

CHEMICAL INDUSTRY (ADCPI)

CURRENT SITUATION

Serbian Parliament on May 2009 adopted 16 new laws, among them:

- Law on Biocidal Products;
- Law on Chemicals;
- Law on Nature Protection;
- Law on Air Protection;
- Law on Changes and Amendments on Environment Protection;
- Law on Waste Management;
- Law on Packaging and Packaging Waste;
- Law on Endorsement of Convention on Information availability, public participation in reaching decisions and legal protection on environmental matters;
- Law on Endorsement of Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

POSITIVE DEVELOPMENTS

Adoption of new Laws presents significant step toward overall goal which is to harmonize the field of environment and management of chemicals in Serbia with European standards.

Upon entry into force of new legislation null and void are laws and legal provisions from the time of FRY, and even SFRY, which was completely incompatible to existing business conditions.

In drafting of by-laws in relation with Law on Chemicals, invited were representatives of industry to be an active participant. ADCPI members are actively involved in the drafting of this act.

REMAINING ISSUES

- Adoption of new laws does not implicate immediate implementation. It is necessary to adopt bylaws and to organize appropriate institutional infrastructure that enables implementation of new adopted laws in their full importance, i.e. to secure realization of Law provisions.
- In some cases it seems like specific problems of the Serbian market are not respected enough so simple coping of EU legislation is unconvincing.

FIC RECOMMENDATIONS

- It is necessary as soon as possible to establish institutions for realization of adopted laws. This relates primarily to founding Chemical Agency which is of essential importance for implementation of Law on Biocidal Products and Law on Chemicals;
- Law on Waste Management requires that all natural or legal persons that produce waste to manage waste in appropriate form depending on the type of waste. The problem is that the vast majority of companies does not possess, nor is likely to soon possess, capacities for proper disposal (means of transport or facilities for destruction of waste). The legislator did not foresee that the great majority of producers of waste are not able to independently regulate the legal obligations. Therefore, we suggest the adoption of by-laws which clearly defines the role of Republic, autonomous province and local self-government in waste management;
- Encourage establishment of new enterprises and development of existing companies that are involved in production and/or services in the environmental sector, especially those dealing with the recycling of secondary raw materials;
- Law on Packaging and Packaging Waste envisages similar to Law on Waste Management that legal or physical

entities take care by themselves of used packages or waste. Suggestion is that on all levels of authorities should be introduced public services that will be engaged only with this problem, as well as to define particular regulative and economical means that would encourage appliance of provisions related to ecology;

- In cases where imported products are for general use, which includes cosmetics products also, the current procedure is that, before placement on the market, there is repeated inspection of goods with sanitary export license, issued by the competent institutions of the exporting country. We suggest exchange the current pre-market clearance/certification into an in-market monitoring, for products accompanied by EU relevant quality and conformity certificates.