

LAW

ON SOIL PROTECTION

I. BASIC PROVISIONS

Subject Matter of the Law

Article 1

The law hereof shall regulate the protection of soil, systematic monitoring of the status and quality of soil, recovery, remediation and recultivation measures, inspection supervision and other issues of importance for the protection and maintenance of soil as a natural resource of national interest.

Application of the Law

Article 2

The provisions of the law hereof shall apply to all types of soil within the Republic of Serbia as a natural resource, regardless of the form of possession, its purpose or use.

Objective of the Law

Article 3

The objective of the law hereof is to preserve surface areas and functions of soil as a natural resource and to prevent or eliminate harmful changes to the soil that may arise as the consequence of the following:

- 1) Erosion processes;
- 2) Decrease of organic matter content in soil;
- 3) Inappropriate agricultural and forest production (inadequate and uncontrolled agrotechnical and meliorative measures, forest clearing, etc.);
- 4) Uncontrolled changes to the purpose, management and use of land;
- 5) Unplanned urbanization, i.e. construction and development of infrastructure;
- 6) Acidification, salinization and alkalization of soil;
- 7) soil compression, landslides and rock fall;
- 8) Fires and chemical accidents;
- 9) Pollution (produced by waste management, release of waste waters, emissions from point and diffuse sources, chemical pollution, etc.);
- 10) Exploitation of mineral and organic raw materials;
- 11) Exploitation of gravel, stone and sand;
- 12) Prohibited archaeological excavations and research, etc.

Meaning of Terms

Article 4

The terms used in the law hereof shall have the following meaning:

1) Activities affecting soil shall be all temporary, occasional or permanent operations that change or could change the status and conditions in a given location;

2) Limit values shall be the values of pollutants, harmful and hazardous substances in the soil that may be the following:

(1) Minimum limit values shall be the values of pollutants, harmful and hazardous substances in soil based on their natural content, and represent the values for unpolluted soil, where the minimum environmental balance was not disturbed at all or to a minimum extent;

(2) Maximum limit values shall be the values of pollutants, harmful and hazardous substances in soil that if breached indicate a level of contamination violating environmental balance, impose further testing of such soil, and limitations to the method of management;

3) Soil degradation shall be the process of disturbing the quality and function of soil arising through natural means, human activities, or the consequence of failure to undertake measures to prevent harmful effects;

4) Good professional practice shall represent the use of scientific, technical and biotechnical measures and/or land management and use measures with the aim of preserving and improving the quality of soil;

5) State network shall represent spatially positioned soil sampling measurement points for the purposes of national monitoring;

6) Environmental function of soil shall be the function of soil in the maintenance of environmental balance and biogeochemical cycle of the circulation of matter and energy within the ecosystem;

7) Erosion shall be the process of destruction and removal of soil occurring as the consequence of the action of natural phenomena and anthropogenic factors;

8) Soil pollution shall be the process of disposal and introduction of hazardous and harmful substances to the surface of soil and into the soil caused by human activities or natural processes;

9) Polluted soil shall be soil wherein concentrations of hazardous and harmful substances have been identified as exceeding the limit values;

10) Pollutants in the soil shall be substances whose presence has, or may have a negative impact on the composition, properties and quality of soil;

11) Soil protection shall be a set of measures and procedures that apply during the planning, regulation, and use of soil and its protection from pollution and degradation, with the aim of preserving and securing all its functions;

12) Soil shall be the surface layer of the Earth's crust participating in the circulation of matter and energy;

13) Soil quality indicators shall be indicators of the state and degree of changes in soil caused by natural and anthropogenic impact;

14) Cadastre of Contaminated Sites shall be the set of relevant data on endangered, polluted and degraded soil;

15) Local network shall represent the spatially positioned soil sampling measurement points for monitoring purposes by the autonomous province and local self-government unit;

16) Register of polluters shall be a set of systematized information and data on soil polluters with data on their location, production processes and characteristics;

17) Soil quality shall be the capacity of a certain type of soil to realize its environmental, production and social function within the limits of the ecosystem;

18) Soil beneficiary shall be the owner or lessee of land, and/or legal or physical person performing activities on the surface of soil or within the soil;

19) Measurement point shall be the location where soil sampling is conducted;

20) Soil monitoring shall be the planned, continuous and systematic monitoring of the state and changes to the quality of soil for planning, management, method of use and protection;

21) Soil monitoring parameters shall be indicators of morphological, chemical, physical and biological properties of soil;

22) Potentially polluted soil shall be soil where there is an assumption of possible pollution;

23) Recultivation shall be a set of measures and activities for the renewed formation of a soil layer and establishment of plant communities on polluted and degraded areas;

24) Remediation shall be a set of measures and procedures for the recovery of soil with the aim of improving the quality of soil up to a level safe for use in accordance with its purpose;

25) Remediation values shall be the values of polluting, harmful and hazardous substances in soil where exceeding such values has led to the violation of the levels safe for use;

26) Soil management shall be a set of measures and activities implemented through the planning of the conservation of the quality and environmental functions of soil in accordance with the conditions, purpose, use and protection measures of soil and the environment;

27) Recovery shall be a set of measures and activities to halt pollution and further degradation of soil and the environment up to a level safe for use, in accordance with the purpose;

28) Soil type shall be the basic systematic category of soil in the classification system characterized by certain pedogenetic processes, morphological, physical, chemical and biological properties.

Principles of Soil Protection

Article 5

Soil protection shall be based on the application of the following principles:

1) "Preservation of the natural value of soil" means the soil is used under conditions and in a manner ensuring the preservation of its natural value in accordance with this and other laws;

2) "Integrated nature of soil protection" means that the Republic of Serbia (hereinafter: Republic), autonomous province bodies and local self-government bodies provide for the integration of soil protection in all sectoral policies by implementing mutually harmonized plans and programmes and applying regulations through a system of permits, standards and norms, through financing and other soil protection measures;

3) "Polluter pays" means that anyone causing soil pollution through their activities shall pay a fee in accordance with the law and bear the expenses of measures for the prevention and mitigation of pollution, the expenses of mitigating risk for soil and the expenses of procedures for mitigating damage caused to soil;

4) "Beneficiary pays" means the obligation of land beneficiaries to pay a fee for its use in accordance with the law, and if needed to bear the costs of recovery, and/or remediation and recultivation;

5) "Subsidiary liabilities" represents systematically set soil protection obligations in relation to a hierarchy of state bodies that, within their financial capacities, eliminate the consequences of harm, pollution and damage to soil in cases where the polluter is unknown, and when damage occurs due to soil pollution from sources outside the Republic;

6) "Public information and participation" means the right of interested public stakeholders to be informed on the status of soil and to participate in decision making on topics of broader social importance;

7) "Protection of the right to the preservation of the natural value of soil" is a legal right to the use of land in a way that ensures the preservation of its natural value that citizens, groups of citizens or their associations, professional or other organizations achieve in accordance with this and other laws.

Entities Subject to Soil Protection

Article 6

Soil protection shall be provided within the scope of their authorizations and obligations by the Republic, autonomous province, local self-government unit, legal persons, entrepreneurs, and/or owners and beneficiaries of land who, in performing their activities, endanger, degrade or pollute soil.

In implementing the soil protection system the entities subject to protection as per paragraph 1 of the Article hereof shall be responsible for any activity that damages or may damage the natural state and quality of soil and for failure to undertake protection measures in accordance with the Law hereof and other laws.

Article 7

Companies, other legal persons and entrepreneurs who, in undertaking their activities, affect or may affect the quality of soil, shall provide technical measures to prevent the release of polluting, harmful and hazardous substances into the soil, plan for the expenses for the protection of soil from pollution and degradation within their investment and production costs, monitor the impact of their activity on the quality of soil, ensure other measures of protection in accordance with the Law hereof and other laws.

The soil protection duties of the beneficiaries the Ministry of Defence and the Serbian Armed Forces shall be performed by the competent military bodies in accordance with the provisions of the Law hereof.

II. PREVENTIVE SOIL PROTECTION MEASURES

Article 8

Preventive soil protection measures shall cover planning and integration of soil protection in sectoral policies and plans, determining compliance with soil protection conditions, adoption of planning and programme documents for soil protection.

Landscaping and Land Use

Article 9

The prevention of soil degradation shall be effected through planning, landscaping, use of natural resources and goods in accordance with the spatial, urban and other planning documents (hereinafter: planning documents), adopted in accordance with specific laws.

Soil protection measures and conditions for the sustainable use of soil shall be an integral part of planning documents.

The ministry competent for environmental protection affairs (hereinafter: Ministry), the competent body of the autonomous province, and/or local self-government unit shall participate in the procedure of drafting and adoption of planning documents, as determined by law.

Repurposing of Land

Article 10

Land shall be used in accordance with the use determined by the planning documents.

If planning documents are used for repurposing land, the body competent for the adoption of the planning document shall possess approval by the Ministry under the decision-making procedure.

The approval as per paragraph 2 of the Article hereof shall be issued by the Ministry based on a request by the competent body, upon obtaining the opinion of professional and scientific organizations on the existing factual state of soil and assessment of the option for repurposing the land, based on data from the soil information system.

Conditions and Measures of Soil Protection

Article 11

The owner or beneficiary of land or the plant whose business or other activity may cause soil pollution and/or degradation shall test the quality of soil in accordance with the Law hereof prior to starting their activities.

The procedure for the environmental impact assessment of projects that may have a significant impact on the environment shall envisage potential harmful effects for the soil and determine soil protection conditions and measures.

The conditions for the operation of plants and activities that require the issuing of an integrated permit shall contain soil protection measures in accordance with the Law hereof and the law regulating the integrated prevention and control of environmental pollution.

III. SOIL PROTECTION

Article 12

Soil protection shall be ensured and achieved by implementing strategic, planning and soil protection documents.

Soil protection shall be achieved by implementing measures and activities under the procedures for planning, management, use, monitoring and protection from soil pollution and degradation to preserve its natural properties and functions.

Article 13

Soil protection shall be implemented based on the provisions of the Law hereof, adopted international agreements, prescribed measures and activities, and in particular the following:

- 1) Systematic monitoring of the status and quality of soil with the aim of preserving its morphological, physical, chemical and biological properties;
- 2) Monitoring status indicators and the risk of soil degradation;
- 3) Monitoring, envisaging and preventing activities that may be or are the cause of harmful changes to the soil;
- 4) Planning and integrating soil protection measures into sectoral policies and plans;
- 5) Determining the rights, duties and responsibilities of owners, and/or beneficiaries of land;
- 6) Monitoring the impact of surface and ground waters on the soil;
- 7) Control, limiting and prevention of the introduction of polluting, hazardous and harmful substances onto or into the soil;
- 8) Applying procedures for soil recovery, remediation and recultivation;
- 9) Performing inspection supervision; and
- 10) Other supervision over the work of entities subject to soil protection.

Soil Protection Documents

Article 14

The following soil protection documents shall be adopted with the aim of soil protection within the territory of the Republic:

- 1) Soil Protection Plan;
- 2) Annual Soil Protection Programme; and
- 3) Soil Monitoring Programme.

Soil Protection Plan

Article 15

The Soil Protection Plan shall be adopted by the Government based on a proposal by the Ministry for a period of seven years, and shall contain in particular:

- 1) An evaluation of the current state;
- 2) Goals for achieving soil protection;

- 3) Guidelines for the protection of soil from pollution and degradation;
- 4) Soil protection measures;
- 5) Measures for improving soil quality;
- 6) Activities for achieving measures of protection and measures of improving soil quality;
- 7) Entities responsible for implementing measures and activities;
- 8) Funds required for implementing the plan and the method for securing and utilising them.

Annual Soil Protection Programme

Article 16

The Soil Protection Plan shall be implemented through the Annual Soil Protection Programme (hereinafter: Annual Programme).

The Annual Programme shall be adopted by the local self-government unit, based on a previously obtained approval from the Ministry, or within the territory of the autonomous province from the body competent for environmental protection affairs.

The Annual Programme shall be submitted to the competent body as per paragraph 2 of the Article hereof at the latest by 30 November of the current year for the next year.

The Annual Programme shall be published publicly.

The Annual Programme shall contain measures of protection and measures for improving soil quality, activities and deadlines for their implementation, funds required for implementing the programme and method for securing and using them, and other data and documentation.

The implementation of the Annual Programme shall be through legal and natural persons chosen in accordance with the law.

The minister competent for environmental protection affairs (hereinafter: Minister) shall further prescribe the content of the Annual Programme.

Reporting on the Implementation of the Annual Programme

Article 17

Local self-government units shall submit to the Ministry, or within the territory of the autonomous province to the body competent for environmental protection affairs, a Report on the Implementation of Measures and Activities Established by the Annual Programme, at the latest by 31 March of the current year for the previous year.

The Minister shall further prescribe the content of the report as per paragraph 1 of the Article hereof.

Soil Protection Measures

Article 18

Soil protection measures shall cover the prohibition, and/or limitation of the performance of activities with the aim of preventing:

- 1) Unplanned and/or uncontrolled changes to the use of agricultural land;
- 2) Turning forest land into agricultural land;
- 3) Release and disposal of hazardous and harmful substances and waste water on the surface of the soil and into the soil;

- 4) Methods of tilling land not aligned with the land configuration and relief;
- 5) Negative changes to soil structure;
- 6) Reduction of biological soil activity;
- 7) Soil compression;
- 8) Exceeding the optimum number of heads of cattle in accordance with the natural characteristics of the site;
- 9) Soil erosion;
- 10) Reduction of the level of organic matter in the soil compared to the level of natural content;
- 11) Inadequate use of mineral and organic fertilizer;
- 12) Inadequate use of plant protection substances and other chemicals;
- 13) Inadequate use and management of agricultural land;
- 14) Unplanned and uncontrolled felling of forests;
- 15) Planting trees that do not correspond to the habitat;
- 16) Uncontrolled and/or unplanned exploitation of mineral and organic raw materials;
- 17) Prohibited archaeological excavations and research;
- 18) Unplanned and/or uncontrolled exploitation of gravel and sand from river beds, waterways and their impact areas.

Limit Values

Article 19

The release and disposal of hazardous and harmful substances and waste water on the surface of soil and into the soil shall be prohibited.

Soil properties may only be altered with the aim of improving its quality in accordance with the use.

The Government, based on a proposal by the Ministry, shall determine the limit values of polluting, harmful and hazardous substances in soil with the aim of protecting the quality of soil and the environment.

Potentially Polluted Soil

Article 20

If there are suspicions about polluted soil, the Ministry shall, through the environmental protection inspector (hereinafter: Inspector), order the obligation of testing the level of polluting, harmful and hazardous substances in the soil, limit or prohibit certain or all activities performed on the soil or in its immediate vicinity and order measures for eliminating and halting pollution.

The measures, prohibitions or limitations of activities as per paragraph 1 of the Article hereof shall last until the causes are eliminated, if pollution is found.

The costs of procedures, and/or the elimination of the causes of soil pollution shall be borne by the entities performing the activities as per paragraph 1 of the Article hereof.

Emergency Measures

Article 21

In case of an accident leading to soil pollution, the Ministry shall order emergency measures through the inspector, namely: mandatory urgent testing of polluting, harmful and hazardous substances in the soil; prohibition of activities that may lead to further soil pollution, and order measures to halt the pollution and remedy the environmental damage or threat of damage.

The persons subject to the order and/or prohibition as per paragraph 1 of the Article hereof, including local self-government unit bodies, shall act immediately in accordance with the adopted document.

The funds required for the implementation of emergency measures shall be provided by the person causing the soil pollution or damage (hereinafter: responsible person).

In case the responsible person is unknown, unavailable, or fails to act upon the order of the inspector, the emergency measures shall be implemented by the local self-government unit and/or autonomous province, and/or Republic, in accordance with the budget.

The person identified to be responsible for the accident shall pay the amount of funds equal to the costs of implementing the emergency measures to the budget of the local self-government unit, autonomous province or Republic.

Recovery, Remediation and Recultivation

Article 22

Appropriate measures and activities shall be implemented with the aim of recovery, and/or improving the state of polluted and degraded soil up to a level safe for use in accordance with the purpose, i.e. remediation and/or recultivation of soil.

Remediation of soil shall be implemented in cases where soil pollution at a given site exceeds the concentrations of polluting, hazardous and harmful substances prescribed as the remediation values.

Soil recultivation shall be implemented on polluted and degraded areas to reform the soil layer and establish plant communities in areas where mineral resource exploitation or failed forestation has occurred, as well as in cases of natural disasters, fires or other anthropogenic impact.

Article 23

The responsible person shall effect remediation, and/or recultivation of soil under the conditions prescribed by the Law hereof, except in case of soil where mineral resource exploitation is effected, where the same shall be implemented according to special regulations in the field of mining.

Article 24

The implementation of remediation and recultivation works shall be effected in accordance with an approved project.

The Ministry shall issue approvals to soil remediation and recultivation projects.

A remediation or recultivation project may be drafted by a company, and/or enterprise, and/or other legal person that meets the conditions for design activities in the field of soil protection.

The Minister shall prescribe the content of a remediation and recultivation project.

Article 25

The funds required for implementing a remediation project and a recultivation project shall be secured by the responsible person.

In case the responsible person is unknown, unavailable, or fails to act upon the order of the inspector, the project shall be implemented by the local self-government unit and/or autonomous province, and/or Republic, in accordance with the budget, through an authorized legal person that complies with the conditions for performing remediation and recultivation activities.

The person identified to be responsible for the implementation of the remediation project and recultivation project shall pay the amount of funds equal to the costs of implementing these measures to the budget of the local self-government unit, autonomous province or Republic.

Article 26

A report on the implemented remediation and recultivation of soil shall be submitted by the investor to the Ministry at the latest within 30 days as of the date of completion.

The report as per paragraph 1 of the Article hereof shall contain in particular:

- 1) Data on the state of the soil prior to the implementation of remediation or recultivation;
- 2) List of methods and standards used during the implementation of remediation or recultivation;
- 3) List of materials used for achieving remediation or recultivation;
- 4) Data on the state of soil after the implemented remediation or recultivation;
- 5) Assessment of the success of the implemented measures;
- 6) Proposal of measures for maintaining the achieved state of soil;
- 7) Data on the registration and competence of the contractor for the recovery and remediation and the author of the report.

Recovery Plan

Article 27

A recovery plan shall be adopted when the pollution, and/or degradation of soil at a given site is endangering the capacity of the environment and the health of the population to a greater scale, and/or when there is risk of permanent disturbance of the environment and health of the population, and the usual measures and measures undertaken are insufficient.

The recovery plan shall contain in particular the state, measures, impact assessment on the health of people, method, schedule and funds for implementing the plan.

The Government shall adopt a recovery plan when:

- 1) The level and scope of degradation exceed the recovery capacities of the autonomous province, and/or local self-government unit;
- 2) The responsible entity is unknown or unavailable or failing to undertake the ordered measures;

3) Soil pollution is endangering an area of extreme importance for the Republic;

4) It is necessary to undertake urgent intervention measures under emergency situations, etc.

The draft plan as per paragraph 3 of the Article hereof shall be prepared by the Ministry in cooperation with the ministries competent for the relevant area.

A local recovery plan shall be adopted by the competent local self-government body in accordance with the Annual Programme.

IV. PROGRAMME OF SYSTEMATIC MONITORING OF THE STATUS AND QUALITY OF SOIL

Article 28

The Republic, autonomous province and local self-government units, within their competences established by law, shall provide for the systematic monitoring of the status and quality of soil (hereinafter: soil monitoring) and maintenance of a database on the status and quality of soil, in accordance with the Soil Monitoring Programme.

The Government shall determine the content of the Soil Monitoring Programme, methodology for the systematic monitoring of the quality and status of soil, criteria for determining the number and positions of measurement points, list of parameters for a given type of soil, the list of methods and standards used for sampling soil, sample analysis and data processing, the scope and frequency of measurement, indicators for the assessment of soil degradation risk, deadlines and methods for submitting data.

National and Local Monitoring Network

Article 29

A national and local network shall be established for soil monitoring purposes.

Based on a proposal by the Ministry, the Government shall adopt a Soil Monitoring Programme at the level of the national network (national monitoring) for a two year period, funded from the budget of the Republic.

The competent body of the autonomous province and local self-government unit shall adopt a Soil Monitoring Programme at the local network level, harmonized with the Soil Monitoring Programme at the national network level.

The Ministry shall issue approval to the Monitoring Programme establishing the local network as per paragraph 3 of the Article hereof.

The funds for the implementation of the Soil Monitoring Programme at the level of the local network shall be provided from the budget of the autonomous province and the budget of the local self-government unit.

Polluter's Obligation of Monitoring

Article 30

The owner or beneficiary of land or a plant whose business or other activity may cause or is the cause of soil pollution and/or degradation shall conduct soil monitoring in accordance with the Law hereof, so as to:

1) Show soil quality data prior to the start and after the completion of activities;

2) Monitor changes to the soil and in the soil as prescribed in the impact zone of their activities;

3) Submit data on changes to the soil and in the soil to the Ministry and the Environmental Protection Agency (hereinafter: Agency).

Soil sampling and soil quality parameter analysis shall be conducted by an authorized organization in accordance with the Law hereof.

The Minister shall further prescribe a list of activities that may cause soil pollution and degradation, the procedure, data content, deadlines and other requirements for soil monitoring.

Authorized Organization

Article 31

Soil monitoring shall be conducted by an authorized legal person using accredited methods and in accordance with the following:

- 1) Act awarding the accreditation by the competent accreditation body; and
- 2) Decision by the Ministry.

The request for obtaining authorization for soil monitoring shall be submitted by the legal person to the Ministry.

The request as per paragraph 2 of the Article hereof shall be accompanied by documentation evidencing compliance with the conditions for monitoring soil quality regarding office space, staff, equipment, methods and soil quality monitoring standards in accordance with the Law hereof and regulations adopted based on the Law hereof.

An authorization for soil monitoring may be issued to a legal person if they meet the prescribed conditions for monitoring soil quality in accordance with the Law hereof.

Compliance with the conditions for authorizing the legal person as per paragraph 4 of the Article hereof for monitoring soil quality shall be established by the Minister by way of a decision.

The authorization as per paragraph 4 of the Article hereof shall be valid for a four-year period and may be renewed.

The authorization for soil monitoring shall be revoked by the Minister if it is subsequently determined that the legal person does not comply with the prescribed conditions or it is determined that the authorization was issued based on incorrect and false data.

The decision as per paragraphs 5 and 7 of the Article hereof shall be final and an administrative dispute may be initiated against it.

The Minister shall further prescribe the conditions to be met by a legal person, and the documentation to be submitted with the request for obtaining authorization for soil monitoring.

Article 32

The land owner, lessee or beneficiary shall make it possible for the authorized legal person to take samples for soil monitoring purposes.

If the land beneficiary is the Ministry of Defence and the Serbian Armed Forces, a prior approval by the competent military body shall also be required.

Soil Monitoring Report

Article 33

A soil monitoring report shall contain, in particular, the following:

- 1) Number and position of measurement points;
- 2) List of analysed parameters;
- 3) Applied methods and standards;
- 4) Assessment of the degree of vulnerability of soil based on the analysed parameters and indicators;
- 5) Data on changes to the purpose and method of soil use, if any;
- 6) Data on the authorized legal person conducting soil monitoring.

The authorized legal person conducting monitoring shall submit to the Ministry and the Agency a report on monitoring the state network at the latest by 31 March of the current year for the preceding year.

The competent body of the autonomous province and local self-government unit, as described under paragraph 2 of the Article hereof, shall submit a local network monitoring report.

The soil polluter shall submit the monitoring report to the Ministry, within the territory of the autonomous province to the competent provincial body, local self-government unit and the Agency at the latest by 31 March for the preceding year.

The Minister shall further prescribe the content and form of the soil monitoring report as per paragraph 1 of the Article hereof.

Information System Cadastre of Contaminated Sites

Article 34

The Soil Information System shall be an integral part of the unified Environmental Protection Information System run by the Agency in accordance with the law.

The Agency shall collect and submit data to the Soil Quality Information System as prescribed.

State bodies and/or organizations, autonomous province bodies, local self-government units and polluters who, in accordance with this and other laws, dispose of data on the status and quality of soil, and on polluters, shall submit such data to the Ministry and the Agency in a timely manner and without reimbursement.

The Cadastre of Contaminated Sites shall represent a set of data on polluted, vulnerable and degraded soil, and shall represent a part of the Soil Information System.

The Minister shall further prescribe the content and method of running the Cadastre of Contaminated Sites, and the type, content, forms, method and deadlines for submitting data.

Data from the information system shall also be used to develop the relevant thematic maps (pedological map, erosion map, landslide map, etc.) to review the state of soil in the Republic of Serbia.

The Ministry shall draft the pedological map for the territory of the Republic of Serbia.

The Minister shall prescribe the content and method of drafting the pedological map.

The pedological map shall be updated every 10 years.

The ministry competent for environmental protection affairs, the ministry competent for water management affairs, the ministry competent for agricultural affairs, and the ministry competent for forest management affairs shall draft an erosion map for the territory of the Republic of Serbia.

The minister competent for environmental protection affairs, the minister competent for water management affairs, the minister competent for agricultural affairs, and the minister competent for forest management affairs shall prescribe the content and method of drafting the erosion map.

The erosion map shall be updated every 10 years.

V. ACCESS TO INFORMATION

Informing the Public

Article 35

State bodies, autonomous province bodies, local self-government bodies and other authorized organizations shall fully and objectively inform the public on the quality and status of soil and changes that may represent a danger for the life and health of people, plant and animal life in accordance with the Law hereof and other regulations.

The public shall have the right of access to prescribed registers or records containing information and data in accordance with the law.

VI. FUNDING SOIL PROTECTION

Article 36

The funding of the protection and improvement of the quality of soil shall be secured from the following:

- 1) Budget of the Republic, autonomous province and local self-government;
- 2) Revenues from fees in accordance with the law;
- 3) Funds acquired based on international cooperation programmes and projects;
- 4) Donations by domestic and foreign legal and natural persons;
- 5) Other sources in accordance with the law.

Use of Funds

Article 37

The funds as per Article 36 of the Law hereof shall be used for the following:

- 1) Soil monitoring, maintenance, functioning and development of the national and local network and sorting according to soil quality categories;
- 2) Recovery, remediation and recultivation of polluted, and/or degraded soil;
- 3) Implementation of soil protection measures against erosion;

- 4) Implementation of the Monitoring Programme in the national, and/or local network;
- 5) Co-financing of preventive and interventional measures under extraordinary circumstance of soil pollution and capacity development for reacting in case of accidents;
- 6) Implementation of measures to reduce the impact of polluted soil on climate change, biodiversity, quality of ground and surface water, air, human health, etc.;
- 7) Implementation of commitments undertaken through international agreements;
- 8) Establishment and maintenance of a soil quality register and information system;
- 9) Implementation of plans and programmes;
- 10) Financing and/or co-financing of expert and scientific research necessary to achieve the goals of the Law hereof;
- 11) Co-financing investments that will contribute to a significant decrease in soil pollution and degradation;
- 12) Financing and/or co-financing of other projects, programmes and measures with the aim of soil quality protection and improvement;
- 13) Promotion of cleaner technologies;
- 14) Other purposes in accordance with the Law hereof.

VII. SUPERVISION

Work Supervision

Article 38

The Ministry shall supervise the work of the competent autonomous province body, the competent local self-government unit body, and the Agency in performing their duties in accordance with the Law hereof, and the work of authorized legal persons in conducting soil monitoring affairs.

Inspection Supervision

Article 39

Inspection supervision over the implementation of the provisions of the Law hereof and regulations adopted based on the Law hereof shall be conducted by the Ministry through inspectors, within the purview established by the Law hereof.

The autonomous province shall be entrusted with inspection supervision over the implementation of the provisions of the Law hereof within the territory of the autonomous province.

Regarding land used by the Ministry of Defence, the Ministry of Defence shall be entrusted with inspection supervision over the implementation of the Law hereof and regulations adopted based on the Law hereof, within the purview of inspection established by the Law hereof.

Inspector Rights and Duties

Article 40

In conducting inspection supervision the inspector shall have the right and duty to determine the following:

- 1) Whether soil management, and/or sustainable use and protection of soil is being implemented in accordance with strategic documents and conditions and measures established in accordance with the Law hereof;
- 2) Whether the performance of business or other activities and actions may cause soil pollution;
- 3) Whether measures and conditions of soil protection prescribed by planning documents are being implemented;
- 4) Whether soil quality results have been obtained prior to starting activities for projects that do not require the drafting of an environmental impact assessment study, yet may affect soil;
- 5) Whether an Annual Programme has been adopted and whether approval has been obtained for the Annual Programme;
- 6) Whether the Report on the Implementation of the Annual Programme was submitted to the Ministry;
- 7) Whether pollutants, harmful and hazardous substances, waste water or energy are being released into or onto the soil;
- 8) Whether action is being taken based on the act ordering emergency measures;
- 9) Whether the recovery, remediation and recultivation of soil are being implemented in accordance with the projects;
- 10) Whether soil monitoring is being implemented in accordance with the Law;
- 11) Whether the Monitoring Report was drafted and submitted to the Ministry and Agency;
- 12) Whether the Cadastre of Contaminated Sites is being maintained in the prescribed manner;
- 13) Whether other prescribed soil protection obligations, measures and conditions are being implemented.

Inspector Authorizations

Article 41

In performing the duties as per Article 40 of the Law hereof the inspector shall be authorised to:

- 1) Order the implementation of measures aimed at preventing soil pollution;
- 2) Order measures aimed at eliminating the consequences of soil pollution;
- 3) Order the testing of polluting, hazardous and harmful substances in soil;
- 4) Prohibit the performance of activities that may cause soil pollution;
- 5) Order the responsible person to draft a remediation project and/or recultivation project and implement the remediation and/or recultivation of the site;
- 6) Order the implementation of urgent measures;
- 7) Order the implementation of other prescribed actions and activities.

If the inspector, in conducting inspection supervision, finds that a regulation has not been implemented or has been incorrectly implemented, they shall adopt a decision ordering the elimination of the identified irregularity and establish a deadline for eliminating the established irregularity.

In case of undertaking extremely urgent measures the inspector may issue the decision as per paragraph 2 of the Article hereof orally and order its implementation as soon as possible.

Upon request by the party an oral decision shall also be issued in written form at the latest within eight days as of the date of the party submitting a request.

The request for issuing a written decision may be submitted within two months of the date of adopting the oral decision.

Article 42

A complaint may be filed to the Minister against the inspector's decision as per Article 41 of the Law hereof within 15 days of the date of delivery of the decision.

A complaint against the inspector's decision shall not delay the implementation of the decision.

The Minister shall decide on complaints against a first degree decision by the competent body of the autonomous province in performing the entrusted duties.

VIII. PUNITIVE PROVISIONS

Commercial Violations

Article 43

A fine of RSD 1,500,000 to 3,000,000 shall be levied against a legal person for a commercial violation if they:

- 1) Fail to provide the technical measures to prevent the release of pollutants, harmful and hazardous substances into the soil (Article 7);
- 2) Fail to plan for soil protection expenses against pollution and degradation within the investment and production expenses (Article 7);
- 3) Fail to monitor the impact of their activities on soil quality (Article 7);
- 4) Release and/or dispose of pollutants, harmful and hazardous substances, waste water and energy to the surface of the soil and in the soil (Article 19, paragraph 1);
- 5) Fail to remediate and recultivate the soil (Article 23);
- 6) Conduct remediation and recultivation works without an approved project (Article 24);
- 7) Fail to provide the funds required for implementing a remediation project and a recultivation project (Article 25);
- 8) Fail to act in accordance with Article 30 of the Law hereof;
- 9) Conduct monitoring contrary to Article 31 of the Law hereof.

The responsible person within the legal person shall also be fined for the commercial violation as per paragraph 1 of the Article hereof with a fine of RSD 100,000 to 200,000.

Misdemeanours

Article 44

A fine of RSD 500,000 to 1,000,000 shall be levied against a legal person for a misdemeanour if they:

- 1) Fail to conduct a soil quality analysis prior to starting their activity (Article 11, paragraph 1);
- 2) Fail to comply with measures, prohibitions and limitations until the causes are eliminated once pollution is identified (Article 20, paragraph 2);

- 3) Fail to secure funds required to implement the procedure, and/or eliminate the cause of soil pollution (Article 20, paragraph 3);
- 4) Fail to act in accordance with the act prescribing emergency measures (Article 21, paragraphs 1 and 2);
- 5) Fail to submit a report after the implementation of a remediation and recultivation project in accordance with Article 26 of the Law hereof;
- 6) Fail to enable an authorized legal person to take samples for soil monitoring purposes (Article 32);
- 7) Fail to submit a Soil Monitoring Report to the Ministry and Agency in accordance with Article 33 of the Law hereof;
- 8) Fail to submit data to the Ministry and Agency on the status and quality of soil and on polluters in accordance with Article 34 of the Law hereof;
- 9) Fail to enable the inspector to conduct control, and/or fail to act upon the inspector's decision (Article 41).

The responsible person within the legal person shall also be fined for the misdemeanour as per paragraph 1 of the Article hereof with a fine of RSD 25,000 to 50,000.

Article 45

A fine of RSD 250,000 to 500,000 shall be levied against an entrepreneur for a misdemeanour if they:

- 1) Fail to provide the technical measures to prevent the release of pollutants, harmful and hazardous substances into the soil (Article 7);
- 2) Fail to plan for soil protection expenses against pollution and degradation within the investment and production expenses (Article 7);
- 3) Fail to monitor the impact of their activities on soil quality (Article 7);
- 4) Fail to obtain the results of soil quality prior to starting their activity (Article 11, paragraph 1);
- 5) Release and/or dispose of pollutants, harmful and hazardous substances, waste water and energy to the surface of the soil and in the soil (Article 19, paragraph 1);
- 6) Fail to comply with measures, prohibitions and limitations until the causes are eliminated once pollution is identified (Article 20, paragraph 2);
- 7) Fail to secure funds required to implement the procedure, and/or eliminate the cause of soil pollution (Article 20, paragraph 3);
- 8) Fail to act in accordance with the act prescribing emergency measures (Article 21, paras 1 and 2);
- 9) Fail to remediate and recultivate the soil (Article 23);
- 10) Conduct remediation and recultivation without an approved project (Article 24);
- 11) Fail to provide the funds required for implementing a remediation project and a recultivation project (Article 25);
- 12) Fail to submit a report after the implementation of a remediation and recultivation project in accordance with Article 26 of the Law hereof;
- 13) Fail to act in accordance with Article 30 of the Law hereof;
- 14) Conduct monitoring contrary to Article 31 of the Law hereof;

15) Fail to enable an authorized legal person to take samples for soil monitoring purposes (Article 32);

16) Fail to submit data to the Ministry and Agency on the status and quality of soil and on polluters in accordance with Article 34 of the Law hereof;

17) Fail to enable the inspector to conduct control, and/or fail to act upon the inspector's decision (Article 41).

Article 46

A fine of RSD 5,000 to 50,000 shall be levied against the responsible person in the competent body, and/or organization holding public authorizations for a misdemeanour if they:

1) Fail to obtain approval under the process of repurposing land in accordance with Article 10 of the Law hereof;

2) Fail to adopt and implement an Annual Soil Protection Programme in the manner and within the deadline envisaged by Article 16 of the Law hereof;

3) Fail to submit a Report on the Implementation of Measures and Activities established in the Annual Soil Protection Programme in accordance with Article 17 of the Law hereof;

4) Fail to act in accordance with the act prescribing emergency measures (Article 21, paragraphs 1 and 2);

5) Fail to adopt a Local Recovery Plan in accordance with Article 27, paragraph 5 of the Law hereof;

6) Fail to adopt a Soil Monitoring Programme and fail to obtain Ministry approval for the Monitoring Programme establishing the local network (Article 29, paragraph 5);

7) Fail to submit a local network monitoring report in accordance with Article 33 of the Law hereof;

8) Fail to maintain a Soil Information System in the manner prescribed by Article 34, paragraph 1 of the Law hereof;

9) Fail to maintain a Cadastre of Contaminated Sites in accordance with Article 34, paragraphs 4 and 5 of the Law hereof;

10) Fail to act in accordance with Article 35 of the Law hereof.

Article 47

A fine of RSD 5,000 to 50,000 shall be levied or a prison sentence of up to 30 days shall be issued against a natural person for a misdemeanour if they:

1) Release and/or dispose of pollutants, harmful and hazardous substances, waste water and energy to the surface of the soil and in the soil (Article 19, paragraph 1);

2) Fail to act in accordance with the inspector's decision as per Article 20, paragraph 1 of the Law hereof;

3) Fail to comply with prohibiting and limiting measures (Article 20, paragraph 2);

4) Fail to secure funds required to implement the procedure, and/or eliminate the cause of soil pollution (Article 20, paragraph 3);

5) Fail to act in accordance with the act prescribing emergency measures (Article 21, paragraphs 1 and 2);

6) Fail to remediate and recultivate the soil (Article 23);

7) Fail to provide the funds required for implementing a remediation project and a recultivation project (Article 25);

8) Fail to submit a report after the implementation of a remediation and recultivation project in accordance with Article 26 of the Law hereof;

9) Fail to enable an authorized legal person to take samples for soil monitoring purposes (Article 32);

10) Fail to enable the inspector to conduct control, and/or fail to act upon the inspector's decision (Article 41).

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 48

By-laws adopted based on authorizations as per the Law hereof will be adopted within one year as of the date of the Law hereof coming into force.

Article 49

The Soil Protection Plan will be adopted within two years as of the date of the Law hereof coming into force.

Article 50

Annual soil protection programmes shall be adopted by local self-government units within one year as of the date of the adoption of the Soil Protection Plan.

Article 51

The Soil Monitoring Programme at the national network level will be adopted by the Government within one year as of the date of the adoption of the act as per Article 28, paragraph 2 of the Law hereof.

The soil monitoring programme at the local network level will be submitted by the competent body of the autonomous province and local self-government unit to the Ministry for approval within six months of the date of the adoption of the Soil Monitoring Programme at the national network level.

Article 52

The Cadastre of Contaminated Sites will be established within six months as of the date of the coming into force of the by-law as per Article 34, paragraph 4 of the Law hereof.

Article 53

Until the adoption of the by-laws based on authorizations as per the Law hereof the relevant by-laws will apply adopted based on the Law on Environmental Protection ("Official Gazette of RS", No. 135/04, 36/09, 36/09-other law, 72/09-other law and 43/11-CC).

Article 54

The Law hereof shall come into force on the eighth day as of the date of publication in the "Official Gazette of the Republic of Serbia".