

**IMPLEMENTATION
OF THE AARHUS
CONVENTION
IN SERBIA**

**MODEL
LEGISLATION FOR
LOCAL SELF-GOVERNMENT
UNITS AIMED AT THE
IMPLEMENTATION
OF THE AARHUS
CONVENTION**





IMPLEMENTATION OF THE AARHUS CONVENTION IN SERBIA

MODEL LEGISLATION FOR LOCAL SELF-GOVERNMENT UNITS AIMED AT THE IMPLEMENTATION OF THE AARHUS CONVENTION

CONVENTION ON ACCESS TO INFORMATION,
PUBLIC PARTICIPATION IN DECISION-MAKING
AND ACCESS TO JUSTICE IN ENVIRONMENTAL
MATTERS

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IMPLEMENTATION OF THE AARHUS CONVENTION IN SERBIA

AARHUS CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

The Aarhus Convention was adopted on June 25th, 1998 in Aarhus, Denmark at the Fourth Ministerial Conference in the "Environment for Europe" process.

The objective behind the adoption of the Aarhus Convention is the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

The Aarhus Convention is an international legal instrument that features three sets of guidelines related to:

- Access to information
- Right to public participation in environmental decision-making
- Access to justice in the cases of violation of the above-mentioned rights (judicial review procedures)

The National Assembly of the Republic of Serbia passed the Law on Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) on May 12th, 2009 (Official Gazette of the Republic of Serbia – International Agreements, No. 38/09).

Article 74 of the Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia No. 98/06) states that everyone has the right to a healthy environment and the right to timely and full information about the state of the environment, that everyone, especially the Republic of Serbia and the autonomous province is accountable for the protection of the environment, as well as that everyone is obliged to preserve and improve the environment.

AARHUS CENTRE KRAGUJEVAC

The Memorandum of Understanding signed by the Ministry of Environment and Spatial Planning and the town of Kragujevac regarding the support for the establishment of the Aarhus Centre, signed in Kragujevac on April 28th, 2010, defines the role of both sides in the establishment of Aarhus Centre Kragujevac.

Aarhus Centre Kragujevac is part of the Environmental Protection Department of the Town Urban Planning, Construction and Environmental Protection Office. The centre has been established with the aim of fostering co-operation between citizens and local self-government units and enabling democratic processes in the field of environmental protection. Target groups include citizens, representatives of local self-government units and the media.

Aarhus Centre Kragujevac promotes the implementation of the Aarhus Convention in Serbia at the regional level (on the territory of 10 administrative districts: Šumadija District - Kragujevac, Pomoravlje District – Jagodina, Morava District – Čačak, Zlatibor District – Užice, Raška District – Kraljevo, Rasina District – Kruševac, Mačva District – Šabac, Kolubara District – Valjevo, Podunavlje District – Smederevo, Braničevo District – Požarevac).

The implementation of the Aarhus Convention in these administrative districts will contribute to the application of its provisions by decision-makers in local self-government units, which are among the primary authorities responsible for the performance of all the obligations under this Convention.

AARHUS CENTRE KRAGUJEVAC

PRINCIPLES, POLICIES

- Free access to environmental information
- Increasing the amount of information and the level of knowledge of the public concerned about environmental protection
- Creating a reliable mechanism for involvement and active participation of citizens, associations and the public concerned in planning and making decisions related to environmental protection
- Establishing collaboration and networking local self-government units, environmental services and individuals focusing on environmental protection
- Striving to enhance visibility of associations by strengthening their ability to inform the public about their activities and position
- Preparing the material explaining the rights and obligations under the Aarhus Convention.

PROPOSED IMPLEMENTATION MECHANISMS

The implementation of a number of strategies, laws and bylaws in the domain of environmental protection and sustainable development that the Republic of Serbia adopted was identified as a need in 2007 in the Republic of Serbia Environmental Performance Review drawn up and published by the United Nations Economic Commission for Europe (UNECE) Committee on Environmental Policy. The lack of mechanisms necessary for enabling the implementation, namely, application of the adopted legislation related to this field is especially manifested by:

- The lack of systematic monitoring of the state of the environment
- The lack of standards of activities, ways and procedures of participation of the public in the domain of environmental protection and sustainable development
- The lack of systematic monitoring of the state and formation of operational organs or bodies, especially at the level of local self-government units.

The need for adopting standardized decisions in this field, which are offered as models to local self-government units and are available in different formats to suit the capacity of local communities, should, above all, be regarded as a stimulus to local communities to deal with environmental protection issues at the local level too, outside the strict legislative framework, applying the approaches and capacities at their disposal that are in accordance with the law regulating this field and the powers transferred to them by the Law on Local Self-Government.

With regard to that, passing the Decision on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters at the level of local self-government units, as a general act systematically regulating the legal framework in the broadest terms and the basic mechanisms for conducting activities at the level of local communities is proposed in accordance with the law.

Another proposed measure is the establishment of a special task force, i.e. body, the Environmental Protection Council (Green Council) whose mission is to systematically monitor the state of affairs in this field and the regulations adopted at the local level and their implementation.

The legal framework for the proposed decisions is provided by the Law on Environmental Protection, which specifies in Article 4 that local self-government units, namely, municipalities and towns are obliged to ensure the functioning of the system of environmental protection and preserve and improve the environment.

Moreover, Article 18 of the Law on Local Self-Government stipulates that municipalities and towns shall through their organs ensure protection of the environment and adopt programmes for the protection of natural resources in accordance with their interests and specific needs.

The decisions conform to the provisions of the Aarhus Convention adopted on June 25th, 1998 at the Fourth Conference in the 'Environment for Europe' process, aimed at contributing to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Thus, the right to an adequate environment, namely, the right to live in an environment ensuring the health and well-being of people is the fundamental issue regulated by the Aarhus Convention. The Convention also affirms the obligation to preserve and improve the environment.

As an international legal instrument, the Convention features three sets of rules related to:

- The right of citizens to access to information;
- The right of citizens to participate in environmental decision-making;
- Access to justice in the cases of violation of the above-mentioned rights.

Initiated under the auspices of the United Nations, as an ambitious venture in the domain of environmental democracy, the Convention represents a huge step in the development of the international law in this field.

Its implementation provides an effective way of ensuring the right of every individual and all stakeholders to take part in making environmental decisions that can directly or indirectly influence the quality of life of people. This is also the central issue regulated by this international legal document. The other two sets of rules related to access to environmental information and efficient access to justice are directly in the service of securing as effective a participation of the public in the decision-making processes as possible. Multiple positive effects of the participation of the public in decision-making on the functioning of the political, legal and economic system have been observed. In this way, making decisions on important issues in a society is no longer monopolized by individuals or groups and fully and truly contributes to democratization of the society.

The correct implementation of this Convention through bylaws adopted at the level of local self-government units will contribute to the reform of public administration, improving its efficiency, the quality of its work and usefulness to the people in the three key areas regulated by this Convention (access to information, participation of the public in decision-making, access to justice). That will, in turn, contribute to the development of institutions ensuring the rule of law, protection of human rights, trust in public administration and democratic processes in general.

Its importance and the proclaimed principles were affirmed by the legislative organs of the Republic of Serbia by passing the Law on Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) on May 12th, 2009. The Republic of Serbia became a party to the convention on July 31th, 2009.

MODEL LEGISLATION FOR LOCAL SELF- GOVERNMENT UNITS AS A FORM OF IMPLEMENTATION OF THE AARHUS CONVENTION

The proposed decisions have been drawn up in accordance with the manual for the implementation of the Aarhus Convention for the representatives of public authorities, *Democratization of Environmental Policy*, published in Belgrade in 2003 by the Regional Environmental Centre for Central and Eastern Europe, Serbia and Montenegro Office. The primary purpose of the guide is to facilitate the implementation of the rules set out in the Aarhus Convention for the individuals and public administration bodies responsible for fulfilling the obligations imposed by the Convention. It is also aimed at directly or indirectly enabling people appointed to certain positions to carry out activities in the field of environmental protection.

In 2006, the Regional Environmental Centre for Central and Eastern Europe, Serbia Office in Belgrade published *Guide to Legislation on Public Participation in Decision-Making and Access to Justice in Environmental Matters*. These are the steps leading to the implementation of the Aarhus Convention and contributing to practical application of environmental legislation.

Manual with Guidelines for the Strategic Orientation, Establishment and Activities of Aarhus Centres Operating with the Support of the OSCE, published by the Organization for Security and Cooperation in Europe - Mission to Serbia in 2009 was also used when drawing up these decisions.

Finally, the proposed decisions are also defined by the Law on Planning and Construction that came into force in September 2009. In the section related to planning documents, this law focuses on environmental protection too and regulates public participation in the procedure of adoption of planning documents.

The drawn up decision proposals can be applied in the form of several models, depending on the developed mechanisms and powers granted to towns and municipalities on the territory of the Republic of Serbia by the provisions of the Law on Local Self- Government, taking into account the level of their development.

DECISION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Models for towns and municipalities

This decision regulates in a general way the areas of access to information, the manner in which the public can participate in the decision-making process and access to justice. It can be used as a model for towns and municipalities on the territory of the Republic of Serbia.

The towns and particularly municipalities on the territory of the Republic of Serbia have not equally implemented the powers afforded under the Law on Local Self-Government, such as the right to establish public companies, business corporations or local community offices. Therefore, towns and municipalities can choose one of the proposed models and accordingly oblige the legal entities they founded to act in certain ways to protect the environment on their territory in accordance with the proposed model.

Articles 2, 3 and 4 in the section Access to Information have been proposed according to the same principles. However, it should be especially remarked that apart from the suggested ways of ensuring access to information specified in Article 4, additional procedures can be chosen even if not stated, on condition that they fit a model of communication that is considered to be standard in a setting where it is to be applied.

Articles 5 and 6 of the proposed model, in the section Public Participation in Decision-Making, regulate the participation of the public in the

decision-making process in this area, which is applicable on all local self-government units, regardless of their size and level of development, especially the institute "Green Assembly Chair".

The participation mechanism within this instrument should be regulated in accordance with the provisions of Rules of Procedure of the assembly of each local self-government unit. Namely, the proposed model was developed on the basis of the mechanisms of the functioning of the National Assembly of the Republic of Serbia, but there are no obstacles for it to be fashioned in a different way. For example, the places whose assembly rules of procedure do not contain the provisions on the discussion in principle or in detail should only regulate this instrument and the right to participation in the discussion, without granting the right to participation in decision-making.

The section Access to Justice, as part of the proposed Article 7, envisages the introduction of "Green Ombudsman". This institute has been defined for the places where other institutes specified in the law have already been developed i.e. a legal assistance service and Protector of Citizens. The places where only a legal assistance service has been established will not provide for a Protector of Citizens, while local communities that do not have either of these can appoint one member of the municipal administration who is a law school graduate to perform additional duties specified in this article regulating the domain of legal assistance and the protection of citizens before administration bodies.

The closing provisions of this decision, especially Article 8, stipulate that the activities are financed from the local self-government unit's budget, i.e. the local environmental protection fund. In the cases where this fund has not yet been established, specifying that the activities will be financed from the budget of the local self-government unit will be enough.

DECISION ON THE ESTABLISHMENT OF THE ENVIRONMENTAL PROTECTION COUNCIL (GREEN COUNCIL)

Models for towns and municipalities

This decision comes in three versions, the model for towns, municipalities and the municipalities with up to 25000 inhabitants. It establishes Environmental Protection Councils, as expert, counselling and operational working bodies tasked with creating conditions, proposing and taking steps in the field of environmental protection, preservation of natural resources, sustainable management, improvement of the environment, providing access to environmental information, ensuring public participation in the decision-making process and other related issues in this field in accordance with law and ratified international agreements, conventions, plans and programmes and environmental protection strategies adopted by the Republic of Serbia and local self-government units, which is regulated by Articles 1 and 2 of the proposed models.

Article 3 of the proposed decisions and their models specifies the number of members of the council. The proposed number of members of councils in towns is 13, in municipalities 9 and in the municipalities with up to 25,000 inhabitants that number is 5. The make-up of the councils is also proposed.

Articles 4, 5, 6, 7 and 8 regulate the functioning of councils, including the possibility of establishing temporary and permanent working bodies, as well as working bodies set up following the territorial principle – where problems are encoun-

tered, the manner in which the councils conduct their activities, the obligation of adopting council Rules of Procedure and other issues of importance for the functioning of councils.

Article 9 of the proposal regulates the role of “Green Telephone”, the instrument allowing citizens to inform the councils about the problems in the field of environmental protection. The conditions for its establishment and functioning are to be provided by town or municipal assemblies.

Article 10 of the proposal regulates the instrument of public participation in the process of making decisions adopted by the responsible organs. On the other hand, Article 11 specifies the ways of securing the funds necessary for the functioning of councils.

Article 12 regulates the entry into force of the proposed decisions.

STANDING CONFERENCE OF TOWNS AND MUNICIPALITIES (SCTM) OF THE REPUBLIC OF SERBIA

At the fifth meeting of the Environmental Protection Committee of the Standing Conference of Towns and Municipalities (SCTM) of the Republic of Serbia, held as a joint meeting with the Utility Services Committee on October 26th, 2010 in Batočina, Srđan Matović, member of the Environmental Protection Committee of Kragujevac, held a presentation of the activities that the town of Kragujevac carried out in relation to the establishment of Aarhus Centre Kragujevac and the preparation of proposals of decisions ensuring access to information, the procedures of public participation in decision making and access to justice in environmental matters. The members of both committees were handed out the material – model Decisions on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, as well as the models of Decisions on the Establishment of the Environmental Protection Council to be adopted by the Kragujevac town assembly.

The representatives of towns and municipalities, members of both committees gave their support to the town of Kragujevac and its activities aimed at developing the mechanisms ensuring the implementation of the Aarhus Convention in Serbia and especially recommended carrying out these activities in other towns and municipalities.

DECISION MODELS

MODEL FOR TOWNS

On the basis of Article 4, Paragraph 1, Item 3 and Article 14 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) and Article ___ of the Statute of the town of ___ Official Gazette ___ number ___) Town Assembly ___, at the meeting held on ___, 2010 adopted the

DECISION

ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

I GENERAL PROVISION

Article 1

The Decision on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter "Decision") of the assembly of the town ___ specifies the obligation of all organs of the town of ___, public companies, business associations, institutions and services established by the town, as well as local community offices to provide access to information related to the protection and preservation of the environment, regulates public participation in decision making in this field and access to justice in environmental matters on the territory of the town of ___.

II ACCESS TO INFORMATION

Article 2

The organs of the town of ___, public companies, business associations, institutions and services established by the town, as well as the organs of local community offices on the territory of the town shall allow public access to all information from their area of responsibility that is of importance for citizens, legal entities and associations specializing in environmental protection and all related individuals that are affected or can be affected by the actions and decisions of the responsible organs or for the individuals who have or show an interest to defend the right to a healthy environment, in accordance with law and the provisions of this Decision.

Article 3

The organs of the town of ___, public companies, business associations, institutions and services established by the town, as well as the organs of local community offices shall especially be obliged to provide the public with access to all information related to the identification of polluters of the environment on the territory of the town of ___ that they obtained while performing the duties within their competence, as well as to the measures aimed at eliminating or alleviating the problems that directly or potentially harm healthy environment.

Article 4

In addition to those specified by law, access to environmental information can also be provided in the following ways:

- Holding press conferences,
- Publishing press releases,
- Building a dedicated page on the town's website

- Holding discussions about the state of the environment and the currently implemented environmental protection measures,
- Organizing round table discussions on the problems related to environmental protection,
- Printing brochures and other material about the information of importance for the protection of the environment,
- Educating pre-school and school-age children about the need for environmental protection and introducing measures to that effect,
- Organizing public hearings about draft decisions and proposals of plans for providing a legal framework in the field of environmental protection,
- Other suitable ways of informing citizens and other interested individuals and legal entities about the issues related to this domain.

III PUBLIC PARTICIPATION IN DECISION-MAKING

Article 5

Town assembly and other bodies authorized to put forward proposals of decisions within the competence of the assembly of the town of _____ shall notify citizens, legal entities, associations and other stakeholders in a timely manner, in one of the ways defined in Article 4 of this Decision about the possibilities of participation in making environmental decisions within the competence of the assembly of the town of _____.

The notification specified in Paragraph 1 of this Article shall contain primarily the information about the nature of the proposed decision, the administration body responsible for its implementation, the ways and forms of public participation, i.e. submitting comments and suggestions, submission deadline, as well as other information of importance for the participation of the public in this procedure.

Article 6

This Decision of the assembly of the town of _____, establishes the instrument named "Green Assembly Chair", as a form of public participation in this field.

In the context of the provisions of this Decision, the instrument named "Green Assembly Chair" introduces the obligation of the chairman of the assembly of the town of _____, to invite the chairman of the Environmental Protection Council, namely, an authorized representative of the council, to attend each meeting of the assembly and provide them with a chair in the first row of the assembly hall, visibly marked as "Green Chair" reserved exclusively for the chairman or an authorized representative of the council. The chair remains empty if neither of them is present at the meeting.

As part of this instrument, the assembly of the town of _____ shall guarantee the right to the chairman or an authorized representative of the council to participate in the discussion when debating and adopting decision proposals directly or potentially related to the protection, improvement or development of the environment. They shall not be granted decision-making powers.

The chairman or an authorized representative of the council has the right to hold a press conference before, during or immediately after the meeting of the town assembly in which s/he took part, so as to introduce the public to the arguments "for" or "against" adopting the decision in question s/he put forward in the course of the discussion. Namely, the aim of the press conference is to highlight the positive or negative effects of adopting or failure to adopt a decision in the field of environmental protection.

IV ACCESS TO JUSTICE

Article 7

The assembly of the town of _____ establishes the instrument named "Green Ombudsman" with the aim of providing access to justice for individuals, associations and other stakeholders in the area of protection and preservation of the environment.

"Green Ombudsman" incorporates the obligation of offering free legal assistance to all interested parties and providing information about the possibility of access to administrative and judicial procedures and legal remedies in cases of violation of the rights guaranteed by this decision.

Town assembly shall create organizational and other necessary conditions for the performance of the tasks of "Green Ombudsman".

V CLOSING PROVISIONS

Article 8

The finances necessary for the activities and the functioning of the instruments established by this Decision will be allocated in the budget of the town of _____ and paid from the budget funded environmental protection fund.

Article 9

The organs of the town of _____ shall bring their legislation in line with the provisions of this Decision before the beginning of its implementation.

Article 10

This Decision comes into effect on the eighth day following publication in "_____"; and shall be implemented from the following date.

ASSEMBLY OF THE TOWN OF

Number: _____

Date: _____

CHAIRMAN

RATIONALE

Article 4, Paragraph 1, Item 3 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09), specifying that the environmental protection system shall be implemented by local self-government units within the scope of their competence, provides the **legal basis** for adopting the Decision. Article 14 of that law stipulates that control of the use of natural resources is provided by the organs and organizations of local self-government units. Moreover, Article ____ of the Statute of the town of ____ (Official Gazette of the town of ____ number ____) establishes the competence of the assembly of the town of ____ to adopt regulations and other pieces of general legislation.

The rationale for adopting this Decision is provided in the provisions of the Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) that the National Assembly of the Republic of Serbia passed on May, 12th, 2009. The Republic of Serbia became a party to the convention on 31st, July, 2009.

The objective of the Convention is to “contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being”.

Access to environmental information is important for a number of reasons. Firstly, public authorities are responsible for the state of affairs in the domains that this information refers to. Secondly, because the policy in the fields of relevance to the environment is determined and implemented on the basis of that information and ultimately, for formal reasons, since public authorities have the obligation to collect, possess and provide environmental information at the request of stakeholders.

Ensuring public participation in the process of making environmental decisions is particularly important, as this is how the conditions are created for the public to truly take part in decision making and contribute to reaching correct and best decisions. This, in turn, renders the decisions adopted by the responsible bodies truly legitimate and opens up the possibilities of getting a comprehensive insight into all aspects of importance for the adoption of the regulations in question. All of the above is derived from the fact that the rights to a healthy environment and to timely and full information about the state of the environment are guaranteed in the Constitution of the Republic of Serbia too.

In view of that, this decision proposal contributes to bringing local environmental legislation in line with the EU legal system and to meeting the obligations ensuing from the international agreements signed by the Republic of Serbia.

The adoption of the proposed decision would, consequently, make it possible for the public to obtain all the necessary information and take part in the environmental decision-making process. Moreover, in case of violation of these rights, the public should be given appropriate legal assistance that is free of charge in order to protect their rights.

Section I, Article 1 defines the subject matter and normative scope of this Decision.

Section II, Articles 2, ,3 and 4 regulate access to information by defining first the obligations of local self-government bodies and public utility companies, institutions, services and other bodies established by the town to provide access to the environmental information that they obtain while performing the duties that fall within the scope of their responsibilities, as well as the measures taken to eliminate or reduce environmental pressures and the ways in which that information will be made accessible.

Section III, Articles 5 and 6 stipulate the obligation of providing public participation in the decision-making process in this field, the obligations of those who put forward decision proposals, as well as the manner in which the participation of the public, namely, citizens, legal entities and all other stakeholders will be ensured.

This section especially regulates the instrument of "Green Assembly Chair", as a form of participation of the public in the environmental decision-making process, the functioning of the Green Council and the participation of its members in the discussion in the course of town assembly meetings, as well as, the possibility of holding press conferences with the aim of informing the public about the reasons for advocating certain views of the Green Council at the meeting during which a decision from this field was debated.

Section IV specifies the details of the right to access to justice regulated by the instrument named "Green Ombudsman" which creates the possibilities for everyone whose rights are guaranteed by this Decision to obtain legal assistance free of charge from experts specialized in this field. The assistance primarily involves giving information about the possibilities of launching appropriate administrative and judicial procedures, accessing legal remedies to challenge questionable decisions, submitting petitions and other forms of expert assistance.

Section V states transitional and closing provisions, namely, the sources of funding of the activities and instruments established by this Decision, the obligation of bodies to bring their legislation in line with the provisions of this Decision and finally the coming into force of this Decision in accordance with the Constitution of the Republic of Serbia and the beginning of its implementation. Namely, the implementation of this decision begins in the year _____, so as to enable town bodies, institutions, public companies and other stakeholders to which this Decision applies to prepare to implement it in the best way possible and introduce the public to the possibilities and instruments provided by the Decision in the field of environmental protection, as well as to secure the funds for its application from next year's town budget.

The funds necessary for the implementation of this decision will be provided from the 2011 budget of the town of _____.

On the basis of Article 4, Paragraph 1, Item 3 and Article 14 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) and Article _____ of the Statute of the Municipality of _____ (Official Gazette of _____ number _____, the Municipality of _____ at the meeting held on _____ 2010 adopted the

DECISION

ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

I GENERAL PROVISION

Article 1

The Decision on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter "Decision") of the assembly of the municipality of _____ specifies the obligation of all organs of the municipality of, companies, institutions and services established by the municipality, as well as local community offices to provide access to information related to the protection and preservation of the environment, regulates public participation in decision making in this field and access to justice in environmental matters on the territory of the municipality of _____.

II ACCESS TO INFORMATION

Article 2

The organs of the municipality of _____, companies, institutions and services established by the municipality, as well as the organs of local community offices on the territory of the municipality shall allow public access to all information from their area of responsibility that is of importance for citizens, legal entities and associations specializing in environmental protection and all related individuals that are affected or can be affected by the actions and decisions of the responsible organs or for the individuals who have or show an interest to defend the right to a healthy environment, in accordance with law and the provisions of this Decision.

Article 3

The organs of the municipality of _____ companies, institutions and services established by the municipality, as well as the organs of local community offices shall especially be obliged to provide the public with access to all information related to the identification of polluters of the environment on the territory of the municipality of _____ that they obtained while performing the duties within their competence, as well as to the measures aimed at eliminating or alleviating the problems that directly or potentially harm healthy environment.

Article 4

In addition to those specified by law, access to environmental information can also be provided in the following ways:

- Holding press conferences,
- Publishing press releases,
- Holding discussions about the state of the environment and the currently implemented environmental protection measures,
- Educating pre-school and school-age children about the need for environmental protection,

- Organizing public hearings about draft decisions and proposals of plans for providing a legal framework in the field of environmental protection,
- Other suitable ways of informing citizens and other interested individuals and legal entities about the issues related to this domain.

III PUBLIC PARTICIPATION IN DECISION MAKING

Article 5

The municipal assembly and other bodies authorized to put forward proposals of decisions within the competence of the assembly of the municipality of _____ shall notify citizens, legal entities, associations and other stakeholders in a timely manner, in one of the ways defined in Article 4 of this Decision about the possibilities of participation in making environmental decisions within the competence of the assembly of the municipality of _____.

The notification specified in Paragraph 1 of this Article shall contain primarily the information about the nature of the proposed decision, the administration body responsible for its implementation, the ways and forms of public participation, i.e. submitting comments and suggestions, submission deadline, as well as other information of importance for the participation of the public in this procedure.

Article 6

This Decision of the assembly of the municipality of _____, establishes the instrument of “Green Assembly Chair”, as a form of public participation in this field.

In the context of the provisions of this Decision, the instrument named “Green Assembly Chair” introduces the obligation of the chairman of the assembly of the municipality of _____, to invite the chairman of the Environmental Protection Council, namely, an authorized representative of the council to attend each meeting of the assembly and provide them with a chair in the first row of the assembly hall, visibly marked as “Green Chair”, reserved exclusively for the chairman or an authorized representative of the council. The chair remains empty if neither of them is present at the meeting.

As part of this instrument, the assembly of the municipality of _____ shall guarantee the right to the chairman or an authorized representative of the council to participate in the discussion when debating and adopting decision proposals directly or potentially related to the protection, improvement or development of the environment. They shall not be granted decision-making powers.

IV ACCESS TO JUSTICE

Article 7

The assembly of the municipality of _____ establishes the instrument named “Green Ombudsman” with the aim of providing access to justice for individuals, associations and other stakeholders in the area of protection and preservation of the environment.

“Green Ombudsman” incorporates the obligation of offering free legal assistance to all interested parties and providing information about the possibility of access to administrative and judicial procedures and legal remedies in cases of violation of the rights guaranteed by this decision.

The municipal assembly shall create organizational and other necessary conditions for the performance of the tasks of “Green Ombudsman”.

V CLOSING PROVISIONS

Article 8

The finances necessary for the activities and the functioning of the instruments established by this Decision will be allocated in the budget of the municipality of _____ and paid from the budget funded environmental protection fund.

Article 9

The organs of the municipality of _____ shall bring their legislation in line with the provisions of this Decision before the beginning of its implementation.

Article 10

This decision comes into effect on the eighth day following publication in "_____", and shall be implemented from the following date _____

ASSEMBLY OF THE TOWN OF

Number: _____
Date: _____

CHAIRMAN

RATIONALE

Article 4, Paragraph 1, Item 3 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) specifying that the environmental protection system shall be implemented by local self-government units, within the scope of their competence, provides the legal basis for adopting the Decision. Article 14 of that law stipulates that control of the use of natural resources is provided by the organs and organizations of local self-government units. Moreover, Article _____ of the statute of the municipality of _____ (Official Gazette of the municipality of _____ number _____) establishes the competence of the municipality of _____ to adopt regulations and other pieces of general legislation.

The rationale for adopting this Decision is provided in the provisions of the Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) that the National Assembly of the Republic of Serbia passed on May, 12th, 2009. The Republic of Serbia became a party to the convention on 31st July, 2009.

The objective of the Convention is to “contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well- being”.

Access to environmental information is important for a number of reasons. Firstly, public authorities are responsible for the state of affairs in the domains that this information refers to. Secondly, because the policy in the fields of relevance to the environment is determined and implemented on the basis of that information and ultimately, for formal reasons, since public authorities have the obligation to collect, possess and provide environmental information at the request of stakeholders.

Ensuring public participation in the process of making environmental decisions is particularly important, as this is how the conditions are created for the public to truly take part in decision making and contribute to reaching correct and best decisions. This, in turn, renders the decisions adopted by the responsible bodies truly legitimate and opens up the possibilities of getting a comprehensive insight into all aspects of importance for the adoption of the regulations in question. All of the above is derived from the fact that the rights to a healthy environment and to timely and full information about the state of the environment are guaranteed in the Constitution of the Republic of Serbia too.

In view of that, this decision proposal contributes to bringing local environmental legislation in line with the EU legal system and meeting the obligations ensuing from the international agreements signed by the Republic of Serbia.

The adoption of the proposed decision would, consequently, make it possible for the public to obtain all the necessary information and take part in the environmental decision-making process. Moreover, in case of violation of these rights, the public should be given appropriate legal assistance that is free of charge in order to protect their rights.

Section I, Article 1 defines the subject matter and normative scope of this Decision.

Section II, Article 2, ,3 and 4 regulate access to information by defining first the obligations of local self-government bodies and public utility companies, institutions, services and other bodies established by the town to provide access to the environmental information that they obtain while performing the duties that fall within the scope of their responsibilities, as well as the measures taken to eliminate or reduce environmental pressures and the ways in which that information will be made accessible.

Section III, Articles 5 and 6 stipulate the obligation of providing public participation in the decision-making process in this field, the obligations of those who put forward decision proposals, as well as the manner in which the participation of the public, namely, citizens, legal entities and all other stakeholders will be ensured.

This section especially regulates the instrument of “Green Assembly Chair”, as a form of participation of the public in the environmental decision-making process, the functioning of the Green Council and the participation of its members in the discussion in the course of municipal assembly meetings.

Section IV specifies the details of the right to access to justice regulated by the instrument named “Green Ombudsman” which creates the possibilities for everyone whose rights are guaranteed by this Decision to obtain legal assistance free of charge from experts specializing in this field. The assistance primarily involves giving information about the possibilities of launching appropriate administrative and judicial procedures, accessing legal remedies to challenge questionable decisions, submitting petitions and other forms of expert assistance.

Section V states transitional and closing provisions, namely, the sources of funding of the activities and instruments established by this Decision, the obligation of bodies to bring their legislation in line with the provisions of this Decision and finally the coming into force of this Decision in accordance with the Constitution of the Republic of Serbia and the beginning of its implementation. Namely, the implementation of this decision begins in the year _____, so as to enable municipal bodies, institutions, companies and other stakeholders to which this Decision applies to prepare to implement it in the best way possible and introduce the public to the possibilities and instruments provided by the Decision in the field of environmental protection, as well as to secure the funds for its application from next year’s budget of the municipality.

MODEL FOR TOWNS

On the basis of Article 4, Paragraph 1, Item 3 and Article 14 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) and Article _____ of the Statute of the town of _____ Official Gazette of the town of _____ number _____/_____) Town Assembly _____, at the meeting held on _____, 2010 adopted the

DECISION

ON THE ESTABLISHMENT OF THE ENVIRONMENTAL PROTECTION COUNCIL

Article 1

This decision of the assembly of the town of _____ establishes the environmental protection council (hereinafter "Green Council") with the aim improving, protecting and preserving the environment on the territory of the town of _____.

Article 2

The purpose of the establishment of the Green Council is the implementation of strategies in the field of environmental protection, sustainable development, the creation of necessary conditions, putting forward measure proposals and the implementation of measures in the following fields:

- Preservation of the environment,
- Protection of natural resources,
- Sustainable development,
- Opinion giving and participation in the international projects focusing on the preservation, protection and sustainable development of the environment;
- Taking measures related to this area, in accordance with law, ratified international agreements and conventions, plans, programmes and strategies for the protection of the environment in the Republic of Serbia and the town of _____, the statute of the town of _____, the Decision on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and this Decision;
- Other matters in this area.

Article 3

The Green Council has 13 members, representatives of the town, the university, chamber of commerce, citizens' associations and the media, appointed by the assembly of the town of _____ to a four year term.

Town assembly appoints officials serving on the following bodies as representatives of the town of _____ in the Green Council:

1. Local assembly member responsible for environmental protection;
2. Town administration representative responsible for environmental protection;
3. Town administration representative responsible for inspection-related activities;
4. Town health care centre representative;
5. Representative of the Office of the Protector of Citizens and the Legal Assistance Office.

Two members of the Green Council are experts specializing in environmental protection (representatives of the university appointed by the town assembly on the recommendation of the dean);

Two members of the Green Council are appointed by the assembly as representatives of the business community on the recommendation of the chamber of commerce or the business association.

Two members of the Green Council, appointed on the recommendation of the local assembly member responsible for the cooperation with associations, are members of the associations focusing on environmental protection issues operating on the territory of the town of _____.

Town assembly appoints two members of the Green Council as representatives of the media, on the recommendation of the member of the local assembly in charge of dissemination of information.

The chairman of the Green Council is elected by a majority vote of all the members of the Green Council at its inaugural meeting.

The council has a secretary in charge of expert and administrative duties related to its functioning. The secretary participates in council meetings but does not have voting privileges. Green Council secretary, who is a town administration employee specializing in environmental protection issues is appointed on the recommendation of council chairman.

Article 4

The Green Council holds meetings where the majority the total number of its members are present. The Green Council adopts decisions by a majority vote of all of its members.

Experts on the issues on the Green Council meeting agenda can take part in the debate, at the invitation of the chairman of the council, but shall not be granted voting powers; the representatives of public utility companies can also be invited when dealing with issues related to the implementation of environmental protection measures, as well as the representatives of the public interested, when the council discusses matters of importance for the direct exercise of their rights and interests in the field of the protection of the environment.

Article 5

The Green Council can set up permanent and temporary working bodies to assist its functioning. Eminent experts in certain environmental protection fields that a body was set up to deal with can be appointed as its members together with the representatives of the public interested in finding the solution to the problem in this domain that the working body focuses on.

The number, make-up, names, aims and the functioning of permanent and temporary working bodies of the Green Council will be determined in the decision on their establishment.

Article 6

The activities of the Green Council and its working bodies are public.

The public nature of the activities of the Green Council and its working bodies is ensured by inviting the representatives of the media to attend the meetings of the Green Council and its working bodies and by their presence at these meetings, as well as by holding press conferences, publishing press releases, launching the website of the council and using all other suitable ways of informing the public about the environmental protection issues discussed by the Green Council or its working bodies.

The chairman of the Green Council shall make sure that its activities are public, while the chairmen of the working bodies shall have the same obligation, as far as the functioning of the working bodies is concerned.

The chairman of the Green Council, namely, the chairman of the working body must make any information of importance for the citizens that belongs to the domain of environmental protection accessible to the public.

The chairman of the Green Council and chairman of the working body have a special obligation to make available to the public all information regarding the identification of polluters of the environment on the territory of the town, as well as the measures aimed at eliminating or alleviating the problems that directly or potentially impact environmental protection.

Article 7

The Green Council adopts the Rules of Procedure specifying the details of the functioning of the council, the procedure of putting forward the issues to be discussed, authorized proposers, calling and holding meetings, informing the public about its activities and other matters of importance for the work of the Green Council.

Article 8

The Green Council establishes the instrument named "Green Telephone" for the purpose of collecting information about environmental risks.

The Green Telephone involves setting up a hotline where the public can inform members of the Green Council about the instances of pollution or environmental risks and potential polluters, namely, those responsible for causing environmental damage.

The ways of functioning of the Green Telephone, keeping records and other matters of importance for the implementation of this instrument will be defined in a separate decision of the Green Council.

Article 9

The local assembly shall create all the conditions necessary for the functioning of the Green Council in accordance with the provisions of this Decision.

Article 10

The local assembly, town administration departments and public companies established by the town that can submit drafts, namely, draw up proposals of decisions and plans in the field of environmental protection, spatial planning, construction and utilities shall not be allowed to submit any of these to the town assembly for adoption without obtaining prior approval of the Green Council in writing.

Article 11

The finances necessary for the activities and the functioning of the Green Council, its working bodies and the instruments established by this Decision will be allocated in the town budget and paid from the budget funded environmental protection fund.

Article 12

This decision comes into effect on the eighth day following publication in "____", and shall be implemented from the following date ____.

ASSEMBLY OF THE TOWN OF

Number: _____

Date: _____

CHAIRMAN**RATIONALE**

Article 4, Paragraph 1, Item 3 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) specifying that the environmental protection system shall be implemented by local self-government units within the scope of their competence provides the legal basis for adopting the Decision. Article 14 of that law stipulates that control of the use of natural resources is provided by the organs and organizations of local self-government units. Moreover, _____ of the Statute of the town of _____ (Official Gazette of the town of _____ number _____/_____) establishes the competence of the town assembly to adopt regulations and other general acts.

This decision is adopted with the aim of fulfilling the need to ensure the implementation of strategies in the fields of environmental protection and sustainable development, the creation of conditions, proposing and taking measures in the domain of the preservation of the environment and protection of natural resources through the establishment of the Green Council.

The provisions of this Decision regulate the make-up of the Green Council, the number and appointment of its members, the procedure of holding meetings and making decisions, the possibility of forming permanent and temporary working bodies of the Green Council, as well as other issues of importance for its functioning, such as the public nature of its activities, etc.

The Decision also specifies the obligation of the responsible town administration bodies and other participants in the process of submitting proposals of decisions and plans in the field of environmental protection, spatial planning, construction and utilities to obtain prior approval of the Green Council in writing before they can submit any of these for adoption.

In order to improve the effectiveness and the manner of carrying out the activities of the Green Council and, above all, make it possible to collect information of importance for its functioning and work, the Decision allows for the possibility of setting up a hotline where the public can inform members of the Green Council about the instances of pollution or environmental risks and potential polluters, namely, those responsible for causing environmental damage.

Furthermore, this Decision defines the ways of financing Green Council activities and the obligation of the local assembly to provide the basic conditions for its functioning.

The funds necessary for the implementation of this Decision will be provided from the next year's budget, since it will come into force in the year _____.

MODEL FOR MUNICIPALITIES

On the basis of Article 4, Paragraph 1, Item 3 and Article 14 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) and Article _____ of the Statute of the Municipality of _____ (Official Gazette of _____ number _____/_____, the Municipality of _____ at the meeting held on _____ 2010 adopted the

DECISION

ON THE ESTABLISHMENT OF THE ENVIRONMENTAL PROTECTION COUNCIL

Article 1

This Decision of the assembly of the municipality of _____ establishes the environmental protection council (hereinafter "Green Council") with the aim improving, protecting and preserving the environment on the territory of the municipality of _____.

Article 2

The purpose of the establishment of the Green Council is the implementation of strategies in the field of environmental protection and sustainable development, the creation of necessary conditions, putting forward measure proposals and the implementation of measures in the following fields:

- Preservation of the environment,
- Protection of natural resources,
- Sustainable development,
- Opinion giving and participation in the international projects focusing on the preservation, protection and sustainable development of the environment;
- Taking measures related to this area, in accordance with law, ratified international agreements and conventions, plans, programmes and strategies for the protection of the environment in the Republic of Serbia and the municipality of _____, the statute of the municipality of _____, the Decision on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and this Decision;
- Other matters in this area.

Article 3

The Green Council has 9 members, representatives of the municipality, the association of private business owners, citizens' associations and the media, appointed by the assembly of the municipality of _____ to a four year term.

The municipal assembly appoints officials serving on the following bodies as representatives of the municipality of _____ in the Green Council:

1. Local assembly member responsible for environmental protection;
2. Municipal administration representative
3. Representative of the health care centre

Two members of the Green Council are appointed as representatives of business owners on the recommendation of the association.

Two members of the Green Council, appointed on the recommendation of the local assembly member responsible for the cooperation with associations, are members of the associations focusing on environmental protection issues operating on the territory of the municipality of _____.

The local assembly appoints two members of the Green Council as representatives of the media, at the recommendation of the member of the municipal council in charge of dissemination of information. The chairman of the Green Council is elected by a majority vote of all the members of the Green Council at its inaugural meeting.

The council has a secretary in charge of expert and administrative duties related to its functioning. The secretary participates in council meetings but does not have voting privileges. Green Council secretary, who is a municipal administration employee specializing in environmental protection issues is appointed on the recommendation of council chairman.

Article 4

The Green Council holds meetings where the majority the total number of its members are present. The Green Council adopts decisions by a majority vote of all of its members.

Experts on the issues on the Green Council meeting agenda can take part in the debate, at the invitation of the chairman of the council, but shall not be granted voting powers; the representatives of public utility companies can also be invited when dealing with issues related to the implementation of environmental protection measures, as well as the representatives of the public interested, when the council discusses matters of importance for the direct exercise of their rights and interests in the field of the protection of the environment.

Article 5

The Green Council can set up permanent and temporary working bodies to assist its functioning. Eminent experts in certain environmental protection fields that a body was set up to deal with can be appointed as its members together with the representatives of the public interested in finding the solution to the problem in this domain that the working body focuses on.

The number, make-up, names, aims and the functioning of permanent and temporary working bodies of the Green Council will be determined in the decision on their establishment.

Article 6

The activities of the Green Council and its working bodies are public.

The public nature of the activities of the Green Council and its working bodies is ensured by inviting the representatives of the media to attend the meetings of the Green Council and its working bodies and by their presence at these meetings, as well as by holding press conferences, publishing press releases, launching the website of the council and using all other suitable ways of informing the public about the environmental protection issues discussed by the Green Council or its working bodies.

The chairman of the Green Council shall make sure that its activities are public, while the chairmen of the working bodies shall have the same obligation as far as the functioning of the working bodies is concerned.

The chairman of the Green Council, namely, the chairman of the working body must make any information of importance for the citizens that belongs to the domain of environmental protection accessible to the public.

The chairman of the Green Council and chairman of the working body have a special obligation to make available to the public all information regarding the identification of polluters of the environment on the territory of the municipality, as well as the measures aimed at eliminating or alleviating problems that directly or potentially impact environmental protection.

Article 7

The Green Council adopts the Rules of Procedure specifying the details of the functioning of the council, the procedure of putting forward the issues to be discussed, authorized proposers, calling and holding meetings, informing the public about its activities and other matters of importance for the work of the Green Council.

Article 8

The Green Council establishes the instrument named "Green Telephone" for the purpose of collecting information about environmental risks.

The Green Telephone involves setting up a hotline where the public can inform members of the Green Council about the instances of pollution or environmental risks and potential polluters, namely, those responsible for causing environmental damage.

The ways of functioning of the Green Telephone, keeping records and other matters of importance for the implementation of this instrument will be defined in a separate decision of the Green Council.

Article 9

The local assembly shall create all the conditions necessary for the functioning of the Green Council in accordance with the provisions of this Decision.

Article 10

The local assembly, municipal administration departments and public companies established by the municipality that can submit drafts, namely, draw up proposals of decisions and plans in the field of environmental protection, spatial planning, construction and utilities shall not be allowed to submit any of these to the municipal assembly for adoption without obtaining prior approval of the Green Council in writing.

Article 11

The finances necessary for the activities and the functioning of the Green Council, its working bodies and instruments established by this Decision will be allocated in the budget of the municipality of _____ and paid from the budget funded environmental protection fund.

Article 12

This decision comes into effect on the eighth day following publication in " _____", and shall be implemented from the following date _____.

ASSEMBLY OF THE MUNICIPALITY OF

Number: _____
Date: _____

CHAIRMAN

RATIONALE

Article 4, Paragraph 1, Item 3 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) specifying that environmental protection system shall be implemented by local self-government units within the scope of their competence provides the legal basis for adopting the Decision. Article 14 of that law stipulates that control of the use of natural resources is provided by the organs and organizations of local self-government units. Moreover, _____ of the Statute of the municipality of _____ (number _____) establishes the competence of the municipal assembly to adopt regulations and other general acts.

This decision is adopted with the aim of fulfilling the need to ensure the implementation of strategies in the fields of environmental protection and sustainable development, the creation of conditions, proposing and taking measures in the domain of the preservation of the environment and protection of natural resources through the establishment of the Green Council.

The provisions of this Decision regulate the make-up of the Green Council, the number and appointment of its members, the procedure of holding meetings and making decisions, the possibility of forming permanent and temporary working bodies of the Green Council, as well as other issues of importance for its functioning, such as the public nature of its activities, etc.

The Decision also specifies the obligation of the responsible municipality administration bodies and other participants in the process of submitting proposals of decisions and plans in the field of environmental protection, spatial planning, construction and utilities to obtain prior approval of the Green Council in writing before they can submit any of these for adoption.

In order to improve the effectiveness and the manner of carrying out the activities of the Green Council and, above all, make it possible to collect information of importance for its functioning and work, the Decision allows for the possibility of setting up a hotline where the public can inform members of the Green Council about the instances of pollution or environmental risks and potential polluters, namely, those responsible for causing environmental damage.

Furthermore, this Decision defines the ways of financing Green Council activities and the obligation of the local assembly to provide the basic conditions for its functioning.

The funds necessary for the implementation of this Decision will be provided from the next year's budget, since it will come into force in the year _____.

MODEL FOR THE MUNICIPALITIES WITH UP TO 25,000 INHABITANTS

On the basis of Article 4, Paragraph 1, Item 3 and Article 14 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) and Article _____ of the Statute of the Municipality of _____ (Official Gazette of _____ number _____/_____, the Municipality of _____ at the meeting held on _____ 2010, adopted the

DECISION**ON THE ESTABLISHMENT OF THE ENVIRONMENTAL PROTECTION COUNCIL****Article 1**

This decision of the assembly of the municipality of _____ establishes the environmental protection council (hereinafter "Green Council") with the aim improving, protecting and preserving the environment on the territory of the municipality of _____.

Article 2

The purpose of the establishment of the Green Council is the creation of the necessary conditions, putting forward measure proposals and the implementation of measures in the following fields:

- Preservation of the environment,
- Protection of natural resources,
- Sustainable development,
- Other issues in this area, in accordance with law, ratified international agreements and conventions, plans, programmes and strategies for the protection of the environment in the Republic of Serbia and the municipality of _____, the statute of the municipality of _____ and this Decision;

Article 3

The council has 5 members appointed by a special act of the municipality of _____. They are as follows:

1. Deputy Chairman of the municipal assembly, namely a member of the local assembly;
2. Head of the municipal administration;
3. Headmaster of the local primary or secondary school
4. Two members of the municipal assembly whose activities focus on environmental protection issues.

The chairman of the Green Council is elected by a majority vote of all the members of the Green Council, at its inaugural meeting.

The council has a secretary in charge of expert and administrative duties related to its functioning. The secretary participates in council meetings, but does not have voting privileges. Green Council secretary, who is a municipal administration employee is appointed on the recommendation of council chairman.

Article 4

The council holds meetings where the majority the total number of its members are present.

The council adopts decisions by a majority vote of all of its members.

Experts on the issues on the council meeting agenda can take part in the debate, at the invitation of the chairman of the council, but shall not be granted voting powers; the representatives of the public Interested, when the council discusses matters of importance for the direct exercise of their rights and interests in the field of the protection of the environment

Article 5

The activities of the Green Council and its working bodies are public.

The public nature of the activities of the Green Council and its working bodies is ensured by inviting the representatives of the media to attend the meetings of the Green Council and its working bodies and by their presence at these meetings, as well as by holding press conferences, publishing press releases and using all other suitable ways of informing the public about the environmental protection issues discussed by the Green Council or its working bodies.

The chairman of the council shall make sure that its activities are public, while the chairmen of the working bodies shall have the same obligation as far as the functioning of the working bodies is concerned.

The chairman of the Green Council, namely, the chairman of the working body must make any information, obtained by the council while performing the duties from its area of responsibility, which is of importance for the citizens that belongs to the domain of environmental protection accessible to the public.

The chairman of the council and the chairman of the working body have a special obligation to make available to the public all information regarding the identification of polluters of the environment on the territory of the municipality as well as the measures aimed at eliminating or alleviating problems that directly or potentially impact environmental protection.

Article 6

The council adopts the Rules of Procedure specifying the details of its functioning, the procedure of putting forward the issues to be discussed, authorized proposers, calling and holding meetings, informing the public about its activities and other matters of importance for the work of the council.

Article 7

The Green Council can set up permanent and temporary working bodies to assist its activities in the fields related to environmental protection.

The number, make-up, names, aims and the functioning of permanent and temporary working bodies of the council will be determined in the decision on their establishment.

Article 8

The Green Council establishes the instrument named "Green Telephone" for the purpose of collecting information about environmental risks.

The Green Telephone involves setting up a hotline where the public can inform members of the Green Council about the instances of pollution or environmental risks and potential polluters, namely, those responsible for causing environmental damage.

The ways of functioning of the Green Telephone, keeping records and other matters of importance for the implementation of this instrument will be defined in a separate decision of the Green Council.

Article 9

The local assembly, municipal administration departments and public companies established by the municipality that can submit drafts, namely, draw up proposals of decisions and plans in the field of environmental protection, spatial planning, construction and utilities shall not be allowed to submit any of these to the town assembly for adoption without obtaining prior approval of the Green Council in writing.

Article 10

The finances necessary for the activities and the functioning of the Green Council, its working bodies and instruments established by this Decision will be allocated in the budget of the municipality.

Article 11

This decision comes into effect on the eighth day following publication in “_____”.

ASSEMBLY OF THE MUNICIPALITY OF

Number: _____

Date: _____

CHAIRMAN

RATIONALE

Article 4, Paragraph 1, Item 3 of the Law on Environmental Protection (Official Gazette of the Republic of Serbia No. 135/04, 36/09 and 72/09) specifying that the environmental protection system shall be implemented by local self-government units within the scope of their competence provides the legal basis for adopting the Decision. Article 14 of that law stipulates that control of the use of natural resources is provided by the organs and organizations of local self-government units. Moreover, _____ of the Statute of the municipality of _____ (number _____) establishes the competence of the municipal assembly to adopt regulations and other general acts.

This decision is adopted with the aim of fulfilling the need to ensure the implementation of strategies in the fields of environmental protection and sustainable development, the creation of conditions, proposing and taking measures in the domain of the preservation of the environment and protection of natural resources through the establishment of the Green Council.

The provisions of this Decision regulate the make-up of the Green Council, the number and appointment of its members, the procedure of holding meetings and making decisions, the possibility of forming permanent and temporary working bodies of the Green Council, as well as other issues of importance for its functioning, such as the public nature of its activities, etc.

The Decision also specifies the obligation of the responsible municipal administration bodies and other participants in the process of submitting proposals of decisions and plans in the field of environmental protection, spatial planning, construction and utilities to obtain prior approval of the Green Council in writing before they can submit any of these for adoption.

In order to improve the effectiveness and the manner of carrying out the activities of the Green Council and, above all, make it possible to collect information of importance for its functioning and work, the Decision allows for the possibility of setting up a hotline where the public can inform members of the Green Council about the instances of pollution or environmental risks and potential polluters, namely, those responsible for causing environmental damage.

Furthermore, this Decision defines the ways of financing Green Council activities and the obligation of the local assembly to provide the basic conditions for its functioning.

The funds necessary for the implementation of this Decision will be provided from the next year's budget, since it will come into force in the year _____.



Prvoslava Stojanovića 8 (lamela 8, lokal 9)
Stara radnička kolonija
34 000 Kragujevac

tel.:+38134 353 703
e-mail: office@aarhuskg.rs
www.aarhuskg.rs

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