

# Drafting climate legislation – lessons learnt

## SERBIA

**Dragana Radulovic**  
**Head of Group for mitigation, Dept. for Climate Change**  
**Ministry of Environmental Protection**

# Institutional set up in Serbia

Ministry of Environmental Protection – in charge of climate change related issues on the national level:

- Dept. for Climate Change
- Group for Mitigation, Group for Adaptation  
(\*upgrade compared to the previous structure)

Other relevant actors – SEPA, MME, MCTI etc. (NCCC & WGs)

Stakeholders – NGOs, academia, etc. (NCCC & WGs)



# Legislative set up in Serbia

- Serbia ratified the Paris Agreement and the Doha Amendment
- Law on Climate Change:
  - Public consultation process finalized (15 March – 20 April)
  - Law presented in six different cities
  - Comments analyzed and incorporated into the Law
  - Inter-ministerial consultation is ongoing
  - Planned to be adopted by the end of 2018
  - Accompanying by-laws to be adopted no later than one year after the adoption of the Law



# Drafting the Law on climate change (and by-laws) – the beginning

- Support of two IPA Twinning projects (ETS (2013-2015) and MMR (2015-2017) related)
- Three components each:
  1. Institutional – analysis of state of play, defining of an institutional set up considering MS's experiences and best practices as well as national circumstances and financial implications;
  2. Legislative – inclusive, stakeholder-driven process, analysis of existing legislation, lessons learnt (i.e. IPPC permitting);
  3. Capacity building – preparation of relevant stakeholders for implementation of future legislation.



# Drafting the Law on climate change – the beginning

- **MS experiences** – key (France, Austria and Germany, with a bit of a Slovenian expertise);  
(\*good RTA and good MS experts recommended)
- **Working groups and Project Steering Committees** – necessary  
(all relevant stakeholders covered in accordance with the relevant EU acquis)
  - Thorough and comprehensive stakeholder analysis,
  - Anticipation of possible future stakeholders before their inclusion in WGs (i.e. National Bank of Serbia in charge for ETS trading related aspects),
  - Engagement of stakeholders during the entire process is crucial
- Bring in **additional help** when needed (i.e. TAIEX expert missions, national legal experts/consultants)



# Drafting the Law on climate change – the process (1)

## “First” draft

- Developed under the ETS project, with additional support of national experts,
- Called “*Law on system for reduction of GHG emissions*”,
- Covered MRV related provisions of the ETS Directive and accompanying regulations (MRVA), trading upon EU accession – based on expert analysis (national and EU context) and in consultation with various stakeholders,
- Originally envisaged to be a stand-alone law however, adoption was delayed,
- Later merged into Law on Climate Change



# Drafting the Law on climate change – the process (2)

## “Second” draft:

- Developed under the MMR project, with the assistance of additional TAIEX expert missions,
- Covers MRV aspects of ETS (merging of the two draft laws), relevant aspects of MMR (and accompanying by-laws), ESD, fuel economy and CO2 emissions of new cars and vans,
- Based on expert analysis (national and EU context) and in consultation with various stakeholders – regularly updated on the progress and presented with the Draft before the public consultation commenced – crucial.



# Draft Law on Climate Change - Subject matter

Draft law regulates a system for the limitation of GHG emissions and for climate change adaptation, monitoring and reporting on low-carbon development strategy and its improvements, climate change adaptation programmes, adoption of low-carbon development strategies and climate change adaptation programmes, issuing GHG emission permits to installation operators, issuing approval of the monitoring plan for aircraft operators, monitoring, reporting, verification and accreditation of verifiers, administrative fees, surveillance and other matters relevant for the limitation of GHG emissions and adaptation to climate change.

\*GHGs covered: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), notorious oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>).





# Draft Law on Climate Change - Objectives

- To establish a system for the reduction of GHG emissions in a cost-effective and economically viable manner, contributing, thus, to the achievement of levels of GHG emissions that are considered scientifically necessary to avoid dangerous global climate change and adverse effects of climate change,
- Reduction of GHG emissions and adaptation to climate change by adopting and implementing sectoral policies and measures, strategies and action plans,
- To establish mechanisms for the timely, transparent, accurate, consistent, comparable and complete reporting and verification of information about the meeting of obligations under the UNFCCC, Kyoto Protocol, Doha Amendment to the Kyoto Protocol and Paris Agreement, as well as for the monitoring and reporting of anthropogenic GHG emissions by source and removals by sinks, and climate change adaptation measures taken in a cost-effective and economically viable manner.



# Contents of the Draft Law on Climate Change

## **I. BASIC PROVISIONS**

## **II. STRATEGIES AND PLANS**

- 1) Low carbon development strategy;
  - 2) Action plan for implementation of the Strategy;
  - 3) Climate Change Adaptation Programme
- \*contents, alignment, public participation, realization,

As well as: Limitation of GHG emissions, National Climate Change Council

## **III. POLICIES AND MEASURES FOR THE LIMITATION OF GHG EMISSIONS BY SOURCES**

1. Clean Development Mechanism
2. Availability of data on fuel economy and CO2 emissions in respect of the marketing of new passenger cars

## **IV. MONITORING, REPORTING AND VERIFICATION OF GHG EMISSIONS FROM INSTALLATIONS AND AVIATION ACTIVITIES**

1. Permit for GHG emissions to the installation operator
2. Approval of the monitoring plan for GHG to the aircraft operator
3. Monitoring and reporting on GHG emissions from installations and aviation activities
4. Verification and accreditation
5. Submission of and access to information



# Contents of the Draft Law on Climate Change (contd.)

## V. SYSTEM FOR MONITORING AND REPORTING ON NATIONAL GHG EMISSIONS

- National GHG inventory system, GHG Inventory and National GHG Inventory report – rules, competences, regulations, QA/QC

## VI. PROJECTIONS OF GHG EMISSIONS BY SOURCES AND REMOVALS BY SINKS

- Development of projection to be outsourced (delegation of public service)

## VII. SYSTEM FOR REPORTING ON POLICIES, MEASURES AND GHG PROJECTIONS

- Reporting on the implementation of the planning documentation
- Reporting to the UNFCCC

## VIII. ADMINISTRATIVE FEES

## IX. SURVEILLANCE



# ETS institutional set up in Serbia

- As defined within the IPA Twinning project, later translating into a Report on institutional set up which was adopted by the Government (pre-dating the drafting of the Law)
- Options discussed (centralized/decentralized competences), EU MS experience taken into account and most cost effective/adequate option chosen:
  - Competent authority – MEP (GHG permits)
  - Technical support – SEPA, CAD (reviewing of the MPs)
  - Accreditation of verifiers – ABS (\*MLA not possible, only accreditation scheme)
- Law lays the foundation for adoption of MRVA bylaws, which were also drafted within the Twinning



# Key lessons learnt

Involve broad range of stakeholders and start preparing them for the outcome – workshops, meetings, WGs, etc. (\*opportunities VS obligations)

Engage NGOs when possible, especially for the awareness raising issues and keep record of attendance (lists), MoMs, etc.

Define the institutional set up as a basis for the law and discuss/agree in advance on the competences of relevant actors.

Be ready for not meeting the originally envisaged deadlines.

Be prepared to seek additional assistance.



# Thank you for your time!

For additional information:

[Dragana.radulovic@ekologija.gov.rs](mailto:Dragana.radulovic@ekologija.gov.rs)

[www.ekologija.gov.rs](http://www.ekologija.gov.rs)

