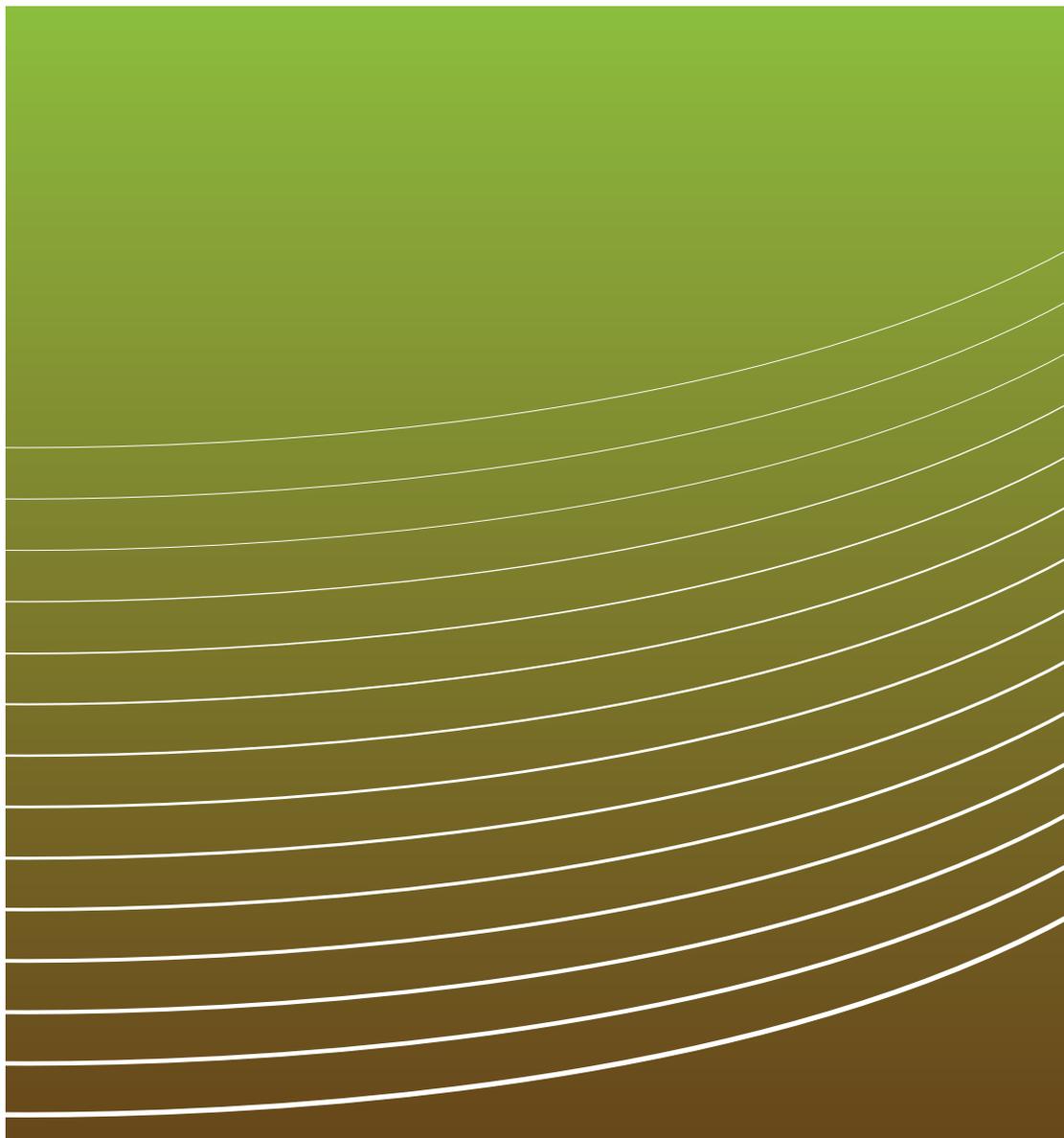




SHADOW REPORT

CHECKING THE ACTUAL STATE OF ENVIRONMENTAL LAWS IN BIH AND WAYS FORWARD





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Center for Environment is an organization that is clearly focused on environmental issues since its founding and beginning of activity. It was founded in 1999, with the aim to influence and contribute to the improvement of the environment through its active and proactive actions.

Information in this publication responsibility of the authors.

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“This Report has been prepared by the „Partnership 27”, which actively monitors, initiates and proposes the improvement of regulations in BiH within the framework of European integration, with a focus on Chapter 27, which deals with the field of environment and climate change.”



CENTER FOR ENVIRONMENT

BANJA LUKA
FEBRUARY 2020



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ABBREVIATIONS

SAA - Stabilization and Association Agreement

EU - European Union

BiH - Bosnia and Herzegovina

RS - Republika Srpska

FBiH - Federation of Bosnia and Herzegovina

BD - Brcko District

EAS - Environmental Approximation Strategy for Harmonization with EU Acquis

REPORT SUMMARY

The first Shadow Report (hereinafter referred to as the Report) covers the period until the end of 2019 and was the result of many years of continuous and integrated work of environmental organizations and members of the EKO BiH Network Coalition. Individuals actively participated in the report through their organizations, guided by the knowledge gained so far, backed up by experience from the field.

The following organizations have made a major contribution to the development of the Report:

1. Center for Environment, Banja Luka
2. Center for Ecology and Energy, Tuzla
3. Aarhus Center, Sarajevo
4. Forum, Zenica
5. Red, Sarajevo
6. Dinarica, Mostar

The report looks at the current state of play in the legislative and legal areas of the environment in Bosnia and Herzegovina, the entities of the Republika Srpska and the Federation of Bosnia and Herzegovina, and in the Brčko District, with respect to European directives that need to be implemented. Considering the multilayered administrative division of the Federation of Bosnia and Herzegovina, the Report does not compare the regulations of the cantons, which regulate certain areas in the cantonal territory in a certain part. The report also did not cover all areas, but focused on five areas, while the areas of chemicals, noise and waste were not analyzed.

Other areas are addressed depending on the capacity of the non-governmental sector, and this is one of the reasons why the Report does not address the financial aspect of transposition, implementation and control of regulations. It analyzes the dynamics of incorporation of EU legislation so far into domestic law and

its implementation, and gives specific examples of practice that clearly indicate that the legal solutions so far have not been fully implemented and that, in addition to the SAA commitments, more control over the application of regulations in practice is required, with mandatory education for all those who apply the regulations.

Documentation of the organizations that participated in its preparation, official documents of the institutions, as well as data from the official websites of the governmental bodies was used in the preparation of the Report. In order to collect additional information, contacts were made and discussions were held with officials of competent institutions in the field of environment, as well as discussions with institutions participating in the harmonization of acts that are being adopted.



BIH COMMITMENTS

By signing the Stabilization and Association Agreement (SAA) in 2008, Bosnia and Herzegovina has accepted the obligations of accession and they represent the process of aligning of all regulations, rules and procedures applicable in the acceding country with the EU acquis. Each candidate country is required to adopt realistic long-term national strategies for gradual and effective harmonization of its legislation, which in practice means the adoption of a set of four strategic planning documents, one applicable throughout BiH and three applicable within the constituent units. Based on the aforementioned, EAS-BiH was adopted, as well as entity-level and BD-level EAS, in accordance with positive laws and relevant procedures. Adoption of the EAS at all levels should ensure that BiH respects its international SAA commitments, that the constituent units provide the necessary support to fulfill their international commitments. On the other hand, the adoption of strategic documents at lower levels will ensure the implementation of the EAS in these territories and will mean the complete fulfillment of their constitutional competencies regarding the transposition, implementation and enforcement of the acquis.

In this respect, the EU accession and association process is a complex process comprising several segments:

- transposition, which implies the adoption of new or amendment of existing regulations in BiH, rules and procedures in order to transpose all requirements related to environmental protection specified in EU legislation into the legal system in BiH;
- implementation in practice which involves the establishment (building, training) of institutions and the provision of a budgets necessary for the implementation of regulations in line with EU

requirements in the field of environmental protection;

- enforcement, which implies the necessary controls and penalties to ensure full and proper compliance with the transposed regulations.

CHAPTER 27

The first activity in a series of EU accession activities is the answers to the questions in Chapter 27, which should show the readiness and competence of the administrative capacities of all levels to cope with the very demanding stages of the European integration process. Further analysis of the questionnaire revealed the problems encountered when answering the list of questions, as well as providing recommendations for eliminating the problems, preparing the necessary capacities for future challenges. With the SAA coming into effect on 1 June 2015, BiH has committed itself to ensuring the gradual harmonization of existing laws and the adoption of future harmonized acts with the EU acquis. The commitment was also accepted to properly implement and enforce regulations governing the issue of the environment, and to adapt policies and other measures to the sustainable economic and social development of the country. By signing it, BiH has committed itself to developing and strengthening mutual cooperation in the field of environmental protection, and its most important task is to stop further degradation and start improving the environment, with the ultimate goal of sustainable development.

BiH is required to harmonize environmental regulations across specific and related areas by 1 June 2021. This implies the transposition of regulations and their implementation, as well as enforcement through necessary controls and punitive measures.

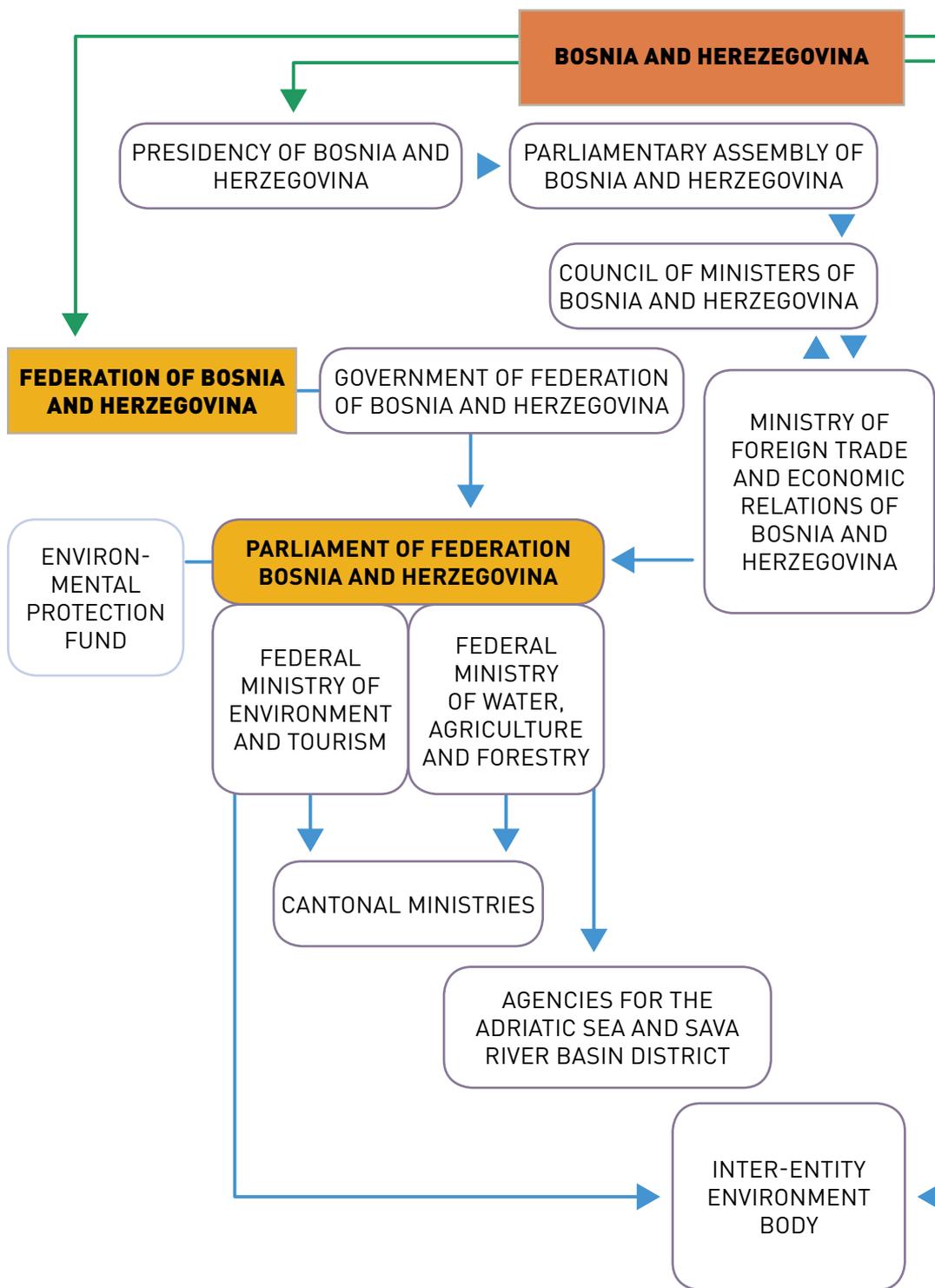
These activities are carried out through specific areas:

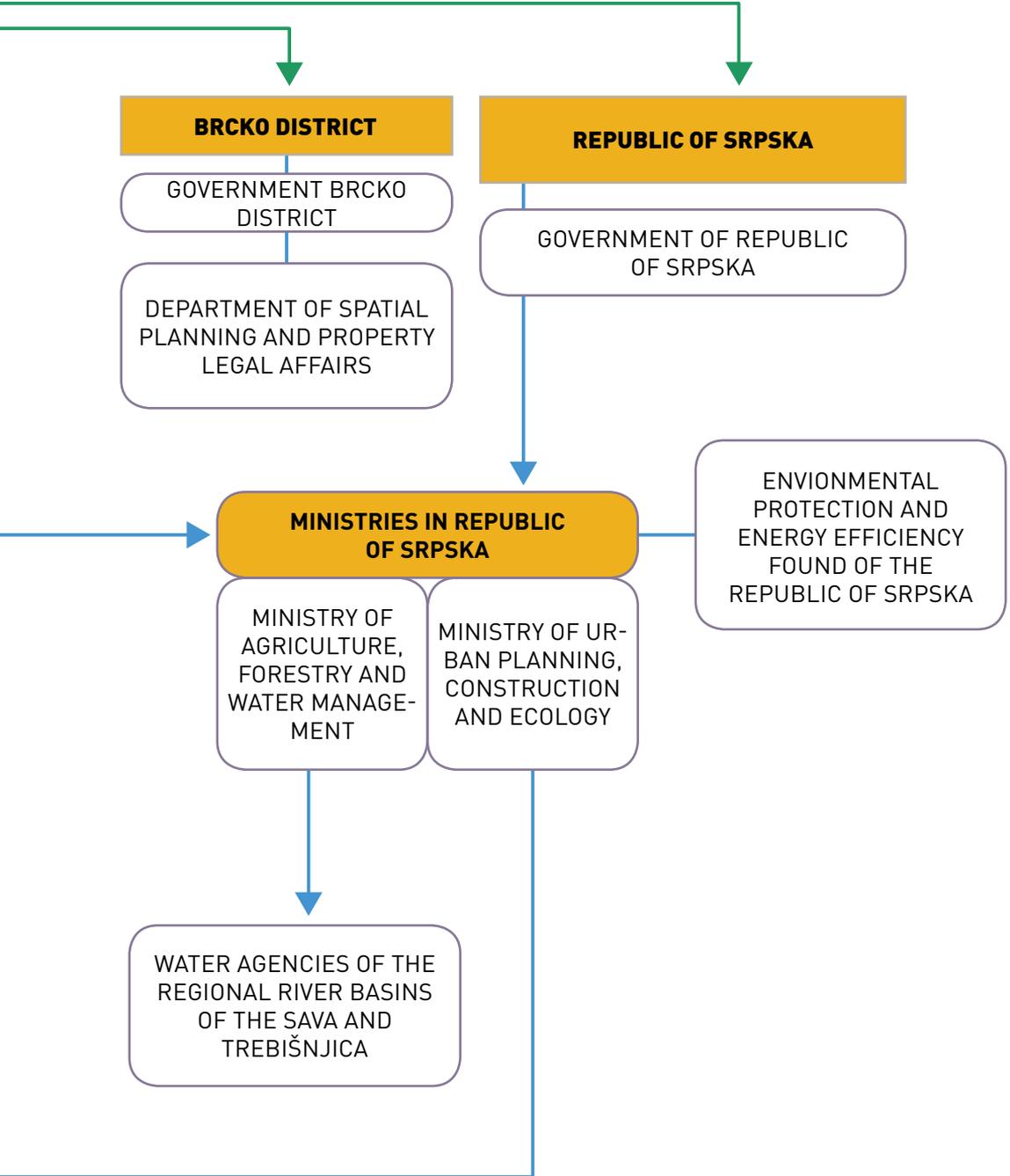
1. Horizontal issues;
2. Water area;
3. Waste management;
4. Air quality and climate change;
5. Industrial pollution;
6. Chemicals;
7. Nature protection; and
8. Noise in the environment.

ADMINISTRATIVE DIVISION AND STRUCTURE OF BIH IN RELATION TO THE FIELD OF ENVIRONMENTAL PROTECTION

Administrative division of BiH









ABOUT INSTITUTIONS

Below is a list of all relevant environmental decision-making institutions and bodies at all levels:

Bosnia and Herzegovina	Republic of Srpska	Bosnia and Herzegovina Federation	Brcko District
<ul style="list-style-type: none">- Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (BiH MoFTER);- Bosnia and Herzegovina Authority for Plant Health Protection;- Veterinary Office of Bosnia and Herzegovina (BiH VO);- Agency for Statistics of Bosnia and Herzegovina (BHAS);- Ministry of Communications and Transport of Bosnia and Herzegovina (BiH MoCT);- Inter-entity body for environment- Inter-Entity Water Management Coordination Advisory Commission	<ul style="list-style-type: none">- Environmental Advisory Council of Republika Srpska- Ministry of Urban Planning, Construction and Ecology- Ministry of Agriculture, Forestry and Water Management- Ministry of Health and Social Welfare- Ministry of Energy and Mining- Ministry of Transport and Communications- Ministry of Trade and Tourism- Republic Institute for the Protection of Cultural, Historical and Natural Heritage- Republic Hydrometeorological Institute- Public waters of Republika Srpska- Local administrative units- City Environmental Departments	<ul style="list-style-type: none">- Federal Ministry of Environment and Tourism- Federal Ministry of Water, Agriculture and Forestry- Federal Ministry of Urban Planning- Federal Ministry of Health- Federal Ministry of Energy, Mining and Industry- Federal Ministry of Transport and Communications- Federation of BiH Environmental Protection Fund- Federal Institute for Hydrometeorology- Federal Bureau of Agropedology- Sava River Basin Agency- Adriatic Sea Water Agency- Cantonal Ministries responsible for environment and water in 10 cantons of the Federation of BiH	<p>Department for spatial planning and property law affairs</p>

Inter-entity cooperation

Institutions shall cooperate through the Inter-entity Environment Authority. It consists of eight members (four from the Federation of Bosnia and Herzegovina and four from the Republika Srpska), appointed by the Government of the Federation of Bosnia and Herzegovina and the Government of the Republika Srpska by Decision.

The inter-entity body is responsible for coordinating all environmental issues requiring aligned approach by the entities, as well as for issues the entity is tasked for by specific regulations, in particular: participating in the preparation and implementation of international agreements and programs, with the coordination of the state ministry responsible for the environment (Ministry of Foreign Trade and Economic Relations of BiH); coordinating the implementation and enactment of laws and regulations; ensuring that the interests of both entities are taken into account when planning projects, especially when it comes to different uses of nature in areas intersecting inter-entity lines; coordination of monitoring and information systems - collection and exchange of information and data and other issues necessary for coordination of entity ministries in the field of sustainable development.

Representatives of the Ministry of Foreign Trade and Economic Relations of BiH (state ministry responsible for the environment) and the Government of the Brcko District must be invited and are obliged to participate in the sessions of the Inter-Entity Body, and if necessary, representatives of international institutions in BiH attend the sessions, depending on the agenda. (such as the European Union Delegations to BiH, UNEP, UNDP) and other relevant institutions.

Preparation and adoption

The process of drafting and adopting laws that are in line with the EU *acquis* goes through several filters, necessary to get the “green light” for its adoption and later implementation. In all administrative units of BiH, this preparation and adoption procedure is approximately the same, so the law first goes through assessment by the competent entity authorities, which are obliged to give their assessment of compliance. Thereafter, the law must pass a state-level filter, which gives its final compliance assessment.

The rights and obligations regarding harmonization are prescribed by the decisions of the competent bodies and clearly define the procedure for the adoption of laws for each administrative unit:

1. Decision on the procedure for harmonization of the legislation of Bosnia and Herzegovina with the European Union *acquis* (Official Gazette of BiH, Nos. 75/16 and 2/18);
2. Decree on the Office of the Government of the Federation of Bosnia and Herzegovina for European Integration (Official Gazette of the Federation of Bosnia and Herzegovina, No. 89/13);
3. Decision on the procedure for harmonization of the legislation of the Republic of Srpska with the European Union *acquis* and Council of Europe legal acts (Official Gazette of the Republika Srpska No. 46/11);
4. Decision on the procedure and methodology of impact assessment when drafting the regulations (“Official Gazette of the Brcko District of BiH”, No. 13/18)
5. Instruction on the implementation of the impact assessment procedure when drafting regulations in the public administration bodies and institutions of the Brcko District of BiH (“Official Gazette of the Brcko District of BiH”, No. 31/18), for the purpose of consultation in the regulatory impact assessment process.



Institutions competent for adoption of regulation in BiH administrative units

Bosnia and Herzegovina	Republic of Srpska	Bosnia and Herzegovina Federation	Brcko District
Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina – proposes Competent Ministry in the Council of Ministers of BiH – proposes Directorate for European Integration – assesses BiH Parliamentary Assembly - adopts	Responsible Ministry in the Government of the Republika Srpska – proposes Ministry of Regional Co-operation and European Integration – assesses Government of Republika Srpska – proposes National Assembly of Republika Srpska - adopts	Competent Ministry of the Government of the Federation of Bosnia and Herzegovina – proposes FBiH Government Office for Legislation and Compliance with EU Regulations – assesses Government of the Federation of Bosnia and Herzegovina – proposes Parliament of the Federation of Bosnia and Herzegovina - adopts	Competent Department of Environmental Protection – proposes Department for European Integration and International Cooperation – assesses Assembly of Brčko District - adopts

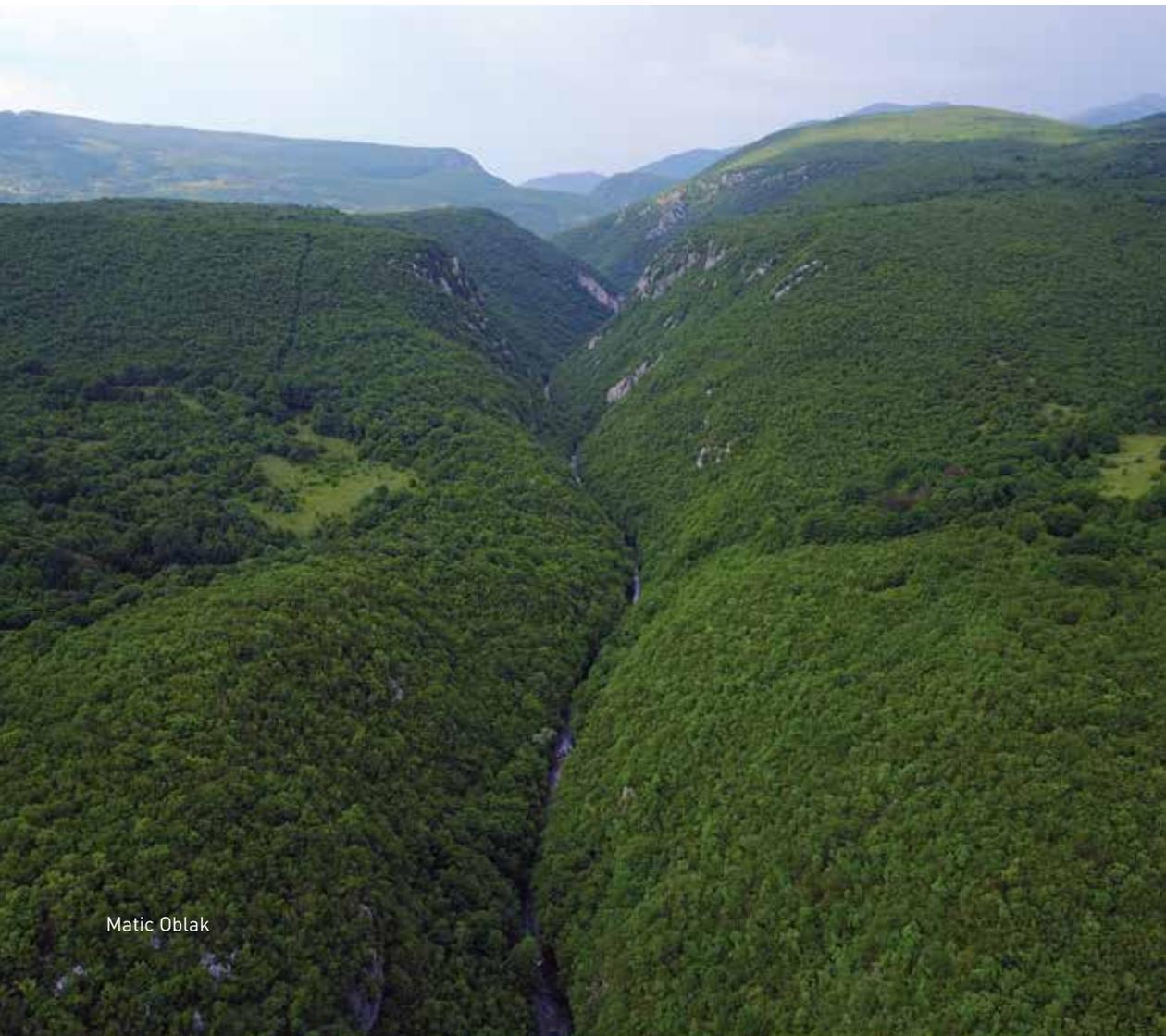
Draft/proposal pathway: from preparation to draft

1. The proposer prepares draft/proposal of regulations, sometimes independently, sometimes in cooperation with other competent authorities, sometimes including the academic community;
2. The draft/proposed regulation is then be made available to the public;
3. The draft/proposal of regulation is then sent to the competent body, which provides an assessment of compliance with the EU acquis and the document is returned to the competent body;
4. The draft/proposal is approved by the body and sent to the legislative body for adoption;
5. If the draft regulation concerns the public, the legislature may decide to make it available to the public to give proposals, suggestions and opinions. When the public insight is completed, such a draft is presented to the legislative body in the form of a proposal for adoption.
6. The draft/proposal of regulation is adopted in the legislative bodies.

Capacity training

All trainings attended by civil servants in all institutions of administrative units in BiH are conducted by the Directorate for European Integration with the help of the TAIEX program. The training is organized primarily for civil servants in institutions at all authority levels in BiH who directly carry out tasks related to European integrations. Exceptionally, the training provided for in this Decision may be attended by civil servants employed in public administration (state level, entities and Brcko District); Law enforcement agencies and agencies;

Members of Parliament and civil servants employed in parliaments or legislatures; Representatives of professional and commercial associations representing social partners, as well as representatives of trade union organizations and employers' associations; TAIEX does not provide direct support to civil society, private individuals or individual companies.





CIVIL SOCIETY ORGANISATIONS ENGAGED IN ENVIRONMENTAL PROTECTION

With the arrival of new social structure and the transition of social into state ownership, nature came under impact of investors who put profits ahead of the environment and thus change and destroy it with their actions. In such conditions, the civil sector has awakened and has started to work through civil society organizations and individuals, experts in particular fields. The introduction and implementation of European regulations opens a new field of work for the civil sector and its more active action towards the competent authorities. As organizations emerge locally to protect their natural resources, they are increasingly using legal means to achieve their goals, pointing to irregularities present in the implementation of laws and regulations. Organizations are beginning to act more strategically, thus influencing the preparation and adoption of strategic documents, while monitoring the work of state bodies.

The results of the organizations' work are visible through joint action with the competent authorities in all environmental procedures, from commenting on strategic documents, proposing amendments to laws and by-laws, and through joint consultations in specific projects. The non-governmental sector in Bosnia and Herzegovina assists in its actions, sharing knowledge and human resources, thus informing the competent authorities that further devastation of nature must be stopped and that the competent authorities must become more involved in the implementation and control of regulations.

There is no exact information on the number of currently registered environmental organizations in BiH, directly or indirectly, at all administrative levels, including those involved in hunting, fishing, tourism and every kind of nature protection. Organizations

in BiH are brought together around multiple ideas, and they are implemented through informal networks:

Aarhus Center Network

There are four Aarhus Centers in Bosnia and Herzegovina - Banja Luka, Tuzla, Sarajevo and Zenica, which base their work on the provisions of the Convention on Access to Information, Public Participation in Decision-Making and Access to Environmental Issues (hereinafter: the Aarhus Convention), which was ratified by Bosnia and Herzegovina on 15 September 2008 ("Official Gazette of BiH - MU", No. 8/08). With the appearance of these centers, another form of action opened up that civil society organizations have not used so far. The legal centers that have existed in Bosnia and Herzegovina since 2012 have contributed to the visible changes and, through their activities, have started the implementation of the Law on Freedom of Access to Information at all levels in the environmental field. This beginning meant a more active role for the public in access to information and public participation in decision-making processes at all levels, as well as the right to access to justice.

Coalition for Protection of BiH Rivers

The Coalition for the Protection of the Rivers of Bosnia and Herzegovina was established in June 2016 by civil society organizations and individuals who love nature, follow and question plans for the construction of hydropower plants and are committed to developing tourism, traditional and complementary activities that can provide more diverse jobs and achieve greater development of local communities. In addition to environmental organizations, individuals and organizations that show through their work how rivers can be used sustainably, with minimal impact on nature, and with benefits for the local population, are very important to the Coalition. The role of the Coalition is to support the local population in timely involvement in decision making and to take a stand on the construction of hydropower plants in Bosnia and Herzegovina. The BiH River Protection Coalition currently brings together over 20 organizations from across the country and the number of members continues to grow.

<https://rijekebih.org/>

EKO BiH Network Coalition

Eko-BiH is an informal group of civil society organizations (CSOs), individuals and local communities active in the field of environment in BiH, which in 2014 expressed the need to network and improve their capacities in strategic and communication issues. Eco-BiH has become a democratic forum for environmental organizations of civil society and individuals to discuss and define priorities at work, joint statements on advocacy and solidarity at annual meetings. The Coalition is committed to a society with responsible treatment of nature and people. It is a socially relevant network of civil society organizations that, by acting together, influences the creation and implementation of responsible policies in the field of environment.

<https://m.facebook.com/ekobih.net>



HORIZONTAL LEGISLATION

Introduction

Horizontal legislation implies the regulations within the EU acquis in the field of environment protection which set the new rules and is applied to all the fields of environment protection; they must be included in all relevant laws regulating these fields. These rules relate to the following:

- the issues related to environment protection in development of certain public and private projects (PUO),
- issues related to environment protection in development of certain plans and programs (SPO),
- ensuring free public access to environment-related information,
- ensuring participation of the public in making the environment-related decisions,
- ensuring access to the judiciary in the environment-related issues,
- establishing the system of legal responsibility for the environment, aimed at prevention and removing the ecological damage,
- establishing and functioning of the spatial planning information infrastructure,
- establishing the system for reporting on the environment to EU.

According to EU acquis, all issues of horizontal legislation should be an integral part of other environmental fields, which ultimately aims at completely transparently available and responsible use of the environment.

LEGISLATIVE FRAMEWORK

The legislative framework of administrative units in the application of the European directives of horizontal legislation is specific in the sense of implementation in all the environmental fields. Thus, in addition to the basic law on environment protection, other laws are also applied in practice which regulate specific fields (water, air, noise, industrial pollution, chemicals, waste and protection of nature), which are also referred to in other fields.

Bosnia and Herzegovina

Freedom of Access to Information Act (BiH Official Gazette nos. 28/00, 45/06, 102/09, 62/11, 100/13).

Republika Srpska

Environment Protection Act („The Republika Srpska Official Gazette”, no. 71/12, 79/15); Freedom of Access to Information Act („The Republika Srpska Official Gazette”, no. 20/01).

Applicable by-laws

- Rulebook on the procedure of audit and renewal of environmental permits („The Republika Srpska Official Gazette”, no. 28/13);
- Rulebook on the facilities that can be built and commissioned only if they have an environmental permit („The Republika Srpska Official Gazette”, no. 124/12);
- Rulebook on the projects for which the environmental impact assessment is conducted and on the criteria for making decisions on the obligation to conduct and the scope of the environmental impact assessment („The Republika Srpska Official Gazette”, no. 124/12);
- Rulebook on the conditions for pursuing the activity in the field of environment protection („The Republika Srpska Official Gazette”, no. 28/13);

- Instruction on the content of the environmental impact study („The Republika Srpska Official Gazette”, no. 108/13);
 - Rulebook on the activities and the method of preparation of the best available techniques („The Republika Srpska Official Gazette”, no. 108/13);
 - Rulebook on the content and the manner of keeping the register of issued environmental permits („The Republika Srpska Official Gazette”, no. 108/13);
 - Rulebook on eco-labels and the manner of eco-labels management („The Republika Srpska Official Gazette”, no. 108/13);
 - Rulebook on the manner of establishing and managing the information system for protection of nature and on the monitoring system („The Republika Srpska Official Gazette” no. 85/05); and
- Rulebook on the methodology and the method of keeping the register of facilities and pollutants („The Republika Srpska Official Gazette” no. 92/07)

The Federation of Bosnia and Herzegovina

Environment Protection Act („BiH Federation Official Journal”, nos. 33/03 and 38/09); and Freedom of Access to Information Act („BiH Federation Official Journal”, nos. 32/2001, 48/11)

Applicable by-laws

- Rulebook on the plants and the facilities for which the environmental impact assessment is obligatory and on plants and facilities that can be designed and commissioned only if they have an environmental permit („BiH Federation Official Journal”, no. 19/04);
- Rulebook on the deadlines for submission of the request for issuing the environmental permit for plants and facilities that have the issued permits before coming into force of the Environment Protection Act („BiH Federation Official Journal”, no. 68/05);
- Rulebook on the conditions for submission of the request for issuing the environmental permit for plants and facilities that have the issued permits before coming into force of the Environment Protection Act („BiH Federation Official Journal”, no. 68/05);
- Rulebook on preparation of annual/ semi-annual programs of environment protection inspections („BiH Federation Official Journal”, no. 68/05);
- Rulebook on the content of the report on the state of safety, content of information about safety measures and content of internal and external intervention plans („BiH Federation Official Journal”, no. 68/05);
- Rulebook on the registries of facilities and pollutions („BiH Federation Official Journal”, no. 82/07);
- Rulebook on eco-labels and on the method of eco-labels management („BiH Federation Official Journal”, no. 92/07);
- Rulebook on adoption of the best available techniques by which the environmental quality standards are achieved („BiH Federation Official Journal”, no. 92/07);
- Rulebook on conditions and criteria to be fulfilled by the authorized authors of the Environmental Impact Study, on the amount of fees, dues and other expenses incurred in the procedure of the environmental impact assessment („BiH Federation Official Journal”, no. 33/12); and
- Rulebook on determining the conditions, criteria for approval and maintaining certification for the members in expert commissions in charge of evaluation of the activities plans and the environmental impact assessment studies in the procedure of issuing the environmental permit („BiH Federation Official Journal”, no. 94/12).



Brčko District

Environment Protection Act („BiH Brčko District Official Gazette“ nos. 24/04 1/05, 19/07 and 9/09).

Applicable by-laws

- Rulebook on the conditions for submission of the request for issuing the environmental permit for plants and facilities that have the issued permits before coming into force of the Environment Protection Act („BiH Brčko District Official Gazette“ no. 02/07);
- Rulebook on the content of the environmental impact study („BiH Brčko District Official Gazette“ nos. 24/04 and 1/05); and
- Instruction for the implementation of the Freedom of Access to Information Act in Brčko District of Bosnia and Herzegovina (BiH Brčko District Official Gazette no. 36/04).

EU LEGISLATION

I. European Union Act

Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codifying the Directive of the Council of 27 June 1985 on the assessment of the effect of certain public and private projects on the environment, amended by the Directive of the Council 97/11/EC, Directive 2003/35/EC and Directive 2009/31/EC), with the amendments of the Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending it.

II. European Union Act

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of certain plans and programmes on the environment.

Example from practice

The practice that the associations dealing with the environment have is mainly connected with the Directive on the assessment of the effects of certain public and private projects, and less with the Directive of the assessment of effects of certain plans and programmes. Environmental impact assessment, whether it is applied on public or private projects, plans or programmes, requires a thorough approach; additionally, there are a number of guides that come with the directives defining in details how the environmental impact studies are developed.

Practice that is created primarily relates to notifying the public of the ongoing public and private projects; one may say that both directives have been almost fully transposed through the law and by-laws, and in that sense the administrative units have fulfilled their obligations under the directives. However, the implementation of the laws in practice is still facing the difficulties in certain segments, which has been noticed by the civil sector during its many years of work.

Given the fact that the environmental impact study is the first document among a number of documents necessary for a plant to be built and commissioned, and that it is designed by authorized legal entities, it has been noted that the data from the studies is often based on over 30-years-old data and that they do not reflect the real situation on the ground. In addition, it is frequently the case that the studies are

being copied in certain parts, and that often not enough attention is paid to the impact on the environment, on air or water, or on other segments of the environment, so that the environmental impact studies more and more become the studies of justification of impact on the environment.

The best known example of breach of the Directive on public and private projects is presented by the construction of Ugljevik III Thermoplant, due to, among other, a free assessment of notification by an authorized body regarding cross-boundary impact on the Republic of Croatia and the Republic of Serbia. The proceedings were brought in 2013 before the Banja Luka District Court and completed in 2018, before the same court. Apart from the long-lasting process, the Center for the Environment simultaneously brought the proceedings before the EC Commission, claiming that the Study had certain deficiencies and that it did not show how and to which degree the future projects would impact the environment, especially taking into account the existing Thermoplant Ugljevik, next to which the new TP Ugljevik III was supposed to be built. After the end of the proceedings before the Power Community Secretariat, the Ministry, as the responsible body for issuing the Decision on approving the impact study, was supposed to repeat the whole proceedings and issue a new Decision.

Recommendations

- The Law should be adopted and/or amended, thus prescribing the issue of environmental impact assessment in more detail, as well as the criminal liability and liability for administrative offences for the authors of the study.
- Directives relating to cross-boundary impact of private, public projects, programs and plans should be fully applied.

Directives related to Aarhus Convention

The following two Directives are directly related to the application of the Aarhus Convention, and are transposed in the environment protection laws and the laws on freedom of access to information. This implementation includes the pillars access to information, participation of the public in decision-making and access to justice.

III. European Union Act

Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 regarding public access to environmental information and repealing the Council Directive 90/313/EEC.

IV. European Union Act

Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice, the Council Directives 85/337/EEC and 96/61/EC.



Examples from practice

Access to information

Problems with free access to information are still present, but looking a few years back, there is an evident progress in this field, in the sense that we are being sent the information without urgencies, complaints about administration's silence and initiation of administrative disputes. Nevertheless, there are still examples in certain administrative units where one can notice departures from the application of the law.

With regards to free access to information relative to public and the Aarhus Convention itself, the problems that we come across in the public are mainly the following:

- insufficient education and awareness of the officials as to which information they are allowed to disclose,
- officials' insisting on proving the interest for access to information,
- information is characterized as confidential without investigating public interest,
- situations in which a request is rejected, so the information is submitted after initiation of the administrative court proceedings.

Participation of the public in decision-making

Although the environment protection laws have laid down the participation of the public in decision-making procedures, there are certain departures that were identified as partial implementation. This primarily relates to the manners and methods of informing the public and of announcement of the project that was launched, whereby there is insufficient utilisation of modern technology. Another identified deficiency in application relates to the supply of the

information (decisions) to interested parties that were since the beginning involved in the procedure of approval of a study or of issuing an environmental permit through public inspection and public debate. Such a procedure violates the provisions of a number of laws regulating the field of administrative law, because by their participation, any organisation or individual have acquired the capacity of a party. In this situation, the organisations or individuals are forced to request the future decisions issued by the relevant body through the law on access to information or by checking the website on a daily basis, only to find that the requested document has not been posted at all. By such actions, the legal provisions governing the access to justice are also directly violated.

Another identified problem had to do with the participation of the public in other procedures, when the laws are supposed to regulate this participation. So far it is only in Republika Srpska that the participation of the public has been defined by the Regulation on the manner of public participation in water management („Republika Srpska Official Gazette“, no. 35/07), while there is no such regulations in other fields. This primarily concerns the participation of the public in other fields or branches in which different actions harm the environment. Participation of the public has been prescribed only in the cases of adoption of strategic documents in certain fields, while in specific procedures there is no such participation (hunting, fishing, forests, waste, etc.).

Another illustrative example includes the project HES „Upper stream Neretva“ – Phase II, when, by sending the comments on the Draft Environmental Impact Study for the project HES „Gornja Neretva“ – Phase II (MHP „Greibenac Krupac“, MHP „Trnovica“, MHP „Plačikus“ and HP „Uloški

Buk”) Center for the Environment (below in publication: CfE), acquired the rights of a party in the proceedings. However, CfE found the Decision on approval of the mentioned Study on the website of the Republika Srpska Ministry for Physical Planning, Construction and Ecology, so considering the fact that the Ministry has failed to properly provide to the CfE, as a full-fledged party in the proceedings, the concerned Decision, nor has notified it in any way thus entitling it, from both formal and legal points of view, to use the remedies, CfE was forced to initiate the administrative dispute. The legal basis was certainly much broader than the failure to provide the mentioned document. Additionally, the Decision stated the CfE’s comments, however and regretfully, only few of them have been taken into consideration, which represents another example of “tied hands” when it comes to exerting influence on low quality studies. With proper implementation in practice, none of this unjustified actions on the part of relevant institutions would have taken place.

Access to justice

The right to access to justice in a procedure is most frequently dependent upon the implementation of the first two pillars, because if you are denied the information that you request or excluded in the decision-making phase by non-delivery of the decision, it is very difficult to apply this pillar. There were cases where the court, in its improper application of legal provisions, denied the right to access to justice for the organisations that actively participated in the permit approval processes, so, while the right to access to justice is being proved in these cases, both the capacities and time got additionally wasted. Three cases that were brought before the Cantonal Court in Sarajevo indicate that certain courts are still not sufficiently aware of the subject-

matter that enables the citizens to actively participate in the procedures, namely: filing the suit against the environmental permit in the case of construction of the accumulation lake Ramići in Banovići Municipality for the needs of the construction of TP Banovići, then in the case of construction of Block 7 of Tuzla Thermal plant and construction of Banovići Thermal Plant.

Recommendations

In order for the said directive to be fully implemented in the future period, the following needs to be done:

- Carry out continuous education of public servants at all levels in the application of the provisions of the Freedom of Access to Information Act.
- Enable the online availability (on a website) of all information to the public
- Enable the public to officially communicate with the relevant bodies by email,
- To all the organizations and individuals who made their comments during the procedure, deliver the decision from the procedure, or inform them that such a decision has been posted online.

More about the implementation of the Aarhus Convention is available in the Report from the shadow on the website

<https://cutt.ly/wyk801E>



V. European Union Act

Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environment liability with regard to the prevention and remedying of environmental damage, amended by the Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations.

It includes the implementation of three directives, namely those on the waste management in extraction industries, on geological storage of carbon-dioxide, on safety of offshore and gas operations. The Directive has been partly transposed through the environment protection act related to the plan of prevention of large accidents and cross-boundary impact, but it is insufficiently applied in practice.

Recommendations

The implementing mechanisms are missing.

VI. European Union Act

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information (INSPIRE)

This Directive lays down the general rules for establishing the infrastructure for spatial information for the needs of the European Union polices with regards to the environment, and the policies and activities that may have impact on it.

Republika Srpska

RS Law on Physical Planning Development and Construction Act („The Republika Srpska Official Gazette“ nos. 40/13, 106/15, 3/16).

The Federation of Bosnia and Herzegovina

Physical Planning and Land Use Act at the level of the Federation of Bosnia and Herzegovina („BiH Federation Official Journal“, nos. 2/06, 72/07, 32/08, 4/10, 13/10 and 45/10).

Applicable by-laws

Regulation on unique methodology for development of physical planning documents („BiH Federation Official Journal“, no. 63/04, 50/07)

Brčko District

BD Physical Planning and Construction Act („BiH Brčko District Official Gazette“, nos. 29/08, 18/17, 48/18, 54/18).

Recommendations

The Directive has not been transposed or implemented.

VII. European Union Act

Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through the criminal law (text relevant for EEA).

The Directive that is related to the institutional protection of the environment through the criminal and minor offences law, introduces into legal frameworks the actions that disrupt any major scope of nature, life and health of the people. The list of criminal acts that are related to the protection of the nature/ environment.

BiH Criminal Code („BiH Official Gazette“ nos. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05,

53/06, 55/06, 32/07 and 8/10).

FBiH Criminal Code („FBiH Official Gazette“ nos. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10 and 42/11).

Chapter XXVI

Criminal acts against the environment, agriculture and natural goods

- Pollution of the environment – Article 303 of FBiH CC;
- Environmental hazards caused by devices – Article 304. FBiH CC;
- Environmental hazards caused by waste – Article 305 of FBiH CC;
- Environmental hazards caused by noise– Article 306. FBiH CC;
- Production of harmful agents for treating the animals – Article 307. FBiH CC;
- Malpractice in provision of veterinarian assistance – Article 308. FBiH CC;
- Unauthorised provision of veterinary services– Article 309. FBiH CL;
- Non-compliance with the regulations for the control of animal and plant diseases – Article 310. FBiH CC;
- Concealment of the existence of infectious diseases with animals – Article 311. FBiH CC;
- Contamination of livestock feed or water to feed livestock – Article 312. FBiH CC;
- Destruction of perennial plants – Article 313. FBiH CC;
- Misconduct in pesticide traffic – Article 314. FBiH CC;
- Devastation of forests – Article 315. FBiH CC;
- Forest thefts – Article 316. FBiH CC;
- Causing forest fires – Article 317. FBiH CC;
- Torturing and killing animals – Article 318. FBiH CC;
- Poaching – Article 319. FBiH CC;
- Illegal fishing – Article 320. FBiH CC;
- Pollution, destruction and illicit export of monuments of culture and protected objects of nature – Article 321. FBiH CC;
- Illegal conduct of research works and

appropriation of monuments of culture – Article 322.; FBiH CC

RS Criminal Code („RS Official Gazette“, nos. 49/2003, 108/2004, 37/2006, 70/2006, 73/2010, 1/2012 and 67/2013)

Chapter XIII

Environmental criminal offences

- Pollution of the environment – Article 415;
- Pollution of the environment with waste materials – Article 416;
- Noise pollution – Article 417;
- Unlawful construction and commissioning of plants and facilities – Article 418;
- Damage to environmental plants and facilities – Article 419;
- Destruction or damage to a protected natural resources – Article 420;
- Production of harmful agents for the treatment of animals – Article 421;
- Pollution of food and water for feeding, i.e. giving water to animals – Article 422;
- Non-compliance with the regulations for control of animal and plant diseases – Article 423;
- Misconduct in pesticide traffic – Article 424;
- Malpractice in provision of veterinarian assistance – Article 425;
- Unauthorized provision of veterinarian assistance – Article 426;
- Destruction of perennial plants – Article 427;
- Failure to comply with the environmental protection measures – Article 428;
- Introduction of hazardous substances in Republika Srpska – Article 429;
- Forest thefts – Article 430;
- Devastation of forests – Article 431;
- Causing fires – Article 432;
- Torturing and killing animals – Article 433;
- Exporting specially protected plants or animals abroad – Article 434;
- Usurping of real property – Article 435;
- Poaching – Article 436;
- Illegal fishing – Article 437;



Examples from practice

Criminal acts against protection of the environment, people and animals have been elaborated in detail in laws and as such provide the grounds for anyone who visibly disrupts the environment through his/her actions to be punished. In addition to criminal provisions, the laws regulating specific fields include penal provisions for actions, non-actions or omissions by responsible persons, so that in that sense the protection of nature (water, waste, protection of nature, air, forests ...) has been additionally enhanced by minor offence (misdemeanour) provisions. However, the practice until now has shown that there is a big number of reported criminal acts in the field of forests, so that only a small percentage relates to other offences. On the other hand, there is no established practice regarding imposition of misdemeanour sanctions in certain environmental fields.

In that sense, the Center for Environment filed criminal charges five years ago against a company engaged in bauxite ore transshipment activities, the consequences of which was most felt by the citizens living in the vicinity of these activities. According to our information, the relevant criminal charges are still pending.

Recommendations

A more active engagement of all the bodies (police, prosecutor's office and courts) is necessary in the process of detecting, identification and initiating proceedings against physical and legal entities who, through their actions, harm the environment and life and health of the people.

VIII. European Union Act

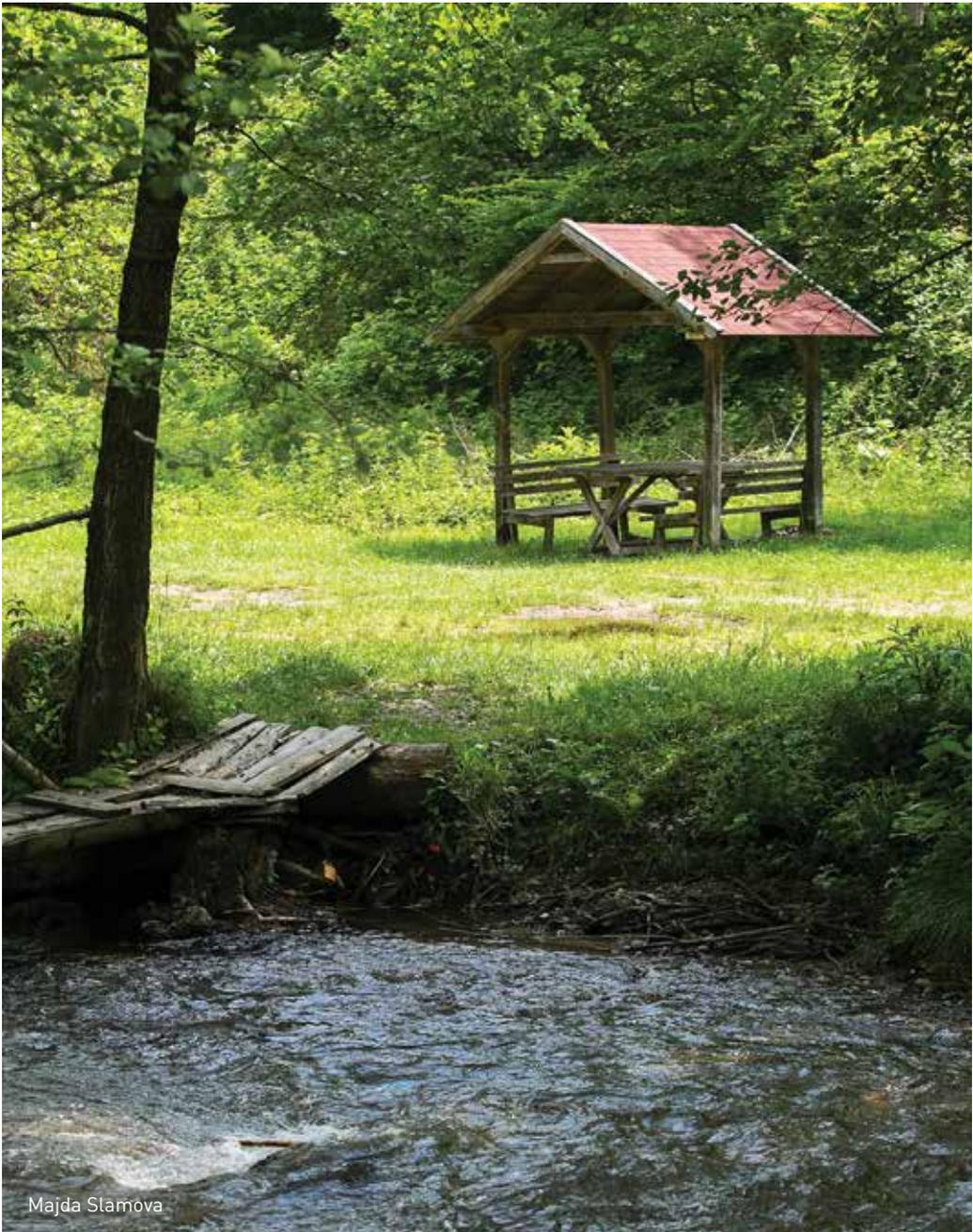
Regulation (EU) no. 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No. 614/2007 – LIFE Regulation.

The European Union environmental and climate policy and legislation have led to a significant improvement in the condition of the environment. However, big ecological and climate challenges are still present, which will, unless addressed, have major consequences for the Union. Given the scope and complexity of these challenges, addressing them should be mainly financed from the main Union funding programs. In its Communication of 29 June 2011 entitled „Budget for Europe 2020“ in which the challenge related to climate change is recognized, the Commission states that there is an intention to increase a share of the Union's budget relating to climate change to at least 20%, through contributions from various policies. This Regulation should contribute to accomplishing of that goal.

These Union funding programs cannot cover all the special needs of ecological and climate activities. A special approach for the environment and the climate activities are necessary to solve uneven inclusion of these goals in the practice of the Member Countries, uneven and inadequate implementation of the laws of the Member Countries and insufficient dissemination of information about the goals of the policies and their promotion. Further activities of the programs governed by the Regulation (EC) no. 614/2007 of the European Parliament and of the Council are necessary and a new regulation should be adopted. Therefore, that regulation

should establish the Program of dedicated financing for the environment and climate activities (LIFE program). In order to achieve more significant influence of Union financing, close synergies and

complementarity should be developed between the LIFE Program and other Union financing programs.



Majda Slamová



ENTITIES' ENVIRONMENT PROTECTION LAWS

The most important changes relating to horizontal legislation concern the passing of a new Environment Protection Act in FBiH, i.e. amendments to the Environment Protection Act in RS. With the changes in laws, the governments of both entities showed a certain amount of willingness to fully implement the directive, i.e. the Aarhus Convention. Up to the moment of writing this Report, the Environment Protection Act has still not been adopted in the House of Peoples of the Federation of Bosnia and Herzegovina, while the amendments to the Environment Protection Act in Republika Srpska should be in the form of the proposal before the Republika Srpska National Assembly.

Draft Law on Amendments to the Environment Protection Act, which was on the agenda of the eighth session of the National Assembly of Republika Srpska of 10 December 2019, was adopted, while the Environment Protection Act in FBiH is in the form of adoption before the House of Peoples of FBiH Parliamentary Assembly. The members of EKO Mreza BiH forwarded their proposals, suggestions and opinions regarding both texts. Below in the text there are certain legal solutions that are awaiting /are not awaiting their adoption and application.

SPECIFIC PROVISIONS	Environment protection Act (RS)	Environment Protection Act (FBiH)
Making a Decision on development of strategic assessment	There is no participation of the public in making of a Decision	The public takes part in making of the decision
Advisory Council	There is no Advisory Council	There is Advisory Council
Notification at the local level of the submitted Request for issuing environmental permit	The members of the local self-governance units are informed.	The local community members are informed about what the obligation of the local self-governance units is
Making comments on the proposed acts by email	It doesn't exist	It doesn't exist
Forwarding the Decision on approval of the impact study to the interested public that took part in the procedure	It doesn't exist	It doesn't exist
Forwarding the Decision on Environmental Permit to the interested public that took part in the procedure	It doesn't exist	It exists at the Federal level

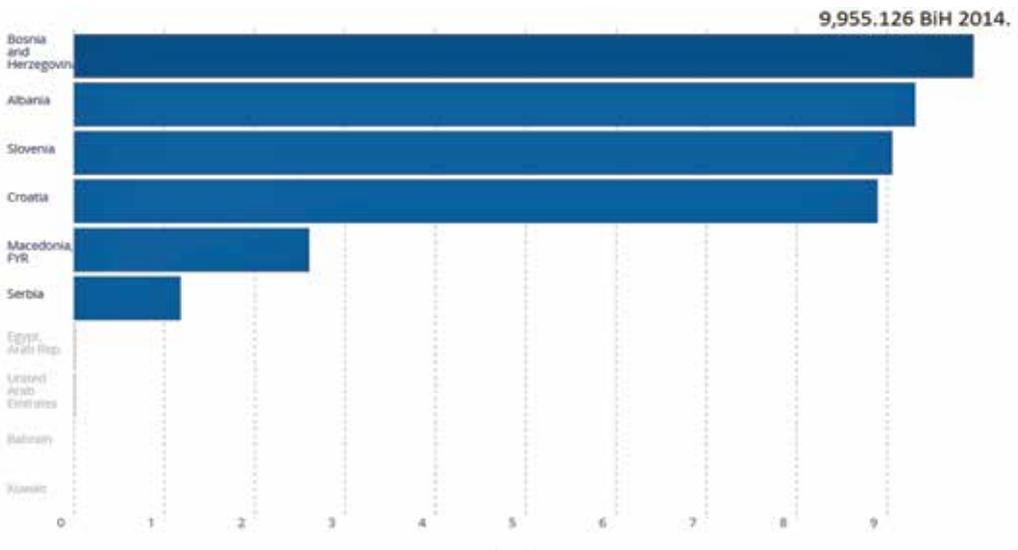
WATER SECTOR INTRODUCTION

According to the Dayton Peace Accord water industry is the responsibility of BiH entities; its subsequent amendments add the responsibility of the District Brčko of BiH. At the level of Bosnia and Herzegovina (BiH), there are no regulations governing the field of waters, which has been consequently regulated at the level of entities through a number of legal norms. At this level, the basic legal instrument regulating water management is the Waters Act which was adopted in 2006 both in the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). Water management in FBiH includes protection of waters, use of waters, protection against harmful water

effects, development of watercourses and other waters. In the RS, water management implies an integral approach, through water protection, use of waters, protection against harmful effects of waters, development of watercourses, other water bodies and public resource.

It is noteworthy that BiH has significant water resources, which, according to the World Bank data, makes it one of the countries with the largest quantity of renewable drinking water sources per inhabitant in the region.

Renewable freshwater resources per capita¹



Besides the value that water has as a general common resources, the purpose of which is primarily water supply to the population, this resource is also necessary for the economic growth of many regions. Nowadays the water management sector is in a bad position due to inadequate legal framework, insufficient investments into and maintenance of infrastructure, and is still burdened with the damage that it sustained during the war period.



Although there are many institutional reports stating that the transposition of the Framework Waters Directive has been largely achieved, the question is to which degree this is really true, given the fact that this Directive relates to the level of the state and that there are no in-depth analyses of legal relations, communications or of coordination of the activities between the entities and the District Brčko of Bosnia and Herzegovina (DBBiH) in this field.

The report of the European Commission of 2016 on Bosnia and Herzegovina states that there are a number of important issues related to the country's progress toward the process of accession to the European Union (EU) when it comes to the waters sector. Different authorities' levels have formed the institutions for monitoring the quality standards of water, nitrates, drinking water, underground waters and bathing water, as they were legally required to do. Monitoring the state of ground waters and bathing water is done in the area of the coastal Adriatic Basin in BiH, while in the area of the coastal Sava River basin this activity has not been continuously implemented. Specifically, the main sources of pollution include the urban waste waters from settlements, industrial waste waters and diffuse pollution from agricultural surfaces, which has been more precisely stipulated through the plan documents – entities' water management strategies and water areas management plans. The Directive on Protection of Waters against Pollution Caused by Nitrates from Agricultural Sources has only been partly transposed, while no monitoring has been established in the manner stipulated in the Directive, and only certain parameters indicating the content of nitrogen and phosphorous in waters are being measured.²

There has been a record of increased construction of infrastructure for waste

water treatments, construction of water works and water supply systems for which the loan facilities are provided by the international community, such as the project of construction of irrigation system of the area „Višićka kaseta“ (MMF); Project „Development of the irrigation system in BiH“, the value of the project is 4 million KM (WB); construction of 50 new km of waterworks in Banja Luka in spring 2020 – project 12 million KM worth (EBRD/ EU); Project of collection and treatment of waste waters in Gradiška, 14 million KM worth (KfW and SECO); Completed project „Drainage and waste water treatment in Bihac“ (combined financing KfW / EU / local institutions) etc.

River basins

Two rivers make both the natural and political border of Bosnia and Herzegovina (BiH), the Sava and the Drina, while the other rivers making up the water system of the country stretch along the territories of other countries. The basins of the Una, Drina, immediate basin of the Sava, the basin of the Neretva, Trebišnjica and Cetina have a cross-boundary character. Due to its geographic position, BiH is at the watershed between the Black Sea and the Adriatic Sea basins. The basins of the rivers Vrbas and Bosna belong to the area of BiH with their whole surface, accounting for 33% of BiH territory. Of total surface, 76% belongs to the basin area of the Sava, 24% to the basin area of the Adriatic Sea. All rivers flow through mountain areas in upper flow, while in downstream sections close to the river mouths or estuaries they flow through the flat land, where they are prone to overflowing.

Based on the Framework Waters Directive, the management of waters has been adjusted to river basin areas. In BiH practically 3 river basin districts of the Sava

were forms – as a part of the international basin of the Danube and 2 more river basin districts of the international basins of the Adriatic Sea, which are situated within BiH borders. Furthermore, 2 basins are formed in FBiH – for the area of the Danube basin and the area of the Adriatic Sea basin, while the river basins of the Sava, Brka and Tinja have been formed for DBBiH.

Agencies

FBiH Waters Act provides for two water agencies that have a legal status of public institutions, namely:

- Agency for Sava river basin, located in Sarajevo (for the area of FBiH, which belongs to the international basin of the Danube)
- Agency for the Adriatic Sea basin, located in Mostar (for the area of FBiH, which belongs to the Adriatic Sea basin, the Neretva, Cetina and Krka rivers basins).

Their role is to constantly and unimpededly carry out the water management plans; to decide on the issues relevant for water management; to use the authorities in the protection of water facilities owned by FBiH; to regularly consult with the authorities responsible for the waters in RS, especially in preparation of the water area management plans. These two Agencies have the regional offices in Bihać (Una river area), Jajce (Vrbaš river area), Zenica (Bosna river area), Goražde (Drina river area) and Livno (Cetina and Krka rivers area). There is also a regional office in Konjic, for management of the upper flow of the Neretva with river Rakitnica and the middle bank of the river Neretva Lake.

The RS Law Water Act stipulates forming of the Agency for Waters of the Coastal River Basin of the Sava and the Agency for Waters of the Coastal River Basin

of the Trebišnjica, but, at the beginning of 2013, based on the RS Government Decision, these Agencies merged into one institution – Public Institute for Srpska Waters with the headquarters in Bijeljina. This institution is responsible for water management and for implementation of monitoring the status of waters.

Among others, it participates in preparation of the Strategy of Integral Water Management for the territory of Republika Srpska; it participates in cooperation regarding the issues of coordination of making and implementing integral water management plans with responsible bodies from BiH Federation; it also manages and coordinates the work of regional offices in certain basins, etc. This public institution has also been entrusted with the works and activities of public interest, such as preparation and implementation of defence against floods, water beds and bank development, and management of water objects and the systems of interest for Republika Srpska. Regional offices are located in Banja Luka (for Vrbaš river sub-basin), Doboj (Bosna river sub-basin), Prijedor (Una river sub-basin) and Zvornik (Drina river sub-basin).

Information water systems (IWS)

The development of IWS has been prescribed under the entities' water acts and is also derived from a number of directives and the European Union regulations, especially from the European Framework Waters Directive. The information system should be a reliable and comprehensive interoperable application system available to both public and state administration and to the public, designed to enable better access to data and information, in a way to optimally meet the consumers' needs at lower cost.



The development of the Republic Water Information System (RWIS) started with the implementation of the project (RVIS)³ „EU CARDS 2003 RBM Program“ (Institutional strengthening of the water sector – Phase II), one component of which also included the development and establishing an information water system across BiH. This project aimed at establishing the information system in the institutions of the water sector in BiH (Agency for the water area of the Sava river in FBiH; Sarajevo; Agency for the Water Area of the Adriatic Sea, Mostar; Public institution Vode Srpska Bijeljina) as the main users. In the Federation of BiH, the Information Water System (IWS)⁴ has been designed as a decentralised, WEB-GIS oriented system, maintained and managed by the institutions of the waters sector – public companies/ water directorates.

REGULATORY FRAMEWORK

I. European Union Act

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 on establishing a framework for the Community action in the area of water policy, with the latest amendments in Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 – WD.

This Directive sets the rules on the method in which the countries should develop their water policy, including determining the water basins, determining water bodies, setting the ecological quality goals (EQG) for water, preparation of the plans for management of water basins, consideration of economic consequences and inclusion of stakeholders and the broader public in decision-making process in water management.

II. European Union Act

Directive of the Council 91/271/EEC of 21 May 1991 on urban waste waters treatment, the last time amended by the Directive of the Council 2013/64/EU of 17 December 2013 on amending the directives of the Council 91/271/EEC and 1999/74/EC and the Directives 2000/60/EZ, 2006/7/EZ, 2006/25/EZ and 2011/24/EU of the European Parliament and of the Council due to the changes of the Mayotte status relating to the European Union.

The Directive defines the requirements for protection of the environment against negative impacts caused by discharge of urban and industrial waste waters. The Directive regulates the issues of collection, treatment and discharge of urban waste waters and discharge of waste waters in certain industry sectors.

III. European Union Act

The Directive of the Council 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, last time amended by the Directive of the Commission (EU) 2015/1787 of 06 October 2015 on amending the Annexes II and III to the Directive of the Council 98/83/EC on the quality of water intended for human consumption.

The goal of this Directive is protection of human health against negative effects of any contamination of water intended for human consumption, by making sure that water is healthy and clean. In other words, the Directive aims at ensuring that water for human consumption is free of any microorganisms, parasites and substances that represent danger for human health.

IV. European Union Act

Directive of the Council 91/676/EEC of 12 December 1991, concerning the protection of waters against pollution caused by nitrates from agricultural sources, with the latest amendments from the Regulation (EC) no. 1137/2008 of the European Parliament and of the Council of 22 October 2008 – the Nitrates Directive.

The goal of this Directive is to reduce water pollution caused or induced by nitrates originating from agricultural sources and to prevent further pollution of that type. The Directive is applied to surface freshwaters and ground freshwaters, estuaries, coastal waters and sea waters.

V. European Union Act

Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration – the Groundwater Directive.

This Directive, known as one of the „daughter directives“ of the Water Framework Directive – WFD, fully covers the requirements related to protection of ground waters against pollution by certain hazardous substances stated in Directive 80/68/EEC and in the repealed Directive of December 2013. In addition, the Commission decided on and agreed with the member countries the proposal of the Commission Directive amending Annex II to the Directive on Ground Waters. At the moment of EAS preparation, the proposal is in the consideration procedure in the Council and the European Parliament.

VI. European Union Act

Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water and repealing the Directive 76/160/EEC, the last time amended by Directive (EC) no. 596/2009 of the European Parliament and of the Council of 18 June 2009 – Bathing Water Directive.

Bathing Water directive defines the provisions relating to monitoring and classification of bathing water, bathing water quality management, as well as the provisions on informing the public on the quality of bathing water.

VII. European Union Act

The Directive on waters for freshwater fish was implicitly repealed on 21 December 2013 by the Directive 2000/60/EC of the European Parliament and of the Council of 23 September 2000 on establishing a framework for the Community's action in the area of water policy.

The Directive on waters for freshwater fish aims at the protection and improvement of quality of the flowing and stagnant freshwaters which support or which would be able to support, in case of the reduction or elimination of pollution, autochthonous fish species thus ensuring natural diversity and support the presence of species the presence of which is deemed desirable by the responsible authorities for the needs of water management.

VIII. European Union Act

Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and



of the Council, technical specifications for chemical analysis and monitoring of water status – Water Status Monitoring.

Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (Floods Directive).

This Directive defines the method of development of the plans for managing the risk of floods and the measures for prevention of flood impact. The Directive also confirms the public rights to access to information and to participation in the planning process.

IX. European Union Act

Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on the quality standards of the environment in the field of water policy, amending and later repealing the Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending the Directive 2000/60/EC of the European Parliament and of the Council – Environmental Quality Standards.

X. European Union Act

Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community – Discharge of Dangerous Substances.

The process of transposition of the environmental regulations started as soon as in 2002 in the RS, in FBiH in 2003, and in DBBiH in 2004, among other by enacting the Water Protection Acts which were later repealed in both entities by the Water Acts.

BiH

During the period 2005-2015, the institutions responsible for protection of the environment in BiH worked on adopting a number of political instruments. The Action Plan for Protection against Floods and for Water Management in BiH 2014-2017 was developed and adopted by BiH Council of Ministers in January 2015. All the government levels were required to implement the Plan; however, it has not been fully implemented, so that in the meeting of BiH Council of Ministers held on 06 March 2018 it was decided to prolong the deadline for its implementation until 2021. The reasons that have probably led to non-implementation of the Plan included insufficient engagement of the responsible authorities and the lack of finances.⁵

At the end of May 2017, as part of the UN Development Program (UNDP), the hazard and risk of floods maps were made for the first time to serve as a basis for drawing the risk zones in flood areas in which the construction rules adjusted to the flood risk will be defined in 14 municipalities exposed to floods (Gradiška, Srbac, Laktaši, Banja Luka, Čelinac, Kotor Varoš, Kneževo, Mrkonjić Grad, Jezero, Jajce, Šipovo, Donji Vakuf, Bugojno, Gornji Vakuf). These maps contain all the information that the responsible institutions need for managing the flood risk.⁶

At the level of BiH institutions, the Rulebook on health safety of the drinking water was adopted⁷, which lays down the requirements and the standards to be met by the drinking water. This Rulebook contains the provisions transposing the requirements of the Directive of Water for Human Consumption. The main goal of this Rulebook is protection of human health against negative impacts of any contamination of water intended for human

consumption, by ensuring health safety of water. BiH Council of Ministers adopted the Rulebook at the proposal of BiH Agency for Food Safety, in cooperation with the relevant bodies of the entities and of DBBiH, in 106 session held on 22 June 2017.

The Rulebook on natural mineral and natural spring waters lays down the fundamental requirements related to health safety and the quality that the natural mineral and natural spring waters must meet; it lays down the conditions for use and recognition of natural mineral and natural spring water, as well as the content of their declaration (label).⁸

Two most important laws in terms of approximation of *acquis* in the sector of waters include the RS Water Act („RS Official Gazette“, nos. 50/06, 92/09 and 121/12) and FBiH Water Act („FBiH Official Journal“, no. 70/06).

The Federation of Bosnia and Herzegovina

In 132nd session held on 14 December 2017, the Government of FBiH prepared the Draft Law on Amendments to the Water Act. The amendments mostly relate to the procedures and the responsibility for issuing the water acts and the inspection control, additional revision of the segment of protection against harmful impact of waters, including extraction of material from water courses, based on the experiences during the devastating floods in 2014, inadequate harmonisation with EU Framework Water Directive, low level of fund raising based on water fees, inadequate coordination of the activities among the water agencies, cantonal bodies and municipalities and other entities, the need to improve the water-related services (water supply, sewerage and waste water treatment), as well as to the provision regulating the issuance of concessions.⁹ The House of Representatives of FBiH Parliament, in the session held on 10th

and 11th September 2019, discussed and accepted the Draft Law and submitted it to further procedure for the development of the proposal of the law, preceded by the public debate that lasts for 60 days. This was preceded by an urgency of FBiH prime minister, because in the European Commission's Report, as part of the „Opinion on the Request of BiH for Membership in EU – Expansion Package for 2019“, the amendment to the Water Act was specified as one of the measures for the implementation of the priorities, with the deadline for completion of this activity by 20 May 2020.¹⁰

The discharge of wastewater into surface waters and indirectly into groundwaters is regulated by the Regulation on conditions for discharge of wastewater into the environment and public sewerage systems.¹¹ This Regulation regulates the conditions for the collection, treatment and discharge of urban waste waters; conditions for treatment and discharge of technological wastewaters into the environment or sewage systems; limit values for wastewater emissions from discharges into the environment or public sewer systems; monitoring and testing of waste water and monitoring the implementation of the Regulation.

The Rulebook on the Procedures and Measures in Cases of Accidents on Waters and the Coastal Water Land regulates the procedures and measures in case of accidents, with a view to protect the water and oceans in cases of extraordinary and incidental water pollutions.¹²

In addition to the Rulebook on drinking water safety in BiH, FBiH also regulates the requirements relevant for the quality of water intended for human consumption in the Rulebook on the quality of drinking water¹³, adopted by the Federal health



minister. The control of water quality for water supply may only be implemented by an authorised laboratory.

The Rulebook on the method of defining the conditions for determining the sanitary protection areas and the protective measures for water springs for public water supply¹⁴ provides the rules for the protection zones and the protective measures for water sources.

Transposing of EU regulations on requirements for bathing water into FBiH legal system has not been undertaken so far. No transposition of EU regulations on bathing water requirements into the FBiH legal system has been done so far. Only the Water Act defines protected areas, which includes surface waters intended for recreation, including designated areas for bathing, areas traditionally used for this purpose, where bathing is not prohibited, while the bathing areas should be declared by the municipal authorities in accordance with the regulations on criteria for bathing areas.

The EU Nitrates Directive has been only partly transposed to FBiH legal system, namely with two rulebooks. Identification of eutrophication and nitrate vulnerable areas is regulated by the Rulebook on identification of eutrophication and nitrate sensitive areas¹⁵, while monitoring resources in these areas are regulated by the Rulebook on monitoring in eutrophication and nitrate sensitive areas.¹⁶

Transposing of the Directive on ground waters in FBiH is not at the satisfactory level and is very generally referred to in the Water Act, i.e. Article 109 defines that an administrative act is necessary for any intake of ground water.

The FBiH Government has adopted the Regulation on the types and content of plans for protection against harmful effects of water¹⁷, thus transposing to a certain extent the Directive on assessment and management of flood risks. Its implementation was further contributed by the adoption of the Operational plan for flood protection, which was passed by the Federal minister of agriculture, water and forestry in 2015. The Operational Plan identifies measures for active flood and ice protection, at a time of imminent danger of large flood waters, during the effects of floods and the elimination of the consequences of floods.¹⁸

Fisheries are regulated by the Freshwater Fisheries Act¹⁹, which transposes EU legal requirements only to a certain extent. The new Law²⁰ has been in draft form since 2012, and it has been announced²¹ that the Federal Ministry of Agriculture, Water Management and Forestry must draft a new law in this field in 2019, harmonised with EU regulations, which was not adopted by the time this analysis was completed (December 2019).

After the year 2016, which is a reference year speaking of the documents that we analyse for the needs of this Report, in the Federation of BiH, only few by-laws were either passed or amended, i.e. The Rulebook on the conditions to be met by reference, i.e. authorised laboratories for testing water, content and manner of issuing authorities (2017), Rulebook on determining environmentally friendly flow (2019), Rulebook on the content, form, conditions, manner of issue and keeping the water acts (2019).

FBiH Water Management Strategy (2010–2022)²² represents the basic plan document of the development of the water management field, while the **Water**

Management Plans for 2 water areas in the territory of FBiH are being prepared to the end of Strategy implementation.

A water management plan is a key document for decision-makers and other stakeholders involved in the decision-making process on how to use, protect and reduce pollution of water resources within a given river basin district.

In May 2018, the Government of the Federation of BiH adopted the Decision on adoption of the Water Management Plan for the Adriatic Sea in BiH Federation (2016-2021)²³ and the Water Management Plan for the Sava River Basin District in the FBiH (2016-2021).²⁴

The plans primarily focus on a set of significant water management issues, with the aim of facilitating, through the development of a program of measures, the achievement of the environmental objectives defined in the EU Water Framework Directive, both for surface and groundwater.

The Adriatic Sea Watershed Agency has already started the preparation of the Water Management Plan for the Adriatic Sea Watershed in the Federation of BiH for the period 2022-2027, planned to be drafted by the end of 2021.²⁵

The Sava River Basin Agency has also initiated activities for the preparation of a Water Management Plan for the Sava River Basin in the FBiH for the period 2022-2027.²⁶

The FBiH Government's 2018 Work Report states that the Water Sector has made a significant contribution to the achievement of the strategic goal Harmonisation of policies, regulations and institutional capacities in the field of waters in BiH Federation with the requirements of the integration of BiH into EU and approximation to the EU standards in the field of protection against water and protection and sustainable use of water resources, therefore we highlight the following:²⁷

- Development of the proposal of the Law on Amendments to the Water Act – urgent procedure, aimed at harmonisation and simplifying the procedures for issuing water and environmental permits for persons obliged to procure these permits, through adjustment of these amendments with the amendment to the Proposal of the Law on Protection of the Environment adopted and submitted to the parliamentary procedure by FBiH Government.
- Initiating the activities and participation in the work of the working group of the Federal Ministry of Environment and Tourism for preparing the amendments to the Regulation on the conditions for discharge of waste waters in the public sewage system and in the environment, enacted according to the provisions of Article 55, paragraph 1 of the existing Waters Act due to the expiry of the deadline given to the industrial facilities for adjustment with the conditions from that Regulation, and submission of the Information to FBiH Government along with the proposed conclusion, which information was adopted on 165th session of FBiH Government on 29 November 2018, and adopted and published amendments to the Regulation („BiH Federation Official Journal“, no. 101/18);



- Preparation and submission to the Federal Ministry of Environment and Tourism of the proposed amendment to the Rulebook on procedures and measures in case of accidents on waters and coastal water land, in accordance with the conclusion of the FBiH Government in reference to the discussion of the FUZIP information about the incident in Soda Lukavac, and GIKL Lukavac, which was adopted and published in BiH Federation Official Journal, no. 102/18;
- Prepared and agreed upon with the cantons and other included subjects, the amendments to the Rulebook on the manner of determining the border of water resource and on the procedure of determining the belonging of the land plot to the water resource, to the end of more precise prescribing of certain procedures, because the cantons must do the same for the II category water courses;
- Ensuring support through the current UNDP Project for preparation of pre-draft of the Regulation on the lowest price of water services in FBiH and activities started on its development, the passing of which was envisaged through the Pre-drafts of amendments to the Water Act, which was adopted as Draft, in 132nd session of BIH Federation Government held on 14 December 2017 and sent to the FBiH Parliament for further procedure;
- Finalised procedure and adopted (FBiH Government) Plans for management of water areas in BiH Federation, as part of which the Decisions on strategic assessment of the Plans for management of waters on the environment (SEA) and the performed financial assessment of the needs and fiscal assessment of the responsibilities for the said plans with procured opinion of the cantons;

- Contribution to the preparation of BiH answers to EU Questionnaire – Chapter 27 Environment, where the Sector for Waters participated in the preparation and adjustment of the answers to 41 questions, which include water-related problematic, of total 143 from this Chapter, divided into 8 sub-sectors, and timely provision of the answers to the additional EU questions.

Republika Srpska

In 2017 the Law on the Amendments to the RS Water Act was adopted.²⁸ The responsible RS Ministry of Agriculture, Forestry and Water management, representatives of the PI Vode Srpske and the RS Republic Hydrometeorological Institute, participated in the preparation of the amendments. The Act was adjusted with the Directive on Floods, and a legal basis was created for better management of the flood risk. The following was defined: segments of the preliminary risk assessment, preparation of the flood hazard and risk maps, establishing of the prognosis and early warning systems, as well as regulating the preparation of the Flood Risk Management Plan. To ensure the application of the Act, the adoption of by-laws was announced by the end of 2017.²⁹

In 2017 the Rulebook on health safety of water intended for human consumption was enacted, and in 2018 the Decision on determining the waters of first order („RS Official Gazette“, no. 12/18).

The following by-laws have been submitted to the procedure, but have not yet been adopted: The Rulebook on Amendments to the Rulebook on the conditions and manner of lease of water land (2018); Rulebook on maintenance of water bodies (2018), Proposed Rulebook on the concession fees (2017), Proposal of the Regulation on the

Content and basic elements of assessment and management of risks of floods and the Rulebook on the measures of protection, manner of determining, maintenance and marking the sanitary protection areas (2016). Upon the initiative of Ekomreža BiH, an initiative was started for adoption of the Rulebook on environmentally friendly flow, which was presented to relevant institutions on two occasions, but without any concrete progress achieved.

Regulation on water classification and water courses categorisation has still not defined the limit values for all the biological element of quality, or the type-specific limits of classes of physical-chemical parameters that support a specific ecological status or the limit values for everything from the list of priority substances.

The Rulebook on the conditions for discharge of waste waters into surface waters defines the conditions for discharge of waste waters from treatment plants, as well as the limit values of harmful and hazardous substances that can be discharged into surface waters.

The Rulebook on the conditions to be fulfilled by water management laboratories as legal entities or within legal entities that perform certain types of testing of surface, groundwater and wastewater, prescribes the professional criteria under which laboratories must operate.

According to the Waters Act, areas of bathing water (swimming) are areas intended for organised bathing and those where bathing is not prohibited and is traditionally practiced. According to the Regulation on water classification and water course categorisation, waters of the second quality class can be used for bathing in the natural state.

Health safety of the drinking water is controlled on the basis of the Rulebook on Health Safety of water intended for human consumption.³⁰ This Rulebook lays down the health safety of drinking water, health safety of table water, of natural mineral and natural spring water, as well as the conditions in terms of staff, space and equipment that a public healthcare institution for control of health safety of drinking water, table water, natural mineral and natural spring water must meet.

The RS Government adopts at the annual level the **Plan of activities in preparation and implementation of the measures for protection and rescuing from floods** in the RS, which was adopted in January for the current, 2019 year. The plan represents the basic document for coordination and implementation of additional or special annual tasks and activities of republic bodies, cities/municipalities, companies, other legal entities and citizens' associations that pursue the activities relevant for the protection and saving from floods. As part of the project „Urgent Assistance and Protection against Floods in Republika Srpska“ which is financed from the European Investment Bank funds in the total amount of 55 million Euro, the Public Institution Vode Srpske carried out a number of measures on rehabilitation of river beds and channels, repair of pump stations as well as other prevention measures for protection against floods.

The Strategy for integral water management is adopted by the RS National Assembly, upon the proposal of the Republika Srpska Government, and it is prepared by the relevant ministry and the Public Institution Vode RS. Management Plans for the district water basins in the territory of RS are passed by the Republika Srpska Government at the proposal of the relevant ministry and the PI Vode



Srpske. In February 2016, the RS National Assembly adopted the Strategy for integral management of Republika Srpska waters 2015–2024.³¹

In February 2018 the RS Government issued the Decision on adopting the Plan of Management of River Basin of Sava (2018–2021),³² as well as the Decision on adopting the Plan of management of district river basin of Trebišnjica (2018–2021).³³ Management plans for district river basins in RS contain the information about the general characteristics of the river basin, summary of significant pressures and impacts of human activity on the status of surface and ground waters, protected areas maps, the list of goals of environmental protection for surface and ground waters, program of measures for achieving the goals of environmental protection, summary of economic analyses of water use and other necessary elements for integral water management.³⁴

In September this year (2019), PI Vode Srpske started with the process of updating the district river basin management plans for the Sava and Trebišnjica rivers for the period 2022–2027, the adoption of which was planned for December 2021.³⁵

District Brčko

Note: We address the District Brčko separately, given its specific administrative and legal organisation. The analysis will follow the model applied for FBiH and RS (general information, institutional and legislative framework).

The Amendment I to BiH Constitution lays down that the District Brčko of Bosnia and Herzegovina (BD BiH) represents a local self-governance unit that has its own institutions, laws, regulations, responsibilities and the by-laws (statute) and is responsible for all the issues that

are not under the jurisdiction of the state of BiH.

In terms of institutions, the Department of Agriculture, Forestry and Water Management (DAFWM) was established under the DB Government pursuant to Article 27 of DBBiH Public Administration Act. One of the responsibilities of the DAFWM is to implement the laws and by-laws relating to water management.

District Brčko is most lagging behind the process of harmonisation of the *acquis*, while the most important legal act governing the sector of waters which is still being applied is the outdated Republika Srpska Water Act of 1998, enacted before the adoption of both the Framework Water Directive and the other EU Directives relevant for the water sector. This Act was imposed by the supervisor for DBBiH (a representative of the international community in DB). The new Water Act is currently in the procedure. The Government of District Brčko discussed and approved the Draft Water Act during the second adjournment of 102nd regular session, that was held on 03 August 2016, which was then forwarded to the District Brčko Assembly. By the time this analysis was completed, the law has still not been on the Assembly agenda.³⁶

Of by-laws, the Regulation on classification of waters and watercourse categorisation³⁷, is being applied, which governs the collection of data on the annual level of the quantity of water, physical, chemical and microbiological parameters, share of heavy metals and sapro-biology. According to this Regulation, the waters and watercourses are categorised in 5 classes, according to the degree of pollution and type of purpose. The process of adoption of the Nitrates Directive has still not started in legislation, and given the fact that agriculture is one

of the main industrial branches in DBBiH, this could present a significant problem. Transposing of the Directive on Nitrates or of the Fish Directives into DBBiH legal system has not begun yet.

The main operational plan for flood control of BH was adopted in 2018. The Government of DB, upon the proposal of the Department of Agriculture, Forestry and Water Management, adopted the Plan; it was underlined that the Plan did not significantly differ from the previous one.³⁸

As for the strategic documentation, with the assistance of the European Union and the IPA program funds, as well as the technical cooperation with Spanish Company EPTISA, the Draft Plan for the Sava River Basin Management in District Brčko was prepared. Public hearing was held in the organisation of the Department of Agriculture, Forestry and Water Management, on 11 March 2016. This was followed by a revision of the Draft Law, for which the interested parties could send their comments, suggestions and proposals to the Department of Agriculture, Forestry and Water Management by 15 September 2016.³⁹



EXAMPLES FROM PRACTICE

Hydro plants

Water resources are under an additional pressure due to the expansion of construction of hydroplant projects; currently, 325 new hydroplants are under construction or being planned for construction, in addition to 101 existing plants. Most new projects include small and micro hydroplants with maximum installed power of less than 10 MW; they do not significantly contribute to the total balance of electricity generation.⁴⁰ Even the protected areas, of which there are only a few in BiH, are not exempted from hydropower project construction (Miljacka, Sana, Unac, NP Sutjeska). First class water currents, according to water qualification, are also endangered, although they should be protected because of their potential use for water supply or richness of biodiversity. Significant number of new plans for construction of hydropower objects represent a danger for habitats, especially for the species that are already endangered, and most of them specifically relate to habitats endangered by these activities, such as Danube salmon (hucho hucho) or the dragonfly.

Una, Sana, Buna, Željeznica, Kruščica, Vrbas, Doljanka are only some rivers on which the construction of hydroplants was planned. Many communities in which the construction of hydro plants was planned do not have basic utilities – water supply or sewage system.⁴¹ The best known example of fight against construction of 2 small hydroplants is in the place of Kruščica, on the river of the same name, where the local people kept watch during more than 500 days to save the river. It is noteworthy that this river is at the biological minimum already and that it is used for water supply of about 150.000 people. This project would jeopardise the supply of water to the inhabi-

tants of Zenica and Vitez, and for the people of Kruščica, who are not yet connected to public water supply system, their human right of access to drinking water would be directly endangered. A whole series of irregularities were noticed during the issue of permits for these projects, while the public debate was held under suspicious circumstances, with most of the local people being absent from it thus being deprived of their democratic right of participation in decision-making. As illustration, this place has a population of 2.551 while only about 20 persons were present at the debate.⁴² Holding of public debates has almost become a common practice, but it is without genuine involvement of the public and citizens. The activists are being persecuted through courts, which was also the case with the fight for the Doljanka river; at the same time the litigations against unwanted projects rest „in drawers“.

Failure to impose adequate penalties for exceeding the limit value of hazardous substances in wastewater.

In December 2019, a meeting of federal, cantonal and municipal water inspectors was held at which it was concluded that in order to facilitate the effective job of water and construction inspectors and to impose adequate penalties for exceeding the limit value of hazardous substances in wastewater, it is necessary to amend the FBiH Waters Act. The problem of construction in water bodies of I and II categories watercourses was also raised, as well as how to improve cooperation with the competent construction inspection.⁴³

Floods

The floods that struck Bosnia and Herzegovina in mid-May 2014 took more than 20 lives, and caused total material damage of more than two billion Euro, i.e. 3.9 billion Convertible Marks. Through the EU Flood Recovery Program, the first multi-hazard risk assessment for the housing sector in BiH was made. A study on flood and landslide risk assessment for the housing sector in BiH found that 283,777 people lived in areas at high risk of floods, while 260,731 people lived in areas at high risk of landslides. The amount of potential damage from future floods and landslides is estimated to reach 7.8 billion KM. The total area of BiH, which is exposed to extremely high risk of floods, is 97,391 ha, while the total area of BiH, which is exposed to extremely high risk of landslides, is 7,571 ha.⁴⁴ This was surely contributed to by the unplanned construction, i.e. the construction in flood plains and on landslides. We also identified a problem in the work of the BiH Coordination Body for Protection and Rescue, which, even during the 2014 floods, failed to organise a successful extraordinary session.⁴⁵

A big problem is also presented by the deforestation that is carried out indiscriminately and excessively, with illegal logging, uneven penal policy and impeded efficient work of the forestry inspection posing a huge problem, too. The Federation has not had the Forestry Act for 10 years, and the 2002 Act was repealed for unconstitutionality in November 2009. In July 2017, the Draft Forest Law was prepared, but it never came to the agenda of the FBiH Parliament. The RS Government has adopted the Draft Law on Amendments to the Forest Law in this year (2019). The aim is to eliminate the deficiencies observed in the application of the Law, while the contractors in the forestry sector, apart from companies, may

be sole proprietors, allowing individuals who meet the prescribed conditions in the licensing process to perform certain tasks, which would enter to liberalise this sector.

The Draft Law on Forests was prepared in July 2017 but it never came to the agenda of the FBiH Parliament. The RS Government has prepared the Draft Law on Amendments to the Law on Forests in this year (2019). The goal is to eliminate the shortcomings identified during the application of the Law; apart from companies, sole proprietors may also be contractors for works in forestry, which enables the physical entities who meet the prescribed conditions in the licensing process to carry out certain works – by this the liberalisation of this sector would start.⁴⁶

Preserving the fish stock in the Neretva river basin

BiH Electric Power Company and HZHB Electric Power Company have an obligation to plan the funds each year for the replenishment and preserving of the fish stock in the Neretva river basin. Producers of certain fish fry should apply to tender. After the best bid is selected, stocking is done through the fishers' associations governing certain areas. However, in practice, there is a fight over the money allocated for fish stocking. According to Žurnal, in this year, the public call was announced 585.000 KM worth, however, the tender was 'subverted' by the Company „Riba Neretva“ from Konjic that submitted in 2017 forged certificates of genetic autochthony and the health state of the fish young for stocking.

There are several problems to be noted in this case:

– Non-harmonisation of the Law on Freshwater Fishing of HNK with the Law



at the Federation level. The cantonal court states that the decision on an authorised institution is issued by the Federal Ministry of Agriculture, Water Management and Forestry, while the Federal law does not provide for any issuing of authorisation; –Fish fry control – can be done by any institution outside BiH, e.g. Company „BUTREX – RIBARSTVO“ from Trebinje provided a Certificate for genotyping of fishery resources from Belgrade, from which it was clear that they did the analysis on samples submitted by the manufacturers, which means that they could have got it from anywhere and submitted it for control.⁴⁷

Water supply

Significant funds should be invested for reconstruction and expansion of the public water supply system. Given that these funds should be provided by the local community, which is often impossible, even today there is a high percentage of citizens who meet their water needs through individual, group or local water supply systems that are not within the responsibility or management of the public utilities companies.

Also, it is increasingly difficult to maintain the drinking water supply systems that are otherwise unable to meet the needs of all users; the existing water protection infrastructure is in poor condition and the water resources are more and more exposed to pollution. For the needs of this paper we took the case of the Sarajevo city, as it is presently facing special challenges. With a hydrologically poor year, i.e. with less precipitation, a problem with water supply occurs. This problem is due to poor maintenance of the water supply network, malpractices with the sector, mismanagement of the Public Water Supply and Sewerage Company, a large number of illegal connections and unplanned construction.

Back in 1970, a warning was issued that the Water Supply system was not able to ensure regular water supply, so that reductions during the night and the day were common in certain parts of the city.⁴⁸ Even after the war activities, in which the water supply network was additionally damaged, the problem was not appropriately solved besides large amount of donor funds. The recommendations of the Office for Audit of FBiH Institutions was that the price of water must increase.⁴⁹ According to this report, the price for water has not changed since 1997 and today an increase would amount to about 30 percent, which could lead to citizens' objections and therefore no Government was willing to make a politically very unpopular decision. The price of water and the method of calculation are determined by the Government of Canton Sarajevo.

Water losses in water supply systems

The strategic goal, according to FBiH Water Management Strategy 2010–2022, is an increase in water catchment and improvement of the public water supply system as well as decreasing losses in public waterworks systems by about 15%. According to the data supplied to the Audit Office by waterworks companies, it was found that during the period 2015–2017, in 10 waterworks companies from the sample, the total quantity of abstracted water was about 449 million m³, while the total quantity of delivered water was about 158 million m³ (35% of total abstracted water). Most of the water supply companies from the sample, during the observed audit period, disclosed extremely high water losses. Of total ten water supply companies, 7 disclosed water losses in network higher than 40%. In certain water supply companies, the water losses exceeded 60% of total abstracted water. As an example, in KJKP „Vodovod i kanalizacija“ d.o.o. Sarajevo, the losses are at the level of 73%.

Audit determined that none of the water supply companies disclosed water losses in money countervalue, as provided for by the International Methodology (IWA). Audit confirmed that most water supply companies from the sample did not have precise data about water losses structure.

The general conclusion of audit is that water losses in water supply system are unacceptably high, while the water supply companies from the sample and their founders were not efficient enough when it comes to taking the activities and measures on decreasing the water losses. Namely, the Audit Office believes that the reasons stated by the audit subjects as causes of large water losses in the water supply network (lack of finances, equipment and professional personnel) could not be an excuse for insufficient maintenance of water supply network, which is one of the main reasons for the water losses that occur. There was also a lack of adequate monitoring by the founders of the water supply companies charged with the provision of water supply services and with the management of water infrastructure.

Source: Report of the performance audit „Efficiency of water loss management in water supply companies“, 2018.

Waste water treatment

In the field of the environment, the biggest (and the most expensive) shortcomings are in the domain of waste water treatment. Generally speaking, the current situation of ecological infrastructure leads to a conclusion that a long transitional period and proportionally high investments will be necessary to meet the requirements of adjustment to high-investment directives.⁵⁰ The biggest amount of waste water is discharged into the rivers without treatment. There are only few cities in BiH that have waste water treatment plants that are operational (Čelinac, Čitluk, Gradačac, Grude, Ljubuški, Neum, Srebrenik, Trebinje), while the same systems in Sarajevo and Trnovo require extensive reconstruction. This has negative repercussions on water quality, and there have been even the cases of the presence of feces in the waters taken and used for the public water supply system (Spring of Bosnia).

Base years for data, 2006–2012

	UNIT	BiH	EU 27	BiH compared to average EU27
DRINKING WATER SUPPLY	% served population	71,42%	93%	76,8%
SUPPLY OF TREATED DRINKING WATER	% served population	46,00%	100%	46,0%
COLLECTED URBAN WASTE WATERS	% served population	21,7%	93%	23,33%
TREATED URBAN WASTE WATERS	% treated waste waters	3,83%	87%	4,4%



Pollution of ground and surface waters

The existing results of monitoring the quality of surface and ground waters clearly indicate that the “current” pollution level is largely a consequence of agricultural activities, too, primarily due to the uncontrolled and/or improper use of natural/artificial fertilisers and pesticides as sources of pollution.⁵¹

Pollution with solid waste and waste waters of aquatic habitats and floodplain forests

Pollution with solid waste and waste waters is a very prominent factor, especially with aquatic habitats and floodplain forests, which accumulate large quantities of waste matter. Waste waters, especially sewage and industrial, cause poisoning of the living world, which is, especially in aquatic ecosystems, an extremely important factor of ecological stability and preservation. With the effluent of sewage, increased eutrophication of water occurs, quickly resulting in infiltration of invasive and weed species, and in disappearing of autochthonous ones. It is because of this factor, combined with desiccation, that most of our autochthonous aquatic macrophytes are now considered endangered. Increased eutrophication of water has been observed in all the bogs and wetlands of the retention area, and is least expressed in Gromiželj. Solid waste, except for the fact that it is ugly to see and that it destroys the landscape values, often contains hazardous substances for health of all ecosystem members, including humans. Large amounts of solid waste are a normal occurrence in softwood forests, dominated by willows and poplars, which occur along the banks of watercourses on sandy soils. In order to reduce the action of this factor to normal frameworks, coordinated and strategically planned activities are necessary not only at the national but at the inter-state level, too. Cleaning and removing this waste can only have short-term

results when it comes to restoring these ecosystems back to the normal state. Partly thanks to the effect of this factor, fluvisols in our floodplain forests are often dominated by foreign (often invasive) species.

Source: BIODIVERSITY OF POTENTIAL RETENTION ZONES ALONG THE SAVA RIVER IN BOSNIA AND HERZEGOVINA AND THE RECOMMENDATIONS FOR THEIR MANAGEMENT, CZSS, 2016

Recommendations

If we analyse this field and the process of harmonisation with the acquis through 3 key elements – transposition of legislation, implementation in the practice through building institutions and securing the budget and implementation, which implies the controls and penal measures, we can conclude that a lot more investment and work are necessary to fully harmonise our legal framework with the Framework Waters Directive, which is a foundation of EU acquis in the field of waters.

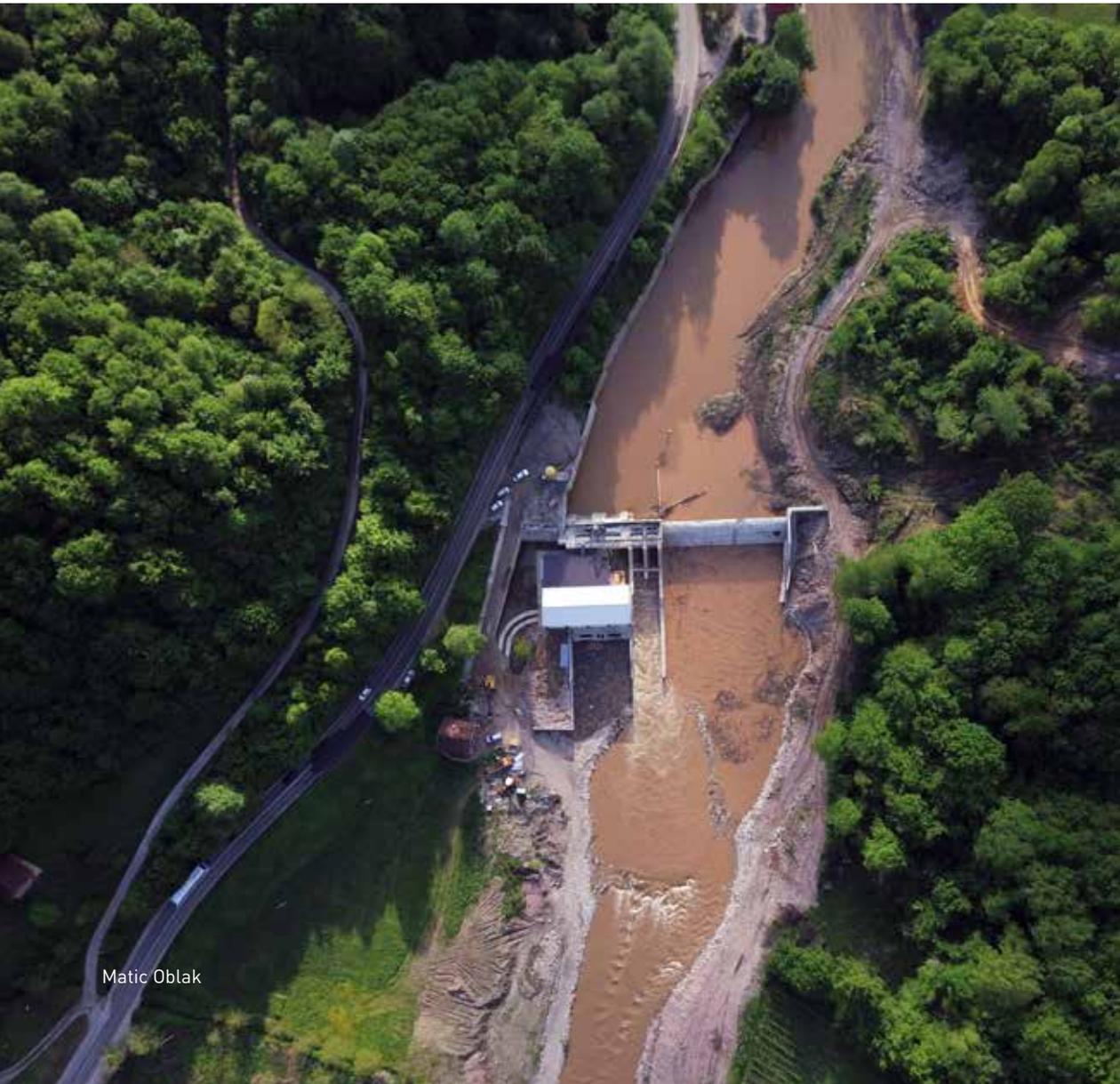
- Due to the fact that the river basin districts are the basic units in water management, and that in BiH there are practically 3 water areas of the Sava river, procedures as well as the coordination between the relevant institutions must be improved. These activities do not imply interference with or intervention over the constitutional-legal responsibilities of the institutions in charge of environmental protection in BiH. An effective coordination and adjustment mechanism should be created.
- Continuous hydrological system of monitoring watercourses in BiH should be urgently introduced, to enable intensive utilisation of this very important potential.
- Coordination and adjustment of the activities in the process of transposition

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- of EU legislation between the different government levels should be improved;
- Harmonisation of laws in FBiH – cantonal laws must be aligned with the higher level laws, i.e. Federal laws;
 - The existing human and financial capacities do not provide a necessary basis for long-term sustainability and implementation of EU regulations and international obligations, so it is necessary to improve the existing institutional infrastructure.
 - According to the Study of Assessment of Flood and Landslide Risk for the Housing Sector in BiH, in order to mitigate the risk of floods, it is necessary to develop an early warning system as well as the stand-by plans during the floods, and regulate the use, construction in flood areas, harmonise the implementation of the laws on physical development and construction and on geological explorations in FBiH, RS and DBBiH.
 - Considering the fact that the water sector is of extremely sensitive nature and that it can impact the environment of many countries, it is necessary to improve the international cooperation between the countries that share the same water basin area. The RS, FBiH and DBBiH Water Acts regulate the management of waters solely in their own territories, so they must be harmonised with the FWD with regards to the management at the level of river basin.
 - Considering the fact that in FBiH there is currently no by-law by which the quality of accumulations in the Sava river basin would be assessed based on adequate biological parameters for the accumulation (phytoplankton, phytobenthos, macrophytes), it is necessary to amend the Decision on characterisation, and only then it will be possible to monitor the status of accumulation,
- Any catchment, dam or barrier originating through human action represents an artificial barrier that makes difficult or disables normal movement of migratory species, fish especially. The impact of these catchments in the space must be evaluated for every individual case, taking into account not only the present but also the historical circumstances that may point out at their importance.
 - Establish continuous monitoring of the ground waters and bathing waters status in the area of the Sava river basin, where this activity is not being constantly undertaken.
 - Harmonise the laws with the Directive on protection of waters caused by nitrates from agricultural sources and set up a monitoring system in accordance with the Directive regulations;
 - Transpose the EU regulations on bathing water requirements into legal systems;
 - Improve the implementation of the Ground Waters Directive in FBiH legislation;
 - DBBiH must intensify the actions on harmonising the legislation with the Framework Waters Directive. Activities should be initiated on adjusting the legislation with the Nitrates Directive and the Fish Directive;
 - Forming of the institutional capacities through continuous education and investment into human resources that will be capable of managing the programs and projects;
 - Increasing the budget funds by which the activities on water management and protection are financed, and especially earmark the funds for projects co-financing. Improve the methods of collecting the water fees.



- In Bosnia and Herzegovina, the legislation on environmentally acceptable flow is not equally regulated, so the Federation of BiH (FBiH) has adopted a Rulebook on determining the environmentally acceptable flow, while in the entity of Republika Srpska and Brcko District such a rulebook has not been adopted. Although in the FBiH the Rulebook was adopted in practice, it turned out that it is not respected

and that inspection supervision and monitoring is not adequate, which leads to inadequate release of EPP. The most obvious lack of adoption and application of this rulebook is visible in the construction of small hydropower plants and the importance of regulating this area is stated in strategic documents such as Regional Basin Management Plans.



INDUSTRIAL POLLUTION

INTRODUCTION

The European Union policy aims at development of EU industry as modern, clean and fair economy. There are numerous initiatives that promote the industrial competitiveness, in order to economically strengthen the citizens, revitalise the regions and apply the best technologies for smart, innovative industry of future.

A renewed Industrial Policy Strategy was adopted in September 2017; it integrates all the existing and new horizontal and sector initiatives into a comprehensive industrial strategy. The industry was recognised as a driving force of innovations, productivity growth and export, offering new quality jobs to the Europeans. However, the industrial structure of EU passes through a deep transformation, led by digital and other new technologies and new business models. Therefore, efforts at modernisation are required, to ensure that the EU industry remains competitive in global markets: technological changes must be embraced; the products and services must be integrated; technologies by which less energy is spent, the waste level decreased and pollution avoided, should be developed; last, but not the least, investments must be made into the workforce with appropriate skills.

Industry implies production of goods as part of the economy, which includes the following activities:

- Energy supply;
- Production of metal (ferrous and non-ferrous metallurgy);
- Production of non-metal minerals;
- Extractive industries;
- Chemicals;
- Other production;

- Waste (including water and sewage management).

The energy that is used for transport in relation to the above industrial activities, or the resulting emissions, are not included in the industry field.

Emissions of industrial pollutants into the air include the release of greenhouse gases such as carbon dioxide (CO₂) and acidifying pollutants such as sulphur oxides (SO_x). Contaminants that may have effects on human health and the environment, such as nitrogen oxides (NO_x), dust particles (in this case PM₁₀), non-methane volatile organic compounds (NMVOC), and heavy metals, including especially cadmium (Cd), lead, are also included (Pb) and mercury (Hg).

The industrial releases of pollutants into the water include the substances that contain the nutrients that can cause eutrophication, such as nitrogen (total nitrogen), phosphorous (total phosphorous). Other relevant pollutants include the heavy metals such as Cd, Pb, Hg and Ni, which also have a harmful effect on human health and the environment. Releases are described in the sense of their total content of organic carbon (TOC), which in aggregate form points out at their contribution to eutrophication, among other harmful biological processes.

Soil contamination as a result of industrial activity is currently poorly documented, but it covers heavy metals, mineral oils and many different types of hydrocarbons that can affect human health and the environment because they are, for example, carcinogenic, teratogenic or hormonally harmful.



Industry contributes to waste generation in Europe. Most of the waste produced in the industry is non-hazardous. Waste treatment often results in environmental pressures, including greenhouse gas emissions, as well as the release of other substances into the air, water and soil, which are harmful both for human health and the environment. These emissions also appear in the pollution data. There is a specific EEA indicator in which waste generation is explored in more detail.

The EU's industrial policy strategy covers many topics ranging from cyber security to sustainable finance, but also includes targets for the low carbon and circular economy. Accordingly, EU policy aims to reduce emissions to air, water and soil, including waste-related measures, in order to achieve a high level of environmental protection as a whole.

The Directive on Industrial Emissions (IED, 2010/75 / EC) is a key regulatory instrument by which the EU achieves emissions reductions in the industrial sector. It replaced the previous Industrial Pollution Prevention and Control Directive (IPPCD), aligning it with a number of other related regulations and directives such as the Large Combustion Plants Directive (LCPD). The IED was adopted and published in 2010 and entered into force on 6 January 2011.

In order to prevent, reduce and as far as possible eradicate pollution from industrial activities, in accordance with the "polluter pays" principle and the principle of pollution prevention, this Directive establishes a general framework for the control of major industrial activities. In the European Union it was recognized that the industrial plants are important in terms of socio-economic development, but they are also the largest pollutants, and therefore

the application of this Directive entails seeking a balance between the two issues.

That Directive covers about 50,000 industrial plants in the EU that must have an environmental permit in accordance with that Directive, which implies that the emission limit values must be based on BAT (Best Available Techniques). BAT refers to the most efficient and economically and technically feasible working methods that reduce emissions and environmental impact. In order to define BAT, the European Commission organizes an exchange of information between Member States' experts, industry and environmental organizations. This process results in the creation of BAT Reference Documents (BREFs). Each BREF contains information on techniques and processes used in a specific industrial sector in the EU, current trends in emissions and fuel consumption and techniques to be considered for BAT determination, as well as new techniques. The BAT conclusions for each BREF are subsequently adopted as a legal act, so they are legally binding for licensing.

In addition to the IED, which is the legal framework that attempts to control pollution at source, there are a number of additional environmental regulations at EU level that address industrial activities, including those that set overall emission limits, those that require reporting of emissions and generated waste, and those that prescribe better environmental quality:

The National Emission Ceilings Directive (NECD, 2016/2284 / EU) defines national emission reductions obligations for Member States and the EU for five important air pollutants: nitrogen oxides (NOx), non-methane volatile organic compounds (NMVOC), sulphur-dioxide (SO₂), ammonia (NH₃) and fine particles (PM_{2.5}). These pollutants contribute to

poor air quality, leading to significant negative impacts on human health and the environment.

The European Pollutant Release and Transfer Register (E-PRTR, 166/2006). Installations involved in specific activities and above prescribed thresholds must report to the E-PRTR on pollutant discharges, waste transfer and pollutants in off-site effluents and discharges of pollutants from diffuse sources.

The Water Framework Directive (WFD, 2000/60 / EC) aims to establish a framework for the protection of inland surface waters, transitional waters, coastal and groundwater. The Directive requires Member States to manage their different river basins appropriately and to report on the water status of each basin. This includes reporting on the level of pollutants originating from industrial processes

The Waste Statistics Regulation (WStatR, 2150/2002) aims to ensure better monitoring of the effective implementation of Union waste management policy with regular, comparable, current and representative data on waste generation, recycling, reuse and disposal.

The Directive establishing an intra-Union greenhouse gas emission trading scheme (ETS, 2003/87 / EC) promotes the reduction of greenhouse gas emissions in a cost-effective and efficient manner. The revised EU ETS Directive (Directive (EU) 2018/410) entered into force on 8 April 2018, covering the period from 2020 to 2030.

The Regulation on the Mechanism for Monitoring and Reporting on Greenhouse Gas Emissions (MRG: 525/2013) and for reporting on other climate-related information at national and Union level sets out the reporting methods in accordance

with the recommendations of the UNFCCC process.

The Directive on the Control of Risk Factors for Major Accidents involving Hazardous Substances (Seveso III: 2012/18 / EU) lays down the rules for the prevention of major accidents involving dangerous substances and limiting their consequences for human health and the environment, with a view to ensuring a consistent and an effective way of ensuring a high level of protection throughout the Union. The list of dangerous substances is set out in Annex I to the Directive. An operator with hazardous materials must take all measures necessary to prevent major accidents and limit their effects on human health and the environment. The Seveso III Directive was adopted on 4 July 2012 and repeals the Seveso II Directive with effect from 1 June 2015.

Regulation 66/2010 of the European Parliament and of the Council of 25 September 2009 on the EU Eco-label and Regulation 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation of organizations in the EU environmental management system (EMAS: 66/2010, 1221/2009) prescribes eco-labelling and eco-management systems in the EU as voluntary systems. As this is a voluntary act, which has a much smaller effect than, for example, the Industrial Emissions Directive, it will not be addressed in this text.

In 2017, Bosnia and Herzegovina prepared the Strategy for Harmonisation of Regulations with the *acquis* in the field of environment protection in Bosnia and Herzegovina – EAS BiH. Having in mind that the entities are in charge of the environment field, appropriate strategic documents for harmonisation for RS



(2016), FBiH (2016) and District Brčko (2017), were prepared, which were in the major part identical, with almost the same recommendations for the field of industrial pollution in all three documents. It should be highlighted that these strategic documents are mainly based on the results of IPA project of 2012 „Support to Implementation of the Directive on Integrated Pollution Prevention and Control (IPPC)”, financed, in the amount of 1.5 million EUR by the European Union.

In EAS BiH, the EU industrial pollution acquis has been reduced in Chapter 6 (Industrial Pollution) to two Directives (IED and Seveso III) and two Regulations (E-PRTR and EMAS). The current situation in this area is described only for PRTR, with an explanation that the state level in operational sense is not responsible for the industrial pollution sector. In the description of sectoral approaches, the area was further reduced to the obligation to adopt an implementing instrument on the Pollutant Release and Transfer Register (PRTR) from industrial plants.

The stated objectives of the Industrial Emissions Directive include the following:

- preventing, reducing and, as far as possible, stopping (minimizing) emissions;
- prevention of accidents and incidents;
- compliance with the polluter pays principle;
- prioritizing prevention at source;
- ensuring prudent management of natural resources.
- simplification and clarification of existing legal provisions and reduction of unnecessary administrative burden.

Although all of these goals have already been largely implemented in the FBiH, RS and BD regulations, at least in the form

of defined policies and principles, their implementation, on the other hand, is far from achieving those goals.

The answers to the questions in Chapter 27 of the EU Questionnaire, more precisely, Question 85, state that the existing FBiH Environmental Law is 50% compliant with the IPPC Directive, but that a new federal environmental law is being drafted which will include, among other things, transposing of the provisions of the IED Directive. For the RS, the answer to Question no. 85 states that no system for issuing environmental permits was established that would be based on the application of the best available techniques, so there is no record of the number of IEDs in the RS. In the same answer, according to District Brčko, it is stated that there are 6 IPPC plants in this District and in the Federation of BiH over 100.

Bosnia and Herzegovina ratified the Convention on the Transboundary Effects of Industrial Disasters on 14 November 2012 („Official Gazette of Bosnia and Herzegovina - International Treaties“, No. 13/12), which entered into force on 21 May 2013. An Operational Communication Centre of Bosnia and Herzegovina - 112 (OKC of Bosnia and Herzegovina - 112) has been established in Bosnia and Herzegovina within the Ministry of Security of Bosnia and Herzegovina, which acts as an operational-communication-information hub for liaison in the international communication system in the field of protection and rescue salvage, even in the case of industrial accidents. In the event of an industrial accident, the OKC of Bosnia and Herzegovina - 112 receives information from lower levels of government and forwards it to the neighbouring and other countries or to the Emergency Response Coordination Centre (ERCC) to inform or request an international help.

According to a document issued by the BiH Ministry of Security, "Assessment of BiH's vulnerability to natural or other disasters" of 2011, the defined area of industrial hazards includes the accidents in:

- industrial plants,
- landfills of hazardous materials,
- refineries,
- thermal power plants and hydropower plants,
- gas pipelines,
- underground and surface mines.

In the same document, earthquakes, fires and explosions were identified as high risk. Large-scale floods, rock- and landslides and soil settlement, massive oil discharges in the Adriatic and Sava River Basin, chemical discharges in the urban area, drinking water pollution, long-term interruptions of electricity supply to a larger area, destruction of dams and flooding, landfills of hazardous substances, discharge of harmful substances from industrial plants into watercourses, leachate discharge waters from regional landfills, and emissions of pollutants from industrial and power plants were identified as average risk.

From this, it can be seen that of 14 high and average risks, 7 represent the environmental risk covered by the Seveso III Directive. To prevent them, recommendations have been made, which include:

- checking the current situation with respect to the design parameters and compliance with EU directives,
- development of a register / cadastre of hazardous installations and pollutants, and alignment of the existing regulations with the provisions of the Seveso II Directive,

- adoption/updating of appropriate laws, guidelines and instructions in areas where it is lacking
- increasing the frequency of inspection,
- establishment of a cadastre of pollutants and pollutant emissions into the atmosphere according to the current standards (bas/en/iso), including information on the types and quantities of pollutant emissions and transboundary transfer of pollutants,
- solving the problems of procurement of equipment for the detection of dangerous pollutants by designing projects aimed at the procurement of modern equipment, and educating appropriate personnel,
- drafting the studies on the possibility of flue gas desulphurisation at all thermal power plants and developing appropriate feasibility studies.

However, those recommendations do not list specific regulations that should be adopted or amended. In June 2019, with the support of the OSCE, a workshop was organized aimed at renewing the existing data and updating the document in accordance with European Union and United Nations guidelines relating to risk identification and management.

In the Federation of Bosnia and Herzegovina, the Federal Ministry of the Environment and Tourism has been approving large-scale accident prevention plans as part of the environmental permitting process for the type of installations concerned. Rulebook on installations and plants, for which an environmental impact assessment is required, and on installations and plants that can be built and put into operation only if they have an environmental permit („The Official Journal of the Federation of Bosnia and Herzegovina”, No. 19/04), Articles 9, 10 and 11 lays down the installations and plants for which there is a risk of major



accidents, and for which the Federal Ministry issues an environmental permit.

In reply to the questions in Chapter 27 of the EU Questionnaire, Question 41 states that Bosnia and Herzegovina is not a member of the European Pollutant Emission Register and the European Pollutant Release and Transfer Register (E-PRTR) and that a timeframe for participation in that registry has not been established yet. According to the sources from the BiH Ministry of Foreign Trade and Economic Relations, there are political obstacles to accession to this protocol, in terms of entity/state competencies. In accordance with the Law on the Procedure for Concluding and Enforcing International Agreements (“Official Gazette of Bosnia and Herzegovina”, nos. 29/00 and 33/13), the ratification of the Protocol on Pollutant Registers and Pollution Range (PRTR) is managed by the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina. The process started in 2014 and so far positive opinions have been received from relevant institutions, except for the Republika Srpska institutions. According to a letter of the Ministry of Physical Planning, Construction and Ecology of the Republika Srpska addressed to the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina, no. 15.04-052-452816 of September 12, 2016, the latter Ministry was informed that significant financial resources and additional staff are needed to develop and maintain the register in order to strengthen the capacities of institutions performing these tasks in Republika Srpska. It is the opinion of the Republika Srpska institutions that the ratification process for the pollutant release and transfer (PRTR protocol) should be postponed and that the entire system upgraded beforehand.

The Federation of BiH and RS maintain separate PRTR registers, while the register for the District Brčko has not been established. Registers in the FBiH and RS have been formally established, but the data for FBiH are available only on request, while a registry for the RS, kept by the Republic Hydro-Meteorological Institute of the RS, has a publicly available system, but there is no data in it at all.

In the Federation of Bosnia and Herzegovina, Republika Srpska and District Brčko of Bosnia and Herzegovina, no activities have been undertaken yet to comply with the *acquis* in the area of greenhouse gas emission reductions, nor have the activities been undertaken on the Emissions Trading Scheme (ETS).

Within the framework of the Strategy for Adaptation to Climate Change and Low Emission Development for Bosnia and Herzegovina within the specific objective “Adaptation and implementation of the *acquis communautaire*”, in the areas of climate change, energy efficiency and environment until the year 2020, an activity is planned to establish a national framework for the EU ETS.

Given that the destiny of the ETS stock market in the EU is uncertain (it is planned for the European greenhouse gas quotas to be phased out by phase 3 in 2020, but it is not yet known what the EU will do, due to the failure to meet the set emission reduction targets), it would be better to wait with the adoption of new regulations in BiH until it is known what the destiny of that stock exchange, i.e. the ETS system in the EU, is. However, it is necessary to monitor the development of the situation (Phase 4 of the ETS for the period 2020-2030) in order to integrate BiH into that system as soon as possible. First of all, the emission registers, which are now very limited in functionality

and not publicly available, should be made operational and publicly available. An ETS revision was adopted in 2018 and the first revision of the MSR (Market Stability Reserve) - a mechanism introduced by the EU to strengthen the resilience of the EU ETS system - will be carried out in 2021.

The free quota allocation system is extended by another ten years and has been revised to focus on the sectors that are most at risk of relocating their production outside the EU. These sectors will receive 100% of their allocation free of charge. For less exposed sectors, the free allocation is projected to phase out after 2026, from the maximum of 30% to 0 at the end of Phase 4 (2030).

A significant number of free fees will be allocated for new and growing installations. This number consists of permits not granted from the total amount available for free allocation by the end of Phase 3 (2020) and 200 million from MSR. More flexible rules have been put in place to better align the free allocation levels with the actual production levels. Environmental permits for plants covered by an IED should also include provisions concerning the ETS, in order to ensure an integrated approach and to coordinate the activities under these two directives.

Regulatory framework

I. European Union Act

Directive 2010/75 / EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (Industrial Emissions Directive) - **DIE**

Republika Srpska

1. The Environment Protection Act („Republika Srpska Official Gazette“ no. 71/12, 79/15)

2. Air Protection Act („Republika Srpska Official Gazette“, no. 124/11)

Applicable by-laws

- The Rulebook on the process of audit and renewal of environmental permits („Republika Srpska Official Gazette“, no. 28/13)
- The Rulebook on the plants that can be built and commissioned only if they have the environmental permit („Republika Srpska Official Gazette“, no. 124/12)
- The Rulebook on the projects for which the environmental impact study is implemented and on the criteria for deciding on the obligation to conduct and the scope of the environmental impact study („Republika Srpska Official Gazette“, no. 124/12)
- Instruction on the contents of the environmental impact study („Republika Srpska Official Gazette“, no. 108/13)
- The Rulebook on the activities and the method of preparation of the Best Available Techniques („Republika Srpska Official Gazette“, no. 108/13)
- Rulebook on the contents and method of maintaining the Register of Issued Environmental Permits („Republika Srpska Official Gazette“, no. 108/13)
- Rulebook on the conditions for issuing the permit for monitoring air quality („Republika Srpska Official Gazette“, number 3/18)
- The Rulebook on the amendments to the Rulebook on the measures for prevention and decreasing air pollution and improvement of air quality („Republika Srpska Official Gazette“, no. 47/16)
- Rulebook on amendments to the Rulebook on the measures for Prevention and decreasing air pollution and improvement of air quality („Republika Srpska Official Gazette“, no. 51/15)



- Rulebook on the measures for prevention and decreasing air pollution and improvement of air quality („Republika Srpska Official Gazette“ no. 3/15) and the Form of Report on measuring the pollutants emission into the air
- Regulation on the emission of volatile organic compounds („Republika Srpska Official Gazette“ no. 39/05)
- Rulebook on conditions for operation of waste incineration plants („Republika Srpska Official Gazette“ no. 39/05)
- Rulebook on the limitation of air emissions from biomass incineration plants („Republika Srpska Official Gazette“ no. 85/05)

Recommendations

The installations to which the permit is issued should be divided into two categories. Category A plants would be those which would be subject to the requirements of the IPKZ (Industrial Emissions Directive), while the Category B plants would be subject to a more lenient procedure.

Despite the fact that the Environment Protection Act allows for integrated permitting, procedures for issuing the relevant permits are not integrated (priority is given to water protection, several different permits must be issued, audit procedures are not harmonized, inspection is carried out separately). For this reason, it is necessary to integrate environmental and water permitting procedures. In addition, BAT reference documents have not been produced and the only documents that exist are written through EU-funded projects in BiH.

The Rulebook on the limit values of emissions has not been harmonized with the IED, as it provides for higher limit values than those specified in the IED. The following should be enacted:

Rulebook on Pollutant Release and Transfer Register;

- Instruction on keeping the Pollutant Release and Transfer Register;
- New BAT (best available techniques) regulations need to be adopted;
- Regulation on working conditions for plants producing titanium dioxide;
- Rulebook on volatile organic compounds - amendments
- Rulebook on the operating conditions of waste incineration plants and installations using waste as main or auxiliary fuel

The Federation of Bosnia and Herzegovina

1. Environment Protection Act („FBiH Official Journal“, no. 33/03 and 38/09)
2. Air Protection Act („FBiH Official Journal“, no. 33/03 and 4/10)

Applicable by-laws

- Rulebook on installations and plants for which an environmental impact assessment is mandatory and on installations and plants that can be built and put into operation only if they are issued an environmental permit („FBiH Official Journal“, no. 19/04)
- Rulebook on the content of the security status report, the content of information on security measures and the content of internal and external intervention plans („FBiH Official Journal“, no. 68/05)
- Rulebook on plant registers and pollution („FBiH Official Journal“, no. 82/07)
- Rulebook on the adoption of best available techniques to achieve environmental quality standards („FBiH“ Official Journal no. 92/07)

- Rulebook on the operating conditions of a waste incineration plant („FBiH Official Journal“, nos. 12/05 and 102/12)
- Rulebook on limit values for air emissions from combustion plants („FBiH Official Journal“, no. 3/13)
- Regulation on the emission of volatile organic compounds („FBiH Official Journal“, no. 12/05)

Recommendations

Although the FBiH compliance strategy states that reference documents on the best available techniques for the six sub-sectors are available – i.e. for the food industry, surface treatment of metals and hot dip galvanisation, large incinerators, surface extraction of cut stone and crumb stone and self-monitoring, and that all are in accordance with EU requirements, only the BAT for the food industry is available, while the reference documents of the best available techniques for the additional four sectors are being drafted.

Monitoring, inspection and cross-border procedures were allegedly introduced, but practice shows that inspection capacities are very limited and monitoring is difficult to implement and control. By-laws on large incinerators, waste incineration plants and solvents containing volatile organic compounds have been adopted but not in conformity with the IED but with the directives that preceded it.

The integrated approach to licensing has not been properly implemented as water permits must still be obtained separately. When issuing a renewed environmental permit for the ArcelorMittal Zenica Metallurgical Plant, the permit states that a special permit must be obtained for an industrial waste landfill, which is currently operating without a valid permit, while the inspection authorities propose that a “new waste management plan” be created instead of an environmental permit.

The Rulebook on emission limit values is not IED compliant, as it provides for higher limit values than those specified in the IED. The following should be enacted:

- The new Law on Environment Protection which is still in adoption procedure
- New Air Protection Law
- Regulation on the activities and manner of development of BAT reference documents (BAT);
- Regulation on the method of inspecting the plants for which an environmental permit has been issued;
- Rulebook on plants that can be built and put into operation only if they are issued environmental permits;
- Rulebook on projects requiring environmental impact assessment and Screening and Scoping Criteria;
- Rulebook on the register of pollutants discharge and transfer;
- Rulebook on the content and manner of maintaining the register of issued environmental permits;
- Instruction on the content of the Environmental Impact Study;
- Instruction on keeping the Pollutant Release and Transfer Register;

District Brčko

1. Environment Protection Act („BD BiH Off. Gazette“, nos. 25/04, 1/05, 19/07, and 9/09)

Applicable by-laws

- Rulebook on installations and plants for which an environmental impact assessment is mandatory and on installations and plants that can be built and put into operation only if they are issued an environmental permit („BD BiH Off. Gazette“, no. 30/06)
- Rulebook on the content of the environmental impact study („BD BiH Off. Gazette“, no. 2/07)



II. The European Union act

Directive 2012/18 / EU of the European Parliament and of the Council of 4 July 2012 on the control of risk factors for major accidents involving dangerous substances, amending and subsequently repealing Council Directive 96/82 / EC - **Seveso III Directive**

1. The Environment Protection Act („The Republika Srpska Official Gazette“ number 71/12, 79/15)
2. The Law on Transport of Explosive Substances and Flammable Liquids and Gases („The Republika Srpska Official Gazette“, nos. 78/11 and 58/16) regulates transport, production and use of explosive matters, flammable liquids and gases.
3. Law on Transport of Hazardous Substances („The Republika Srpska Official Gazette“, no. 15/16)

This Law regulates the conditions for the transport of hazardous substances goods in certain branches of traffic, the rights and obligations for persons involved in transport, the conditions for packaging and vehicles, the issuance of a permit for transport (for explosive substances), the conditions for the appointment of a security advisor, jurisdiction and conditions for training the persons involved in transportation.

4. Fire Protection Act („The Republika Srpska Official Gazette“, no. 71/12). This Law includes a set of measures and actions taken to prevent the outbreak and spread of fires, their detection and extinguishing, rescue of people, property and the environment endangered by fire.

Applicable by-laws

- Rulebook on plants that can be built and

put into operation only if they are issued environmental permits („The Republika Srpska Official Gazette“, no. 124/12)

The Federation of Bosnia and Herzegovina

1. Environment Protection Act („The Federation of Bosnia and Herzegovina Official Journal“, nos. 33/03 and 38/09)

Applicable by-laws

- Rulebook on installations and plants for which an environmental impact assessment is mandatory and on installations and plants that can be built and put into operation only if they are issued an environmental permit („The Federation of Bosnia and Herzegovina Official Journal“, number 19/04)
- Rulebook on the content of the security status report, the content of information on security measures and the content of internal and external intervention plans („The Federation of Bosnia and Herzegovina Official Journal“, no. 68/05)

Recommendations

By comparing the thresholds for hazardous substances set out in the Rulebook on the installations and plants for which an environmental impact assessment is mandatory, and the installations and plants that can be built and put into operation only if they are issued an environmental permit and the thresholds set by the Seveso III Directive, a conclusion is drawn that these thresholds are significantly lower in the FBiH than required by the EU. If implemented, these stricter requirements will lead to an unnecessary cost burden on industrial activities in the FBiH. An environmental inspection regulation should be adopted in order to transpose the inspection requirements of the Industrial Emissions Directive, the Seveso III Directive and Recommendation 2001/331 / EC on the Minimum Environmental Inspection Criteria.

District Brčko

1. Law on Environment Protection of Brčko District of Bosnia and Herzegovina („Official Gazette of Brčko District of Bosnia and Herzegovina“, nos. 24/04, 1/05, 19/07 and 9/09)

III. The European Union act

Regulation (EC) no. 166/2006 of the European Parliament and of the Council of 18 January 2006 establishing a European Pollutant Release and Transfer Register amending the Council Directives 91/689 / EEC and 96/61 / EC, as amended by Regulation (EC) no. 596/2009 of the European Parliament and of the Council of 18 June 2009 - E-PRTR

Republika Srpska

1. Environment Protection Act („Republika Srpska Official Gazette“ number 71/12, 79/15)

Applicable by-laws

- Rulebook on the methodology and method of keeping the register of plants and pollutants („Republika Srpska Official Gazette“ no. 92/07)

Recommendations

The register on the Institute website is empty: <https://rhmzrs.com/zivotna-sredina/registar-postrojenja-i-zagadivaca/pregled-postrojenja/>, therefore, in this sense, the activities on the implementation of this Directive should be undertaken, which certainly implies the making the register available to the public.

The Federation of Bosnia and Herzegovina

1. Environment Protection Act („FBiH Official Journal“, nos. 33/03 and 38/09)
2. Air Protection Act („FBiH Official Journal“, nos. 33/03 and 4/10)

Applicable by-laws

- Rulebook on installations and plants for which an environmental impact assessment is mandatory and on installations and plants that can be built and put into operation only if they are issued an environmental permit („FBiH Official Journal“, no. 19/04)
- Rulebook on the content of the security status report, the content of information on security measures and the content of internal and external intervention plans („FBiH Official Journal“, no. 68/05)
- Regulation on Plants and Pollutions Registers („FBiH Official Journal“, no. 82/07)
- The Rulebook on adoption of the best possible techniques by which the environmental quality standards are achieved („FBiH Official Journal“ no. 92/07)
- Rulebook on conditions for operation of waste incineration plants („FBiH Official Journal“, no. 12/05 i 102/12)
- Rulebook on limit values for air emissions from combustion plants („FBiH Official Journal“, no. 3/13)
- Regulation on the emission of volatile organic compounds („FBiH Official Journal“, no. 12/05)

Recommendations

The number of plants covered by the IED in the FBiH is too large: more than 170 plants are obliged to submit the annual emission reports, and the plants such as printing companies, butchers, quarries, which do not fall into this category by quantity and nature of emissions are also included. If the lower limit for the reporting obligation was introduced, as implemented in many EU countries, this would also increase the quality of available data and facilitate the control of the quality of data in the registry. The Regulation on Plant Registers and Pollution requires more information in reports than is required by the E-PRTR



Regulation, and operators often omit some of the information. Harmonizing the amount of data that the operators have to provide with the EU regulation would increase the quality of the data submitted. There is no public access to PRTR via the internet, data is available only on request.

District Brčko

1. Environment Protection Act („Off. Gazette BD BiH”, nos. 25/04, 1/05, 19/07, and 9/09)

Recommendation

There is no register, because there are only 6 plants that should be in the register, so that work should be done on establishing the register.

IV. The European Union Act

Directive 2003/87 / EC establishing a scheme for greenhouse gas emissions trading within the Union and amending the Council Directive – ETS

This Directive has not been implemented in the regulations of BiH, entities or the Brčko District.

The List of EU Acts

Below is the list of EU documents relevant for the field of industrial pollution

- Industrial Policy Strategy: Investing in a smart, innovative and sustainable industry (18/9/2017)
Industrial Policy Strategy: Investing in a smart, innovative and sustainable industry
- IED: Directive 2010/75/EC on industrial emissions (integrated pollution prevention and control) The IED is the successor of the IPPC Directive and in essence, it is about minimising pollution from various industrial sources throughout the European Union. Operators of industrial installations operating activities covered by Annex I of the IED are required to obtain an integrated permit from the authorities in the EU countries.
- Directive on industrial emissions (integrated pollution prevention and control)
- NECD: Directive 2016/2284/EU on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC Replacing earlier legislation, (Directive 2001/81/EC), the new NEC Directive sets 2020 and 2030 emission reduction commitments for five main air pollutants. It also ensures that the emission ceilings for 2010 set in the earlier directive remain applicable for Member States until the end of 2019
- Directive on reducing the national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive
- E-PRTR: Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register Regulation on the European Pollutant Release and Transfer Register (E-PRTR) and amending Directive 91/689/EGS and 96/61/ES
- WFD: Water Framework Directive 2000/60/EC
The Directive on establishing a framework for the Union activity in the field of water policy
- WStatR: Waste Statistics Regulation 2150/2002
Regulation on waste statistics
- ETS: Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

Directive on establishing a system for trading greenhouse gas emission allowances with the Union and amending the Council Directive 96/61/EC and Revised EU ETS Directive (Directive (EU) 2018/410).

- MRG: Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC Text with EEA relevance Regulation on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level and repealing Decision No. 280/2004/EC
- Seveso III: Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC Directive on the Control of Major Accident Hazards involving dangerous substances
- EIA: Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment Directive on the assessment of the effects on the environment (2011/92/EU and the amended Directive 214/52/EU)
- SEA: Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment Directive on strategic assessment of environmental impacts (SEA) (2001/42/EC)

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AIR QUALITY AND CLIMATE CHANGE

INTRODUCTION

The transposition of the air quality regulations in BiH has already begun, mainly at the entity level, since the environmental field is regulated at the entity level in BiH and in a separate unit of self-government – District Brčko. Having said that, the overall EU transposition process in the field of air quality and climate change is at a very modest level. There is a clear need to urgently amend existing legislation and introduce new regulations in order to fully transpose the relevant EU legal instruments.

One of the major problems that causes the very slow implementation of EU acquis in this area is the BiH state organisation itself, which is based on decentralised competence, so that it is difficult to adopt national standards, essential for many of the guidelines and standards envisaged by the EU acquis; especially since the air must be approached from a national perspective in order for adequate application to be possible. Currently, emission limit values in BiH are defined by separate regulations adopted by the competent institutions in both entities. For this reason, the competent institutions in BiH must work to comply with the emission limit values in accordance with the environmental quality standards foreseen in the EU acquis, with the values corresponding to national emission ceilings in countries with similar industrial activities as BiH.

An additional problem is reflected in the fact that the transposition process in this area is carried out differently and at an uneven pace in both entities of BiH, inevitably causing deharmonisation of EU acquis within the country itself. For example, there are major shortcomings

with regard to the transposition of legal instruments on air emissions, which include, inter alia, the **VOC Directive on Petrol, the Stage II Petrol Vapour Recovery Directive and the “Paints Directive”**.

With respect to the **Paints Directive**, Republika Srpska is the leader compared to the FBiH, where the *Rulebook on Conditions for Limitation and Prohibiting the Production, Transport and Use of Chemicals* (“*Republika Srpska Official Gazette*”, nos. 100/10, 63/13 and 33 / 17), enacted on the basis of the RS Law on Chemicals, prescribes the content of volatile organic compounds in paints and varnishes applied to buildings, their equipment and components, as well as in the agents and coatings for the repair of road vehicles, in accordance with Directive 2004/42/CE. This Directive has not yet been applied in the FBiH. In comparison with the Federation of Bosnia and Herzegovina and the District Brčko, the existing regulations governing environmental protection are at a higher level in the Republika Srpska, which then creates a strong legal basis for further transposition of the EU acquis.

In reference to the *Fuel Quality Directive*, Decision on the Quality of Liquid Petroleum Fuels (“*Official Gazette of BiH*” nos. 27/02, 28/04, 16/05, 14/06, 22/07, 101/08, 71/09, 58/10 and 73/10), has been adopted at the state level, laying down the fuel quality requirements, including the sulphur content. The FBiH, RS and BDBiH Air Protection Laws contain the legal bases for the adoption of by-laws on the methodology for measuring and controlling the sulphur content of fuels, which is currently regulated in the FBiH by the Rulebook on Determining the Quality of Liquid Petroleum Fuels (“*Official Gazette of the FBiH*”, no. 107/14), and in the RS, by the

Program for the Conformity Assessment of the Quality of Liquid Petroleum Fuels, so that the transposition of this Directive was partly initiated.

Speaking of the GHG (STE) emissions, BiH is only just beginning to take over EU legal instruments. Also, regulations on ambient air quality and air emissions have not been adopted at BiH level, since the competence lies with the entities and District Brčko. However, by the Decision of the Council of Ministers of BiH on conditions and manner of implementation of the Montreal Protocol and phase-out of ozone depleting substances ("Official Gazette of BiH" nos. 36/07 and 67/15), as well as individual by-laws at the entity levels: Rulebook on phase-out of ozone depleting substances (FBiH Official Gazette 39/05); Rulebook on phase-out of ozone depleting substances ("Official Gazette of the Brčko District" No. 30/06); and Regulation on phase-out of ozone depleting substances („Republika Srpska Official Gazette“ 94/05); the transposition of **Regulation on phase-out of ozone depleting substances** has begun.

Although every start of transposition of the EU acquis is very important, it is still necessary for BiH to speed up transposition processes at all levels of government, as well as to avoid deharmonisation during implementation, which can be achieved through better coordination of the work of competent authorities. Also, new legislation and a revision of the existing ones is urgently needed for the harmonisation and transposition of the EU acquis to be complete.

Regulatory framework with recommendations

I. European Union act

Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe – **CAFE Directive**.

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette“, no. 124/11 and no. 46/17)

Applicable by-laws

- Rulebook on the conditions for issuing the permit for air quality monitoring („Republika Srpska Official Gazette“, no. 3/18);
- Rulebook on the measures for prevention and reduction of air pollution and improvement of air quality („Republika Srpska Official Gazette“ no. 3/15, 51/15, 47/16);
- Rulebook on limit values of air quality („Republika Srpska Official Gazette“ no. 39/05);
- Regulation on the emission of volatile organic compounds („Republika Srpska Official Gazette“ no. 39/05);
- Rulebook on the operating conditions of waste incineration plants („Republika Srpska Official Gazette“ no. 39/05);
- Rulebook on the limitation of air emissions from biomass incineration plants („Republika Srpska Official Gazette“ no. 85/05)
- Rulebook on the activities and the method of development of the best available techniques („Republika Srpska Official Gazette“, no. 108/13);
- Rulebook on the air quality values („Republika Srpska Official Gazette“ no. 124/12)



- Regulation on establishing the republic network of measuring stations and measuring points („Republika Srpska Official Gazette”, no. 124/12);
- Regulation on the conditions for monitoring air quality („Republika Srpska Official Gazette”, no. 124/12);
- Regulation on phase-out of ozone depleting substances („Republika Srpska Official Gazette” no. 94/05);
- Form of the Report on measuring pollutants emissions in the air;

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 4/10)

Applicable by-laws

- Rulebook on limit values of pollutant emissions in the air („BiH Federation Official Gazette” no. 12/05);
- Regulation on the emission of volatile organic compounds („BiH Federation Official Gazette” no. 12/05);
- Rulebook on limit values of emissions in the air from the incineration plants („BiH Federation Official Gazette” no. 3/13);
- Rulebook on conditions for work of waste incineration plants („BiH Federation Official Gazette” no. 12/05 and 102/12)
- Rulebook on monitoring the pollutant emissions in the air („FBiH Off. Journal” no. 9/14 and no. 9/16);
- Rulebook on the manner of conducting the air quality monitoring and defining types of pollutants, limit values and other standard air qualities („BiH Federation Official Gazette”, no. 1/12),
- Rulebook on phase-out of ozone depleting substances („FBiH Off. Journal” 39-05)

District Brčko

Air Protection Act („District Brčko Official Gazette”, nos. 25/04, 1/05, 19/07, and 9/09)

Applicable by-laws

- Rulebook on conditions for work of waste incineration plants („District Brčko Official Gazette”, no. 30/06);
- Rulebook on limiting the emissions from biomass incineration plants („District Brčko Official Gazette”, no. 30/06);
- Rulebook on phase-out of ozone depleting substances („District Brčko Official Gazette”, no. 30/06);
- Rulebook on monitoring air quality („District Brčko Official Gazette”, no. 30/06);
- Rulebook on monitoring pollutants in the air („District Brčko Official Gazette”, no. 30/06)
- Rulebook on limit values of pollutants emissions in the air („District Brčko Official Gazette”, no. 30/06);
- Rulebook on limit and target air quality values, information and alert thresholds („District Brčko Official Gazette”, no. 18/11);
- Regulation on the emission of volatile organic compounds („District Brčko Official Gazette”, no. 30/06).

Recommendations

The laws include general provisions and articles that largely determine the standards relating to air quality monitoring method, as envisaged by the Directive. However, the new amendments to the laws and by-laws should expand and additionally harmonise all the other standards governing the methods of measurement, determining air quality, including deposition of pollutants, as well as the need for as good informing of the public as possible. This has been done to a large degree by related regulations; however, these regulations should be amended too, to make sure that they are harmonised with

acquis and then efficiently implemented. The current implementation of the existing regulations is not at a high level.

II. European Union act

Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic hydrocarbons in ambient air, amended by the Regulation (EC) 219/2009 – Directive on arsenic, cadmium, mercury, nickel and polycyclic hydrocarbons in ambient air.

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette”, no. 124/11 and no. 46/17)

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 4/10)

District Brčko

Air Protection Act („District Brčko Official Gazette”, no. 25/04, 1/05, 19/07, and 9/09)

Recommendations

The laws contain general safeguards that follow some of the provisions of this Directive, but without specifically defined pollutants (arsenic, mercury, etc.), so it can be concluded that the Directive has not been implemented. It is necessary to amend the law or adopt regulations that will specifically regulate the presence of arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

III. European Union act

The Directive 2001/81/EC of the European Parliament and the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants, amended

by Directive 2006/105/EC of 20 November 2006 and Regulation (EC) no. EC/219/2009 of the European Parliament and the Council of 11 March 2009 – DGGE.

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette”, no. 124/11 and no. 46/17)

Applicable by-laws

- Rulebook on the measures for prevention and reduction of air pollution and improvement of air quality („Republika Srpska Official Gazette”, no. 3/15)
- Rulebook on the measures for prevention and reduction of air pollution and improvement of air quality („Republika Srpska Official Gazette”, no. 47/16)
- Regulation on the emission of volatile organic compounds („Republika Srpska Official Gazette”, no. 39/05)
- Regulation on phase-out of ozone depleting substances („Republika Srpska Official Gazette”, no. 94/05)
- Form of the Report on measuring the pollutant emissions in the air.

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 4/10)

Applicable by-laws

- Regulation on phase-out of ozone depleting substances („FBiH Off. Journal” 39-05)
- Rulebook on monitoring pollutant emissions in the air („FBiH Off. Journal” no. 9/14 i no. 9/16)
- Rulebook on the method of implementing the air quality monitoring and defining the types of pollutants, limit values and other air quality standards („BiH Federation Official Gazette”, no. 1/12),



- Regulation on the emission of volatile organic compounds („BiH Federation Official Gazette”, no.12/05).

District Brčko

Air Protection Act („District Brčko Official Gazette”, nos. 25/04, 1/05, 19/07, and 9/09)

Applicable by-laws

- Regulation on phase-out of ozone depleting substances („District Brčko Official Gazette”, no. 30/06)
- Regulation on the emission of volatile organic compounds („District Brčko Official Gazette”, no. 30/06)
- Rulebook on monitoring air quality („District Brčko Official Gazette”, no. 30/06)

Recommendations

The laws contain general safeguards that have been partly harmonised with the provisions of the Directive, but without specifically set annual limits for annual emissions of pollutants of sulphur dioxide (SO₂), nitrous oxide (NO_x), volatile organic compounds (VOCs) and ammonia (NH₃) in accordance with the provisions of the Directive. Specifically, the objective of this Directive is to limit the emissions of acidifying and eutrophic pollutants and ozone precursors in order to improve the protection based on the Rulebook on conditions for restricting and prohibiting the production, transport and use of chemicals (Republika Srpska Official Gazette, nos. 100/10, 63/13 and 33/17) and protect human health from the risk of adverse effects of acidification, eutrophication of soil and ground-level ozone.

The aforementioned regulations have implemented the general provisions concerning reduction of pollutants (SO₂, NO_x and NH₃). However, the pollution protection and reduction standards provided for in this Directive have not been applied.

IV. European Union act

Directive 94/63/EC of the European Parliament and the Council of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations, amended by the Regulations EC/1882/2003 and EC/1137/2008 – **Directive on Release of VOC from petrol.**

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette”, no. 124/11 and no. 46/17)

Applicable by-laws

- Rulebook on the measures for prevention and reduction of air pollution and improvement of air quality („Republika Srpska Official Gazette”, nos. 3/15, 51/15, 47/16,);
- Rulebook on the conditions for air quality monitoring („Republika Srpska Official Gazette”, no. 124/12);
- Form of the Report on measuring the pollutant emissions in the air.

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 4/10)

Applicable by-laws

- Rulebook on monitoring the pollutant emissions in the air („FBiH Off. Journal” no. 9/14 and no. 9/16);
- Rulebook on the method of implementing air quality monitoring and defining the pollutant types, limit values and other air quality standards („BiH Federation Official Gazette”, no. 1/12);
- Rulebook on the conditions of measurement and control of sulphur content in fuel („FBiH Official Journal” 06/08)

District Brčko

Air Protection Act („District Brčko Official Gazette“, no. 25/04, 1/05, 19/07, and 9/09)

Applicable by-laws

- Rulebook on monitoring air quality („District Brčko Official Gazette“, no. 30/06);
- Rulebook on monitoring pollutants in the air („District Brčko Official Gazette“, no. 30/06).

Recommendations

There are general safeguards in the laws, but the Directive has not been implemented, while regulations on fuel quality are adopted at the state level. The above-mentioned Regulations contain certain articles that follow some of the provisions of the Directive as regards the types of substances polluting the air; however the very gist of the Directive which is to regulate the modes, devices, vehicles and vessels used to store, transfer and transport petrol from one terminal to another or from terminal to gas station, has not been implemented.

V. European Union act

Directive 2009/126/EC of the European Parliament and the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations – **Directive on Stage II Recovery of Petrol Vapours.**

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette“, no. 124/11 and no. 46/17)

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette“, no. 33/03 and no. 4/10)

District Brčko

Air Protection Act („District Brčko Official Gazette“, no. 25/04, 1/05, 19/07, and 9/09)

Recommendations

There are general provisions in the Act, but the Directive has not been applied. The implementation process needs to be started.

VI. European Union act

Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicles refinishing products and amending Directive 1999/13/EC, amended by Directive 2008/112/EC and the Regulation EC/1137/2008 – **Paints Directive.**

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette“, no. 124/11 and no. 46/17)
Law on Chemicals („Republika Srpska Official Gazette“, no. 21/18)

Applicable by-laws

- Regulation on the emission of volatile organic compounds („Republika Srpska Official Gazette“, no. 39/05)
This Rulebook is compliant with certain provisions of the Directive, however none of the Directive goals – i.e. to harmonise the specifications for certain paints and varnishes and vehicle finishing products, has not been implemented.
- Rulebook on the criteria for identifying substances as PBT or vPvB („Republika Srpska Official Gazette“, no. 48/19)
- The list of substances of particular concern („Republika Srpska Official Gazette“, no. 72/19)



- Rulebook on limitations and prohibition of chemicals („Republika Srpska Official Gazette“, no. 79/19)
- Rulebook on the conditions for import and export of chemicals („Republika Srpska Official Gazette“, no.86/19)
- Rulebook on the conditions for limiting and prohibiting the production, trading and use of chemicals („Republika Srpska Official Gazette“, no. 100/10, 63/13 and 33/17);

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette“, no. 33/03 i no. 4/10)
FBiH Law on Chemicals – at the moment of preparation of this Report it is not adopted, but according to the information of the relevant bodies, it is in the process of adoption.

Applicable by-laws

- Regulation on the emission of volatile organic compounds („BiH Federation Official Gazette“, no. 12/05)

District Brčko

Air Protection Act („District Brčko Official Gazette“, nos. 25/04, 1/05, 19/07, and 9/09)

Applicable by-laws

- Regulation on the emission of volatile organic compounds („District Brčko Official Gazette“, no. 30/06).

Recommendations

There is a general provision in the laws to avoid air pollution by excessive use of volatile organic compounds, but these laws do not implement the Directive. The Regulations follow certain provisions of the Directive, but one of the objectives of the Directive - to harmonise technical specifications for specific paints and varnishes and vehicle finishing products - has not been implemented.

The draft Law on Chemicals has been adopted by the FBiH Parliament, but is still in the process of final approval. There are many articles in this text that are being harmonised with the provisions of this Directive.

VII. European Union act

Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, amended by the Directives 2001/63/EC, 2002/88/EC, 2004/26/EC and 2006/105/EC, Regulation (EC) 596/2009, Directive 2010/26/EU, Directive 2011/88/EU and Directive 2012/46/EU – **Directive on non-road mobile machinery**. These Directive were repealed on 31 December 2016 by the Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) no. 1024/2012 and (EU) no. 167/2013 on amending and repealing the Directive 97/68/EC.

Directive (i.e. the set of directives) has not been implemented at all levels.

VIII. European Union act

Regulation (EC) 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amended by the Directive 79/117/EEC and Regulations EC/1195/2006, EC/172/2007, EC/323/2007, EC/219/2009, EC/304/2009 and 519/2012 – POP Directive.

It should be noted that BiH is a member of the Stockholm Convention – Persistent organic pollutants – **POPs**.

Republika Srpska

Law on Chemicals („Republika Srpska Official Gazette”, no. 21/18)

Air Protection Act („Republika Srpska Official Gazette”, no. 124/11 and no. 46/17).

The Law contains general safeguards, which partly implement the provisions of this Directive, but without concretely defined pollutants, such as production and use of hexachlorocyclohexane (HCH), including linden.

Environment Protection Act („RS Official Gazette” no. 71/12 and no. 79/15)

The law contains general safeguards to prevent the release of harmful substances into the environment.

Applicable by-laws

- The Rulebook on the criteria for identification of substances as PBT or vPvB („Republika Srpska Official Gazette”, number 48/19)
 - The List of substances of special concern („Republika Srpska Official Gazette”, no. 72/19)
 - Rulebook on limiting and prohibiting the chemicals („Republika Srpska Official Gazette”, no. 79/19)
 - Rulebook on conditions for import and export of chemicals („Republika Srpska Official Gazette”, number 86/19);
 - Rulebook on the conditions for limiting and prohibiting production, trading and use of chemicals („Republika Srpska Official Gazette”, number 100/10, 63/13 and 33/17)
- By these Rulebooks the Directive has been implemented.

The Federation of Bosnia and Herzegovina.

Air Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 4/10)

The Act contains general safeguards, which partially implement the provisions of this Directive, but without specifically defined pollutants, such as the production and use of hexachlorocyclohexane (HCH), including linden.

Environment Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 39/09)

The law contains general safeguards to prevent the release of harmful substances into the environment.

District Brčko

Air Protection Act („District Brčko Official Gazette”, no. 25/04, 1/05, 19/07, and 9/09)

contains general safeguards which are harmonised with some of the provisions of this Directive, but without concretely defined pollutants, such as the production and use of hexachlorocyclohexane (HCH), including linden.

Environment Protection Act („District Brčko Official Gazette”, no. 24/04, 01/05, 19/07 and 09/09) general safeguards to prevent the release of harmful substances into the environment.

IX. European Union act

Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 on the quality of petrol and diesel fuels replacing the Directive of the Council 93/12/EEC, as amended by the Commission’s directive 2000/71/EC of 7 November 2000, 2003/17/EC of the European Parliament and of the Council of 3 March 2003, of the Regulation (EC) no. 1882/2003 of the European Parliament and



of the Council of 29 September 2003, of the Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009, of the Directive of the Council of 18 February 2002 on a common format for submission of summaries of national fuel quality data – **Fuel Quality Directive**.

At the state level, the Decision on the Quality of Liquid Petroleum Fuels (“BiH Off. Gazette” nos. 27/02, 28/04, 16/05, 14/06, 22/07, 101/08, 71/09, 58/10 and 73/10), regulates fuel quality. With this decision, the Directive was implemented, but the values are not completely harmonised with those established by the Directive.

Republika Srpska

Law on Petroleum and Petroleum Products („RS Official Gazette“, no. 36/09 and no. 102/12)

Applicable by-laws

- Program of determining the harmonisation of the quality of liquid petroleum fuels for 2018 summer season („Republika Srpska Official Gazette“, no. 36/18).

The Directive has been partly implemented based on the Program, in the sense of laying down the quality standards.

The Federation of Bosnia and Herzegovina

The Law on Petroleum Products in FBiH („FBiH Off. Journal“, no. 52/14)

Applicable by-laws

- Rulebook on determining the quality of liquid petroleum fuels („FBiH Off. Journal“, no. 107/14).

The Directive has been partly implemented based on the Program, in the sense of laying down the quality standards.

X. European Union act

Directive of the Council 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC as amended by the Regulation (EC)1882/2003, Regulation (EC) 219/2009, Directive 2005/33/EC and Directive 2009/30/EC – **Sulphur Content of Liquid fuels Directive**.

The same as with the previous Directive, the application Decision on the Quality of Liquid Petroleum Fuels („BiH Off. Gazette“ no. 27/02, 28/04, 16/05, 14/06, 22/07, 101/08, 71/09, 58/10 and 73/10) regulating the quality of fuel concerns this Directive, too. Based on this Decision, the Directive has been implemented, but the values are not fully harmonised with those defined by the Directive.

The Federation of Bosnia and Herzegovina

Regulation on the Conditions of Measuring and Control of Sulphur Content in Fuel („FBiH Off. Journal“, no. 06/08).

XI. European Union act

Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending the Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community – Emission Trading Directive.

Bosnia and Herzegovina is a member of the **UN Framework Convention on Climate Change (UNFCCC)** („Bosnia and Herzegovina Official Gazette“ – MU number 19/00) and to the end of fulfilling the obligations, the Decision Establishing an Authorized Body for the Implementation of the Clean Development Mechanism (CDM) of UNFCCC of Kyoto Protocol in BiH was adopted („BiH Off. Gazette“, no. 102/10, no.

45/15), by which the transposition of the Directive started.

XII. European Union act

Commission Regulation (EU) no. 601/2012 of 21 June 2012 on monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as amended by the Regulation of the Commission (EU) no. 206/2014 as regards global warming potentials for non-Co2 greenhouse gases – GHG Emissions Reporting Regulation.

Bosnia and Herzegovina is a member of the **UN Framework Convention on Climate Change (UNFCCC)** („Bosnia and Herzegovina Official Gazette” – MU number 19/00) and to the end of fulfilling the obligations, the Decision Establishing an Authorized Body for the Implementation of the Clean Development Mechanism (CDM) of UNFCCC of Kyoto Protocol in BiH was adopted („BiH Off.Gazette”, no. 102/10, no. 45/15), by which the transposition of the Directive started. However, the data collected for PRTR at the entity level are not currently being forwarded to EU institutions, nor are they available online.

XIII. European Union act

Since this report has to be verified, the Commission has adopted Regulation (EU) no. 600/2012 of 21 June 2012 on the verification of greenhouse gas emissions reports and tonne-kilometre reports and on the accreditation of verifiers in accordance with Directive 2003/87/ EC of the European Parliament and of the Council (Regulation on verifying the GHG emissions).

Based on ratification (accession) to the **UN**

Framework Convention on Climate Change (UNFCCC) („Bosnia and Herzegovina Official Gazette” – MU number 19/00) and on the Decision Establishing an Authorized Body for the Implementation of the Clean Development Mechanism (CDM) of UNFCCC of Kyoto Protocol in BiH („BiH Off.Gazette”, no. 102/10, no. 45/15), the transposition of the Directive in Bosnia and Herzegovina legal system started. However, the data collected for PRTR at the entity level are not currently being forwarded to EU institutions, nor are they available online.

XIV. European Union act

Commission Regulation (EC) no. 994/2008 of 8 October, 2008 for standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision no. 280/2004/EC of the European Parliament and of the Council – **Registries Regulation.**

On the PRTR Global Map, BiH is listed as a country where its implementation has only been initiated or is in the pilot phase of implementation, while the Regulation has not been implemented.

XV. European Union act

Commission Regulation (EU) no. 82/2010 of 28 January 2010 amending Regulation (EC) no. 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/ EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator – **Aviation Regulation.**

The Aviation Law of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina” nos. 2/04, 39/09) is an



act by which the Regulation should be implemented, but the provisions of the Act are not aligned with the Regulation.

XVI. European Union act

Commission Decision 2009/450/EC of 8 June 2009 on the detailed interpretation of the aviation activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council – **Aviation Decision.**

The Aviation Law of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina” nos. 2/04, 39/09) is an act by which the Regulation should be implemented, but the provisions of the Act are not aligned with the Regulation.

XVII. European Union act

Decision Commission 2006/780/EC of 13 November 2006 on avoiding double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol pursuant to Directive 2003/87/EC of the European Parliament and of the Council– **Double Counting Decision.**

The Decision has not been implemented in entities and in District Brčko.

XVIII. European Union act

Commission Decision 2007/589/EC of 18 July 2007 on establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council – **Monitoring and Reporting Decision.**

The Decision has not been implemented in entities and in District Brčko.

XIX. European Union act

Commission Decision 2010/2/EU of 24 December 2009 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, as amended by Decisions 2011/745/EU and 2012/498/EU – Carbon Leakage Risk Decision, which was repealed on 31 December 2014 by regulation 2014/746/EU; Commission Decision of 27 October 2014 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage for the period 2015 to 2019.

The Decision has not been implemented in entities and in District Brčko.

XX. European Union act

Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars, as amended by Directive 2003/73/EC, Regulation (EC) no. 1882/2003 and Regulation (EC) no. 1137/2008 – **Buyer’s Information Directive.**

The Decision has not been implemented in entities and in District Brčko. The Law on Climate Change in the Republic of Serbia can be stated as an example of good practice.

XXI. European Union act

Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, directive of the European Parliament and of the Council 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) no. 1013/2006 – Directive on carbon dioxide storage.

Republika Srpska

Law on Energy („Republika Srpska Official Gazette” no. 49/09)

Law on Gas („Republika Srpska Official Gazette” no. 22/18)

Law on Pipeline Transportation of Gaseous and Liquid Hydrocarbons and Distribution of Gaseous Hydrocarbons („Republika Srpska Official Gazette” no. 52/12)

Applicable by-laws

- Regulation on safety of supply and delivery of natural gas („Republika Srpska Official Gazette” no. 17/11)

These laws contain regulations on the measurement, transmission and delivery of natural gas, but do not prescribe the conditions for the geological storage of carbon dioxide, as determined by the objective and purpose of the Directive.

The Federation of Bosnia and Herzegovina

The Federation of BiH does not have a law on gas, while the Directive has not been implemented. In addition to this Law, other laws are applied to the application, namely: Law on Energy Efficiency of the Federation of BiH („FBiH Official Journal, no. 22/17) Law on Electricity in the Federation of Bosnia and Herzegovina („BiH Federation Official Gazette”, number 66/13)

District Brčko

Law on Electricity („Bosnia and Herzegovina Official Gazette” number 04/13)

The Directive is not implemented.

XXII. European Union act

Regulation (EC) no. 443/2009 of the European Parliament and of the Council of 23 April 2009 on setting emission performance standards for new passenger cars as part of the Community’s integrated approach to reduce CO2 emissions from light-duty vehicles – **Passenger Cars Emissions Regulation.**

The following regulations are being applied in the territory of BiH:

- Rulebook on approval of vehicles, parts, devices and accessories of vehicles („BiH Off.Gazette”, no. 41/08);
- Instruction on implementation of the procedure of type approval of vehicle („BiH Off.Gazette”, no. 89/10) ;
- Instruction on implementation of the approval procedure for an individual vehicle („BiH Off.Gazette”, no. 89/10) ;
- Decision on the lowest technical requirements for newly produced and used vehicles during type approval of vehicle and approval of individual vehicle („BiH Off.Gazette”, no. 89/10);

Recommendation

Decisions and instructions contain the provisions related to different standards in approval of vehicles, but not the standards envisaged by this Regulation; so that taking this into account, the Directive has not been implemented.



XXIII. European Union act

Decision no. 280/2004/EC of the European Parliament and of the Council of 11 February 2004 on a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol and Commission Directive 2005/166/EC on its implementing provisions – **Decision on Monitoring Mechanism**. This Decision was repealed by Regulation no. 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision no. 80/2004/EC.

Application of Decision 280/2004/EC implies monitoring of all anthropogenic emissions, by source, and removal, by landfill of GHGs, which are not controlled by the Montreal Protocol on ozone depleting substances in Member States, as well as the evaluation of the progress towards meeting the obligations relating to these emissions (by source) and removal (by landfill). There are still no adequate monitoring systems at the state and entity levels and in the Brčko District that would be in accordance with this Decision.

XXIV. European Union act

Regulation (EC) no. 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (revised version), as amended by Commission Regulation (EU) no. 744/2010 of 18 August 2010 – Regulation on Ozone Layer Depleting Substances.

At the state level, a Decision of the BiH Council of Ministers was adopted

on the conditions and the method of implementation of the Montreal Protocol and phase-out of ozone depleting substances („BiH Off.Gazette”, nos. 36/07 and 67/15);

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette”, no. 124/11 and no. 46/17)

Applicable by-laws

- Regulation on phase-out of ozone depleting substances („Republika Srpska Official Gazette” no. 94/05).

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 4/10)

Applicable by-laws

- Regulation on phase-out of ozone depleting substances („FBiH Off. Journal” 39-05).

District Brčko

Air Protection Act („District Brčko Official Gazette”, no. 25/04, 1/05, 19/07, and 9/09)

Applicable by-laws

Regulation on phase-out of ozone depleting substances („District Brčko Official Gazette”, no. 30/06).

The laws contain general provisions and articles that largely determine the standards on the manner of air quality monitoring. Based on the Decision, the Law and Regulation, transposing of the Regulation has begun.

XXV. European Union act

Commission Directive 2010/79/EU of 19 November 2010 on the adaptation to technical progress of Annex III to Directive 2004/42/EC

of the European Parliament and of the Council on limiting the emissions of volatile substances.

Republika Srpska

Air Protection Act („Republika Srpska Official Gazette”, no. 124/11 and no. 46/17)

Applicable by-laws

- Regulation on the emission of volatile organic compounds („Republika Srpska Official Gazette” no. 39/05).

The Federation of Bosnia and Herzegovina

Air Protection Act („BiH Federation Official Gazette”, no. 33/03 and no. 4/10)

Applicable by-laws

- Regulation on the emission of volatile organic compounds („BiH Federation Official Gazette” no. 12/05).

District Brčko

Air Protection Act („District Brčko Official Gazette”, no. 25/04, 1/05, 19/07, and 9/09)

Applicable by-laws

- Regulation on the emission of volatile organic compounds („District Brčko Official Gazette”, no.30/06).

Recommendations

The laws contain general provisions and articles that to a large degree determine the standards on the method of air quality monitoring, however, the amendments to the regulations are required in order for the Directive to be fully implemented.





PROTECTION OF NATURE INTRODUCTION

The notion of protection of nature is frequently identified in our country with the concept of protection of the environment; still, these are two different concepts. First of all, protection of the environment and protection of nature are two basic legal concepts in the approach to the environment. Protection of the environment regulates restriction of the human community impact on the environment, while the protection of nature limits changes in the nature (ecosystems). In other words, protection of the environment relates to the fields intended for urbanisation, industry, transport, agriculture and other human activities, while protection of nature relates to the fields of special natural value in which the introduction of changes in natural contents is restricted. The definition of protection of nature according to the International Union for Conservation of Nature (IUCN) is: protection of nature implies all appropriate activities and measures aimed at prevention of harmful activities, damage or pollution of nature, decrease or elimination of the damage incurred and revitalizing nature and restoration to initial state. The term nature implies in this context wild plant and animal species, minerals, fossils and natural geographic (land or aquatic) areas, i.e. all parts of the environment in which no significant negative impact has yet been made by man. Protected areas are the most frequent method or tool by which nature is protected. In this manner plant species are directly protected, while basic conditions for protection of animal species are created by protecting natural habitats. Surely, direct protection of certain plant and animal species is conducted in addition to that, and most often the combination of the two methods is applied.

There are numerous natural resources in Bosnia and Herzegovina which should be under protection and which are not due to the insufficiently functional system and legislation that should be fully harmonised with EU Directives. Also, the areas that are already under protection are unfortunately not fully exempted from various harmful activities in nature. The best example of malpractice in BiH was the plan of construction of a hydroplant in Sutjeska National Park. It is for this reason that all the existing legal acts and by-laws in both entities and in the Brčko District should be harmonised and adjusted with EU Directives.

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, with amendments from Directives 97/62/EC and 2006/105/EC and Regulation (EC) 1882/2003, establishes the European network of ecological locations (Natura 2000) and ensures the protection of selected habitats and species in a way to provide the species and the location itself with a „favorable conservation status“. Also, the Directive lays down the legal basis for strict protection of certain species that are of great conservation importance in Europe.

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version of Directive 79/406/EC and its amendments) requires the member countries to protect the wild birds and their habitats. The member countries have an obligation to set up and manage the protected areas and to ban the activities that could harm the locations and species.

Council Regulation (EC) no. 338/97 of 09 December 1996 on the protection of species of wild fauna and flora by regulating trading therein aims at setting up the legal basis for the implementation of CITES convention, i.e. regulation of trade of certain plant and animal species that are endangered or could become endangered through trade. The Regulation enables the implementation of CITES Convention in EU, although EU is not a signatory of this convention.

Council Directive 1999/22/EC of 29 March 1999 on keeping the wild animals in zoos sets the rules for licensing and inspection of zoos. The basic requirement of this Directive is implementation of the adequate system of licensing the zoos, which will ensure the application of appropriate measures or closing down of the zoo in case of breach of the requirement. The Directive also requires the imposition of effective and proportional punitive measures that will deter the zoo management from further violation.

Council Regulation (EEC) no. 3254/91 of 4 November 1991 on prohibition of the use of leghold traps and on restriction of import of skins of animals that were caught by such traps.

EU requirements for member countries regarding harmonisation in this sector include taking of the following actions:

1. Identification of relevant institutions to implement the nature protection rules, which will be responsible to conduct the following activities:
 - setting up a system of general protection of all birds in the wild (thereby ensuring their protection);
 - determining and establishing the areas under special protection;

- implementing procedures for ban on import of certain products made of seals;
 - setting up administrative bodies, scientific bodies and determining the customs bodies responsible for conducting checks;
 - setting up a strong implementation and monitoring system;
 - reporting toward the European Commission on determining the relevant institutions and transposition, and
2. implementation of EU regulations in the field of environment protection;
 3. making sure that the relevant institutions (in accordance with constitutional or administrative set-up) have the necessary capacities for adequate performance of planning, protection and location management activities and of raising the public awareness;
 4. setting up the arrangement for effective inclusion and participation in decision-making by all stakeholders (including, among others, all interested public institutions, farmers, land owners, hunters, fishermen, etc.).

Although BiH is not a member country of EU, it should harmonise its legislation with the EU requirements, having in mind that it wishes to gain the candidate status and at some point become a member of the European Union.

In this article, the domestic legislation in the field of nature protection was analysed and a review was made as to which laws and by-laws should be changed and which enacted, as they do not exist at all, all in accordance with the European Union requirements.



REGULATORY FRAMEWORK WITH RECOMMENDATIONS

European Union acts

1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, with the amendments from Directives 97/62/EC and 2006/105/EC and Regulation (EC) 1882/2003;
2. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version of Directive 79/406/EZ and its amendments);
3. Council Regulation (EC) no. 338/97 of 09 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, amended by Regulations (EC) 938/97, 2307/97, 2214/98, 1476/99, 2724/2000, 1579/2001, 2476/2001, 1497/2003, 1882/2003, 834/2004, 252/2005 and 1332/2005, 318/2008, 398/2009, 407/2009 and (EU) 101/2012, Commission Regulation (EC) 865/2006 on detailed rules for the implementation of the Council Regulation (EC) 338/97 – Commission (EU) implementing regulations 792/2012 of 23 August 2012 on the rules for the design and contents of permits, certificates and other documents stated in Council Regulation 338/97 on the protection of species of wild fauna and flora by regulating trade therein, on the amendments of the Commission Regulation 865/2006 – Commission Regulation (EU) no. 791/2012 of 23 August 2012 on certain provisions of trade of species of wild fauna and flora, Regulation (EC) no. 865/2006 on detailed rules for implementation of the Council Regulation (EC) no. 338/97;
4. Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos;
5. Council Regulation (EEC) no. 3254/91 of 4 November 1991 prohibiting the use of

leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards.

Republika Srpska

Laws

1. Environment Protection Act (RS Off. Gazette, nos. 28/07, 41/08, 29/10);
2. RS Nature Protection Act – (RS Official Gazette, no. 20/14);
3. Physical Development and Building Act (RS Off. Gazette, no.55/10);
4. Forest Act (RS Off. Gazette, no.75/08);
5. Hunting Act (RS Off. Gazette, no.60/09);
6. National Parks Act (RS Off. Gazette, no.75/10);
7. „Sutjeska“ National Park Act (RS Off. Gazette, no. 121/12);
8. „Kozara“ National Park Act (RS Off. Gazette, no.121/12);
9. „Drina“ National Park Act (RS Off. Gazette, no.63/17);

Existing by-laws

- Rulebook on the content, determining and the manner of implementation of protected areas management measures („Republika Srpska Official Gazette“, no. 56/09);
- Rulebook on the system of monitoring intentional keeping and killing of protected animals („Republika Srpska Official Gazette“, no. 85/05);
- Rulebook on the manner of establishing and management of the information system for protection of nature and of the monitoring system („Republika Srpska Official Gazette“, no. 85/05);
- Rulebook on the conditions and criteria for financing national parks from

- Republika Srpska budget („Republika Srpska Official Gazette“, no. 22/06);
- Regulation on the red list of protected species of flora and fauna of Republika Srpska („Republika Srpska Official Gazette“, no. 124/12);
 - Decision on placing into pre-protection of a newly discovered speleological object – cave at the location of “Kozaraputevi” a.d. quarry in Ljubačevo, Banja Luka („RS Official Gazette“ no. 35/05).

Recommendations

Republika Srpska has transposed, to a limited degree, a part of EU acquis in the field of environment protection. However, based on the analysis performed, the following shortcomings in the Republika Srpska legislation in this field have been identified:

- establishing the necessary measures for conservation, taking steps on prevention of degradation or inclusion of such measures and steps in spatial plans and plans for PPK management have been only partly transposed,
- monitoring of the degree of conservation of natural habitats and species has only been partly transposed,
- transposing of the Wild Birds Directive has only been partly made,
- non-existence of the Regulation on the Red Book regarding which the law regulates that, upon the proposal of the relevant environment protection ministry, the Republika Srpska Government issues a regulation to determine the wild species, strictly protected wild species or protected wild species,
- adoption of the Law on amendments to the Nature Protection Act with a goal of full harmonisation with EU Directives and annexes,
- amendments to the adopted by-laws aimed at further transfer of requirements of EU Directives relating to nature protection,
- passing of a regulation determining the ecological network, as well as the manner of its management and financing,
- regulations specifying wild species, strictly protected wild species or protected wild species,
- Regulation on the Red Book – a regulation identifying wild species, strictly protected wild species or protected wild species,
- Regulation laying down the procedure, content, deadlines and the method of conducting the eligibility assessment,
- Regulation prescribing in detail the conditions for conducting import, export, entry, exit or transit and breeding of wild species,
- Rulebook laying down the method of marking protected areas,
- Rulebook laying down the criteria for identification of landscapes and the method of assessment of their significant and characteristic features,
- Rulebook prescribing in detail the method of establishing the objects of Republika Srpska geo-legacy,
- Rulebook laying down the compensation measures,
- Rulebook laying down the criteria for the identification of the endangered, rare and sensitive habitats and types of habitats of special significance for conservation. The existing Regulation on the Red List of Protected Species of Republika Srpska Flora and Fauna should be amended by incorporating the endangered categories in it.



The Federation of Bosnia and Herzegovina

Laws

1. Environment Protection Act ("FBiH Official Gazette", nos. 33/03, 39/09);
2. Nature Protection Act ("FBiH Official Gazette", no. 66/13);
3. Una National Park Act ("FBiH Official Gazette", no. 44/08); and
4. Hunting Act ("FBiH Official Gazette", nos. 4/06 and 8/10).

Existing by-laws

- Regulation on Natura 2000 Program – protected areas in Europe ("FBiH Official Gazette", no. 41/11);
- Rulebook on establishing and managing the information system for protection of nature and for conducting monitoring ("FBiH Official Gazette", no. 46/05);
- Rulebook on establishing the system of intentional keeping and killing of protected animals („FBiH Official Gazette", no. 46/05);
- Rulebook on new measures for investigation or conservation in order to prevent the significant negative influence on animal species by intentional capture or killing ("FBiH Official Gazette", no. 65/06);
- Rulebook on the contents and method of preparation of the protected areas management plan ("FBiH Official Gazette", no. 65/06);
- Rulebook on conditions of access to protected areas ("FBiH Official Gazette", no. 69/06); and
- Rulebook on the contents and the method of keeping the register of protected areas ("FBiH Official Gazette", no. 69/06).

Recommendations

Nature Protection Act is the principal legal act regulating the issues relating to EU acquis on nature protection, such as the conservation of species and habitats and conservation of wild birds. The Act

lays down the conditions and methods for restoration, protection, conservation and sustainable development of all components of nature in FBiH territory. The Act also regulates the competence of public authorities that perform the tasks of nature protection, information system, monitoring, financing, inspection and implementing the measures related to nature protection. The Act mandated the minister to impose a regulation which enables the Red Lists of Endangered Species and Habitats as well as the measures to be taken for improving the status of species and habitats in the Red List. The Regulation on Natura 2000 Programme – protected areas in Europe, to a certain degree transposes some provisions of Article 3 of the Habitats Directive (determining the lists of Special Areas for Conservation and Special Protection Areas ("FBiH Official Gazette", no. 66/13), but it does not transpose the provisions related to landscape properties of big importance for wild fauna and flora. The Nature Protection Act transposes to a large degree the provisions of the Habitats Directive.

The provisions of the Wild Birds Directive have been largely transposed in the FBiH Nature Protection Act; however, it is necessary to additionally harmonise the FBiH Hunting Act as well as other by-laws. The following shortcomings in the FBiH nature protection regulations have been identified:

- A number of definitions have not been transposed;
- Annexes to the Habitats Directive and the Wild Birds Directive have not been transposed.

The following should be done:

- adopt the Law on Amendments to the Nature Protection Act aimed at full harmonisation with EU Directives and

- annexes,
- start an initiative for ratification of international treaties relevant for the protection of nature and fulfilling the obligations arising from the membership in international treaties: Convention on the Conservation of Migratory Species (the Bonn Convention) and the European Landscape Convention,
- continuously analyse harmonisation of the regulations with the nature protection acquis,
- ensure stronger integration of the environment with other sectors' policies regarding nature protection (physical planning, concessions, etc.),
- pass amendments to the adopted by-laws aimed at further transposition of EU Directives requirements regarding nature protection,
- pass implementing regulation on wild birds conservation, on the conservation of natural habitats and of wild fauna and flora, on keeping of wild animals in zoos, on using traps for animals,
- adopt a regulation to determine an ecological network, as well as the method of its management and financing,
- pass regulations establishing wild species, strictly protected wild species or protected wild species,
- pass a regulation laying down the procedure, content, deadlines and the method of implementing the eligibility assessment, ,
- pass a regulation laying down in more detail the conditions for performing import, export, entry, exit or transit and breeding of wild species,
- pass a regulation laying down the method of marking a protected area,
- pass a regulation laying down the criteria for landscape identification and the method of assessment of their significant and characteristics features,

- pass a regulation specifying in more detail the establishing of the Inventory of Geo-legacy objects,
- pass a regulation determining the compensation measures,
- pass a regulation laying down the criteria for the identification of the endangered, rare and sensitive habitats and habitat types of special importance for conservation.

Brčko District

1. Environment Protection Act ("BD BiH Off. Gazette", nos. 24/04, 1/05, 19/07 and 9/09); and
2. Nature Protection Act ("BD BiH Off. Gazette ", nos. 24/04, 1/05, 19/07 and 9/09).

Recommendations

BD BiH does not have an established legal framework for protection of nature, except for the Environment Protection Strategy for the Period 2016-2026. The Act thus provides only a frail legal basis for further development of this part of BD BiH legal system. The situation in BiH BD is significantly different from the one in FBiH and RS. Transposition of the EU acquis in the field of nature protection is at a very early stage. The existing BiH BD provide only the elementary framework and a direction for further development of a bigger number of by-laws that would achieve full transposition of the Habitats Directive. Transposition of the Birds Directive in BiH BD legal system has not yet begun. It can be concluded that the entire nature protection sub-system represents practically a legal shortcoming. In that sense it is necessary to adopt the Law on Amendments to the Nature Protection Act with an aim of full harmonisation with the EU Directives and annexes.



The following by-laws should be adopted, that relate to:

- the method and conditions of protection of landscapes outside protected areas,
- the method of preparation, types of landscape protection plans and projects,
- Red Book, its contents and the validity period,
- proclamation of a protected area,
- proclamation of a monument of nature and protected landscapes,
- content and method of keeping the protected areas register.

Likewise, the implementing regulations should be adopted on the following:

- conservation of wild birds,
- conservation of natural habitats and wild fauna and flora,
- keeping the wild animals in zoos,
- using traps for animals,
- preparation, content, determining necessary measures and the relevant bodies for implementation and control of special measures for management of protected areas,
- types of wild animals that can be hunted, fished and the hunting time, number and method of hunting,
- acquiring ownership of land and property in protected areas the owner of which is BiH Brčko District.





CONCLUSIONS/RECOMMENDATIONS

Recognizing the situation of Bosnia and Herzegovina with its administrative divisions and complicated procedures, the civil sector has been imposing itself as a corrective factor for several years, pointing to the need for joint action by the governmental and non-governmental sectors. Aware of the problems encountered in implementation, the civil sector is actively pointing out the identified shortcomings in the conducting of various procedures and implementation of the law, in order to ensure a healthy environment for the citizens of Bosnia and Herzegovina.

The necessary alignment of BiH regulations with the EU *acquis* is a change that BiH must make if it wants to become a member of a larger community. Along this path, it is necessary to transpose regulations, which imply the adoption of new or amendment of existing regulations in BiH, rules and procedures, in order to transfer all environmental requirements stated in EU legislation into the legal system in BiH; their implementation in practice, which implies the establishment (building, training) of institutions and the provision of budgets necessary for the implementation of regulations in line with EU environmental requirements; and their enforcement, which entails the necessary controls and penalties to ensure full and proper compliance with the transposed regulations. The dynamics of harmonization of directives certainly requires necessary financial cuts that the governments of the administrative units have been unwilling to comply so far, thus making concessions to those who must also comply with the laws.

As noted earlier, the report covers several chapters, which are those that environmental organizations encounter in their practice. Each of these areas requires certain financial resources needed to bring environmental concerns to the appropriate level. The areas of noise, chemicals and waste are not covered in this report, but it is evident that these are areas that still require major investment. Other areas to which attention was dedicated have largely fulfilled their obligations under the Directives, but still, some instruments and institutes, the implementation of which depends on political and financial will, have not yet received sufficient attention, so they remain at an early stage.

In each of the areas covered in this report, examples from practice are given, on the basis of which recommendations were made for this area, so this part of the report will not address such, specific type of recommendations, but will pay attention to identified problems that need to be addressed. work. Future treatment of our nature will depend on how we deal with these problems, emphasizing its protection and use without visibly violating it. We could say that the recommendations in this part of the Report were provided for the issues identified as priorities, which need to be addressed urgently, whether they relate to the shortcomings and the needs identified so far or the obligations of the authorities in their work. The recommendations are the result of the work of environmental organizations and this is their invitation to the authorities and the view that they are ready to actively participate with their knowledge and experience in implementing those recommendations.

1. APPLICATION OF THE AARCHUS CONVENTION

Although access to information, public participation in decision-making and access to justice has been largely implemented in environmental laws and freedom of information laws, public participation has not yet been sufficiently implemented in other areas of the environment.

The inconsistent application of legal regulations in the field of law by civil servants in accessing information and the free interpretation of the law in providing information is a problem that organizations face on a daily basis. The law is being misinterpreted or applied inadequately, so there are examples of allowing access to information only through an insight at the office of the authority, as well as the frequent stressing that photocopying or any other duplication is not allowed while the requested information is not provided. In addition to the fact that there is no public participation in decision-making in the field of air, waste or chemicals, the public is also excluded from the permitting process when it comes to procedures that are complementary to environmental acts. Thus, the public is not allowed further action in the process of issuing a building permit, location conditions or other acts necessary to put the facility into operation.

Necessary establishment of a system of public participation in all environmental licensing procedures, phases and fields

2. ENVIRONMENTAL IMPACT STUDIES

There are numerous environmental impact studies based on simple calculations, which are later found to have failed to show the true state of environmental impact in specific projects. It is often the case that the data from the studies is transcribed, thus providing information that are not

verified in the further procedure, since according to the present legal solution, the designer of the study has been given full confidence. On those grounds, the courts in environmental disputes also build their views when the concerned public initiates proceedings, pointing to erroneous data in studies. In the practice so far, there has been only one case of overthrow of an environmental impact study for the construction of a small hydroelectric power plant on the Sutjeska River, when the court passed a decision on the basis of a poorly conducted analysis of the situation in the study. In the future, the competent authorities should pay more attention to regulating the material, criminal and offence liability of the providers of environmental impact studies, there in this respect it is necessary to regulate these issues in more detail by imposing rigorous sanctions if it is established that the data from studies were incorrect.

A system of control over the design and implementation of environmental impact studies needs to be established

3. INTEGRATED PERMIT ISSUING SYSTEM

Current legal solutions for issuing of permits include the conduct of several procedures, where separate procedures for issuing water acts and environmental acts and soil pollution are conducted. The current permit issuing system can lead to permitting pollution of one area of the environment to have an effect on other areas, and thus, by introducing air pollution measures, it can increase water pollution if the existing facility has an impact on both of these media. An integrated permit issuing system would encompass all procedures into one, in which the act would contain protection measures for all areas of the environment.



One permit for all would mean:

- Comprehensive review of the operation of the plant that can help identify better ways of controlling the overall environmental impact;
- Combining permits and overlapping the permitting process into one permit and the process can reduce administrative costs;
- Integrated assessment of the plants polluting the environment that may lead to a better assessment of its protection;
- Long-term sustainability of rational use of natural resources, energy, impact on habitats and other aspects of the environment;
- Active participation of the public in the process of issuing an integrated permit, which gives the public the opportunity to make joint proposals, suggestions and opinions, instead of conducting it in several procedures, as it has been so far.

An integrated permit system needs to be put in place

4. NATURA 2000

The failed attempt to establish the Emerald Network in Bosnia and Herzegovina, which predates the establishment of the Natura 2000 network, has shown that there is still no willingness to protect particular areas and thus secure habitats for many species specific in Bosnia and Herzegovina. So today there are cases when the construction of mini hydro power plants in national parks is allowed, plants that have an organic influence on certain species are being opened and insufficient attention is paid to the protection of our nature. Along this path, it is necessary to align laws with several directives, the implementation of which would directly lead to the opening of doors for the establishment of Natura

2000. Natura 2000 is something that Bosnia and Herzegovina, its Entities and the Brčko District need, because if we continue to grant concessions whose use is ruthlessly absorbing natural resources, destroying habitats and changing nature, we will soon find ourselves in a situation where we have dried up riverbeds, cleared forests, polluted rivers, and citizens of Bosnia and Herzegovina definitely do not want such nature.

Activities to establish Natura 2000 need to be initiated

5. ESTABLISHING POLLUTANT RELEASE AND TRANSFER REGISTER (PRTR)

One of the main obstacles to adequate charging for natural resource pollution is the establishment of a Functional Pollutant Register and Pollution Range (PRTR), whose task, in addition to mapping, is to transparently share all available information. The Entities and the Brčko District started establishing this register a long time ago, but due to lack of understanding of certain levels of government, this process has stopped and remains unfinished. Due to such actions of the authorities, pollutants are still exempt from responsibility for the release of harmful substances, which is rapidly affecting the state of the environment, which, in addition to local communities, is also felt in the greater area of Bosnia and Herzegovina. In such a situation, there is still no pollution charging system in the entities and the Brčko District, and these funds must start to be levied and thus used in the implementation of environmental protection and improvement measures. In that circle, in which the environment continues to be polluted, polluters continue to benefit the most, and the citizens of Bosnia and Herzegovina the least.

Activities need to be initiated to establish and implement a pollutant release and transfer register

6. CIVIL SERVANTS TRAINING

rainings are conducted but not sufficiently, especially at the municipal or cantonal level, as organizations encounter difficulties in implementing the laws applicable in the legislative area of environmental protection. Therefore, more intensive training of all environmental officers is required in the application of regulations in various fields, with the active participation of representatives of environmental organizations. Trainings must be carried out more actively, at lower levels (municipalities, cities and cantons), so that no brakes appear at the very start of the procedure and public involvement. From the experience so far, it is evident that the civil sector has reached a level where it should be actively involved in the education of civil servants, thus speeding up processes and procedures that enable the public to participate actively at all levels. On the other hand, there is an obvious lack of professional staff in the administrative services, as well as a lack of professional institutions participating in these processes. Therefore, it is necessary to engage the academic community, civil society organizations and professional individuals who with their knowledge may influence more adequate and better environmental protection.

More active training of civil servants with the active involvement of the civil sector needs to be conducted

7. CRIMINAL AND MATERIAL RESPONSIBILITY OF LEGAL AND NATURAL ENTITIES

In the area of environment, there are still not many of cases of criminal proceedings against entities which, through their actions, visibly pollute the environment without implementing the law. Judicial authorities are still at the stage of dealing mainly with cases involving natural persons, while legal persons remain unpunished and unnoticed, whereas inconsistent application of the law leads to visible damage to the environment, which is often dangerous to human life and health. In addition to criminal liability, the activities of legal entities include misdemeanor liability and the laws have prescribed sanctions in this regard if legal norms are violated. However, practice in the field has shown that these individuals often go unpunished, leaving a deadline for eliminating errors without a financial penalty. Competent authorities should listen to the strengthened capacities of the public and adequately respond where there is a reasonable suspicion that a crime or misdemeanor has been committed and thereby contribute to the protection of nature, as required by law. However, the apparent lack of environmental inspectors often causes polluters and destroyers to go unpunished, so the local community is forced to seek their protection by any other legal means.

The supervision of the work of legal entities needs to be strengthened through consistent application of criminal and misdemeanor sanctions



8. MUTUAL COOPERATION BETWEEN ADMINISTRATIVE UNITS

Laws in all administrative units are enacted with greater or lesser time differences, so the areas of Chapter 27 are generally harmonized. However, by-laws enacted in accordance with the law are within the competencies of the ministries, so there are obvious differences in the application of certain environmental law institutes. Existing institutions that are relevant in the field of environment are functioning separately and not sufficiently effectively, and in this respect appropriate reform and rationalization should be made, where existing capacities would be functionally linked with the simultaneous establishment of missing institutions. So far, it has been observed that institutions of various levels of government do not cooperate sufficiently to the extent that it is necessary to maintain a continuous and uniform process, which Bosnia and Herzegovina has accepted. For this reason, more efficient co-operation and cooperation in the work of environmental institutions is required, which will result in the uniformity of the laws of all administrative units.

Close co-operation between legislative, executive and judicial authorities is needed in the adoption, implementation and control of regulations

9. IMPLEMENTATION OF INVESTMENT POLICY IN THE ENERGY SECTOR

Although this part is not directly related to the alignment of European directives with national legislations, we considered this segment to be one of the key ones in the future treatment of nature. The policy currently being implemented in Bosnia and Herzegovina regarding the use of energy sources is a sufficient indication that this country is currently promoting

the use of forms of energy that disrupt and alter our habitat. Forcing coal as an energy source, and placing emphasis on the construction of mini-hydro power plants, has led citizens, in their communities, to increasingly point out, through their actions, the wrong approach when using different energy sources. In the example of long term promotion of renewable energy sources in the example of water, through construction of small hydro power plants, it is visible that Bosnia and Herzegovina systematically destroys what is most valuable to it, where natural resources are diminished by construction of these plants. There are increasing examples of outcries of citizens in Bosnia and Herzegovina concerning projects that are destroying the local environment, and citizens are already realizing that the destruction of natural wealth for private interest is unacceptable. Examples of raising the voice of the local community today are numerous, but it all started with the women of Kruščica, and afterwards protests began to occur on the Doljanci, Buna, Vrbas, Sutjeska rivers and many other rivers whose potential could be exploited otherwise without destruction.

We believe that the authorities in Bosnia and Herzegovina will reverse the policies they are currently implementing and stop granting concessions for the construction of mini-hydro power plants and turn to truly renewable sources such as wind, sun or biomass, of which the environmental consequences are far less harmful than when coal or water are used to generate electricity, the use of which results in the creation of a climate that affects the life and health of humans, animals and plant species. Along the way, organizations are ready to become actively involved, in order for Bosnia and Herzegovina to be used in a healthy manner for the benefit of all its citizens.





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