can lead to reduced levels of emission and waste and more efficient usage of resources.<sup>3</sup> In the last two decades, the activities of the UNEP and several international and national organisations and agencies, such as the UNIDO, steered the development of cleaner production in the world. The developing countries have created special programs aimed to spread the cleaner production awareness and to incite its application. The developed countries have paid special attention to the development and implementation of new legislation.<sup>4</sup>

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1 Specifically, the recently adopted amendments and additions to the Act on Integrated Pollution Prevention and Control, *Official Gazette of the Republic of Serbia*, no. 25, 2015.

2 See the Agenda 21, action plan adopted at the Conference, which invites the state signatories to establish economic incentives, legislation, standards and focused state administration for the promotion of sustainable operation of companies with cleaner production, U.N. GAOR. 46th Sess. (1992). *Agenda Item 21, UN Doc A/Conf.151/26*, art. 30 „Business and Industry“, p. 11.

3 World Summit on Sustainable Development (2002) *Johannesburg Declaration on Sustainable Development and Plan of Implementation of the World Summit on Sustainable Development: The final text of agreements negotiated by governments at the World Summit on Sustainable Development*, 26, New York: United Nations Department of Public Information, p. 8.

4 The Republic of Serbia has been involved in this process actively during the last decade which culminated in the adoption of the Government document entitled „Strategy for the

However, prevention is not the only component of the strategy of cleaner production. Already extant industrial activities must be controlled so as not to breach the limits of harmful emissions. Therefore, the IPPC Directive of the EU,<sup>5</sup> establishes the basic principles for the issuance of permits and control of plants on the basis of the integrated approach and the application of best available techniques (BAT), meaning the most efficient techniques for the achievement of high level environmental protection, on the basis of cost/benefit analysis. The main goal of this Directive is to decrease the pollution from various industrial sources across the EU. Operators of industrial facilities whose activities are covered by the Annex I of the Directive are obligated to acquire integrated permit from the authorities in EU countries. Around 50.000 facilities are covered by the Directive and this number is constantly rising.

The IPPC Directive requires the member countries to establish the system of permits which applies the general principles of IPPC to individual activities,<sup>6</sup> while it demands from the IPPC facilities to apply certain preventive measures using BAT, efficient energy consumption, measures for the prevention of accidents and mitigation of their effects, evasion of additional pollution at the closure of facilities. Member states can impose additional activities or enlarge those already found in the Directive. The IPPC applies to energy sector, metallurgy, mineral and chemical industries, waste management and other activities including such activities as pulp, paper and wood production, textile colouring, foundries, slaughterhouses, food production etc. As for the dimensions of the IPPC activities, some categories relate to whole capacity activities (e.g. fertilizer production), while others include specific quantities (slaughterhouses with output larger than 50t/day).

Requirements of the IPPC Directive are: 1) Rational management of national resources in accordance with the “polluter pays” principle, including control over the polluting substances; 2) Intervention at the source of pollution by reducing the emission in accordance with the emission limit values (ELV); 3) Defining the emission limit values on the basis of BAT, taking into account technical characteristics of installations, their location and state of environment in the installation surroundings; 4) Control and mitigation of the accident risk; 5) Energy and raw materials savings; 6) The development of the process of information exchange

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implementation of cleaner production in the Republic of Serbia”, *Official Gazette of the Republic of Serbia* no. 17, 2009.

5 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions, OJ L 334, 17. 12. 2010.

6 General principles being: (1) integrated approach, (2) best available techniques, (3) flexibility, (4) inspections and (5) public participation.

between EU member states, with the aim of improvement and application of BAT; 7) Public awareness of the plant operation.

### 3. Transposition into Serbian legal system

The IPPC Directive is one of the first directives that were completely transposed into the legal system of the Republic of Serbia, with the adoption of the Act on the Integrated Prevention and Control of Environmental Pollution back in 2004.<sup>7</sup> The Act on the IPPC rests on fundamental principles of precaution, integration and coordination, sustainable development, waste management hierarchy, polluter pays, publicity, permit issuance and trans-border exchange of information, which are recognised as general principles in international environmental law.

The integrated permit, as the centerpiece of this Act, is a written authorisation to operate all or part of the installation, whose constituent part is the documentation with stated conditions that guarantee that such installation or activity meet the requirements of the Act on IPPC. Integrated permit is issued for the operation of new installations, operation and major changes in the operation of current installations; current installations were obligated to acquire integrated permit until 2015 in accordance with periods established by the „Act on the dynamics of submitting requests for the issuance of integrated permit.<sup>8</sup> The permit can exceptionally be granted for the cessation of activities. Permit is valid for no longer than 10 years. The permit application must consist of the installation description and its activities, plan on the raw materials and energy usage in the production process, sources, nature, and quantity of emissions, serious consequences of the emissions for the environment, suggested technologies and techniques for the prevention and mitigation of emissions, measures for the prevention and recycling of waste, measures for the emissions monitoring.

The authorised bodies are the Ministry for the environment and respective regional and local authorities for the environment. The jurisdiction is vested in these authorities under the Construction and Planning Act and the respective competences of the bodies in charge of issuing permits or authorisation for the construction and start of activities.<sup>9</sup> The permit should be revised if: 1) pollution, stemming from the operation, is such that the revision of existing ELV is necessary; 2) there is a danger that the pollution might cause harm to the

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7 Act on the Integrated Prevention and Control of Environmental Pollution, *Official Gazette of the Republic of Serbia*, no. 135, 2004.

8 *Official Gazette of the Republic of Serbia*, no.108, 2008.

9 Planning and Construction Act, *Official Gazette of the Republic of Serbia*, no. 72/2009, 81/2009 - add, 64/2010 – CC decision, 24/2011, 121/2012, 42/2013 - CC decision, 50/2013 - CC decision, 98/2013 - CC decision, 132/2014 and 145/2014.

environment or human health; 3) BAT have been substantially changed, which enables the substantial emissions reduction; 4) safety requirements for the installations have changed; 5) environmental legislation has been changed.<sup>10</sup>

For the new installations, BAT application is obligatory. Existing installations, which at the time of the application for permit do not fulfill the BAT conditions, must provide programme of harmonisation of operation with prescribed conditions. BAT are an important categorical and functional, at the same time, target element of the IPPC permit. Best techniques are those that, when applied, reduce the levels of emission under the ELV and ensure the low consumption of natural resources, which implies such available techniques whose costs are acceptable.<sup>11</sup>

The list of installations under the Act on the IPPC is made according to the category of activity in accordance with the Act nomenclature. The nomenclature consists of three parts: company name, city of operation, and capacity of installations. Sectors that can qualify for integrated permit are: gasification, liquefaction, oil refinement, mineral gas and oil refinement, energy, metalurgy, chemical industry, food production, agriculture, and so on. Under the Preliminary list of existing installations, there are 196 of them in the Republic of Serbia. A total of 166 of these have applied so far for the permit; however, until the end of 2015, only 10 permits have been issued.<sup>12</sup>

#### **4. Problems in the application of the Act on the IPPC in Serbian socio-economic system**

Serbia has without doubt adopted an all-encompassing and exhaustive legal framework starting with the adoption of the Act on the IPPC and a number of by-laws.<sup>13</sup> However, having in mind that every legal framework exists inside the

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10 *Ibid*, art. 89.

11 Cafaro, C. Ceci, P. De Giorgi, L. (2015). Effects of IPPC Permits on Ambient Air Quality. *International Journal of Environmental, Chemical, Ecological, Geological and Geophysical Engineering*. 9 (2). p. 96-98. See also comparative overview of the BAT application in the EU and USA, where it is stated that large variations exist among EU member states related to the process of standardization under BAT, which reflect in different emission levels, sometimes being up to 3 times higher than in USA, Gouldson, A., Carpentera, A., Afionisa, S., 2015. Environmental leadership? Comparing regulatory outcomes and industrial performance in the United States and the European Union, *Journal of Cleaner Production*, 100 (1), p. 278-285.

12 Preliminary list is regulated by the Regulation on the types of activities and installations for which the integrated permit is issued, *Official Gazette of the Republic of Serbia*, no. 84. 2005.

13 Besides the Act on Integrated Environmental Pollution Prevention and Control, (*Official Gazette of the Republic of Serbia* no. 135. 20004), the by-laws are: By-law on the contents and modality of registers for the issued integrated permits (*Official Gazette of the Republic of Serbia* no. 69. 2005); By-law on the contents and outlook of the integrated permit (*Official*

socio-economical system which it tends to regulate, the discrepancy between the socio-economic conditions and legal prescriptions is the biggest flaw of this legislation. Furthermore, it seems that the legislator did not take into account discordant relations between different regulations of the same legal system. The main challenges in this field, both for the state administration and for the industry, were the incomplete national legislation in the areas which overlap with this field, discordant legislation and the incomplete documentation submitted by the operators in the process of the application for the permit, as well as the lack of experience with usage of BREF documents,<sup>14</sup> and the selection of BAT.

Specific sectoral problems depend on the specific socio-economic circumstances of the given industrial sector in the Republic of Serbia. Some sectors are shining examples, such as the cement industry which was the first to start the process of application for the integrated permit,<sup>15</sup> while the energy sector is in bad need of further investments in the infrastructure, which would substantially reduce SO<sub>2</sub> emissions, as is the plan exposed in the Green book of the Serbian electro-industry.<sup>16</sup> Steel industry is especially important since it produces large quantities of waste which is best dealt with by using cleaner technologies and BAT. Systemically still insoluble dilemma of the dangerous waste disposition plagues the chemical industry. The Waste Management Act was adopted in 2009,<sup>17</sup> and the current National Waste Management Strategy (for the period 2010-2019) prescribes BAT application and the issuance of permit for waste management subjects.<sup>18</sup>

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*Gazette of the Republic of Serbia* no. 30. 2006); By-law on the contents, outlook and form of filling the application for the integrated permit (*Official Gazette of the Republic of Serbia* no. 30. 2006), Regulation on the sorts of activities and installations for which the integrated permit is issued (*Official Gazette of the Republic of Serbia* no. 135. 2004), Regulation on criteria for the definition of the best available techniques, application of quality standards, and the definition of the emission limit values in the integrated permit (*Official Gazette of the Republic of Serbia* no. 84. 2005), Regulation on the contents of the program of measures for the accommodation of existing installation operations or activities to the prescribed conditions (*Official Gazette of the Republic of Serbia* no. 84. 2005), Regulation on the definition of the program of dynamics for the application for the integrated permit (*Official Gazette of the Republic of Serbia* no. 108. 2008).

14 BREF (or REF) is a shortcut for „BAT reference documents“, which means that the document is officially adopted by the European Commission according to the IED Directive, see more at <http://eippcb.jrc.ec.europa.eu/reference/>, 15. 8. 2016.

15 See the Preliminary List, Regulation on the types of activities and installations for which the integrated permit is issued, *Official Gazette of the Republic of Serbia*, no. 84. 2005.

16 PC Electro-industry Serbia. (2009) Green book of the Serbian electro-industry. Belgrade. p. 81-85.

17 *Official Gazette of the Republic of Serbia*, no. 36. 2009.

18 *Official Gazette of the Republic of Serbia*, no. 29. 2010.

The greatest problems strain the operators themselves. The procedure for the preparation of the permit application for one installation or factory complex is complicated itself to create numerous problems, even during the preparation of the application documentation. At the start of the IPPC Directive application in Serbia, the BAT application was at its inception because of lack of financial funds, caused by a long period of market isolation.<sup>19</sup> Besides, the lack of competent cadre on all levels of jurisdiction for the issuance of permits made for the sore need of permanent training from foreign experts.<sup>20</sup> The Act did not prescribe the ELV for water and air; it neither accredited laboratories for the monitoring of the emissions into air, water and soil accredited nor did it establish the adequate cadaster of polluters. The legal periods of implementation were inadequately reduced; national legislation was in constant process of transformation due to the harmonisation with other parts of *acquis*; environmental awareness among the operators was low, and majority of plants were in the process of legalisation, privatisation or other real estate law complications, and thus without proper authorisations. It often happened that in the course of acquiring the documentation for the IPPC permit, the operator was lacking other licences, such as operational or water permits, since the procedures were not accorded, thus leading to “catch-22” situations.

At the beginning of the implementation period, there were few operators aware of the existence of the Act on IPPC, their obligations under the Act, and the necessity for them to apply for the integrated permit if they wished to continue the operation unperturbed. The Ministry for the Environment, with the help of the Chamber of Commerce and other state bodies, has conducted seminars and created other information channels to inform the operators from the preliminary list on their obligations.<sup>21</sup> Therefore, the first information on the IPPC obligations was received in seminars but those operators that could not attend the seminars met greater obstacles when trying to independently meet the application requirements. Therefore, a preferable method of information dissemination was perhaps some sort of comprehensive guidebook distributable to every operator with detailed information and advice on their obligations.

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19 Radisavljević, A. Isoski, Z. Spasić, S. (2015) Problems of the plants during the process of applying for the permit for the integrated environmental pollution prevention and control. <http://auroragreen.rs/wp-content/uploads/2012/06/Problemi-postrojenja-prilikom-izrada-zahteva-za-dozvolu-za-IPPC.pdf>, 15. 8. 2015, p. 4.

20 *Ibid.* p.4.

21 See more Stanković, Lj. Stokić, D. Božanić, V. Integrated system of prevention and control of environmental pollution – Implementation of the IPPC Directive in Serbia, 2nd International Scientific Conference on Waste Management, Tara, 14–17 September 2009, p. 1-4.

Furthermore, during the period of documentation procurement, new legislation was being adopted, not only in the field of environmental law but also in other fields (such as energy, water, planning and construction, security and fire protection), which in turn changed the procedure for the documentation procurement. Operators again turned for help to consulting experts, but that practice accrued great costs on some smaller businesses.

The author can claim from his own experience one such case. The point was that the late reaction of the particular company management to their legal obligation to prepare documentation for the IPPC application led to the discrepancy between the short term for documentation submission and sheer scope of documentation. Again, the blame was on the bad coordination between various levels of state administration since the republic and regional bodies in question were interpreting the same legal provision differently, which ultimately led to the confusion on the part of the management.

Another important obstacle was the definition of BAT. The problem lies in the linguistic barrier, given that the BREF documents were in English, and they are technical and complex in nature. The consultancy was crucial at this point since it was necessary to analyse the complete BREF document related to the industrial activities of the operator, review all the aspects of the technological process conducted by the operator, point to possible deficiencies, primarily on the basis of the measures done by accredited laboratories, and finally accept the recommendations of the respective BAT and frame all of this inside an action plan.<sup>22</sup>

One of the greatest problems that had to do with discordant legislation was the acquirement or the renewal of the water permit. The water permit was among the documentation needed for the IPPC permit. Under the Act on Waters,<sup>23</sup> procedure for acquiring the water permit is lengthy and complicated. It requires the operator to research and elaborate on the reserves of ground water for the usage of its own wells. A lot of documents, which take time and resources, have to be submitted in addition – report of the commission on the technical check of the installation, a copy of the main project or the excerpt from the main project. Since the construction permit precedes the usage permit, in practice there were some quite confusing cases. There were instances in which existing objects (even hundred years old) that serve as places of production process, on which the reconstruction, renovation or refurbishment was duly done, still

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22 Radisavljević, A. Isoski, Z. Spasić, S. (2015) Problems of the plants during the process of applying for the permit for the integrated environmental pollution prevention and control. <http://auroragreen.rs/wp-content/uploads/2012/06/Problemi-postrojenja-prilikom-izrade-zahteva-za-dozvolu-za-IPPC.pdf>, 15. 8. 2015, p.11.

23 *Official Gazette of the Republic of Serbia*, no. 30. 2010.



lacked the complete documentation from the privatisation process; moreover, in some cases it was necessary to file projects of the derivated object and start the legalisation of the object, whereas the real estate legal relations on some of the cadaster parcels were still unresolved. Funds and resources and additional periods are needed for all these instances. The compromise solution could be that an agreement with the Ministry is reached, whereupon the application is submitted, regardless of the water permit, but at the same time the security measure would be the proof that the installation has started the procedure for the issuance of water permit, considering that a similar time period is necessary for both the water and the IPPC permit.

Objective conditions, such as the economic crisis in Serbia, influence the situation from their own angle and further aggravate the problems. Among the active operators, a lot of them endure financial difficulties, which slows the project making.<sup>24</sup>

## **5. Amendments and additions to the Act on the IPPC in light of given problems**

The reason for amendments, given by the legislator, is the enforcement of harmonisation of some legislative measures with application in practice.<sup>25</sup> The legislator is aware of the fact that, in order to submit a neat application to the competent body during the procedure of acquiring the integrated permit for new installations, the operator is required to submit various types of documentation, such as: the results of the measurement of environmental pollution or other parameters during the trial period, report from the last technical survey, and so on.<sup>26</sup> That should mean that installations are supposed to have complete application at the time when they acquire usage permit. At the same time, their trial period of operation is finished. However, since the installation cannot be put into operation before it acquires the integrated permit, and given that the regular legal procedure for obtaining it takes 240 days, it means that the operator must stop his activities even in the case when the environmental pollution results are in accordance with the ELV.

Other changes that the amendments bring into play are: harmonisation of the Act on the IPPC with the Planning and Construction Act to ensure the continuity in

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24 May 21st 2014 – Documentation submitted for obtaining an integrated permit for the dog pound "Energo-Zelena", <http://auroragreen.rs/en/21-05-2014-predata-dokumentacija-za-ishodovanje-integrirane-dozvole-kafileriji-energo-zelena/>, 15. 8. 2015.

25 Amendment proposal text, [http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi\\_zakona/236-15%20-%20lat.pdf](http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/236-15%20-%20lat.pdf), 15. 8. 2015, p. 3.

26 *Ibid*, p. 3.

operations; some guidance to the operators as to the documentation collection for the application; harmonisation of the dynamics of the competent administrative bodies in charge of issuing permits with the transitory negotiation periods with the EU; harmonisation with the General Administrative Procedure Act.<sup>27</sup>

Amendments also prolong the periods for the applications to be submitted by existing plants.<sup>28</sup> These periods previously varied between November 2009 and March 2014. Now, the general prolonged period is 31st December 2020. As Serbia has acquired the candidacy status, the legislator's argument for prolonging the application period is justified by the requirement for filing the proposal motion; thus, in the legislator's view, the future negotiations require longer transitional periods for operators.<sup>29</sup> We can only agree with this point.

These amendments and additions no doubt have positive influence on the operators of new plants, since they precisely define the conditions of their operation during the period of the application consideration and the trial period, and even later, after the trial period, in the next 240 days until the issuance of the integrated permit. Positive impact is also exerted on the competent body, since the dynamics of issuing permits are now more rationally and justifiably posited.

Besides these positive characteristics, some objections can still be put forward. It is strange that the legislator did not take into account the discordance between the Act on the IPPC and the Act on Waters. The lack of legal security is still plaguing the procedure at its present shape. The competent body has the discretionary authority to act as it wishes. Secondly, in the conditions of still visible economic crisis, the lack of capacities on the part of the state administration for the application of such technically complex legislation, the lack of training for the operators in the application of BREF procedures as well as their general unawareness of their obligations under the IPPC, even the prolonged term until the year 2020 might not prove long enough to get the whole registration job done. It seems that the disposition of the *acquis* in this instance is in line with a more general trend that the law goes before the real socio-economic basis.

## 6. Conclusion

Integrated prevention and control of the environmental pollution is one of the essential instruments for the achievement of sustainable development goal, which is recognized on the international level, in comparative and EU legislation. The Republic of Serbia does not fall behind in the normative field since it

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27 *Ibid*, p. 3.

28 *Ibid*, p. 5-6.

29 *Ibid*, p. 6.

has fully implemented the IPPC Directive by enacting an all-encompassing and well-written law as well as a related set of by-laws. What plagues the application of this institute in practice, however, is the discordance with other legislation necessary for its implementation, such as the Planning and Construction Act, the General Administrative Procedure Act and the Act on Waters. Secondly, the lack of capacities on the part of the state administration competent for implementing these legislations, combined with difficulties sustained by the addressees (the operators of installations) in times of deep economic crisis, as well as the general technical complexity of the legislation and the lack of awareness of the addressees about their obligations, along with short periods for the implementation which do not take into account real possibilities of the adaptation of national economy, all these factors taken together led to difficulties in reaching the aim of pollution prevention and control, and ultimately paralyze the application of the law. In that sense, new amendments and supplements are welcome when they eliminate this normative discordance; however, they have not covered it completely, leaving out of range the Act on Waters. On the other hand, prolonged periods of implementation will help to overcome some loopholes in the socio-economic basis of the application of the Act on the IPPC in the Republic of Serbia. However, the stark fact still stands that in the period from 2004 to 2014, before passing the Act on amendments and additions to this Act, the integrated permit was issued to only 10 companies from a total of 196 companies from the list. It took the administration 10 years to handle just 5.1% of applications. For thirty facilities, the applications have not even been submitted. Until the year 2020, there is less than 5 years to go. Can the proceedings realistically be expected to accelerate that much?

At the end, it is the opinion of this author that what could have been done on the normative level, concerning the implementation of the integrated pollution prevention and control, was done. There is still a minor problem of compliance with the Act on Waters, but it may be expected that the practice will find its own solution, however preferable it would be that the legislator had it in mind. What can in fact slow down the progress of the IPPC in practice is the discordance between real social-economic basis and the legal super structure. It seems that the Republic of Serbia puts its obligations towards the European legislation in front of the obligations towards realities of socio-economic life, which creates a paradoxical situation that the legislation which aims to give support to economic initiative, create new economic subjects on the market and strengthen the market competition, in turn confuses that same initiative, discourages the new subjects and eventually weakens the competition.

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Strategija uvođenja čistije proizvodnje u Republici Srbiji (Strategy for introducing cleaner production in the Republic of Serbia), *Službeni glasnik Republike Srbije*, br. 17/2009.

Uredba o sadržini programa mera prilagođavanja rada postojećeg postrojenja ili aktivnosti propisanim uslovima (Regulation on the contents of the program of measures for adjusting the existing facility or installation activities to the prescribed conditions), *Službeni glasnik Republike Srbije*, br. 84/2005.

Uredba o utvrđivanju programa dinamike podnošenja zahteva za izdavanje integrisane dozvole (Regulation on establishing the dynamics of filing applications for the integrated permit), *Službeni glasnik Republike Srbije*, br. 108/2008

Uredba o kriterijumima za određivanje najboljih dostupnih tehnika, za primenu standarda kvaliteta, kao i za određivanje graničnih vrednosti emisija u integrisanoj dozvoli (Regulation on the criteria for defining the Best Available Techniques, applying quality standards, and defining the emission limits in the integrated permit), *Službeni glasnik Republike Srbije*, br. 84/2005.

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## **ИНТЕГРИСАНО СПРЕЧАВАЊЕ И КОНТРОЛА ЗАГАЂИВАЊА У ПРАВУ ЕУ И РЕПУБЛИКЕ СРБИЈЕ**

### **Резиме**

Усвајање закона није једини а поготово не најважнији део имплементације. Много важније је обезбедити практичну примену закона. Закони који се усвајају зарад пуког заокруживања ставки на агенди европског интеграционог процеса, а не у циљу побољшања стања у пракси честа су појава у Републици Србији. Пример ове врсте проблема је имплементација Директиве ЕУ о интегрисаној контроли и спречавању загађивања. Адресати ове Директиве су оператери индустријских постројења која су потенцијални озбиљни загађивачи, те је за њихов рад потребна посебна дозвола, која условљава рад поштовањем граничних вредности емисија. Поступак издавања ове дозволе је довољно сложен да створи бројне практичне проблем. Такође, сам Закон о ИППЦ, заједно са уредбама и правилницима који га допуњују, поставља противречне услове пред оператере, с обзиром да не постоје правно одређене граничне вредности емисија за ваздух и воду, мањка акредитованих лабораторија за праћење емисија, а ни катастри загађивача нису уређени. На све то, економске тешкоће се надовезују. Имплементација ИППЦ зависи од праћења стандарда рада који се објављују у БАТ кодексима (најбоље доступне технологије). Примена ових стандарда скопчана је са повећањем трошкова производње, јер су оператери обавезни да прате високо техничке, често неразумљиве кодексе који у највећем броју случајева нису ни преведени на српски језик. Адресати Закона су некада несвесни својих обавеза на основу закона, јер се у овој области прописи доносе брзином и учесталашћу која је ретко праћена ваљаном припремом за имплементацију.

**Кључне речи:** интегрисана контрола, животна средина, загађивање, Европска унија, Република Србија.