Format for Aarhus Convention Implementation Report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

2017 AARHUS CONVENTION IMPLEMENTATION REPORT

The following report was submitted on behalf of Bosnia and Herzegovina, in accordance with Decisions I/8, II/10 and IV/4, as follows

IMPLEMENTATION REPORT

|  |  |
| --- | --- |
| Party | Bosnia and Herzegovina |
| National Focal Point  |
| Full name of the Institution: | FBiH Ministry of Environment and Tourism  |
| Name and title of the officer: | Suada Numić, National Focal Point |
| Postal Address: | Marka Marulića 2, 71000 Sarajevo, Bosna i Hercegovina |
| Telephone: | +387 33 726 714 |
| Fax: |  |
| E-mail: | Suada.numic@fmoit.gov.ba |

I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

In preparing this report, the authorities of Bosnia and Herzegovina (BiH) used the reporting procedure, adapting it to the circumstances in BiH. The preparation of the Third National Implementation Report on Aarhus Convention in Bosnia and Herzegovina was, as were the two previous ones, supported by the OSCE Mission to Bosnia and Herzegovina. This report is an addition to the Second National Implementation Report on Aarhus Convention (NIR 2 BiH), that BiH submitted by the end of the year 2013.

FBiH Ministry of Environment and Tourism (FMET) sent an official letter with a request for designation of contact persons in the institutions who should take part in the Working Group to Develop the Report. The mentioned letter was sent out to 72 institutions on state and entity levels and the levels of the Brčko District and cantons. Contact persons were designated by 45 institutions in the stage of drafting the preliminary draft report. Designated contact persons were all sent a questionnaire along with the NIR 2 and Aarhus Convention document. The questionnaire was also sent to three Aarhus Centres in BiH (Banja Luka, Sarajevo and Tuzla), with a recommendation to share it with other NGOs.

Only 12 institutions delivered completed questionnaires within the deadline, while another 12 were delivered in the following 7 - 13 days – totalling to 24 institutions at various levels which delivered data included in the preliminary draft report. For the purpose of this draft report, data contained in the Shadow Report on 2014-2016 on Aarhus Convention Implementation in BiH, developed by Arnika Czech Environmental NGO, Centre for Environment (CE) from Banja Luka, in co-operation with Aarhus Centre Sarajevo, Eko-Forum Zenica and experts and legal practitioners from BiH.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

The Constitution of BiH organizes the state into administratively divided entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). In addition to the entities, there exists also the Brčko District of BiH (BD), as a local self-government unit. According to the Constitution of BiH, state level authorities are not directly responsible in matters of environmental protection. However, the Law on Ministries and other Administrative Bodies of BiH (Official Gazette of BiH 5/03, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09 and 103/09), designates the Ministry of Foreign Trade and Economic Relations of BiH (MoFTER) as the responsible state level public authority to conduct activities and tasks related to the definition of policy, basic principles, coordination of actions and harmonization of plans of entity authorities and representation at the international level.

According to the RS Constitution, RS institutions organize and provide for Environment protection. When it comes to the Federation of BiH, the Constitution of FBiH envisages that the Federation Government and cantons share responsibilities in environmental protection. Concerning Brčko District, it has responsibility over all fields which are not the responsibility of the state. Accordingly, the Government of Brčko District has responsibilities that are entrusted to entities, municipalities (and cantons in FBiH) when it comes to environmental protection.

Although Bosnia and Herzegovina ratified the Aarhus Convention in September 2008, it can be stated that already the First National Report identified a considerable degree of incorporation of the Convention’s provisions into domestic legislation, with a considerable rate of practical implementation. This could be explained by the fact that BiH has set its joining the EU as its strategic goal and consequent harmonization of BiH regulations with the regulations of the EU that are in line with the Aarhus Convention provisions. Considerable efforts are invested in BiH in the improvement of its implementation, particularly given the lack of qualified staff in public institutions, finances and the need to raise awareness of the civil servants and the public on the importance of the Convention.

III. List legislative, regulatory and other measures implementing the general provisions of Article 3, Paragraphs 2, 3, 4, 7 and 8 of the Aarhus Convention

Explain how these paragraphs have been implemented. In particular, describe:

a) With respect to Paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH);

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH);

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS);

Law on Civil Service in Administrative Bodies of BiH (Official Gazette of BiH, 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10 and 40/12) (LoCS BiH);

Law on Civil Service in FBiH (Official Gazette of FBiH, 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 and 04/12) (LoCS FBiH);

Law on RS Administration (Official Gazette of RS, 118/08, 11/09, 74/10, 86/10, 24/12, 121/12, 15/16 and 57/16) (LoRSA RS);

Law on Civil Servants (Official Gazette of RS, 118/08, 117/11,37/12 and 57/16) (LoCS RS);

Law on Civil Service in Administrative Bodies of BD (Official Gazette of BD, 28/06, 29/06, 19/07, 2/08, 9/08, 44/08, 25/09, 26/09 and 4/13) (LoCS BD);

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS);

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

Law on Geological Explorations of FBiH (Official Gazette of FBiH, 9/10 and 14/10) (LoGE FBiH);

Law on Inspections in RS (Official Gazette of RS, 74/10, 109/12 and 117/12, 44/16) (LoI RS);

Law on Administration in BiH (Official Gazette of BiH, 32/02 and 102/09) (LoA BiH);

Law on Statistics of RS (Official Gazette of RS, 104/09); (LoS RS)

Law on Statistics of FBiH (Official Gazette of FBiH, 63/03 and 9/09); (LoS FBiH)

Law on Statistics of BiH (Official Gazette of BiH, 26/04 and 42/04) (LoS BiH);

Law on Protection of Waters of BD (Official Gazette of BD, 25/04, 1/05 and 19/07) (LoPW BD);

Law on Air Protection of BD (Official Gazette of BD, 25/04, 1/05 and 19/07) (LoAP BD).

Article 18 of the LoFAI BiH/FBiH/RS prescribes that public authorities shall take all necessary measures to assist any natural or legal persons seeking to exercise their rights on access to information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall appoint a public relations officer, who processes requests for information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall ensure a guide enabling every individual access to information under control of a public authority. The guide must be delivered to the Ombudsman Institution and every public and private library in Bosnia and Herzegovina and, whenever possible, via Internet. It must also be available per request. Furthermore, a public authority must make available an index register, containing all information under control of a public authority, the format in which this information is available as well as where this information can be accessed.

According to Article 19 of the LoFAI BiH/FBiH/RS, a significant number of institutions have appointed a public relations officer, who processes requests for information. For example, the FBiH Agropedology Institute (FAPI), issued in addition to appointing a public relations officer a “Guide for Access to FAPI Information”. In line with the LoFAI FBiH, on the basis of the Decision passed by the President of the Goražde Cantonal Court, a person was designated for public relations to process information access requests submitted to the mentioned Court, adhering to principles of transparency and publicity and Guidelines for Publishing Court and Prosecutor’s Office Decisions on Official Websites. On the basis of Article 61 of LoA BiH and Article 20 of LoFAI BiH, the Director of the BiH Agency for Statistics (BHAS) passed a Guide on Access to BHAS Information and BHAS Information Index Register. FBiH Ministry of Urban Planning (FMUP BiH) also designated a public information officer and issued a Guide for Access to Information.

A certain number of institutions inform the public on ways to access information on their official websites. For example, FBiH Ministry of Environment and Tourism (FMoET) informs public via their official webpage: [www.fmoit.gov.ba](http://www.fmoit.gov.ba) or the RS Inspection Affairs Administration/RS Inspectorate (RSI), via [www.inspektorat.vladars.net](http://www.inspektorat.vladars.net) enables all interested citizens to contact this institution and obtain information relevant to their rights or to file complaints. RSI also runs a separate telephone line for citizens’ complaints. In 2007, High Judicial and Prosecutorial Council of BiH (BiH HJPC) initiated development of a judicial web portal pravosudje.ba, which presents today a central place for obtaining relevant information of the work of judicial institutions. One of the services available on the portal includes online access to court cases, which is a right provided by law to parties of the case and their legal representatives. The Environment Protection Fund of FBiH (EPF FBIH) opens all activities to the public via their official website [www.fzoFBiH.org.ba](http://www.fzofbih.org.ba). EPF FBiH is also open via its info@fzoFBiH.org.ba e-mail address for all inquiries by legal and natural persons, in reference to Article 3, Paras 2, 3, 4, 7 and 8 of the Aarhus Convention and LoFAI BiH/FBiH.

In accordance with Article 14(4) of LoCS BiH, Article 17(4) of LoCS FBiH and Articles 120 and 122 of LoCS BD, civil servants must serve and assist the public and disclose information requested in accordance with the law.

Article 10 of LoPE FBiH, Article 12 of LoPE RS and Article 10 of LoPE BD prescribe that the authorities who pass regulations and relevant environment protection authorities shall assist and raise public awareness to inspire participation in decision-making processes by ensuring wider public to access information. For the purpose of indemnification or legal protection, every interested person is entitled to protection in administrative and judicial proceedings.

In accordance with Article 119 of LoRSA RS, civil servants must in the course of their duty apply and adhere, among other things, to the principle of transparency and openness.

In line with Article 10 of LoGE FBiH, geological explorations for the purpose of environment protection are of interest to FBiH. In accordance with LoGE FBiH, Geological Documentation System (GDS) is established as part of the general geoinformation system based on modern geoinformation technologies, managed by the FBiH Geological Institute (FGI). Manner of collection, recording, processing, use and sharing data of relevance to the database, establishment of a fund of technical documentation on geological explorations and organisation of geoinformation system shall be prescribed by a regulation passed by the relevant FBiH Minister.

FGI FBiH provides in line with the law all available data to FBiH and cantonal institutions and institutes, municipalities, public and private companies and natural persons, particularly regarding mineral reserves, urban plans, strategies, water management, etc.

Adherence to Paragraph 2 that ensures public participation and disclosing information concerning the adoption of construction-related regulations is achieved in line with the LoUPLU FBiH and Regulation on Space and Building.

Cantonal Court in Goražde acts in line with the Rulebook on Internal Court Operations of BiH (RoICO), whose Article 119 regulates the freedom of access to court files.

Access to information related to environmental statistics is ensured by the following LoS BiH provisions:

Article 3, Paragraph 3 – BiH Statistical Data Development – includes all activities needed for preparation, collection, storage, processing, compilation, analysis and distribution of statistical data of BiH.

Article 3, Paragraph 5 – BiH Statistical Programme (Programme) – relates to a clearly regulated structure referred to in Chapter V of this law, including co-ordination, harmonisation, planning, collection and distribution of statistical data of BiH.

Article 3, Paragraph 7 – Users – all persons (natural and legal persons, institutions and authorities and all other types of business entities) that use the statistical data of BiH.

Article 19, Paragraph 1 – In order to ensure the quality of the BiH statistics and to preserve public trust, organisation and implementation of the Programme and all other related activities which are subject to this law shall be carried out in line with the principles of reliability, objectivity, relevance, importance, statistical confidentiality and transparency.

Article 8, Paragraph 1 – BHAS is a body in charge of processing, distribution and establishment of statistical data of BiH, in terms of Article 3.

Article 8, Paragraph 2 – BHAS:

a) performs international representation and co-operates with organisations and other bodies and carries out international commitments of BiH in the area of statistics;

e) collects, processes and distributes statistical data of BiH in line with internationally recognised standards;

h) carries out distribution of statistical data of BiH to all users, including the authorities, institutions, social and economic organisations and the public, after establishing a simple and equal access to data using the appropriate media without disclosing confidential data to public.

b) With respect to paragraph 3, measures taken to promote education and environmental awareness;

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS);

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH);

Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12 and 74/17) (LoW RS);

Law on Protection of Waters of BD (Official Gazette of BD, 25/04, 1/05 and 19/07) (LoPW BD);

Law on Environment Protection Fund of FBiH (Official Gazette of FBiH, 33/03) (LoEPF);

Law on Fund and Funding Environment Protection of RS (Official Gazette of RS, 117/11 and 63/14) (LoFFEP);

Law on Waste Management of FBiH (Official Gazette of FBiH, 33/03 and 72/09) (LoWM FBiH);

Law on Waste Management of RS (Official Gazette of RS, 111/13, 106/15 and 16/18) (LoWM RS);

Law on Waste Management of BD (Official Gazette of BD, 25/04, 01/05, 02/08, 19/07 and 09/09) (LoWM BD);

Law on Nature Protection of FBiH (Official Gazette of FBiH, 33/03 and 66/13) (LoNP FBiH);

Law on Nature Protection of RS (Official Gazette of RS, 20/14) (LoNP RS);

Law on Nature Protection of BD (Official Gazette of BD, 24/04, 01/05 and 19/07) (LoNP BD).

Law on Use of Renewable Energy and Efficient Cogeneration of FBiH (Official Gazette of FBiH, 70/13) (LoUREEC FBiH)

Law on Protection and Rescue of Persons and Goods against Natural and other Disasters (Official Gazette of FBiH, 39/03, 22/06 and 43/10) (LoPRPGND FBiH)

Ordinance on Protection and Rescue Services Organisation of FBiH (Official Gazette of FBiH, 58/06, 40/10 and 14/12) (OoPRSO FBiH)

According to Articles 26 LoPE FBiH / 28(1) LoPE RS/ 26 LoPE BD, every citizen is entitled to acquire and advance his/her knowledge about the environment. The relevant minister must co-operate with other ministers to ensure technical education on environment. Also, Articles 27 LoPE FBiH/ 28(3) LoPE RS/ 27 LoPE BD prescribe that the public authorities must carry out training sessions on the environment in co-operation with educational institutions and non-governmental organisations. Public authorities must also provide support to educational institutions, religious communities, scientific institutes and professional organisations and associations to enable them carry out their educational activities in a more effective manner and, if necessary, allocate available funds. Articles 32 LoPE FBiH/ 30 LoPE RS/ 31 LoPE BD prescribe that the competent ministry of education and culture shall develop annual educational programmes in the area of environment in co-operation with the relevant ministry of environment. Environment protection educational programmes should be part of regular classes and extra-curricular activities. Along with environment protection-relates issues, these programmes should contain data on ensuring access to information, taking part in decision-making processes and exercising rights in the area of environment. Relevant ministries of environment should organise training sessions for environmental NGOs. Relevant Articles are 29 and 31 LoPE RS.

Similar provisions are also contained in other laws. For example, in line with Articles 156(1)(12) LoW FBiH/178(1)(z) LoW RS, water protection agencies in FBiH and the Public Institute for Waters in RS must organise activities to raise awareness of the public in terms of a sustainable use of waters and protection of waters and aquatic ecosystems. Articles 3(g) LoEPF / 23(j)(k) LoFFEP prescribe that the Fund is used to finance the programme of environmental education and raising awareness of environment protection and sustainable development. Articles 10(1)(d) LoWM FBiH/ 21(2)(k) LoWM RS/ 10(1)(d) LoWM BD prescribe that waste management plans should include public awareness raising programmes. Public awareness raising through public education and training is defined also in Articles 13 LoNP FBiH/ 16 LoNP RS/ 11 LoNP BD. Article 32 LoUREEC FBiH provides for drafting relevant training programmes, public and expert debates and workshops and seminars in order to ensure that information on the use of REEC, such as REEC benefits, additional cost of use of REEC and other practical pieces of information, timely reaches interested parties and citizens in FBiH.

BiH celebrates Earth Day, World Water Day, World Environment Day, Danube Day and International Day for the Preservation of the Ozone Layer, additionally raising public awareness on these dates of the environment. MoFTER has a very significant role in marking the Ozone Day. It also has an important role in marking the Danube Day. This is a joint activity of all countries of the Danube sub-region and is marked in all fourteen countries/signatories of the Danube River Protection Convention. The initiative to mark this day was launched by the International Commission for Protection of Danube River-ICPDR), missioned to promote and co-ordinate sustainable water management and protection, improvement and more rational use of waters.

According to the FMES, subjects and topics that result in raising awareness of environment and positive attitude toward nature are an integral part of curricula implemented in schools under the scope of competence of cantonal ministries of education. In that context, the FMES is in charge of drafting the Framework Curriculum for the nine-year elementary education, envisaging the following subjects in the area of the protection of environment:

My Environment – within this subject, pupils from the first through the fourth grade of the elementary education develop positive values and attitudes toward themselves and other people, toward their environment and learning as a life-long process. By developing positive attitudes and opinions on their natural surroundings and by developing environment-related views and positive habits and behaviour in line with seasons, they develop and raise their awareness of ecology and culture. Pupils in that manner develop love toward nature and its preservation and acquire knowledge necessary for their everyday lives. This subject also includes conversations on the benefits of flora and fauna within the slogan entitled “animal lovers are people lovers”. Pupils also actively participate in environment protection and cleaning activities organised by their class groups, schools and communities.

Culture of Living – pupils are introduced to the general culture of behaviour, developing a proper relation with private and public goods and a proper environment-related behaviour in general. They acquire knowledge on the importance of nutrition, culinary procedures of food preparing, food quality control and eco-friendly food production.

Biology – pupils of the eight grade within the nine-year elementary education acquire knowledge within the “Introduction to Ecology” subject unit learning about living beings relations and their communities, ecological factors and their impact, biotope and biocenosis as components of the eco-system.

Chemistry – pupils of the ninth grade within the nine-year elementary education acquire knowledge within the “Ecology” subject unit learning about water, air, soil, industrial impact on environment, traffic and environment, waste management, environment protection, etc. They develop awareness and a positive attitude toward nature and get actively involved in eco-activities.

Geography – pupils of the seventh grade within the nine-year elementary education acquire knowledge within the “Mediterranean” subject unit learning about natural diversity of the Mediterranean, richness of karst relief forms of great importance for the life of people in this region, climate and climatic features of the Mediterranean and elements of eco-vulnerability of the Mediterranean Sea.

Technological Culture – pupils develop awareness about the need for rational use of energy and preserving nature, impact of technology on environment and importance of its application on environment protection.

German Language - (seventh grade): Environment and Protection of Environment

The contents of this subject are related to other subjects. Children can learn language in that way and extend their vocabulary relying on the knowledge they acquired by learning other school subjects and by combining foreign language learning with activities “taken” from other subjects, such as walking through parks and nature within the “My Environment” subject unit.

Art Culture – Development of critical thinking, standpoints and attitudes toward positive values, patriotism, cherishing cultural heritage and natural environment/homeland and globally recognised values.

Physical and Health Education – Development of positive environmental habits and behaviours at outings spots with the aim of preserving environment.

A representative of FMES is the focal point and member of the Executive Board of the SEEDLING Project – Toward New Millennium: Presenting UN Goals for Sustainable Return in Schools in Southeast Europe, implemented by the Regional Environmental Centre for Central and East Europe (REC) and financed by the Austrian Development Agency (ADA). The goal of this project is to support educational reforms in BiH and the region and to incorporate sustainable development and environment into secondary education through practical tools and activities in line with earlier products and achievements of REC, such as Green Pack and Green Pack Junior.

The project shall be implemented in three stages – 1. Support to educational reforms in BiH in the manner in which sustainable development and environment are included in the educational system of BiH, i.e. incorporated into the curriculum; 2. Online tools development (schools will be equipped with computers and necessary applications); 3. Better knowledge of students on possibilities of opening new jobs through implementing smaller-scale school projects.

In the first triad of the elementary education in Brčko District, pupils learn about My Environment and secondary schools have introduced training for Ecology Technician, with the overall aim of promoting and cherishing healthy environment.

Pre-school Education in Republika Srpska (RS)

The pre-school education curriculum in RS for children up to the age of six includes development of hygiene- and environment-related habits and culture.

Elementary Education in RS

One of the basic tasks of the elementary education, defined by the Law on Elementary Education, includes development of ecological awareness and awareness of the need for cherishing nature and environment.

Pupils in elementary schools in RS acquire knowledge of environment throughout all grades and school subjects: nature and society, introduction into nature, biology and ecology and environment protection, while environmental topics are included in homeroom classes. Also, ecology clubs are formed.

Contents planned within the curriculum regarding ecology and environment protection:

First grade – within My Environment subject, pupils are briefly introduced to contents related to environmental activities (outcome: a pupil is able of describing a clean environment, detecting how the environment is polluted (soil, water, air), listing ways of cleaning a polluted environment and demonstrating how to preserve nature, where to dispose of the trash, etc.) - 40 classes yearly.

In the second, third and fourth grades under Nature and Society, pupils learn about the following:

Second grade – contents refer to forming views on environment preservation (house lots, parks, waters, etc.) – a pupil may learn about bad treatment of local natural resources and pollution of soil, water and air and give specific suggestions for raising awareness of environment in his/her local surrounding - 2 classes,

Third grade – contents refer to ecology-related problems (a pupil can explain consequences of soil pollution and understand importance of protection against air and water pollution – 15 classes,

Fourth grade – contents refer to protection of human health and environment – 3 classes,

Fifth grade – within Introduction into Nature – pupils learn about the meaning of ecology, how humans pollute air, soil and water, protection of human environment, planned deforestation, waste incineration facilities, organised collection of waste and use of garbage bins, ornamental plants in local communities, interdependence of living beings and humans – 10 classes,

In the sixth, seventh and ninth grades, biology is taught.

Sixth grade – contents refer to ecology – listing natural and artificial sources of pollution of atmosphere, explaining the origin of smog and acid rain, analysing consequences of air pollution with living beings (plants, animals and humans), recognising dangers imposed by pollutants in local community – one class,

Seventh grade – within Ecology, a pupil can list common water pollutants and other pollutants, describe activities on protection of water against pollution, analyse consequences of use of polluted water – two classes,

Eighth grade – within Biology, classes include ecology and environment protection (a pupil can define ecology as a biological discipline, explain historical evolution of ecology and its links with other sciences, define ecological factors and their impact on living beings, list ecological factors, explain laws of nature and ways in which living beings adapt to ecological factors, etc. – 72 classes,

Ninth grade – organisation of a joint action of pupils’ choice and implementation thereof, giving a contribution to school and school environment layout – two classes.

Secondary Education in RS

One of the goals of the secondary education defined in the Law on Secondary Education of RS includes raising awareness of the need for preserving nature and environment.

In secondary schools in RS students have biology and ecology and environment protection as subjects. Biology is taught in grammar schools (all departments, twice a week). All departments also include ecology within the Biology subject as a separate teaching material.

The work of homeroom classes also includes ecology-related topics and ecology clubs.

Biology is present in grammar schools, healthcare, agriculture and food processing, textile and leather industry, catering and tourism, forestry and wood processing.

The subject of Ecology and Environment Protection is taught in 29 secondary schools vocations including cosmetic technology, catering and tourism, textile and leather processing, chemistry, non-metals and graphics, geodesy and construction, electrical engineering, communications, geology, mining and metallurgy, including also the vocations of hairstylist and photographer.

Higher Education in RS

Faculty of Natural and Mathematical Sciences in Banja Luka

Ecology and Environment Protection

First year – Goal: Introduction to basic environmental principles and definitions, unity of living beings and environment, environmental factors – biotic and abiotic, degrees of ecologic integration and its features, environment and changes, relation of humans and nature, modern problems of damaging and losing biodiversity, global climate changes, ozone layer depletion, radiation and cosmic ecology.

Ecology and diversity of invertebrates (also first year) – Goal: Introduction to diversity and habitats of invertebrates within living world, basic principles of their organisations, co-relation of morphological solutions, functions and environmental conditions.

Second year – Ecology and diversity of algae – Goal: understanding the life on Earth requires understanding biology and ecology of organisms in all their complexity. The goal of this subject is to learn about the biology and ecology of prokaryotic and eukaryotic algae, their cell structure, colonies, habitats and their activity and interaction with other environmental factors in order to understand their physiology, ecology and distribution, biodiversity and their relevance to natural eco-systems and humans.

Ecology and diversity of cormophytes (also second year) – Goal: acquiring knowledge of basic principles of systematics and phylogeny of cormophytes. Students should be able to understand the importance of cormophyte diversity through learning about features of certain systematic categories. Learning about endemic, endangered, protected and therapeutic representatives.

Ecology and diversity of microorganisms (also second year) – Goal: Introduction to the basics of ecology and diversity of microorganisms, their use in quality control and environment protection, acquiring skills for studying microorganisms in nature, work in sterile conditions, microscopy, culture, biochemical and serologic methods.

Ecology and diversity of chordates (also second year) – Goal: Introduction to basic features of chordates and their morphological complexity, ontogeny and phylogeny. In addition, students are able to analyse diversity and distribution of all basic groups of chordates.

Air pollution and protection (also second year) – Goal: Introduction to causes and types of air pollution, impacts of air pollutants on living and non-living systems and protective measures, methods of permanent air quality monitoring, relevant legal framework and international agreements.

Environmental physics (also second year) – Goal: Acquiring theoretical and practical skills about physical processes and phenomena relevant for understanding environmental features and protection methods.

Third year – Waste Management – Goal: Introduction of students to all stages of waste management, starting from its origin through collection, transportation and recycling to final disposal, while focusing on potential negative impact on environment and finding proper solutions.

Ecology and protection of waters (also third year) – Goal: Introduction to water as an important resource, its characteristics and categories, running and standing waters, seas and oceans.

Environment protection technology (also third year) – Goal: Introduction of students to basic knowledge in the area of technology (technological operations) of environment protection against anthropogenic pollution of air, water and soil.

Ecotoxicology (optional subject in the third year) – Goal: Students are introduced to types of ecotoxicants in the environment, bioavailability processes and their impact on living systems.

Fourth year – Anthropology – Goal: Adoption of knowledge in anthropology, manners of survival of a human being, population or nation; interaction of anthropology with other scientific disciplines; impact of biotic and abiotic factors on formation of human features in a demographic structure.

Sustainable development and environment (also fourth year) – Goal: Introduction of students to selected contents in the area of environment and concept of sustainable (harmonised) development, and enabling students to recognise existing problems of sustainability at regional and global levels.

Legal aspects of environment protection (fourth year) – Goal: Introduction of students to basic legal protection of environment within national and international laws.

Renewal and improvement of eco-systems (optional subject in the fourth year) – Goal: Acquiring knowledge of problems and possibilities of renewing and improving zonal and intrazonal terrestrial and aquatic eco-systems.

Demographic processes and environment (optional subject in the fourth year) – Goal: Incorporation of demographic trends and factors into global environment and development analysis; increased understanding of interaction of population dynamics, technology, cultural behaviour patterns, natural resources and living conditions improvement systems. Protected zones (optional subject in the fourth year) – Goal: Acquiring knowledge about the importance of protected zones and function of networks of protected zones at local and regional levels.

Second term (master) – Plant Ecology

Faculty of Ecology/Independent University Banja Luka

Ecology (subjects: Ecology, Botany with Plant Ecology, Ecology of Microorganisms, Zoology with Animal Ecology, Anthropology, Hydroecology, Agroecology, Social Ecology, Environmental Waste Management, Environmental Technology, Ecotoxicology, Ecotourism, etc.)

II Term – Ecology (Master of Ecology)

Subjects: Environmental Ecology, Environmental Standards, Environmental Law, etc.)

Faculty of Ecology /Business Studies University Banja Luka

The basic mission of the Faculty of Ecology is acquiring and improving knowledge and skills in the area of environment protection, and education of students in resolving numerous and complex environmental problems. Ecology is a profession and science promising solutions to ever growing environmental problems. Particularly harmful for the health of humans, plants and animals are noise, waste, soil, water and air pollution and other toxicants stemming from production, industry and agriculture. That is why extremely important is a high quality and comprehensive environmental education of future professional staff. Their future scientific and professional knowledge and skills will be fundamental preconditions in protecting the quality of environment, sustainable development and sustainable use of natural resources and development of public environmental awareness within environmental ethics.

The educational goal of the ecology study programme is professional development in the area of ecology acquired throughout the first and second terms, within a harmonised interaction of theoretical, practical and field work of students. Having in mind the acquired knowledge and skills, in line with the EU environmental directives, with the aim of supervising law implementation, graduates will be able to apply acquired skills in production, sales turnover, laboratory controls and the work of inspection services.

In the area of co-operation with REC, REC directly contributes to the UNESCO Global Action Plan for Education for Sustainable Development and facilitates the achievement of the UN Sustainable Development Objectives through building capacities for the implementation of the UN Sustainable Development Agenda (UN 2030).

Education for Sustainable Development in the Western Balkans Project is aimed at providing support in the implementation of education reforms and strategies for education for sustainable development in the Western Balkans. The purpose of the Project is to improve practical aspect of sustainable development in schools and communities in the Drina river basin (BiH, Montenegro and Serbia) and in the broader region of the Western Balkans.

Marking the Earth Day

Grammar School of Banja Luka – Environmental brigade (club) was formed spontaneously during the Italian language lessons in December 2011. Its goal is to raise awareness of young people on the importance of ecology, recycling, environment protection measures and local action. Its main motto is ‘Oplaneti se! Recikliraj!’ (become aware of the planet and recycle!)

FBiH MoET presented at numerous debated across FBiH various instructions and advices to local population as to the implementation of the Aarhus Convention and their right to information, participation in decision-making processes and access to justice.

FBiH Institute for Agropedology (FAPI) provides relevant information about soil (pedological maps and information on soil contamination by organic and inorganic pollutants and soil fertility control) to pupils and students for drafting their papers. FAPI employees participate in various environmental conferences and seminars and present their scientific works. They also educate pupils, students and farmers in pedology.

IRS gives its contribution to promotion of education and raising awareness in the area of environment protection exclusively through its participation in workshops of governmental and non-governmental sectors.

With the aim of promoting education and raising awareness of environment, the Agency for Waters in the Area of Sava River Basin (AWASRB) continues to implement and drafts new programmes in the area of public consulting and participation, in line with the needs of LoW: regular issue of “Voda i mi” Magazine, organisation and co-organisation of the marking of March 22 – World Water Day, preparation of radio and TV show on waters aiming at raising awareness of the importance of waters, organisation of seminars and other expert meetings for the needs of the Agency and FBiH Ministry (presentation of projects, strategic documents, management plans, implementation of laws and by-laws, etc.), participation in drafting river basin management plans and flood risk management plans in the part involving public (organisation of public presentations and debates, collaboration with all interested parties, preparation of printed materials, etc., collaboration with all other public information instruments in the area of FBiH water management, providing support to and participation in water-related projects, programmes, expert meetings and gatherings promoting the importance of the FBiH water resources preservation.

BHAS, as needed, holds press conferences presenting the latest environmental statistics; regularly publishes statistical statements on their website; regularly distributes relevant statistical statements, thematic journals and periodic publications by mail to all relevant institutions in the country; BHAS also distributes via mail and email the mentioned materials to all other interested parties in BiH (NGOs, private persons involved in environment protection, university professors, students, etc.), responds to requests of legal persons and private persons sent to BHAS in relation to statistics and all other matters relevant to environment and protection of environment.

FEF FBiH promotes education and raises awareness of environment as an integral component of every project that it finances; financially supports and actively participates in expert and scientific events and conferences on environment management; and financially supports marking international dates of relevance to certain areas of environment protection through various promotional activities. Project activities that FEF BiH supports include also a significant media space filled with educational and constructive contents, inviting BiH citizens to contribute to better, healthier and more pleasant life in their own communities. School and pre-school institutions are enabled to implement environmental programmes for pupils motivating them to think about priorities and importance of preserving environment using interactive and pedagogical methods. FEF FBiH participated in the development of media campaigns aimed at raising awareness of environment by including all available means in the environment protection policy and its implementation. It also participates in co-producing media campaigns with radio and TV outlets, aimed at sensitising the public and polluters about the problems related to environment protection.

The founder of the RS Environmental Protection and Energy Efficiency Fund (EPEFF RS) is Republika Srpska; the RS Government carries out its duties on behalf of RS, while the relevant environmental ministry supervises the work of the Fund.

The Fund raises funds, finances preparation, implementation and development of programmes, projects and similar activities in the area preservation, sustainable use, protection and improvement of environment and in the area of energy efficiency and use of renewable energy sources, in line with the Law on the Fund.

With the aim of environment protection and raising public awareness, the Public Health Institute of FBiH (FPHI) marks every year the World Water Day, Earth Day and Environment Day, when various educational and promotional activities are undertaken (printing leaflets and other promotional materials, addressing the public via media, etc.).

Posavina Canton Ministry of Transport, Communications, Tourism and Environmental Protection (PC MTCTEP) provides support to the NGO 'LIPA’ Odžak in publishing the ‘Environmental Journal’ as a way of raising awareness of the importance of environment protection.

Between 2014 – 2016 the Zenica-Doboj Canton Ministry of Urban Planning, Transport, Communications and Environmental Protection (ZDC MUPTCEP), allocated earmarked funds of the Environmental Protection Fund for financing an environment protection magazine called ‘ZE-DO eko’ and a project entitled ‘Write a Story/Draw a Painting’ involving environmental literary and art works by pupils and secondary school students from the area of Zenica-Doboj Canton.

On the occasion of the World Day of Geologists on 18 September, FBiH Geological Institute (FGI) participates in the preparation of TV shows and pieces in the area of geology, scientific research, exploitation and protection of mineral raw materials. The FGI organises in line with LoGE FBiH, Article 32 of LoPRPGND FBiH and Article 4, Para 1, Item 7 of OoPRSO FBiH the plan of protection against natural and other disasters.

The Institution of Ombudsman for Human Rights of Bosnia and Herzegovina (BH HROI) indicated that the activities in the area of promotion and public participation should be intensified and more active and that the authorities should in general consider their policies in the context of proactive transparency.

c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS);

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH);

Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12 and 74/17) (LoW RS);

Law on Environment Protection Fund of FBiH (Official Gazette of FBiH, 33/03) (LoEPF);

Law on Geological Explorations of FBiH (Official Gazette of FBiH, 9/10 and 14/10) (LoGE FBiH);

Relevant are Articles 27 LoPE FBiH/31 LoPE RS/27 LoPE BD. In addition, in line with Article 41 LoPE FBiH/32 LoPE RS/40 LoPE BD, representatives of associations for environment protection participate in the work of the Environment Advisory Council of FBiH/RS/BD.

According to Articles 32(2) LoPE FBiH/28(3) LoPE RS/31(2) LoPE BD, FBiH Ministry of Environment and Tourism (FMET)/RS Ministry of Urban Planning, Civil Engineering and Environment (RS MUPCEE)/Department of Urban Planning and Property Relations of the Brčko District Government (BD DUPPR) must organise training courses for environmental NGO members.

NGO representatives are included in the work of advisory councils of relevant water management agencies in BiH, in line with Articles 164 through 166 LoW FBiH/ 184 through 186 LoW RS. The Adriatic Sea River Basin Agency (ASRBA) allocated BAM 2,957 in the 2014 - 2016 period for the work of the Advisory Council. ASRBA allocated BAM 11,500 in the 2014 - 2016 period for collaboration with various associations and NGOs active in the area of water preservation and protection.

Very important institutions for supporting NGOs are FEF FBiH and RS Environmental Protection and Energy Efficiency Fund (EPEFF RS). Activities of these two Funds involve collection and distribution of funds for environment protection on the territory of FBiH and RS. According to Article 10(3) LoEPF, representatives of NGOs are members of the FEF Steering Board.

Each year, BD Government (Subdepartment for NGO and LC Support at the Department for Administrative Affairs) allocates grants to support environmental NGOs. For the 2014 – 2016 period it allocated BAM 51,000.

According to Article 8 LoGE FBiH, a special method of geological explorations is forming collections of minerals, ores, rocks and fossils with the aim of scientific or professional improvement, education, presentation or preservation within verified (competent) institutions, such as museums, institutes and faculties.  FBiH Institute for Geology (FIG FBiH) participates in the preparation and supports the BiH Geologists Associations in organising Advisory Meetings of Geologists every two years in BiH, where they present works in the area of geology and other similar disciplines, discussing environment protection in exploring and exploiting mineral law materials. FIG FBiH supports by providing expertise and personnel the ‘Citrin’ Association from Kreševo in organising mineral fairs held every year in Kreševo. It also participates, together with the National Museum in Sarajevo in preparing various exhibitions of collections of minerals, fossils, maps and in promoting books. FIG FBiH is a publisher of a prestigious magazine called ‘Geological Gazette’ issued periodically.

The IRS, as an independent RS administration, carries out inspections and administrative and other duties involving inspection supervision. This body is a control body and its primary task is to control the work of business entities in terms of adherence to laws and regulations and to take actions to remove any irregularities detected.

FBiH MES informed in 2014, as requested by the Goethe Institute in BiH, cantonal ministries of education in FBiH about the initiative called 'Let's Do It' – World Cleanup Day, held on 27 April 2014 across the world, including in BiH, with a suggestion to invite students to participate. The aim of the project was to contribute to improvement of the BiH environment by removing illegal landfills, cleaning green and protected areas and other natural values to reduce pollution and raise public awareness of environment protection importance.

FBiH MES issued in 2015 a letter of support to the project called ‘My Clean and Beautiful BiH – Your Packaging in Ekopak Packaging’ implemented by packaging waste management company called ‘Ekopak d.o.o’. The aim of this project was to educate children about the importance of proper disposal of packaging waste and of the importance of recycling, through presentations and additional activities to animate children, such as exhibitions and a children show called ‘Tvrtko the Ecologist’ on the occasion of the World Environment Day. FBiH MES invited cantonal ministries of education and science in FBiH to approve the implementation of the mentioned projects in schools.

Co-operation with environmental NGOs from the Posavina Canton (PC) mainly includes information on public tenders and support to their environment programme activities and assistance with drafting projects and applying with various local and international donors. Funds planned with the PC budget were focused on municipalities that needed help with removing illegal landfills.

In the 2014 – 2016 period, ZDC MUPTCEP allocated by transferring funds from the FBiH FEF a significant amount of financial means to the NGO sector. More than 30 NGOs received funds in this manner.

Cantonal Court in Goražde participated in 2016 in the implementation of the project called ‘Memorial Forest 8372’ in the manner in which all employees donated money for purchasing one seedling for forestation.

This Court also supports the pupils of the elementary school ‘Husein efendija Đozo’ from Goražde in the manner in which all employees of this institution collect packaging waste and paper on a regular basis, which is taken over every third Tuesday by the pupils on the occasion of the ‘School Eco Day’. In this way, this institution contributes to raising public awareness of the importance of recycling and protecting environment.

Within the public competition for distribution of funds collected through the BiH Lottery Draw for 2014 and 2015, FBiH MES supported the project of ‘Nova snaga’ citizens’ association entitled ‘Forestation against Addiction’ in the amount of BAM 7,700.00. Within the same competition in 2016, FBiH MES supported the project of ‘Eko-zeleni’ environmental association Tuzla entitled ‘Pedagogical, Psychological and Environmental Activity in Youth Addiction Prevention – Drugs are the Worst Evil – What Does Youth Think about Drugs as Evil’ in the amount of BAM 8,480.00, and the project of ‘Youth Power’ association from Mostar called ‘Zeleni mir’ in the amount of BAM 8,450.00.

FBiH MES supported in 2014 within the programme of support to student standards the Faculty of Forestry at the University of Sarajevo in carrying out the project called ‘Students Reading: Diseases and Pests of Urban Trees, Forest Entomology, Ornamental Plants’ in the amount of BAM 1,432.00.

In the 2014 – 2016 period, FBiH MES supported within the programme of distribution of funds to scientific work of relevance for FBiH the following scientific projects, publications and works:

2014

1. University of Mostar, Faculty of Natural and Mathematical Sciences, project called Assessment of Biocenoses and Ecological Status of Dinaric Running Water in the amount of BAM 13,340.00 KM.

2. University of Mostar, Faculty of Agronomy and Food Technology, project called Assessment of Bio-ecological, Fish-farming and Aquacultural Features of Soft-lipped Trout (Salmo Obtusirostris) in the Neretva River for the purpose of developing recreational fishing, aquaculture and tourism in the amount of BAM 20,000.00.

3. University of Mostar, Faculty of Agronomy and Food Technology, project called Assessment of Physical and Chemical Features of the Neretva River Underflow with Focus on Salinity in the amount of BAM 18,931.22.

4. University of Tuzla, Faculty of Natural and Mathematical Sciences, project called Distribution of Heavy Metals (Cu, Zn, Mn) in the Soil-Plant System (Calendula officinalis L.) in the amount of BAM 8,332.00 KM.

2015

1. University of Bihać, Faculty of Biotechnology, project called Establishing Contents of Toxic Heavy Metals and Metalloids (As, Pb, Cd, Cr, Ni, Co, Mo, Zn, Se, P, Fe and Cu) in Drinking Water in Una-Sana Canton Using AAS Method in the amount of BAM 17,750.00.

2. University of Tuzla, Faculty of Mining, Geology and Civil Engineering, project called Concentration of Heavy Metals in the Soil of Tuzla City in the amount of BAM 11,648.58.

3. University of Zenica, Metallurgic Institute ‘Kemal Kapetanović’ Zenica, project called Assessment of Link between Contents of Heavy Metals in Sediments and Soil Surrounding the Zenica Steel Factory in the amount of BAM 17,050.00.

2016

University of Sarajevo, Institute for Genetic Engineering and Biotechnology, project called Establishing a System of Phytoremediation Using Plants Capable of Accumulating Heavy Metals in the amount of BAM 12,959.54.

BILATERAL PROJECTS:

2014

1. Faculty of Civil Engineering at the University of Sarajevo/Institute for Anthropological and Spatial Studies of the Scientific Centre of the Slovenian Academy of Sciences and Arts, project called Object-oriented Mapping of Urban Areas in Case of Natural Disaster in the amount of BAM 2,932.50.

2. Faculty of Agriculture and Food Science at the University of Sarajevo/Univerza v Ljubljani, Biotehniška fakulteta, Oddelek z aagronomijo, project called Impact of Agro-ecological Factors on Crops and Vegetable Quality in the amount of BAM 2,932.50.

3. Faculty of Biotechnology at the University of Bihać/LIMNOS, Podjetje za aplikativno ekologijo, project called Optimisation of Small Plant Devices for Sewage Wastewater Treatment in the amount of BAM 2,932.50.

2016

1. Faculty of Pharmacy at the University of Tuzla/Fakulteta za znanosti o okolju, Univerza v Novi Gorici (UNG), project called Aerosol Environmental Toxicity in Tuzla Region (Bosnia and Herzegovina) in the amount of BAM 2,200.00.

2. University of Bihać/Univerza v Novi Gorici, project called Establishing Contents of Melatonin and Possible Functions in Presence of Heavy Metals in Plants in the amount of BAM 2,200.00.

Supported was the publishing of university textbooks and scientific books, such as ‘Introduction into Sustainable Environment Development’, ‘Environment and Sustainable Development’ and ‘Ecologic Pedagogy – Basic Science’ in the amount of BAM 4,000.00. For the purpose of funding scientific research, a project was supported entitled Ecological Regulations of Soil Function for Protection of ‘Sarajevsko Polje’ Drinking Water Source against Heavy Metal Pollution in the amount of BAM 2,300.00.

Support to NGOs promoting environment protection, FEF FBiH provides by:

Funding projects, programmes and similar environmental activities,

Establishing partnerships with NGOs with the aim of consolidating activities,

Collaborating with environmental societies within and outside the education sector,

Establishing internal database of environmental societies and associations, monitoring their work and actively participating in education and financial assistance.

In accordance with the law and goals defined in plans and programmes, FEF FBiH continually provides financial support to associations, organisations and groups or projects which contribute to raising public awareness, education and research in the area of environment protection aimed at improving environmental quality and natural values as well as strengthening NGO capacities and supporting scientific research capacities on the territory of FBiH.

From the beginning of the FEF FBiH operations to the very moment when this report was drafted (2010 - 2017) the total of BAM 1,549.227.63 was agreed with NGOs for environmental projects, while the total amount of BAM 394,400.00 was agreed for the 2014 - 2016 reporting period.

For example, via public tenders, for co-financing environmental projects and programmes in 2015 and 2016, the amount of BAM 1,090.000.00 for 34 projects was allocated for the purpose of raising public awareness. In 2014, a part of the public tender was cancelled referring to raising public awareness of the importance of waste separation and disposal, in line with the Conclusion reached by the House of Representatives of the FBiH Parliament, No. 01-14-610/14-1, on account of urgent removal of natural disaster consequences (flood) in 2014.

These projects involve development of promotional and educational materials, organisation of roundtables, conferences and similar events of relevance to raising public awareness of the importance of environment protection. In addition to identifying programmes of raising public awareness, support is provided to projects motivating young and aspiring experts and students to get more involved.

Examples of public awareness raising campaigns supported by FEF FBiH are the following: ‘Krajina-Land of Chestnut’ by RTV Cazin; ‘Cleaning and Revitalisation of the Old Bosnia River Bed and Building Sports and Recreational Facility Dobroševići or ‘Lađenica Eco Oasis’ as an educational centre for training young people in ecology and raising environmental awareness’ by Association of Recreational Fishermen Sarajevo; ‘Viva Film Festival – International Festival of Religious, Ecologic and Tourist Film’ by Viva Sarajevo Association; ‘Eco Magazine Herzegovina’ by Lijepa naša Eco Society from Čapljina; ‘Children’s Environmental Summit – Raising Awareness of Environment Protection and Biodiversity’ by Ehoo Association from Čapljina; ‘TV Series: Ekologika’ by Tim System; ‘Project: River – Raising Public Awareness of Protection, Preservation and Rational Use of Water Resources of Neretva and Trebišnjica River Basins’ by Neretva Delta Forum Association from Mostar; ‘Promotion of Environment Protection and Energy Efficiency in Zenica-Doboj Canton’ by Inicijativa Association from Sarajevo; ‘Photomonography of the BiH Perućica Rainforest by the Association of Forestry Engineers and Technicians of FBiH, and other projects.

In addition to public awareness raising campaigns, in accordance with the law and goals defined in plans and programmes, FEF FBiH continually provides financial support to associations, organisations and groups or projects which contribute to raising public awareness, education and research in the area of environment protection aimed at improving environmental quality and natural values as well as strengthening NGO capacities and supporting scientific research capacities on the territory of FBiH. In that sense, the total of BAM 659,000.00 was allocated in 2015 and 2016 via public tenders for co-funding purposes.

Some of the projects supported by these public tenders are the following: ‘Application of HCV Criteria on the Biodiversity Component of Unique Scientific Importance in Process of Identification of Forests of High Conservation Value in FBiH’ by the Faculty of Forestry in Sarajevo; ‘Biological and Landscape Diversity of Tufa-forming Streams in FBiH (Una, Pliva, Trebižat): Current Status and Protective measures’ by Faculty of Natural and Mathematical Sciences in Sarajevo; ‘Analysis of Ecostatus for Protection of Waters and Biodiversity of Lištica and Radobolja Rivers Ecosystems’ by Faculty of Natural and Mathematical Sciences in Mostar; ‘Strengthening Capacities of Science Department at the BiH National Museum for Biodiversity Inventory of FBiH’ by the BiH National Museum; ‘Bat Life Monitoring in FBiH’ by Centre for Karst and Speleology, and other projects.

FEF FBiH organised a central ceremony and marked June 5 – World Environment Day – in 2017 throughout BiH, holding panel discussions and exhibitions of 12 best photographs and three slogans on ‘Connecting People with Nature’.

FEF FBiH also established co-operation with a range of stakeholders active in the area of environment protection at both national and international levels, such as Amateur Mycological Association, Eco Scouts Movement of FBiH, Centre for Ecology and Energy Tuzla, ‘Eko zeleni TK’ Eco Association, Society of Students of Biology Sarajevo, Centre for Development and Support Tuzla, Association of Innovators of Tuzla Canton, REC Zenica, Association of Citizens for Medicinal Herbs, Fruits and Vegetables Mostar, Diving Club Bosna Sarajevo, Eko Association ‘Flora’ Mostar, Institute for Genetic Engineering and Biotechnology (INGEB) Sarajevo, USAID Enterprise Energy Efficiency Sarajevo, Centre for Karst and Speleology Sarajevo, Ornithological Society ‘Naše ptice’ Sarajevo, Fondeko Sarajevo, Eko Society ‘Lijepa naša’ Čapljina, Association for Improvement and Protection of Environment, Nature and Health ‘Ekotim’, Association of Recreational Fishermen of Sarajevo, Independent Scouts of Zenica, and many other organisations.

d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally, including:

Law on Administration of BiH (Official Gazette of BiH, 32/02, 102/09 and 72/17) (LoA);

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS);

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

(i) Measures taken to coordinate within ministry and among ministries in regard to informing officials included in other relevant international forums about Article 3.(7) of the Convention, as well as about the Almaty Guidelines, indicating whether the coordination measures are ongoing;

Article 31 of LoA prescribes that the governing bodies of BiH have an obligation to exchange data and information necessary to perform their duties, exchange information and experiences, form joint expert teams and establish other ways of cooperation. Article 32 of the same Law provides for relationship between the governing bodies of BiH and governing bodies of entities and BD. Further on, exchange of information between representatives of MoFTER, entities and BD is done within the framework of the inter-entity body for environment, whose work is regulated through LoPE FBiH/LoPE RS/LoPE BD.

FMET FBiH co-operated with all international processes of decision making, particularly in terms of the UN Paris Conference on climate changes from December 2015 (COP 21) and Budva Declaration from September 2017 on democracy and environment.

FBiH FAPI Director presents reports at the FBiH Government sessions, which, if connected to environment issues, are delivered to municipal, cantonal and entity relevant ministries.

FBiH FIG maintains good co-operation with local and international relevant institutions. Local Institutions: Institute of Geology of RS, Faculty of Mining, Geology and Engineering in Tuzla, Faculty of Civil Engineering in Sarajevo, SRBA, ASRBA, Institute for Water Management, Mining Institute of Tuzla, ‘Kreka’ Mines of Tuzla, Utility Services in all FBiH municipalities, and other institutions. International Institutions: Croatian Institute of Geology, Slovenian Institute of Geology, Austrian Institute of Geology, Natural History Museum of Croatia and other institutions.

FBiH FIG regularly co-operates with the FBiH Ministry of Energy, Mining and Industry (FMEMI) within the following activities: preparation of the Law on Geological Explorations; preparation of the Rulebook on Categorisation and Classification of Ground Water Reserves; preparation of the Rulebook on Geoinformational Systems; participation in the work of Review Committees, etc.

Representatives of FBiH FPHI and the FBiH Ministry of Health (FBiH FMH) actively attend international conferences and local meetings and workshops on environmental impact on health.

A representative of Health Department at the Ministry of Civil Affairs of BiH (MCA BiH) is a member of the Working Group for Protocol on Water and Health co-ordinated by the BiH MoFTER, which works on identifying goals in line with Article 6 of the Protocol (goals definition in progress).

Although providing information to officials participating in relevant international fora does not fall within the jurisdiction of FBiH FEF, it maintains sectoral co-operation with relevant ministries at the FBiH level through regular reporting per certain areas, technically and financially, and through regular communication. Sectoral co-ordination of FBiH FEF with relevant cantonal ministries is not consolidated in terms of regular and comprehensive reporting of cantonal ministries to FBiH FEF on earmarked funds spending.

In the context of delivering data and information needed for operations, sharing information and experience and other forms of co-operation, FBiH FEF actively co-operates with relevant ministries (FMET, FBiH Ministry of Agriculture, Water Management and Forestry (FMAWMF), FMEMI, FBiH Ministry of Finance (FMF) on passing regulations needed for drafting and adopting necessary environmental laws and implementing sectoral strategic goals. In the area of water protection, FBiH FEF continually co-operates with SRBA and ASRBA. As to air protection, it also maintains co-operation with the FBiH Hydrological and Meteorological Institute (FHMI).

As regards waste management, FBiH FEF co-operates with cantonal ministries in charge of the environmental issues. When it comes to protection of biodiversity and soil, it co-operates with scientific and higher education institutions, BiH National Museum and others. At the level of BiH, the most significant co-operation was established with MoFTER and BHAS. At the entity level, in terms of all environment-related issues, FBiH FEF co-operates with the FBiH Inspectorate (FBiH FI), FBiH Agency for Statistics (FAS), FBiH municipalities, utility services, etc.

With the aim of sharing experiences and co-ordinating joint projects, co-operation was established with the RS EPEFF, while efforts have been invested into establishing co-operation with environment protection funds of neighbouring and other countries (e.g. Environment Protection Funds of Croatia and Slovenia).

In addition, FBiH FEF also actively co-operates with international institutions, such as: SIDA, EPTISA, DEI, UNDP, EBRD, GEF, GIZ, UN, World Bank and others.

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

As agreed, in some cases, representatives of the entity bodies and BD are authorized to represent BiH in international relationships, such as FMoAWF that represents BiH in the activities related to the ‘Participation of Public’ Working Group within the International Commission for Protection of the Danube River (ICPDR). Communication among the respective bodies flows within the framework described under (i) above. Public is then informed through communication channels between the public and relevant bodies. There is no central register of such information.

RS Ministry of Urban Planning, Civil Engineering and Environment (RS MUPCEE) largely contributes as Espoo Convention and UNFCCC Focal Point.

FAPI delivered data for the needs of the Stockholm Convention. For the needs of the final draft of report on preliminary assessment of BiH readiness to join the Minamata Convention, FAPI delivered the required data and actively participated in the work.

FAPI also participates in several international projects - Wamos, Darling, GeoEra – referring to valorisation and use of mineral raw materials. Also, projects are being prepared for IPA funding and for EU, NATO and other.

FAPI participates with SRBA in the activities of the ‘Participation of Public’ Working Group within ICPDR.

A SRBA employee was appointed as member of the ‘Participation of Public’ Working Group within ICPDR.

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party’s delegation in international environmental negotiations, or involving NGOs in forming the Party’s official position for such negotiations), including the stages at which access to information was provided;

Recorded are cases of participation of NGO members in BiH delegations at international negotiations on environment (e.g. 5 CoP Aarhus Convention in Mastricht, when a representative of the network of Aarhus Centres participated in the BiH delegation).

Recorded is also participation within GLAAS (Global Analysis and Assessment of Sanitation and Drinking-Water). A working group comprising representatives of various institutions, such as MCA BiH, Ministry of Health and Social Protection of RS (RS MHSP), FBiH FPHI, RS PHI, BiH Agency for Food Safety (BiH AFS), FBiH MAWMF, RS MAWMF, RS Waters and NGO initiatives, drafted a document for GLAAS for BiH, which can be found on the following webpages: <http://www.who.int/water_sanitation_health/monitoring/investments/country-highlights-2017/bih-glaas2017-country-highlight.pdf>

<http://www.mcp.gov.ba/org_jedinice/sektor_zdravstvo/dokumenti/ostalo/Archive.aspx?langTag=bs-BA&template_id=108&pageIndex=1>

 (iv) Measures taken to promote principles of the Convention in procedures of other international forums;

Such measures have not been taken.

 (v) Measures taken to promote principles of the Convention in the work programs, projects, decisions and other substantive outputs of other international forums;

Such measures have not been taken.

e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS);

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

Law on Urban Planning and Civil Engineering of RS (Official Gazette of RS, 40/13) (RS LoUPCE) and

Lawn on Nature Protection of RS (Official Gazette of RS 20/14) (RS LoNP)

Articles 31 LoPE FBiH/30 LoPE BD are relevant stating that an abuse of legal instruments (litigation, indemnification, civil or minor offence or legal proceedings) for the purpose of punishing, persecution or harassment of individuals who exercised their right of participation as public shall be deemed illegal. In LoPE RS, the law maker has left out the provision that would explicitly forbid punishing, persecution or harassment of individuals who exercised their right of participation as public. Article 42 LoPE RS prescribes that interested public or interested authorities may instigate proceedings to protect their rights before relevant courts.

Cantonal Court in Goražde concluded that in the period between 01 January 2014 and 31 December 2016 there were no proceedings initiated before this Court in regard to violations of the right to public participation. Having in mind that in terms of indemnification and legal protection every individual is entitled to protection in administrative and judicial proceedings, official records of this Court were verified and it was found that there were no administrative procedures initiated in the mentioned period before this Court concerning environment protection.

IV Obstacles encountered in the implementation of Article 3 of the Aarhus Convention (AC)

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 3 listed above.

The FBiH Government set up new advisory councils for the Sava river basin and Adriatic Sea river basin in line with Article 164 LoW FBiH. As members, appointed are the relevant representatives of the FBiH Government, cantonal institutions, water users, NGOs and scientific institutions.

When issuing urban planning permits by FBiH FMPU/RS MUPCEE, they should, among other things, in accordance with Article 41 FBiH LoUPLU / Article 36 RS LoPPC, include ‘responsibilities in relation to neighbours and rights of other individuals, particularly of persons with disabilities’, and in Republika Srpska ‘responsibilities in relation to other buildings and rights of free access of persons with disabilities’.

FBiH FMPU/RS MUPCEE require, in accordance with the Law on Administrative Procedure (LoAP) and RS LoPPC, statement of neighbours about the construction in question and, if necessary, FBiH FMPU performs on-site inspections and consultations, also in line with LoAP.

When issuing construction permits, in accordance with Article 56 FBiH LoUPLU/ Articles 124 and 143 RS LoPPC, FBiH FMPU/RS MUPCEE must allow the parties involved insight into the main project. Same Article prescribes who can be a party involved. A public tender is published in daily papers and on the ministry’s notice board, to enable the parties to have insight in due deadline and provide their opinions, remarks or suggestions in writing.

In Republika Srpska, Articles 124 and 143 RS LoPPC prescribe mandatory public participation in procedures of issuing construction permits and during the construction.

In line with Article 41, Para 3 FBiH LoPE, ten members of the Advisory Board nominate relevant cantonal environmental ministries from amongst scientific, economic and expert organisations. One representative is nominated by the President of the Academy of Sciences and Arts of BiH. One representative of the Environment Protection Association is nominated by REC, on the basis of a written consent of at least five NGOs registered in FBiH.

With the aim of appointing new members of the Environment Advisory Council of FBiH, FBiH FMET sent an official request on 25 July 2016, No. 04-23-999/16, to relevant cantonal ministries, Academy of Sciences and Arts of BiH and REC. Nominations were submitted, but, no further actions were undertaken. The Advisory Council could not begin with its work due to lack of managing staff, that is, due to waiting for the appointment of the new assistant minister in charge of issuing permits after the retirement of the previous one. Due to a long tender procedure, the assistant minister has not been appointed yet as well as the Advisory Board. Its establishment is defined also by the RS LoPE and the activities on balancing the membership are underway.

V. Further information on the practical application of the general provisions of Article 3 of AC

Law on Urban Planning and Land Use of the Federation of BiH (Official Gazette of FBiH, 2/06, 72/07, 32/08, 4/10, 13/10 and 45/10) (FBiH LoUPLU)

Ordnance on Buildings and Building Scopes for which the FBiH FMUP issues building permits and/or site information (Official Gazette of FBiH, 32/14),

Law on Administrative Procedure of FBiH (Official Gazette of FBiH, 2/98 and 48/99), (FBiH LoAP)

Data indicated here should be considered an addition to the data indicated above.

In accordance with FBiH LoUPLU and FBiH OoBBS for which the FBiH FMUP issues building permits and/or site information, this Ministry issues building documents (planning permit/site information, building permit and usage permit). When issuing urban planning permits and/or site information, which should, among other things, in accordance with Article 41 FBiH LoUPLU, include ‘responsibilities in relation to neighbours and rights of other individuals, particularly of persons with disabilities’, FBiH FMPU require, in accordance with the Law on Administrative Procedure (LoAP), statement of neighbours about the construction in question and, if necessary, FBiH FMPU performs on-site inspections and consultations, also in line with LoAP.

When issuing construction permits, in accordance with Article 56 FBiH LoUPLU, FBiH FMPU must allow the parties involved to have insight into the main project. Same Article prescribes who can be a party involved. A public tender is published in daily papers and on the ministry’s notice board, to enable the parties to have insight in due deadline and provide their opinions, remarks or suggestions in writing.

FBiH FMAWMF organises and participates in the work of expert and scientific gatherings and conferences in the area of environment and water management. Amongst the most important such events we should single out the Symposium on Flood Risk Management and Mitigating Adverse Effects held in May 2015 and BiH Congress on Waters held in October 2016.

FBiH FAPI participates in the work of expert and scientific gatherings and conferences in the area of environment and soil management.

FBiH Statistics Institute (FSI) and FHMI have an important role in gathering, processing and disseminating environmental data to public. FPHI uses these data for drafting annual reports on the BiH population health status under 'Health and Environment'.

NGOs work by using funds from local and international sources on raising public awareness of the environment and on improving communication within the NGO network and with institutions.

Aarhus Centre Sarajevo has not yet received any instruction from any relevant institution on how to access environmental data in line with the law, nor has it been informed how to properly get involved in the decision-making process and instigate administrative proceedings. It has received guidance and assistance on environmental data, public participation and judiciary access from other more experienced non-governmental/international organisations and has not had an opportunity to take part in training sessions organised by relevant state institutions. Aarhus Centre received minimum support by the relevant state institutions, mostly from the Canton Sarajevo Ministry of Urban Planning, Civil Engineering and Environmental Protection (CS MUPCEEP). Unfortunately, donated funds were so scarce that the Aarhus Centre was unable to hire adequate premises. Association members had to donate the rest of the funds.

Aarhus Centre Banja Luka: access to environmental data in BiH is regulated by the general Freedom of Access to Information Act (FOIA) at the state level and by relevant entity laws. On paper, they concur with the clauses of the Aarhus Convention. However, after more than fifteen years of FOIA effectiveness, its implementation is exposed to many obstacles. Primarily, institutions in general have not been investing efforts into proactively publishing information on account of public availability. For example, BiH Constitutional Court is the sole judicial authority maintaining online judgements database. Secondly, responses to individual requests for data disclosure are lacking. While public authorities claim, without an exception, that they disclose all relevant information, environmental NGOs data indicate otherwise. Actually, civil society representatives stated that they submitted 462 information access requests in the 2014 – 2016 period, to which 254 (55%) responses were provided fully, 84 (18%) partially, 95 (21%) were withheld fully (so-called ‘administration silence’) and 29 (6%) responses were rejected.[[1]](#footnote-1)

In Republika Srpska, responses were provided to all individual requests for information access, in line with RS LoPE.

VI. Website addresses relevant to the implementation of Article 3 of AC

Parliamentary Assembly of BiH - <https://www.parlament.ba/>

Ministry of Foreign Trade and Economic Relations of BiH - <http://mvteo.gov.ba>

Ministry of Security of BiH - <http://www.msb.gov.ba/>
Ministry of Civil Affairs of BiH - <http://www.mcp.gov.ba/>
Ministry of Justice of BiH - <http://www.mpr.gov.ba/>
High Judicial and Prosecutorial Council of BiH - <http://www.hjpc.ba/>
Agency for Statistics of BiH - <http://www.bhas.ba/>
Agency for Food Safety of BiH - <http://www.fsa.gov.ba/>
FBiH Parliament - [http://www.parlamentFBiH.gov.ba/](http://www.parlamentfbih.gov.ba/)

Ministry of Environment and Tourism of FBiH - <http://www.fmoit.gov.ba/>
Ministry of Physical Planning of FBiH - <http://www.fmpu.gov.ba/>
Ministry of Agriculture, Forestry and Water Management of FBiH - <http://www.fmpvs.gov.ba/>
Ministry of Justice of FBiH - <http://www.fmp.gov.ba/>

Ministry of Energy, Mining and Industry of FBiH - <http://www.fmeri.gov.ba/>

Ministry of Education and Science of FBiH - <http://www.fmon.gov.ba/>

Ministry of Health of FBiH - <http://www.fmoh.gov.ba/>

Inspectorate of FBiH - <http://www.fuzip.gov.ba/>

Hydrological and Meteorological Institute FBiH - <http://www.fhmzbih.gov.ba/>

Public Health Institute of FBiH - [http://www.zzjzFBiH.ba/](http://www.zzjzfbih.ba/)

Agropedology Institute of FBiH - <https://www.agropedologija.gov.ba/>

Institute for Geology of FBiH- <http://www.fzzg.gov.ba/>

Statistics Institute of FBiH - <http://www.fzs.ba/>
Sava River Basin Agency - <http://www.voda.ba/>

Adriatic Sea River Basin Agency - <http://www.jadran.ba/>

Environmental Fund of FBiH - [http://www.fzoFBiH.org.ba/v3/](http://www.fzofbih.org.ba/v3/)

Ministry of Engineering, Urban Planning and Environment Protection Bihać - <http://vladausk.ba/v4/>

Ministry of Transport, Communications, Tourism and Environment Protection Orašje - <http://www.zupanijaposavska.ba/>

Ministry of Urban Planning and Environment Protection Tuzla - <http://www.vladatk.kim.ba/>

Ministry of Urban Planning, Transport, Communications and Environment Protection Zenica - <http://www.zdk.ba/>

Ministry of Urbanism, Planning and Environment Protection Goražde - <http://www.bpkg.gov.ba/>

Ministry of Planning, Reconstruction and Return Travnik - <http://www.sbk-ksb.gov.ba/>

Ministry of Trade, Tourism and Environment Protection Mostar - <http://www.vlada-hnz-k.ba/>

Ministry of Urban Planning, Resources and Environment Protection Široki Brijeg - <http://www.vladazzh.com/>

Ministry of Urban Planning and Environment Protection Sarajevo - <http://mpz.ks.gov.ba/>

Ministry of Civil Engineering, Urban Planning and Environment Livno - [www.vladahbz.gov.ba](http://www.vladahbz.gov.ba)

National Assembly of RS - <http://www.narodnaskupstinars.net/>

Government of Republika Srpska - <http://www.vladars.net/>

Ministry of Urban Planning, Civil Engineering and Environment of RS - <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/Pages/default.aspx>

Ministry of Agriculture, Forestry and Water Management of RS - <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mps/Pages/default.aspx>

Ministry of Justice of RS – <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpr/Pages/default.aspx>

RS Ministry of Education and Culture - <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpk/Pages/default.aspx>

RS Inspection Affairs Administration, RS Inspectorate - <http://www.inspektorat.vladars.net/>
RS Hydro Meteorological Institute - <http://www.rhmzrs.com/>

RS Institute of Statistics - <http://www.rzs.rs.ba/>
Public Institution “Vode Srpske” (RS Water Management Institution) - <http://www.voders.org/>

RS Fund for Environment Protection and Energy Efficiency - <http://ekofondrs.org/>

Assembly of Brčko District of BiH - <http://www.skupstinabd.ba/>

Government of Brčko District of BiH - <http://www.bdcentral.net>;

Aarhus centres Network Portal in BiH - <http://www.aarhus.ba/>

Aarhus Centre in BiH (Aarhus centar Sarajevo) - <http://aarhus.ba/sarajevo/>

Environment Protection Centre (Aarhus Centre Banja Luka) <http://czzs.org/>

Ecology and Energy Centre (Aarhus Centre Tuzla) - [www.ekologija.ba](http://www.ekologija.ba)

Eco Forum Zenica - <http://eko.ba/>

VII Legislative, regulatory and other measures implementing the provisions on access to environmental information in Article 4

Explain the way in which each of the provisions of Article 4 is implemented. Explain how the relevant definitions specified in Article 2 were transposed, describe anti-discrimination measures in Article 3, Paragraph 9, specifically, describe the following:

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS);

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Law on Administrative Procedure (Official Gazette of FBiH, 2/98 and 48/99) (LoAP FBiH),

Law on Personal Data Protection of BiH (Official Gazette of BiH, 49/06 and 76/11) (LoPDP BiH),

Law on Inspections in RS (Official Gazette of RS, 74/10, 109/12 and 117/12, 44/16) (LoI RS),

Law on General Administrative Procedure of RS (Official Gazette of RS, 13/02, 87/07, 50/10) (LoGAP RS),

Law on Environment Protection BPC Goražde (Official Gazette of BPC5/05,11/10,8/11),

Law on Administrative Disputes (Official Gazette of FBiH 9/05),

Law on Minor Offences (Official Gazette of FBiH 63/14),

Law on Statistics BiH (Official Gazette of BiH: 26/04, 42/04) (LoS BiH).

Article 3(2) of LoFAI BiH/FBiH/RS, contains broader and more precise definition of public authorities in comparison with the definition specified under Article 2(2) of the Convention.

Article 30.(1) of LoEP FBiH is harmonised with Article 2(3) of Aarhus Convention, focusing on the definition of “environmental information”, while Article 4(26) of LoEP FBiH is harmonised with Article 2.(4) of the Convention, focusing on the definition of “the public”. As for the definition of “the public concerned”, that definition has also been taken from Article 2(5) of the Convention, and has been specified under Article 30(2) LoEP FBiH. In Republika Srpska, the applicable articles 14(j)(k)(o)(alj) and 34 of LoPE RS are fully harmonised with Article 2(3)(4)(5) of Aarhus Convention. In Brčko District of BiH, Article 4(6)(7)(11)(12) of LoPE BD fully incorporates the provisions of Article 2(3)(4)(5) of Aarhus Convention. Article 15 of the Law on Nature Protection of the RS (Official Gazette 20/14) mandates that the process of development of documents focusing on protection and management of natural resources as well as the process of development of other documents within the scope of this Law, should integrate the element of public participation, through public insight.

With regard to the requirement of non-discrimination, specified under Article 3(9) of the Convention, applicable provisions of Article 31 of LoPE FBiH, Article 35 of LoPE RS and Article 30 of LoPE BD mandate that the public shall have access to information, ability to participate in decision-making and protection of rights in the area of environment protection in proceedings before administrative and judicial bodies, without discrimination on the ground of citizenship, ethnicity or place of residence and for legal persons, without discrimination based on their place of registration or location of their headquarters.

In addition, the provisions of Article 4 of LoFAI BiH/FBiH/RS grant right of access to information held by any public administration body to all natural and legal persons.

During the reporting period, the Ministry of Justice of BiH (MoJ BiH) commenced the process of development of amendments to the LoFAI BiH, to ensure this piece of legislation is adequately harmonised with systemic regulations in effect in BiH, as well as with the applicable EU regulations. Amendments to LoFAI BiH aim at enabling maximum degree of enforcement of the right to free access to information for all natural and legal persons under the same conditions, while ensuring publicity and transparency of operations of bodies of public administration, in accordance with the EU regulations, international instruments for protection of human rights and freedoms, as well as generally accepted standards of international law, for the purpose of protection of interests of public in free and democratic society.

Access to information has also been mandated under the applicable provisions of LoAP FBiH and the provisions of LoPDP BiH.

During the course of inspection oversight in the RS, the relevant inspection body (RS Inspectorate) provides information to parties to the proceedings in accordance with the LoI RS and LoGAP RS. When it comes to third parties, such as different organisations, associations of citizens, media etc., the RS Inspectorate, in its review of each individual request for access to information in the area of environment protection, performs detailed analysis to determine whether publication of the requested information could constitute exception in the context of the provisions of LoFAI RS and LoPDP BiH, specifically, whether the requested information was pertinent to the defence and security interests, protection of public safety, prevention and detection of crime, protection of decision-making processes of bodies of public administration, protection of privileged corporate information and protection of personal interests pertinent to privacy of third parties.

With respect to Paragraph 1, measures taken to ensure that:

Any person may have access to information without having to state an interest,

Copies of the actual documentation containing or comprising the requested information are supplied,

The information is supplied in the form requested.

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Law on Electricity FBiH (Official Gazette of FBiH 66/13 and 94/15) (LoE FBiH)

Ordinance on Procedure, Criteria, Form and Content of the Application for Issuance of Energy License for Construction of New and Reconstruction of Existing Generation Facilities (Official Gazette of FBiH 27/14),

Law on Petroleum Products FBiH (Official Gazette of FBiH 52/14) (LoPP FBiH);

Rulebook on Issuance of Permits (licenses) for Energy Related Operations in the Area of Petroleum Industry (Official Gazette of FBiH 15/16),

Law on Geological Explorations FBiH (Official Gazette of FBiH 9/10 and 14/10) (LoGS FBiH),

Law on Exploration and Exploitation of Oil and Gas FBiH (Official Gazette of FBiH 77/13) (LoEEOG FBiH).

In accordance with the provisions of Article 11(4) of LoFAI BiH/FBiH and Article 11(2) LoFAI RS, the body of public administration shall not question or demand justification of the request, which is in line with the provisions of Article 4(1)(a) of Aarhus Convention. Article 14(2) of LoFAI BiH/FBiH/RS, mandates that the applicant shall either be granted access to information in the premises of the body of public administration, enabled to make copies of documentation, or enabled to get copies of the requested information. In addition, also applicable are the provisions of Article 33 LoEP FBiH / Article 36 of LoEP RS / Article 32 of LoEP BD, although the Law on Environment Protection of the FBiH does not include the provision which mandates that the body of public administration shall refrain from questioning or demanding justification for the request.

FMEMI responds to inquiries and acts in accordance with the provisions of LoFAI BiH. FMEMI also disseminates information to interested citizens by posting it on its website (<http://www.fmeri.gov.ba>). The information posted on the website of the Ministry includes information on licenses issued in accordance with the provisions of LoE FBiH, Ordinance on Procedure, Criteria, Form and Content of the Application for Issuance of Energy License for Construction of New and Reconstruction of Existing Generation Facilities, LoPP FBiH and the Rulebook on Issuance of Permits (licenses) for Energy Related Operations in the Area of Petroleum Industry.

In line with the provisions of LoGE FBiH and LoEEOG FBiH, Geology Department operating within the Mining Sector, implements the procedure of issuance of licenses for geological explorations. Within the procedure of issuance of license, public discussion is organised and notice posted on the bulletin board of the municipality in which the exploration shall take place, to inform the public on the activities that may have environmental impact. (Articles 4 and 28 LoGE FBiH).

During the period between 1 January 2014 and 31 December 2016, Cantonal Court in Goražde received a total of 14 requests for access to information, specifically: two requests in 2014, two in 2015 and ten requests in 2016. All requests were processed and information provided, as requested.

In accordance with the provisions of office management regulations, all documentation is kept in the sector archives or central archive of the FEF, established in line with the provisions of office management and archiving by-laws of the FEF. In line with the provisions of Article 14(2) of LoFAI BiH/FBiH/RS, the FEF enables access to information to applicants by processing their requests and providing access, once it is verified that the documentation requested does not contain confidential information. Access is granted by providing copies of the documentation containing or encompassing the requested information.

(b) Measures taken to ensure that the time limits provided for in Paragraph 2 are respected

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD).

Under the provisions of Article 14, Paragraph 4 of the LoFAI BiH/FBiH/RS, the deadline for provision of access to information is 15 days of the date of submission of the request. The noted deadline may be extended provided that the applicant is duly informed of such extension. Articles 33(4) of LoPE FBiH, 36(5) of LoPE RS and 32(4) of LoPE BD also mandate the deadline of 15 days for provision of access to information. In accordance with the provisions of LoPE FBiH, this deadline may be extended up to one month, if such extension is deemed justified due to content or complexity of the requested information. Under those circumstances, the applicant is to be informed of extension of the deadline and reasons for it. In practice, similar approach should be applied in the RS and the BD, since the applicable provisions of the LoFAI are in effect. Under the provisions of Article 14, Paragraph 4 of the LoFAI RS, the deadline for response to the request for provision of information may be extended.

With regard to the procedure for addressing requests for access to information, BiH HROI made a general observation about issues noted in the area of compliance with deadlines, adding that the number of instances in which such issues have been identified was not significant. Such trend noted by BiH HROI cannot be generally correlated with issues pertinent to the environment, specifically, to the implementation of Aarhus Convention. However, these issues point to the general question that emerges in the area of publicity with reference to understanding the scope of exceptions, since certain number of bodies of public administration frequently cite provisions of other laws as well (for instance LoPDP BiH).

For that reason, BiH HROI believes that continuous effort is needed to ensure civil servants are trained in the application of regulations pertinent to access to information, with particular emphasis on Aarhus Convention.

(c) With respect to paragraphs 3 and 4, measures taken to:

Provide for exemptions from requests,

Ensure that the public interest test at the end of Paragraph 4 is applied.

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD).

Articles 5 to 9 of the LoFAI BiH/FBiH/RS are particularly relevant in this area, since they specify the criteria for refusal of the request, which are in compliance with the provisions of the Convention, in addition to specifying the public interest test. Also relevant are the provisions of Article 34(1)(2) of LoPE FBiH, Article 37(1)(2) of LoPE RS and Article 33(1)(2) of LoPE BD, which specify grounds for refusal of access to information requests, which are in compliance with the provisions of the Convention.

Article 121 of the Rulebook on Internal Court Operations also specifies exemptions from compliance with requests for access to information.

In the process of public interest test, the Cantonal Court in Goražde takes into account each benefit or detriment that may arise from providing access to the requested information, while trying to assess potential violations of privacy of third parties, legitimate goals of the FBiH and privileged corporate information held by third parties (Article 9 of LoFAI FBiH). If submission of information is deemed to be justified and serving public interest, the information shall be provided regardless of exceptions specified under the provisions of articles 6, 7 or 8 of LoFAI FBiH. (Article 9, Paragraph of LoFAI FBiH).

With respect to Paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD).

This requirement is contained within the provisions of Article 13 LoFAI BiH/FBiH/RS, and Article 34(4) LoPE FBiH, Article 37(3) of LoPE RS and Article 33(3) of LoPE BD. In the event the public authority does not have the requested information, such public authority shall be required to forward the request to the other public authority which may have the requested information and notify the applicant thereof.

In the event FMET does not have the requested environmental information, it shall be required to notify the applicant thereof without delay, instructing the applicant to address other relevant institution, or, forward the request to another public authority and notify the applicant thereof.

In situations when the Cantonal Court in Sarajevo does not have the requested information, but knows which public authority has it, the Court shall forward the request to such institution, notifying the applicant thereof. In the event the Court is unable to identify the public authority which has the requested information, the Court shall notify the applicant of the reasons it is unable to comply with the applicant’s request.

With respect to Paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD).

If part of the requested information has been identified to constitute an exception, the relevant public authority should separate out such part and make the rest of the information available, unless the information has been rendered incomprehensible as a result of such separation, as specified under Article 10 of LoFAI BiH/FBiH/RS. Similar provisions have been integrated in Article 34(4) of LoPE FBiH and Article 33(5) of LoPE BD. With the adoption of the most recent amendments to LoPE RS, this provision was omitted, although the implementation of the provisions of LoFAI should require enforcement of this process in practice.

If part of the requested information has been identified to constitute an exception, the Cantonal Court in Sarajevo shall separate out such part and disclose the rest of the information, unless the information has been rendered incomprehensible as a result of such separation.

In instances of full or partial refusal of request for access to information, the Cantonal Court in Goražde notifies the applicant of such refusal by issuing a decision which specifies legal ground for exemption, in the context of the applicable provisions of the LoFAI and the provisions of Article 121, Paragraph (2) of the Rulebook on Internal Court Operations, in addition to specifying legal remedy, which includes name and address of the body dealing with appeals against such decision, deadline for submission of the appeal and the instruction on how to contact the Ombudsman Institution, with necessary contact details. In the event the request for access to information is not met within the time limit mandated under the law, the applicant shall have the right to lodge an appeal to the relevant court.

If part of the requested information has been identified to constitute an exception, the FEF shall separate out such information and provide access to the rest of the information, making sure that it is comprehensible.

With respect to Paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Law on Administrative Procedure BiH (Official Gazette of BiH 92/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH),

Law on Administrative Procedure FBiH (Official Gazette of FBiH, 2/98 and 48/99) (LoAP FBiH),

Law on General Administrative Procedure of RS (Official Gazette of RS, 13/02, 87/07, 50/10) (LoGAP RS),

Law on Administrative Procedure BD (Official Gazette of BD 09/02, 08/03, 08/04, 25/05, 08/07, 36/09, 48/11) (LoAP BD).

In the event of refusal of the request for access to information, the relevant public authority shall be required to notify the applicant of such refusal in writing, within the time frame of 15 days (which may be extended), explain the reasons for refusal and suggest possible further course of action, in accordance with the provisions of Article 14(3)(4) of LoFAI BiH/FBiH/RS. According to the practice in the RS, in the event the request is refused, decision is made to that effect, rather than a written response in the form of a letter. Such practice has been put into place on the basis of court decisions, according to which, bodies of public administration are required to issue decision when they find that the conditions have been met to refuse the request to access information, which would enable the applicant to initiate second instance proceedings accordingly.

The provisions of Article 34(3)(6) of LoPE FBiH and Article 37(3) of LoPE RS stipulate that the reasons for refusal to comply with the request to access information must be explained and presented in writing, if the request for access to information was also presented in writing, or if written response was required by the applicant. Time frames for delivery of decisions are not specified under the laws in effect, especially not under the provisions of the Law on Freedom of Access to Information. In addition, the Law on General Administrative Procedure also does not specify the time frame for delivery of decision, but does specify the manner in which such delivery is to be made and those provisions apply to deliveries of all decisions. If the Law on Freedom of Access to Information stipulates that the deadline for delivery of decision rejecting the request is 15 days, there is no need for further stipulation of deadlines for delivery. Decisions are delivered immediately upon being made in writing.

Article 36, Paragraph 5 of the LoPE RS specifies that the response on rejection of request is to be made in writing, within 15 days of the day of submission of the request to access information.

In accordance with the provisions of Article 33(3)(6) of LoPE BD, the ground for rejection shall be briefly explained and the relevant department shall notify the applicant of rejection of the request to access information within eight days of receipt of the request.

In addition, in accordance with the provisions of Article 15(2) of LoAP BiH, Article 11(3) of LoAP FBiH, Article 12(3) of LoGAP RS and Article 11(2) of LoAP BD, the applicant has the right to appeal even in situations when a public authority did not make a decision on the outcome of the request submitted by the applicant within the specified time frame (silence of the administration).

In cases of refusal of the request for access to information, the Cantonal Court in Sarajevo informs the applicant of the outcome by issuing a decision, which specifies that appeal against such decision may be submitted to head of the body (President of the Court) within eight days of receipt of the decision and suggests a possibility for the applicant to notify the BiH HROI, if the applicant is not satisfied with the way in which the Court dealt with the request.

In cases of refusal of the request for access to information, the FEF informs the applicant of such refusal within 15 days and advises the applicant on the possible further course of action.

Article 41, of LoPE RS stipulates that any applicant who believes his/her request was refused without justification, shall have the right to initiate proceedings to protect his/her rights.

With respect to Paragraph 8, measures taken to ensure that the requirements on charging are met

Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),

Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Law on Personal Data Protection of BiH (Official Gazette of BiH, 49/06 and 76/11) (LoPDP BiH).

In line with the provisions of Article 16 of LoFAI BiH/FBiH/RS, fees are charged only for photocopying services, with exception of the first ten pages, which are provided free of charge. Also relevant to this matter are the provisions of Article 35 of LoPE FBiH, Article 38 of LoPE RS and Article 34 of LoPE BD.

The Cantonal Court in Goražde does not charge fees for the provision of the requested information for the first ten pages. Each page after the first ten is charged at the rate of 0.5KM per page. So far, there have been no cases that the requested information exceeded ten pages.

According to the RSI parties involved in inspection oversight have access to the entire file made during the process of inspection oversight, as mandated under the provisions of the LoI RS and LoGAP RS. Third parties, including different organisations, citizens’ associations, the media and so on, that do not have the status of the party to the proceedings, have the ability to access information within the scope of mandate of this body of public administration, as mandated under the provisions of LoFAI RS and LoPDP BiH. This body has never denied any request to access information to any applicant and has never charged any fee for such services.

With regard to charging fees for photocopying documents exceeding ten pages, the Cantonal Court in Sarajevo acts in compliance with the provisions of Article 16 of LoFAI FBIH and the Instruction for implementation of LoFAI FBiH.

Based on the provisions of LoS BiH, LoFAI, LoPDP BiH, BHAS developed and posted on its website a document under the title: “BiH Statistics Agency Access to Information Guide”. The Guide specifies all measures in its Article 4, paragraphs 1 to 8. Information Dissemination Department of BHAS is assigned to deal with requests for access to information.

VIII. Obstacles in the implementation of Article 4 of Aarhus Convention

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 4.

Certain public authorities failed to issue a price list specifying the amount of fees charged for the services of provision of information, mandated under the provisions of Article 35 of LoPE FBiH and Article 34 of LoPE BD. As a result, in Posavina Canton there was no price list specifying the amount of fee to be charged for the provision of information, mandated under Article 35 and LoPE FBiH. In addition, the FEF also did not issue the price list to specify these fees.

IX. Further information on the practical application of the provisions of Article 4 of Aarhus Convention

List further information on the practical implementation of the provisions of Article 4 on access to information, e.g. are there statistical data on the number of filed requests, number of refused requests and reasons for refusal?

FMET does not keep record on the received requests for access to information, refused requests or reasons for refusal. It is planned that the practice of keeping such records would be introduced as of 1 January 2018 and that a member of staff within the Ministry would be assigned to keep it.

The ASRBA also does not keep the register of received requests for access to information.

The FAPI has statistical data on the number of received requests, number of refused requests and data on reasons of refusal. Requests were refused based on justified reasons, with decisions issued to that effect that have not been challenged in the appeals proceedings.

The officer of the FMUP keeps a record of received requests for access to information, documenting both the procedure completed and the outcome of such requests.

During the period between 2014 and 2016, in the area of inspection of urban development, construction and environmental affairs, the RSI dealt with all requests received from other public authorities, organisations, legal entities and individuals, as follows:

In 2014 – 21 requests for access to information were received, in 2015 – 19 requests were received and in 2016 – 18 requests were received.

The Cantonal Court in Sarajevo keeps record which documents the number of requests received, the number of completed proceedings and the duration and outcome of such proceedings.

Over the period of past three years, one request for access to information was received in BD. The subject of the request was the information on issuance of the revised environmental permit for a chicken farm. The applicant received a response, as mandated under the regulations in effect in BD.

During the period between 1 January 2014 and 31 December 2016, the Cantonal Court in Goražde received a total of 14 requests for access to information, specifically: two requests in 2014, two requests in 2015 and ten requests in 2016. All requests were met, as demanded by the applicant.

Various publications, journals, reports, guides and other documents of relevance to public health are available on the website of FPHI. During bouts of air pollution, extreme cold and extreme heat, the FPHI website included recommendations for citizens on how to protect their health from these environmental risks. These recommendations are also disseminated by the media (through appearances of representatives of FPHI in radio and TV shows, publication of articles in printed media, etc.). Provision of information is denied only in cases when the requested information is not available, or in cases focusing on activities outside the scope of competence of FPHI.

Information of relevance to operation of the FEF is disseminated to the public on daily basis, especially the information on funds provided by the FEF. In addition, the information disseminated by the FEF also includes requests for clarifications and correspondence of relevance to the process of registration and meeting the criteria on the part of payers of environmental fees to the FEF on the territory of the FBiH.

In its interaction with the interested parties, each request is duly processed and answered to. The same applies to communication with the media, facilitated either through appearances in radio and TV shows or through provision of statements and written replies to queries from the media. Guide for access to information and Index Register with overview, description and purpose of information and the manner of exercise of the right to access information are being drafted at the moment. These documents have not been adopted yet, and therefore have not been posted on the website of the Fund.

Considering the fact that one of fundamental activities of Sarajevo Aarhus Centre is to collect environmental information held by public authorities, the experience in this area so far, is rather negative. In most cases, public authorities do not respond to requests for access to information within the time frame mandated under the law, and some public authorities do not respond to such requests at all (silence of the administration). In those cases, Sarajevo Aarhus Centre appeals to BH HROI, this results in receipt of decisions from the relevant public authorities. In most cases, these decisions neither specify the requested information nor the legal remedy to be pursued. In some instances, requests for access to information result in refusal to comply, but those refusals are not in compliance with the law, which is the reason Sarajevo Aarhus Centre is compelled to appeal to the relevant body or initiate an administrative dispute. To date, Sarajevo Aarhus Centre did not incur substantial expenditures as a result of its endeavours to access information.

Banja Luka Aarhus centre: According to NGOs, most frequent violations of the right to access information include late submissions, lack of legal remedy in written decisions, unjustified exemptions and denial of request on the basis of claims that the subject matter is outside the scope of competence of the particular public authority. The reasons for such outcomes could include lack of will to comply with the mandatory legal norms as well as insufficient legal expertise on the part of employees of some public authorities. Individuals and organisations requesting information are often forced to pursue their rights at second instance administrative or judicial institutions, invest substantial effort in these endeavours and be prepared to deal with substantial delays. In addition to commitments stemming directly from the provisions of Aarhus Convention, BiH also signed Kyiv Protocol on Pollutant Release and Transfer Registers (PRTR), which entered into force in 2009. The purpose of the Protocol is to encourage access to information through development of comprehensive and harmonised registers of pollutants at the levels of the entities, which could facilitate public participation in decision making in the area of environment protection and contribute to decrease and prevention of pollution. According to the provisions of the Protocol, relevant authorities (FMET in BiH), are required to collect data from owners of stationary industrial and agricultural sources of pollution and publish it annually.[[2]](#footnote-2)

However, despite the fact the EU provided 1,200,000 EUR in funding for the implementation of EU PRTR Directive in 2009 in BiH[[3]](#footnote-3), its implementation is far from satisfactory. New server and software purchased within the project were online briefly, in experimental use, but after a while, the idea of further use and upgrade of the system was abandoned. At the same time, the FMET independently and at its own cost, procured software and established PRTR system. However, only one employee of the FMET has the password to access data. Instead of publishing the information in the register, to make it available to the public, the information is released based on individual requests submitted to the Ministry. Replies to these requests often take a lot of time and applicants often receive the information too late to be able to use it in decision-making. In addition, the system only covers the territory of the FBiH, while the RS and BD BiH are in the process of development of their own systems. It is of concern that no progress has been noted during the reporting period.

X Website addresses relevant to the implementation of Article 4

List relevant websites, if any:

Representatives of the public may contact the relevant authorities by using contact information available on the websites of the relevant authorities, listed under item VI, in the top section.

XI Legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in Article 5

Explain the manner in which each paragraph of Article 5 is implemented. Describe how the relevant definitions specified in Article 2 and anti-discrimination measures specified in Article 3, Paragraph 9 have been transposed in the national regulations.

In particular, describe the following:

With respect to Paragraph 1, measures taken to ensure that:

Public authorities possess and update environmental information,

There is an adequate flow of information to public authorities,

In emergencies, appropriate information is disseminated immediately and without delay.

In addition to bylaws, listed in responses to individual queries, also relevant are the following laws:

Law on Food BiH (Official Gazette of BiH: 50/04) (LoF BiH),

Law on Protection of Plant Health BiH (Official Gazette of BiH: 23/03) (LoPPH BiH),

Law on Seed and Seedlings of Agricultural Plants BiH (Official Gazette of BiH: 03/05) (LoSSAP BiH),

Law on Agriculture, Food Production and Rural Development BiH (Official Gazette of BiH: 50/08) (LoAFPRD BiH),

Law on Genetically Modified Organisms (Official Gazette of BiH:23/09) (LoGMO BiH),

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH),

Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12 and 74/17) (LoW RS),

Law on Nature Protection of BD (Official Gazette of BD, 24/04, 01/05, 19/07, 9/09) (LoNP BD),

Law on Nature Protection of FBiH (Official Gazette of FBiH, 33/03 and 66/13)  (LoNP FBiH),

Law on Nature Protection of RS (Official Gazette of RS, 20/14) (LoNP RS),

Law on Nature Protection of BD (Official Gazette of BD, 24/04, 01/05, 19/07, 9/09) (LoNP BD),

Law on Air Protection of FBiH (Official Gazette of FBiH: 33/03, 4/10) (LoAP FBiH),

Law on Air Protection of RS (Official Gazette of RS: 124/11, 46/17),

Law on Air Protection of BD (Official Gazette of BD: 25/04, 1/05, 19/07, 9/09) (LoAP BD),

Law on Agriculture of FBiH (Official Gazette of FBiH: 88/07, 4/10, 7/13) (LoA FBiH),

Law on Agricultural Land of BD (Official Gazette of BD: 1/00, 7/04, 20/06, 19/07) (LoAL BD),

Law on Spatial Planning and Use of Land of FBiH (Official Gazette of FBiH:  [2/06](http://www.fbihvlada.gov.ba/bosanski/zakoni/2006/zakoni/5bos.htm),  [72/07](http://www.fbihvlada.gov.ba/bosanski/zakoni/2007/zakoni/17bos.htm), [32/08](http://www.fbihvlada.gov.ba/bosanski/zakoni/2008/zakoni/13bos.htm), [4/10](http://www.fbihvlada.gov.ba/bosanski/zakoni/2010/zakoni/3bos.htm), [13/10](http://www.fbihvlada.gov.ba/bosanski/zakoni/2010/zakoni/20bos.htm) and [45/10](http://www.fbihvlada.gov.ba/bosanski/zakoni/2010/zakoni/38bos.html)) (LoSPUL FBiH),

Law on Spatial Planning and Construction of BD (Official Gazette of BD: 29/08, 18/17) (LoSPC BD),

Law on Una National Park (Official Gazette of FBiH: 44/08) (LoUNP FBiH),

Law on Forests of RS (Official Gazette of RS: 75/08, 60/13) (LoF RS),

Law on Forests of BD (Official Gazette of BD: 02/10) (LoF BD),

Law on Protection of Plant Health of RS (Official Gazette of RS: 25/09) (LoPPH RS),

Law on Chemicals of RS (Official Gazette of RS: 36/09, 88/10, 92/11, 93/12, 25/15) (LoC RS),

Law on Statistics of BiH (Official Gazette of BiH: 26/04, 42/04) (LoS BiH),

Law on Statistics of FBiH (Official Gazette of FBiH: 63/03); (LoS FBiH),

Law on Statistics of RS (Official Gazette of RS: 85/03); (LoS RS),

Law on Agricultural Land of FBiH (Official Gazette of FBiH: 52/09).

Of relevance at state level are the provisions of articles 6 and 10 of the LoF, articles 11, 54, 55, 56 and 57, of the LoPPH BiH; articles 61 and 64 of LoSSAP BiH; articles 15 and 16 of LoAFPRD BiH and articles 31, 32 and 50 of LoGMO BiH.

With reference to possession and updating of environmental information on the part of the relevant institutions, of relevance are the provisions of articles 28 and 29 LoPE FBiH articles 33 and 102 of LoPE RS and articles 28 and 29 of LoPE BD. FMET in the FBiH is the institution responsible for collection of data on the environment, from other ministries, other relevant institutions and institutes (FBiH Hydrological and Meteorological Institute - FHMI, FSI, etc.). In the RS, the relevant institution is RS MUPCEE, which works with other ministries and institutions, such as the RS HMI and RS Statistics Institute - RSSI). With respect to the flow of information to government bodies and informing them of any immediate threats to human health, of relevance are the provisions of articles 75, 76, 80 and 81 LoPE FBiH, articles 92, 107 and 110 of LoPE RS and articles 72, 73, 74, 76 and 77 of LoPE BD. Also relevant are the provisions of articles 22 and 23 of LoPE FBiH, articles 25 and 26 of LoPE RS and articles 22 and 23 of LoPE BD, which focus on the system of environmental information dissemination. In addition, also of relevance are the Rulebook on Registers of Facilities and Pollutants (Official Gazette of FBiH: 82/07) and the Rulebook on Methodology and Method of Keeping of Registers of Facilities and Pollutants (Official Gazette of RS: 92/07).

In accordance with the provisions of articles 98 to 106 of the LoW of FBiH and articles 110 to 119 of the LoW RS, waters information system has been put in place. The system is managed by the relevant agencies, specifically ASRBA in the FBiH and „Vode Srpske“ public institution in the RS. Unfortunately, this system has not yet been initiated in the BD BiH. Water protection database in Brčko District is managed online, using a computerised Geographic Information System (GIS).

Of relevance are the provisions of Article 39 of LoNP FBiH, Article 91 of LoNP RS and Article 14 of LoNP BD, which mandate the establishment of nature protection information system. For the purpose of establishment of this system, the following regulations have been adopted: the Rulebook on Establishment and Management of Nature Protection Information System and Monitoring (Official Gazette of FBiH: 46/06) and Rulebook on Method of Establishment and Management of Nature Protection Information System and System of Monitoring (Official Gazette of RS: 85/05). Article 92 of the Law on Nature Protection of RS defines the establishment of nature protection information system and requires monitoring of the situation.

Also of relevance are the provisions of articles 15, 26, 30 and 32 of LoAP FBiH, articles 15, 17, 18, 23, 35, 36 and articles 64 to 69 of LoAP RS and articles 37, 41 and 43 of LoAP BD. Also of relevance are the provisions of Article 42 of LoA FBiH, Article 31 of LoSPUL FBiH and Article 14 (17) of LoUNP FBiH. In Republika Srpska, of relevance are the provisions of Article 86 of LoF RS, articles 7, 14. (j), 27, 81 and 83 of LoPPH RS and the provisions of articles 22, 23, paragraphs (5) and (6), 58 and 84 of LoC RS. In Brčko District, of relevance are the provisions of articles 37, Paragraph (5) of the LoF BD, Article 150 of LoAL BD and articles 4(l) and 43 of LoSPC of BD.

Also relevant are the following provisions of by-laws in effect in the FBiH:

Article 2 of the Rulebook on Monitoring Air Quality (Official Gazette of FBiH 12/05, 9/16),

Article 2 and 9 of the Rulebook on Contents of Report on State of Security, Content of Information and Security Measures and Content of Internal and External Intervention Plans (Official Gazette of FBiH: 68/05),

Article 6 of the Rulebook on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of FBiH: 39/05),

Article 3, Paragraph (5) and 11, paragraphs (4) and (8) of the Ordinance on Limiting Values of Dangerous and Harmful Substances for Waters which are Released after Filtration from Public Sewage System into Natural Receptors (Official Gazette of FBiH: 4/13),

Decree on Obligation to Submit Annual Report on Fulfilment of Requirements in Waste Management License (Official Gazette of FBiH: 31/06),

Article 12 of the Rulebook on Conditions of Operation of Waste Incineration Facilities (Official Gazette of FBiH: 12/05),

Article 24 of the Rulebook on Monitoring Emissions of Pollutants in the Air (Official Gazette of FBiH: 12/05),

Article 14 of the Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas (Official Gazette of FBiH: 71/09),

Ordinance on Conditions of Release of Waste Water into the Environment and Public Sewage Systems (Official Gazette of FBiH: 101/15 and 1/16),

Rulebook on Methodology of Monitoring of Quality of Agricultural Land (Official Gazette of FBiH: 38/11),

Rulebook on Determination of Allowed Concentrations of Harmful and Hazardous Substances in Soil and the Method of Soil Testing (Official Gazette of FBiH: 72/09),

Rulebook on Establishment and Management of Water Information System (Official Gazette of FBiH: 77/09).

The relevant by-laws are in the RS:

Article 2, 9 and 10 of the Ordinance on Air Quality Indicators (Official Gazette of RS: 24/12),

Article 42 of the Rulebook on Measures of Prevention and Decrease of Air Pollution and Improvement of Air Quality (Official Gazette of RS: 03/15, 51/15, 47/16), which mandates that the annual emissions report should be entered into the information system,

Article 6 of the Decree on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of RS: 94/05),

Programme of Mandatory Statistical Research in the Area of Health Care (Official Gazette of RS: 46/05), which requires monitoring and reporting of the following: pollution situation and measures undertaken to protect quality of air, water and soil from ionizing radiation and other harmful substances that present risk to human lives and health, number of analysed samples of food products and products for general use as well as number of analysed drinking water samples (daily sampling, analysis and annual reporting),

Rulebook on Eco Labels of Republika Srpska (Official Gazette of RS: 108/13).

The relevant by-laws are in the BD:

Article 2 of the Rulebook on Monitoring Air Quality (Official Gazette of BD: 30/06),

Article 21 of the Rulebook on Monitoring Emissions of Pollutants in the Air (Official Gazette of BD: 30/06),

Article 6 of the Rulebook on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of BD: 30/06).

The provisions cited above facilitate the flow of information on the environment situation. In addition, these provisions ensure that in case of emergencies, information is distributed without delay.

In the event of immediate threat to human health or the environment, the relevant minister shall present representatives of the public with all data in possession by bodies of public administration that could enable the public to take measures to prevent or reduce the damage that could result from a specific threat, as mandated under the provisions of Article 29(3) of LoPE FBiH and Article 29(2) of LoPE BD. The public should be informed of emergency situations, such as interventions in the event of incident pollution, through the media and on the website, as well as in direct contacts and during public events. In line with the provisions of Article 9, Paragraph (2) of the Rulebook on Air Quality Monitoring of BD (Official Gazette of BD: 30/06), interested public is informed of air quality in real time, if pollutant concentration exceeds critical values of air quality and if technical features of the air sampling facility enable provision of information in real time.

Article 42 of the Rulebook on Measures of Prevention and Decrease of Air Pollution and Improvement of Air Quality (Official Gazette of RS: 03/15, 51/15, 47/16) mandates that the annual emissions report should be entered into the information system.

In line with the provisions of articles 3 and 8 of the LoS BiH, BHAS distributes statistical data to all relevant institutions in BiH, interested parties, scholars and other interested individuals, upon request.

In accordance with the provisions of Article 6 of the LoF, BiH FSA disseminates risk information to enable the relevant bodies in BiH, its entities and BD, companies involved in trade of food and animal feed, consumers and other relevant institutions and interested parties to get timely, reliable, objective and understandable information about risks related to food and animal feed. In addition, pursuant to the provisions of Article 10 of the LoF, BiH FSA undertakes steps if it is suspected that food or animal feed could pose risk to human or animal health and notifies the public of the risks to health, identifying the food or animal feed products affected, explaining the risk they pose and specifying the measures undertaken or to be undertaken to prevent, decrease or eliminate the risk.

During 2014 flood crisis, in line with its competences mandated under the law, the Soil Department operating within the FAPI prepared a Programme of Emergency Measures of Recovery of Flooded Agricultural Land on the Territory of the FBiH and distributed it to municipal institutions, Federation Civilian Protection HQ and the Government.

On the basis of the decision of the FBiH Government, upon the initiative of Gračanica Municipality, Monitoring of the River Spreča Underflow was initiated in 2014. This monitoring initiative is still ongoing. In the focus of the research was soil contamination with organic pollutants. Upon the initiative of Zenica Municipality, and based on the subsequent decision of the FBiH Government, monitoring has been initiated to monitor pollution of soil with inorganic and organic pollutants on the territory of Zenica. This monitoring initiative is still ongoing. All reports prepared by FAPI, focusing on direct threat to human health and the environment are presented by FAPI director in the sessions of the FBiH Government. The reports are distributed to municipalities and cantons covering the territory where soil contamination has been detected. These reports are also posted on the FAPI website. Director and other staff of FAPI acting upon approval of the Director, make statements to the media, if necessary. If soil contamination is detected with specific pollutant that poses risk to human health and the environment, the FAPI releases preliminary report immediately upon completion of laboratory testing and performs further testing in the contaminated area.

Due to May 2014 floods in the Sava river basin, FBiH Sava River Basin Agency (SRBA)  facilitated monitoring of quality of surface water to determine the baseline for major rivers, down the stream from major cities or at the locations where the risk of spilling of harmful substances existed.

The Sector of Water Testing took samples at 35 locations from a total of 23 rivers in the Sava river basin on the territory of the Federation of Bosnia and Herzegovina during the period between 20 May and 4 June 2014. The samples were tested for physical, chemical, sanitary and microbiological quality parameters, in accordance with the Decision on Characterisation of Surface and Ground Water, Reference Conditions and Parameters for Water Monitoring (Official Gazette of the FBiH: 1/14), Ordinance on Harmful and Hazardous Substances in Waters (Official Gazette of the FBiH: 43/07) and Ordinance on Classification of Water and Categorisation of Waterways (Official Gazette of the RS: 44/01). At all sampling locations, screening analysis was performed using gas chromatographer with mass detector, with the view of determining qualitative composition of samples taken. Around 70 parameters have been tested. At sampling locations where screening analysis indicated presence of harmful substances in the water, another on-site testing was arranged to test for presence of harmful substances and if found, determine their concentration. In accordance with the Decree issued by the FBiH Civilian Protection HQ No: 02-44/13-68/14 of 24 May of 2014, the results of monitoring of water quality in the Sava river basin on the territory of the Federation of BiH have been presented to the FBiH Civilian Protection HQ and FBiH Public Health Institute.

In line with the provisions of articles 98 to 106 of the LoW of FBiH, water information system has been put in place. The system is managed by the relevant agencies in the FBiH. With reference to procedures of disseminating information to the public in cases of incidents, defined under the provisions of Article 14 of the Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas, ASRBA also uses Operative plan of Measures in cases of emergencies and pollution incidents.

In accordance with the provisions of Article 156, Paragraph 1, Item 6 of the Law on Waters (Official Gazette of FBiH: 70/06) and the Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas (Official Gazette of FBiH: 71/09), and pursuant to the provisions of Article 47 of the Statute of the Agency for Sava River Basin in Sarajevo, Director of the Agency for Sava River Basin issued the Operative Plan of Measures in cases of emergencies and pollution incidents in the Sava river basin. This plan is available on the website of the Agency for Sava River Basin in Sarajevo (www.voda.ba).

In the event of immediate threat to human health, the relevant information is immediately disseminated by the FPHI and FMH to the public and to the relevant institutions, with recommended protection measures. Examples: provision of information and implementation of activities with the view of protecting the health of the population in the event of extreme weather conditions (air pollution, extreme heat or cold, floods), or in the event of food and water contamination, emergence of epidemics of communicable diseases, etc.

In line with the provisions of Article 29 of the LoPE FBiH, the practice in Zenica-Doboj Canton is that the relevant Minister addresses the public and presents all information held by the relevant Ministry that could enable the public to undertake measures to prevent or reduce the effects of damage that could result from a given risk. In the event of incident pollution, the public is informed of the situation by the media, the relevant websites, as well as through direct contacts and public events. With reference to air quality, the interested public is informed of the air quality through publication of results of testing that could be read on displays installed at three locations on the territory of the City of Zenica.

With respect to Paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible

Relevant are Articles 20 of LoFAI BiH/FBiH/RS. Relevant institutions have legal obligation to adopt a guide on access to information, in accordance with the provisions of LoFAI. Relevant are also Articles 28, 29, 35 and 37 LoPE FBiH, Articles 38, 40 and 102 LoPE RS and Articles 28, 29, 34 and 36 LoPE BD. Relevant public authorities provide certain information about the type and scope of information about the environment, available also through their websites. Many institutions also publish the contact details of their public relations officers, as specified under Item III, Paragraph 2, or facilitate other channels of communication.

With respect to Paragraph 3, measures taken to ensure progressive access to environmental information via electronic databases which are easily accessible to the public through telecommunication networks

In accordance with the existing regulations and, sometimes, at their own initiative, the responsible authorities in BiH post the available information on their websites, as per Article 5, Paragraph 3 of the Convention. The text of the adopted regulations is mainly accessible to the public via websites of the responsible institutions. However, certain websites do not contain an updated list of such regulations, which could have negative impact on the public. Similar to the regulations, the adopted reports (including those concerning the implementation of various Conventions), strategies, plans and programs are also available on the websites of the relevant authorities. In specific cases, the efforts made by the responsible institutions in BiH towards making the aforementioned documents accessible to the public via the internet were financially and technically supported by foreign donors (such as the EU, OSCE etc.)

In Cantonal Court in Goražde, as well in all other courts in BiH, case files could be accessed via the Internet. This particular service is intended for the benefit of the parties to the proceedings, lawyers, holders of the power of attorney and legal representatives. Upon the request of the party, the registry office of the court issues a certificate on issuance of the access code with instructions on how the access the court case file via the Internet.

With respect to Paragraph 4, measures taken to publish and disseminate state reports on the environment

The first domestic report on environment in BiH was made in 2012 and was presented at the UN Conference on sustainable development. The report is accessible online. It was made with the support of international donors. The report was prepared on the basis of the methodology recommended by the European Environmental Agency.

Measures taken to disseminate information referred to in Paragraph 5

All adopted regulations, policy instruments and decisions on ratification/accession to the international treaties are public (along with the text of those treaties in the official language) and as such are available to the public via different official gazettes available in BiH. Unfortunately, access to the BiH official gazettes is charged, which represents an obstacle to access to information. The relevant public authorities are making efforts to ensure that the relevant regulations, policy instruments and international treaties are accessible on their websites. Finally, the interested parties may address the relevant bodies and request to access these documents (see Section VII of this Report).

With respect to Paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products

Of relevance are the provisions of Article 73 of the LoPE FBH, Article 92, LoPE RS and Article 72 of LoPE BD. The public is informed by the relevant bodies. With regard to eco-labels and control, of relevance are the provisions of Chapter XIII of LoPE FBH, Chapter IX of LoPE RS and Chapter XII of LoPE BD. Regulations on eco-labels are in place in the FBiH (Official Gazette of FBiH: 92/07), and the RS (Official Gazette of RS: 22/08).

Measures taken to publish and provide information listed in Paragraph 7

The reports on the environment and other relevant reports used as a basis for development of the environment policies and regulations are posted on the official websites of the relevant bodies. With Republic of Croatia joining the EU, the EU Regulations concerning the environment became accessible to BiH public in the local language through the EUR-Lex (the EU regulations database). The goal of BiH is membership in the EU. In line with that goal, the applicable EU environmental regulations need to be incorporated into the applicable national regulations focusing on the environment. The national Environment Approximation Strategy has been adopted, specifying the plan of incorporation of the relevant EU environmental regulations. The Strategy is accessible to the public.

The website of BHAS contains the set of publications focusing on specific issues of relevance to the environmental statistics. Most publications have been distributed in hard copies to all relevant stakeholders in the country, including the relevant NGOs. These publications are:

Sustainable Development Indicators for Bosnia and Herzegovina, 2016.

Selected Environmental Indicators, 2014.

Determining Weight of Waste, 2015.

Waste Statistics Manual, 2014.

These also include a substantial number of special releases on the subject of environmental statistics, available on the website:

<https://goo.gl/Vhvqgx>.

With respect to Paragraph 8, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public

Relevant provisions are Article 93 and 94 of LoPE FBH, Articles 111 to 114 of LoPE RS and Articles 89 and 90 of LoPE BD as well as the provisions of the Rulebook on Eco-Labels of FBiH. In addition, also applicable are the provisions of Article 52 of LoGMO. The data on income collected on different grounds and subsequently distributed to users for various purposes, as specified under the regulations in effect and according to geographic distribution, may be obtained from the FEF, upon the request from the relevant institutions.

With respect to Paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers

PRTR register is kept in accordance with the entity regulations in effect. The problem in BiH is its complex constitutional organization, which is the reason there is still no body in place that would consolidate data in the register of pollutants for the entire country. FBiH has put in place the register on facilities and pollutants, but it only covers 51% of the territory of BiH. The data is available upon request, and also posted on the following website: <http://www.fmoit.gov.ba/ba/page/86/registri-i-izvjescaronivanje>. Another serious problem is verification of received data, in other words, the data recorded in the register on the part of the authorised reference centre. Only valid data may be made available to the public. To date, the FBiH has only put in place the authorised reference centre for air quality. The register should be expanded to include the data necessary for verification. To that end, the FMET prepared the applicable terms of reference.

In line with the provisions of the Law on the FEF, the FEF is required to set up and maintain the register of payers of general and special fees, in the manner defined under the regulations adopted by the relevant ministry. To that end, electronic databases are developed and maintained consisting of reports on annual pollutant emissions and payers of applicable fees, in addition to databases monitoring sources of revenue and funds transfers, tracking requirements of the relevant institutions – FBiH Government priorities, and keeping a record of coordination with international institutions.

XII. Obstacles encountered in the implementation of Article 5

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 5.

Although regulated under the Law, the offices in charge do not have the technical capacities to promptly inform the public of air quality, with exception of several major urban centres in BiH. Representatives of NGOs point to the omissions in informing the public on matters of interventions regarding incident pollutions through the media, online and in direct contacts and public events. NGO representatives believe that the information released by BHAS is incomplete, inaccessible, incomprehensible and indicative of the lack of coordination between different databases containing environment information. BD does not have the environment protection information system.

At the moment, the process of incorporation of EU regulations on the environment into BiH regulations is underway, but the progress of the process is not available to the public as per the provisions of Article 5(3) of the Convention. Availability of such input would allow the public to follow the work of the relevant bodies in BiH in a more efficient manner.

The competence for environment protection belongs to the level of entities and BD. The major obstacle to the establishment of the PRTR system is that it would have to be introduced at the state level.

Under the provisions of Article 102 of the Law on Environment Protection, the RS Hydrological and Meteorological Institute keeps the Register of Release and Transfer of Pollutants.

PRTR database requires maintenance, constant development and upgrades, which means it is necessary to provide funds from the budget for these purposes. The existing PRTR database in place at the level of the FBiH must include a developed GIS system, specifying geo-locations of PRTR facilities with longitude and latitude coordinates entered into the database. Further assistance is necessary in the establishment of the database at state level.

XIII. Further information on practical application of general provisions of Article 5

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information as referred to in Article 5, e.g., are there any statistics available on the information published?

The relevant bodies in BiH disseminate environment information (including regulations, policy instruments etc.) by posting them on their website, by answering queries and participating in seminars, workshops and informative shows broadcasted by different media outlets. Most of the institutions have a PR officer on their staff. Development of electronic databases that will be available online is underway.

NGO representatives objected to the fact that the information requested was not available online, although they were advised by the institutions in charge that the information would be available online.

Water agencies in FBiH, using their Internet services, provided the GIS information from their automated hydrology stations to all the interested institutions.

Unfortunately, there are no initiatives at the moment to enable access to the Official Gazettes free of charge, which would facilitate public access to the relevant regulations, policy instruments and international treaties.

The following information is posted on the website of ASRBA ([www.jadran.ba](http://www.jadran.ba)): annual reports on the quality of surface and ground water of the Adriatic Sea river basin, results of monitoring of physical, chemical and biological properties of samples taken from specific bodies of water, GIS and data obtained from the automated hydrology stations, water permits issued, strategic and planning documents in the area of water management and regulations in effect in the area of water management.

The following information is posted on the website of SRBA ([www.voda.ba](http://www.voda.ba)): results of monitoring of physical, chemical and biological properties of samples taken from specific bodies of water, GIS and data obtained from the automated hydrology stations, water permits issued, strategic and planning documents in the area of water management and regulations in effect in the area of water management. Additional information may be provided by email.

Among other things, the website of BHAS also contains statistical indicators pertinent to publication of environmental information.

[Client satisfaction survey, 2017](http://www.bhas.ba/ankete/azk/IZVJESTAJ_AZK_2017.pdf).

 [Client satisfaction survey, 2014](http://www.bhas.ba/ankete/azk/AZK_2014_BOS.pdf).

The FEF does not have any statistics available. Each request is processed and response to it is provided. There are no statistics on the number of requests received, but all requests received are registered in the outgoing mail register of the FEF. Many queries are answered by email and email records may also serve the purpose of providing an overview of all responses provided to requests for access to information. Information is provided on daily basis on the activities of the FEF, especially on the subject of provision of funds from the FEF, but also including requests for clarifications and correspondence in the process of registration and compliance with commitments on the part of payers of environmental fees on the territory of the FBiH. The data of relevance to the operation of the FEF are disseminated by posting them on the official website, providing answers to queries and participation in seminars, workshops and news shows broadcasted by different media outlets. In contacts with interested parties, each request is processed and answered. The same applies to contacts with the media on the subject of appearances in radio and TV shows, provision of statements and responses to written queries. Guide for Access to Information and Index Register with overview, description and purpose of information and the manner of exercise of the right to access to information are being drafted at the moment. These documents have not been adopted yet, and therefore have not been posted on the website of the Fund. Implementation of projects is well covered by local, entity and state radio and TV stations. The relevant institutions are informed of the activities of the Fund, through development of journals and promotional materials and organisations of public presentations, round table discussions, symposia, etc.

Aarhus centres provided detailed information on this subject, within the information specified with reference to Article 4.

XIV. Website addresses relevant to the implementation of Article 5

List relevant websites, if any:

The same web addresses specified in response referring to Article 3 of the Convention.

XV Legislative, regulatory and other measures for implementation of the provisions on public participation in decision-making on specific matters, as specified in Article 6

Relevant definitions specified under Article 2 and conditions of non-discrimination specified under Article 3(9) are listed in the response on the subject of Article 4.

The following regulations are of relevance to this Chapter:

LoW FBiH,

LoW RS,

LoPW BD,

Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and Out into Operation upon Issuance of the Environmental Permit (Official Gazette of FBiH: 19/04),

Rulebook on Projects Requiring Environmental Impact Assessment and Criteria to Determine the Implementation and Scope of Environmental Impact Assessment (Official Gazette of RS: 124/12), Rulebook on Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of RS: 124/12),

Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of BD: No 30/06),

Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits (Official Gazette of FBiH: 6/08, 57/09, 72/09, 68/12),

Decree on Public Participation in Water Management (Official Gazette of RS: 35/07).

BiH HROI suggested that proactive transparency was needed, adding that public authorities should look into all options at their disposal that could enable them to disseminate information to the highest number of persons possible. In addition, the process of public consultations should be interpreted in the broadest sense possible, including in the context of openness to public, interested parties and parties to the proceedings.

In particular, describe the following:

(a) With respect to Paragraph 1, measures taken to ensure that:

(i) The provisions of Article 6 are applied with respect to decisions on whether to allow proposed activities listed in Annex I to the Convention

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of FBiH: 19/04),

Rulebook on Projects Requiring Environmental Impact Assessment and Criteria to Determine the Implementation and Scope of Environmental Impact Assessment (Official Gazette of RS: 124/12),

Rulebook on Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of RS: 124/12),

Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of BD: No 30/06).

Under the provisions of national regulations, two procedures are in place for the purpose of approval of activities listed in Annex I of Aarhus Convention, specifically: environmental impact assessment and issuance of environmental permit. During the course of both procedures, relevant provisions of LoPE of FBiH/RS/BD apply, in addition to subsequent application of the applicable provisions of LoAP FBiH/RS/BD. The requirement pertinent to public participation in decision-making is mandated under the provisions of Article 36 of LoPE FBiH, Article 39 of LoPE RS and Article 35 of LoPE RS. The activities specified in Annex I of Aarhus Convention are also specified in the facilities and machinery rulebooks in effect in FBiH, RS and BD.

The activities specified in Annex I of Aarhus Convention are also specified in the facilities and machinery rulebooks in effect in Posavina Canton and approval for their implementation is issued by the relevant cantonal Ministry of Posavina canton, which is also responsible for the procedure of issuance of environmental permits.

The cantonal ministry is responsible for issuance of environmental permits for the facilities that do not meet the criteria mandated in the Facilities and Machinery Rulebook of FBiH and the activities that are not specified in it. The Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of FBiH: 14/13), is in effect in Zenica-Doboj Canton. The Rulebook specifies facilities and machinery, as well as activities and interventions that do not require environmental impact assessment, in addition to specifying the facilities and machinery below the threshold determined under the FBiH Rulebook. Given the fact that cantons issue environmental permits for smaller facilities and machinery that do not require environmental impact assessment, the public does not have a particular interest in the procedure of issuance of environmental permits, although, in accordance with the applicable regulations, it may participate in decision-making, as specified therein.

(ii) The provisions of Article 6 applicable to decisions on proposed activities not listed in Annex I, which may have significant impact on the environment

With regard to some activities, the criteria contained in the regulations specified above have been lowered in comparison with those specified under the provisions of Annex I of the Convention. Furthermore, Cantons and units of local self-government in the FBiH and the RS are responsible for issuance of environmental permits for the activities not specified under the provisions of the by-laws listed above.

In the RS there has been no cases of issuance of environmental permits for facilities not listed in Annex I of the Convention.

In accordance with the regulations in effect, the public may participate in decision-making in this area, as specified under the provisions of those regulations.

In the opinion of the FMET, the best course of action with regard to the implementation of the provisions of Article 6 pertinent to decisions on the proposed activities outside the scope of Annex I which could have substantial impact on the environment, is to encourage units of local self-government to inform the public of those activities by broadcasting announcements on local radio or TV stations, engaging with NGOs operating on their territory, engaging with local residents and undertaking other activities, as deemed necessary, in accordance with the provisions of regulations and plans currently in effect.

b) Measures taken to ensure that the public concerned is informed early on of any environmental decision-making procedures pertinent to the matters referred to in Paragraph 2, in adequate, timely and effective manner

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Law on Concessions of BiH (Official Gazette of: 32/02, 56/04) (LoC BiH),

Law on Concessions of FBiH (Official Gazette of FBiH: 40/02, 61/06) (LoC FBiH),

Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH),

Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12 and 74/17) (LoW RS),

Law on Protection of Waters of BD (Official Gazette of BD: 25/04, 1/05, 19/07) (LoPW BD),

Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits (Official Gazette of FBiH: 6/08, 57/09, 72/09, 68/12),

Decree on Public Participation in Water Management (Official Gazette of RS: 35/07),

Law on Air Protection of FBiH (Official Gazette of FBiH: 33/03, 4/10) (LoAP FBiH),

Law on Air Protection of BD (Official Gazette of BD: 25/04, 1/05, 19/07, 9/09) (LoAP BD).

Of relevance are the provisions of Article 36 of LoPE FBiH, Article 39 of LoPE RS and Article 35 of LoPE BD, which stipulate that upon initiation of the administrative procedure, the public would be informed of the proposed activities, bodies responsible for decision-making and course of the proceedings pertinent to public participation, time and place of public discussion, bodies responsible for provision of information as well as bodies responsible for answering to comments and questions. Of importance are also the provisions of articles 61, 62 and 63 of LoPE FBiH, articles 56, 69-71, 88 and 89 of LoPE RS and articles 59 and 66 of LoPE BD. It is also important to note the provisions of articles 10 and 29 of LoPE FBiH, Article 12 of LoPE RS and articles 10 and 29 of LoPE BD.

In addition to the applicable provisions of laws on protection of the environment, this issue is regulated by other laws as well. In that regard, of relevance are the applicable provisions of Article 15 of LoC BiH, Article 19 of LoC FBiH, articles 38, 124 and 126 of LoW FBiH, articles 29 and 130 of LoW RS, Article 15 of LoW BD, as well as the provisions of articles 8, 9 and 10 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH, and articles 4, 14 and 15 of the Decree on Public Participation in Water Management of the RS. Furthermore, public participation is also regulated under the provisions of Article 1(3) of LoAP FBiH and articles 2 and 3 of LoAP BD, although it is not specified that the public should be informed early on of the process of environmental decision-making in appropriate, timely and efficient manner.

According to the FMET, in line with the provisions of Article 61 of LoPE FBiH, the request for environmental impact assessment is submitted to the relevant ministry. Such request should be accompanied by:

Project description specifying location, purpose and size of the facility and machinery,

Description of measures planned to be taken to prevent, decrease or, if possible, remedy substantial negative impact on the environment,

Data necessary for identification and assessment of basic forms of impact on the environment,

Description of possible alternatives and the selected alternative,

Excerpt from the planning document for the subject area,

Non-technical description.

The relevant ministry presents the request with accompanying documentation to the relevant bodies and other interested parties for comments and suggestions. The deadline for submission of comments and suggestions is 30 days of the date of receipt of the request.

In the process of development and adoption of necessary regulations of relevance to environment protection, the FEF closely cooperates with the FMET, as well as with other ministries in the FBiH Government. Promotion of public participation in the law-making process is outside the scope of competence of the FEF.

In the RS, under the provisions of Article 64 of LoPE RS, the procedure of environmental impact assessment is initiated upon submission of the request.

The following documents should be enclosed with the request for environmental impact assessment:

Project description specifying location, purpose and size of the facility,

Description of possible impact on the environment during the course of construction, operation or exploitation,

Description of measures planned to be taken to prevent, decrease or, if possible, remedy substantial negative impact on the environment,

Brief description of alternatives considered by the project holder and reasons for selection of the most suitable alternative, from the perspective of impact on the environment,

Excerpt from the planning document,

Information on possible difficulties encountered by the project holder during the course of collection of information,

Non-technical description of information specified in Paragraph 2 of this Article.

Descriptions are provided using technical language, and should include narrative, numerical and visual data, while the non-technical description is provided using non-technical language, suitable for the purpose of informing the relevant bodies, organisations and the public.

c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of Paragraph 3

In the FBiH, the public is informed of an upcoming public discussion 15 days prior to the date of the public discussion, which enables the public to submit suggestions and comments to the relevant Ministry within 30 days of the announcement of the public discussion (articles 61 and 62 of LoPE FBiH). In the RS (Article 69, Paragraph (3) and Article 88 of LoPE RS) and BD (Article 66 of LoPE BD), members of the public may submit their opinion on the request for issuance of the environmental permit within 30 days of publication of the notification. In the RS, the project holder is required to notify the concerned public of the request for approval of environmental impact assessment within 15 days of submission of the request, by posting the announcement in one of daily newspapers in circulation in the RS available on the territory of the local community in which the project is to be implemented.

In the FBiH, the period for completion of the procedure of issuance of water permits cannot be less than 5 or more than 30 days from the day the information on submission of the request was released, in accordance with Article 9 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH. In the RS, this period cannot exceed 30 days, as specified under the provisions of Article 131 of LoW of RS.

In line with the provisions of Article 58 of LoPE FBiH, FMET presents the request specified under the provisions of Paragraph 1 of this Article with the accompanying documentation to the relevant bodies and interested parties for comments and suggestions. Deadline for submission of comments and suggestions is 30 days of the date of receipt of the request. The applicant and other relevant parties shall be informed of the outcome of the environmental impact assessment. In accordance with the provisions of Article 61 of LoPE FBiH, the FMET informs the public of the initiation of the procedure of environmental impact assessment by posting announcements in newspapers in circulation in the FBiH and invites the public to take part in the public discussion. Comments and suggestions received from the public are to be presented to the relevant ministry within 30 days of the date of publication of the announcement. In accordance with the provisions of Article 61 of LoPE FBiH, the FMET organises public discussion on the project, at the location in closest proximity to the project location. The public is to be informed of the upcoming discussion at least 15 days prior to the date of the discussion. The relevant ministry prepares minutes of the public discussion within three days of the date of the discussion.

d) With respect to Paragraph 4, measures taken to ensure that there is early public participation

In accordance with regulations on public participation in the process of issuance of environment permits and water legal acts, the public is informed and invited to express opinions and make comments before decisions are made by the relevant bodies.

In line with the provisions of LoW FBiH, with reference to development of water management plans, legal entities and individuals may present their written comments to the draft water management plan within six months of its publication. These provisions ensure early public participation. LoW of BD mandates that the public is to be informed of commencement of development of individual plans at least three years prior to commencement of the period covered under those plans, which ensures public participation in the process of development and adoption of the relevant plans. LoW FBiH includes similar provisions to this effect.

Immediately upon submission of the request, the FMET initiates early public participation, in line with the provisions of Article 58 of LoPE FBiH.

In the RS, the provisions of Article 80 and Article 90, paragraphs 4 and 5 describe the manner in which the public is informed of the request for issuance of environmental permit and subsequent issuance of the permit.

e) With respect to Paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

In line with the provisions of Article 36 of LoPE FBiH and Article 35 of LoPE BD, the relevant body shall request that the applicant encourages the public concerned to participate in discussions prior to submission of the request for issuance of the environmental permit.

With respect to Paragraph 6, measures taken to ensure that:

(i) The relevant bodies allow access of the public concerned to all information of importance to decision-making available at the time of the proceedings which include public participation, as stipulated under Article 6,

 (ii) The relevant bodies ensure access of the public concerned to information specified under this Paragraph.

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits (Official Gazette of FBiH: 6/08, 57/09, 72/09, 68/12),

Decree on Public Participation in Water Management (Official Gazette of RS: 35/07).

The information on allowing access of the public concerned is integrated in the provisions of Article 37 of LoPE FBiH, Article 69, Paragraph 4 of LoPE RS and Article 36 of LoPE BD.

With reference to the procedure of issuance of water permits, of relevance are the provisions of Article 9 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH. In the RS of relevance in these matters are the provisions of Article 15 of the Decree on Public Participation in Water Management of RS.

In the RS, the announcement must include the following information:

Basic information on the request,

Summary of the request with conclusion of impact assessment,

Time and location where the public will be able to examine the request and impact assessment documents, free of charge,

Planned time and location of public discussion on the subject of impact assessment,

Deadline for submission of written comments on the request and impact assessment,

Address for submission of written comments referred to under item d) above, and

Information about the project with possible impact on the environment of other entity or Brčko District.

The Ministry posts announcements of upcoming public discussions and outcome of impact assessment on its website, upon publication of the announcement in one of daily newspapers. These announcements are to remain posted on the website until expiry of the deadline for submissions of comments and suggestions specified under the provisions of Article 70, Paragraph 5 of this Law.

The project holder shall be required to allow the public concerned the opportunity to examine the request for impact assessment and the impact assessment, free of charge, in the premises of the unit of local self-government in which the project is located, from the date of publication of the announcement until expiry of the deadline for submission of comments and suggestions.

The project holder shall be required to organise a public discussion in the premises of the unit of local self-government in which the project is located, within no more than 60 days of the date of submission of the request for approval of environmental impact assessment to the Ministry.

Public discussion shall be announced at least 15 days prior to the scheduled date of the public discussion.

Over the past several years, the Ministry of Justice of BiH invested substantial efforts to improve transparency, cooperation and openness of its operations to citizens and CSOs. These efforts resulted in the establishment of “e-Konsultacije” (e-Consultations) web platform, developed with expert support provided within the project under the title: “Capacity Building of Public Administration to Facilitate Dialogue with Civil Society”. The platform became operational in March of 2016. It enables interested citizens and representatives of CSOs to get full and accurate information online on the process of adoption of certain regulations and establishes a reliable channel of communication for their participation in policy-making. With the establishment of web platform referred to above, participation in the process of consultations became available to the broadest circle of the public concerned. With initiation of the platform, the process of public consultations became centralised at the level of the Council of Ministers of BiH, which made it easier for the citizens to become engaged in public consultations and use the system to access public consultations of all institutions from one central location, rather than having to visit individual websites of each of the institutions involved (as was the case in the past). Ideas, suggestions and additional information collected in this manner, shall be used to enhance the public policies under the scope of competence of institutions of BiH, including the issues of environment protection.

The FMET enables public participation by posting announcements of the upcoming public discussions on its website or enabling the public to examine documents, by posting them on [www.fmoit.gov.ba](http://www.fmoit.gov.ba), under the section dedicated to public discussions; by publishing announcements of public discussions in daily newspapers; by submission of documents on CD or in hard copy; and by distribution of decisions to interested bodies and the public concerned.

The FMET enables access to information contained in registers, lists, inventories and files free of charge, by mail upon written request, by email, in website posts (by posting requests / assessments / plans of activities and accompanying documents), or by telephone.

(g) With respect to Paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH),

Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12 and 74/17) (LoW RS),

Law on Protection of Waters of BD (Official Gazette of BD: 25/04, 1/05, 19/07) (LoPW BD).

Of relevance to this section are the provisions of articles 37, 48 and 61 of LoPE FBiH, articles 15, 40, 55, 66 and 69 of LoPE RS and articles 35, 36, 58, 59 and 60 of LoPE BD, which mandate that the public concerned may submit in writing any comments, information, analyses or opinions deemed important to the given activity.

In FBiH, of relevance to this area are the provisions of Article 24 (6) of LoW FBiH, which mandate that legal entities and individuals may submit written comments to water management plans to the relevant river basin agency, within six months of its publication. Also relevant are the provisions of Article 24 (5) which mandate that comments and suggestions to draft water management strategy may be submitted within three months of the date of receipt of the draft. Article 26 (e) of LoW of RS describes the process of dissemination of information to the public and outlines consultative measures and changes to plans that resulted from such measures. Article 15 (5) of LoW of BD mandates that written comments to draft plans should be submitted by the public within six months of publication of such plans.

Public participation procedures implemented by the FMET, which enable the public to present comments, information, analyses or opinions of importance to proposed activities, include public announcements:

enabling the public to view the relevant documentation in the premises of the Ministry, and

public announcements of upcoming public discussions, to be made 15 days ahead of the discussion focusing on presentation of environmental impact assessments, with period after discussion for submission of comments, suggestions and opinions of relevance to the presented material.

In both the RS and the FBiH, any publication of information and documents with the view of enabling public participation, shall include details of time frames and addresses for submission of comments, suggestions and opinions.

Public participation procedures implemented in the RS, which enable the public to present its comments, include:

Viewing of the relevant documentation (environmental impact assessment),

Public discussion,

Viewing of the relevant documents in the process of issuance of environmental permits.

(h) With respect to Paragraph 8, measures taken to ensure that decision duly reflects the outcome of the public participation

Law on Protection of Environment of FBiH (Official Gazette of FBiH, 33/03 and 38/09) (LoPE FBiH),

Law on Protection of Environment of RS (Official Gazette of RS, 71/12 and 79/15) (LoPE RS),

Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),

Decree on Public Participation in Water Management (Official Gazette of RS: 35/07),

Law on Administrative Procedure of BiH (Official Gazette of BiH: 92/02, 12/04, 88/07, 93/09, 41/13) (ZoAP BiH),

Law on Administrative Procedure of FBiH (Official Gazette of FBiH: 2/98, 48/99) (LoAP FBiH),

Law on General Administrative Procedure of RS (Official Gazette of RS, 13/02, 87/07, 50/10) (LoGAP RS).

LoPE FBiH/LoPE RS/BD does not have any provisions stipulating that public suggestions and objections should be taken into consideration before issuing any environmental permits. Article 89, Paragraph 1 of LoPE RS stipulates that the body authorised to issue an environmental permit shall issue a decision concerning the issuance of an environmental permit and concerning its content, on the basis of a request filed by a responsible official, of attached documentation, as well as on the basis of opinions obtained from the local self-government unit and the interested members of the public, no later than 60 days after the receipt of a valid request for issuance of an environmental permit.

Besides, LoPE FBiH/ LoPE BD do not contain any obligation to incorporate suggestions and objections of the public in the process of giving approval for the study of environment impact while, as per Article 71 of the LoPE RS, the Ministry in charge is obliged to forward its assessment of received objections from the interested members of the public to the project coordinator, as well as their own standpoint regarding this and, if necessary, to instruct the project coordinator to make some alterations and additions to the study. Finally, in accordance with Article 73 of the LoPE RS, it is noted in the explanation of the study approval decision whether the objections by the interested members of the public were taken into consideration or not. In the RS, the decision concerning a request for water/legal act has to include an explanation, describing all the implemented activities in determining whether the request is well-founded or not, describing the effects and conclusions from consulting the public, in accordance with Article 21(1) of the Regulation on Means of Public Participation in Water Management in the RS.

According to the relevant provisions of the Law which regulate civil procedures, the resolution that establishes a decision has to contain all the evidence, as well as their assessment. This way, obligations from the Convention are fulfilled.

In the FBiH Ministry of Environment and Tourism, it is obligatory for the reasons for the Decision to contain those remarks made by the members of the public which were taken into account.

i) With respect to Paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

Law on Protection of Environment of FBiH (“Official Gazette of FBiH”, No 33/03, 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (“Official Gazette of RS”, No 71/12, 79/15) (LoPE RS),

Law on Protection of Environment of BD (“Official Gazette of BD”, No 24/04, 1/05, 19/07, 9/09) (LoPE BD),

Law on Waters of FBiH (“Official Gazette of FBiH”, No 70/06) (LoW FBiH),

Regulation on Means of Public Participation in Water Management (“Official Gazette of RS”, No 35/07).

Law on Administrative Procedure of BiH (“Official Gazette of BiH”, No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH);

Law on Administrative Procedure of FBiH (“Official Gazette of FBiH”, No 2/98, 48/99) (LoAP FBiH);

Law on General Administrative Procedure of RS (“Official Gazette of RS”, No 13/02, 87/07, 50/10) (LoGAP RS);

According to Article 37 of LoPE FBiH/Article 40 of LoPE RS/Article 36 of LoPE BD, the competent administrative body informs the public about the decision immediately following its adoption. In the RS and BD, the competent administrative body is obliged to publish the text of the decision and the reasons for making the decision. In BD there is an obligation to publish the decision on environment impact study, according to Article 61 of the LoPE BD. Article 126 of the LoW FBiH prescribes an obligation to submit the Water Act to the interested parties and to the public, but only upon their request. In the RS, Article 21(2) of the Regulation on Means of Public Participation in Water Management of RS is also relevant.

The parties involved in civil proceedings must be informed about the decision, which means that the members of the public who provided their comments should be informed about the decision.

Measures taken to ensure that the public is immediately informed about the decision, in accordance with relevant procedures of the FBiH Ministry of Environment and Tourism, shall be implemented by providing the decision to all the interested bodies and to the interested members of the public, and by publishing the decision on the web site of the Ministry.

In accordance with Article 126, Paragraph (4) of LoW and Article 24, Paragraph (1) of the FBiH Rulebook on Content, Form, Conditions, Manner of Issuance and Maintenance of Water Acts, a decision concerning an issued water act shall be published on the web site of ASRBA.

j) With respect to Paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in Paragraph 1, the provisions of Paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

In accordance with Articles 94(3) and 95(3) of LoPE RS, the public is informed about the environmental permit revision. In accordance with Article 5(6) of the Rulebook for Revision Procedures and Renewal of Environmental Permits (“Official Gazette RS”, No 28/13) procedure on issuing environmental permits is followed in case there are significant changes in the operating process of the plants. In other cases it is not followed, hence there is a possibility of violation of Article 6(10) of the Convention. The procedure of issuing water/legal act is implemented in cases of altering the water/legal act of the FBiH and of the RS. The correlation between the procedure of extension and of revision of water use permit and of the procedure relating to the participation of public in the process has not been defined.

In the FBiH Ministry of Environment and Tourism, at the time of the change of a decision, provisions of Article 6, Paragraphs 2-9 of the Aarhus Convention also apply, i.e. by changing all that needs to be changed in the decision on the basis of opinions and comments, i.e. on the basis of participation by the interested members of the public.

k) With respect to Paragraph 11, measures taken to apply the provisions of Article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

More information on the measures undertaken with the aim of application of provisions of Article 6 on decisions whether to allow deliberate discharge of genetically modified organisms in environment is contained in the answers to questions related to Article 6 bis.

XVI. Obstacles encountered in the implementation of Article 6 of the Aarhus Convention

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 6.

Although legislation in both Entities provides for public participation, the NGO representatives have repeatedly pointed out the problems they encounter when a project has an impact on the citizens of the other Entity. Thus, according to the representatives of the NGO sector, in some cases in practice, they are not invited to public hearings, or else, public hearings are not held in their vicinity, although consequences are felt in their environment. In RS, the public debate is held on the territory of a local self-government unit in which the project is implemented...This non-existence of a legal obligation to incorporate proposals and objections made by the public when environment impact assessment studies are approved, i.e. this denial of detailed explanations in the decisions taken by governmental institutions does not motivate the public to try to participate actively in these processes.

In the FBiH Ministry of Environment and Tourism, they recognised the difficulty at the local level, in case the local community, i.e. the relevant service in the Municipality on whose territory the intervention is planned, does not co-operate fully on informing the public and on providing for its participation in decision-making.

XVII. Further information on practical application of the provisions of Article 6

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 6, e.g., is there any statistical data or other information available regarding public participation in decisions on specific activities or on decisions not to apply the provisions of this Article to proposed activities serving national defence purposes.

Detailed information on public participation referring to Article 6 of the Convention does not exist. Also, there is no data concerning the procedures which exclude the public from participation. The FBiH Ministry of Environment and Tourism does not have precise summary of statistical data on the participation of the public.

In individual cases of environment impact assessment in which the public is involved through a public debate, there is information on the number of participants with their data (a list), which is an integral part of the case file and of the minutes of the public debate, and there are minutes of the public debate (with names of people who took part in the discussion) and with proposals.

Participation of the public in environmental matters consists of two key aspects. On the one hand, that is an opportunity for the general public to participate, practically and efficiently, in administrative procedures, which lead to concrete decisions or to the issuance of permits. This aspect primarily refers to urban planning (and to related processes), as well as practically via written comments and public debates. On the other hand, there is an aspect of representatives of the public who are consulted in relevant processes of legislation adoption and of decision-making. In both aspects, regulations are at the Entity level. The Rules of Procedure of the BiH Parliament do not require that the public be consulted in any case, except when there is a specific decision to that effect. On the contrary, Entity parliaments should include public consultations in their regular processes. However, that is often circumvented through urgent procedures. Regarding public participation in the adoption of laws, NGO responses to the questionnaire provided the following results: during 2014-2016 there were only 2 cases of relevant public consultations at the State level, 18 cases at the Entity level, 4 cases at the cantonal level and 6 cases at the municipal level. Of these 30 cases, in 12 cases (40%) it was reported that the majority of general public comments were accepted. The governmental web site eKonsultacije.gov.ba is a best practice example in terms of public participation in the adoption of State-level laws. This platform collects and publishes information on current legislation, but it also provides the public with opportunities to submit ideas and proposals. Unfortunately, its scope is still limited to central institutions where a small number of environmental issues are decided.

Additionally, applicants reported cases of circumventing EIA procedures. This especially refers to building hydroelectric plants on rivers in BiH, which has lately become a very contentious environmental issue. According to the law, only electric plants over 5 MW of installed power require EIA. In order to avoid that, investors have a goal to build a large number of small electric plants whose accumulated capacity exceeds limits, but as an individual plant do not fall under EIA. Even worse, investors sometimes file an application for electric plants under the limitations of installed power, and when they receive the necessary permits, they apply for an increase of installed power. Often, the authorities give approval without a new EIA, relying on previous documentation.

One should note that, in 2009, Bosnia and Herzegovina acceded to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). Also, Strategic Environmental Assessment Protocol (SEA Protocol) was signed in 2003. The Protocol was ratified. The Decision of the BiH Parliamentary Assembly on Approval of Ratification of SEA Protocol was published in the Official Gazette of BiH – International Agreements, No. 7/2016, dated 29 December 2016. Practice shows that not only are EIA procedures often neglected and/or objections of the public ignored, but also SEA procedures remain weak and rare, and most SEAs are conducted only for the documentation of urban planning.

An analysis of mechanisms of listening to the public was conducted at a local level by CE and it showed that they were, in most cases, in accordance with minimum requirements set by the Aarhus Convention and domestic legislation. The situation is more complicated when it comes to the implementation of EU legislation, such as the Directive concerning integrated pollution prevention and control. Even if in most cases the local administration strives to inform the public through various channels (internet, newspapers, official bulletin boards, etc.), the practical efficiency of such attempts remains low. The official internet addresses of local administrative bodies mostly do not promote information on public debates in an adequate and user-friendly way. Instead, the information is hidden under various subsections.

Even when all the formal requirements of public participation are met, too often the important aspect of public participation is left out, which undermines the comprehensive goal of public participation in environmental decision-making, as defined by the Aarhus Convention.

XVIII. Website addresses relevant to the implementation of Article 6

List relevant website addresses, if any:

The same as referred to in the answer to the same question related to Article 3 of the Convention.

XIX. List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to Article 7.

The relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9, were listed in the answer regarding Article 4.

Relevant regulations are as follows:

Rules of Procedure of the House of Representatives of the FBiH Parliament (“Official Gazette of FBiH”, No 69/07);

Rules of Procedure of the Republika Srpska National Assembly (“Official Gazette of the Republika Srpska”, No 31/11 and 34/17));

Rules of Procedure of the BD Assembly (“Official Gazette of BD”, No 17/08, 20/10).

Law on Protection of Environment of FBiH (“Official Gazette of FBiH”, No 33/03, 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (“Official Gazette of RS”, No 71/12, 79/15) (LoPE RS);

Law on Protection of Environment of BD (“Official Gazette of BD”, No 24/04, 1/05, 19/07, 9/09) (LoPE BD)

Law on Waters of FBiH (“Official Gazette of FBiH”, No 70/06) (LoW FBiH);

Law on Waters of RS (“Official Gazette of RS”, No 50/06, 92/09, 121/12, 74/17) (LoW RS);

Law on Protection of Waters of BD (“Official Gazette of BD”, No 25/04, 1/05, 19/07) (LoPW BD);

Law on Spatial Planning and Land Use of FBiH (“Official Gazette of FBiH”, No 2/06, 72/07, 32/08, 4/10, 13/10, 45/10) (LoSPLU FBiH);

Law on Spatial Planning and Civil Engineering of RS (“Official Gazette of RS”, No 40/13, 106/15) (LoSPCE RS)

Law on Spatial Planning and Civil Engineering of BD (“Official Gazette of BD”, No 29/08, 18/17) (LoSPCE BD)

Law on Protection of Air of FBiH (“Official Gazette of FBiH”, No 33/03, 4/10) (LoPA FBiH);

Law on Protection of Air of RS (“Official Gazette of RS”, No 124/11, 46/17);

Law on Protection of Air of BD (“Official Gazette of BD”, No 25/04, 1/05, 19/07, 9/09) (LoPA BD);

Law on Protection of Nature of FBiH (“Official Gazette of FBiH”, No 33/03, 66/13) (LoPN FBiH);

Law on Protection of Nature of RS (“Official Gazette of RS”, No 20/14) (LoPN RS);

Law on Protection of Nature of BD (“Official Gazette of BD”, No 24/04, 01/05, 19/07) (LoPN BD);

Regulation on Content and Stakeholders of Unified Information System, Methodology of Collection and Processing of Data, and Unified Filing Forms (“Official Gazette of FBiH”, No [33/07](http://www.fbihvlada.gov.ba/bosanski/zakoni/2007/uredbe/15.htm))

Regulation on Means of Public Participation in Water Management (“Official Gazette of RS”, No 35/07)

In accordance with Articles 48 and 49 of LoPE FBiH, proposals of the FBiH and cantonal environmental protection strategies must be available to the public for the purpose of provision of suggestions and comments. Comments shall be provided within three months, but the above-mentioned Articles do not prescribe an obligation to take into account the result of public debate, nor is the public included in the earliest phases of decision-making. In the Brčko District, LoPE does not prescribe the participation of the public at the time of adoption of the strategic plan. LoPE RS, in its Article 55, prescribes that the body in charge of preparation of the plan and programme provides for public participation in the process of deliberation on the strategic assessment report before sending the report to the Ministry for an opinion, thus including the public in the early phase of decision-making. The body in charge of preparation of the plan and programme is obliged to properly inform the public on the manner and deadlines in which to gain insight into the content of the report and to provide an opinion, as well as on time and place of the public debate, in accordance with the regulation prescribing the process of drafting the plan and programme. The body in charge of preparation of the plan and programme prepares the report on the participation of interested bodies, organisations and members of the public, which contains a statement on all the accepted or inacceptable stances no later than 30 days from the date of the public debate. Article 55 of LoPE RS is fully harmonised with Article 7 of the Aarhus Convention.

Article 25 of LoW FBiH/ Article 26 of LoW RS/Article 14 of LoW BD prescribes that the Water Management Plan contains, among other things, a report covering the results of public participation in the plan drafting process. Also, documents used for the preparation of management plans are made publicly available. The draft plan can be objected to by the natural persons and legal entities. Pursuant to Article 41 of LoW FBIH, public participation is also provided by detailed water management plans and programmes. Article 23 of the LoUP FBiH prescribes an obligation of holding a public debate when drafting urban planning documents. LoSPCE RS was somewhat more detailed in terms of obligation to include the public. Thus, it was envisaged in Article 46 that the urban planning development stakeholder deliberates on comments, opinions and suggestions on the pre-draft and includes the accepted solutions into the draft urban planning document with which the public debate starts. Members of the public are not included into the development of the pre-draft (only the professional community is involved), thus violating the provision of the Aarhus Convention on the involvement of the public from the earliest phases. The deadline for comments is 30 days. Article 37 of LoSPCE BD provides detailed instructions on the involvement of the public regarding the draft urban planning document. This Article is fully harmonised with Article 7 of the Aarhus Convention, since the public shall be included at the earliest stage of decision-making, there is a reasonable deadline for comments and an obligation to take into account the comments of the public.

Relevant are Article 1 of LoPA FBiH/Article 3 of LoPA BD, in accordance with which the public is participating in determining and making plans and programmes for the protection of air. In the RS, this regulation was annulled after a new Law came into effect.

Laws on the protection of nature also foresee the provisions on public participation in decision-making. Articles 4, 6, 146, 15, 200 and 201 are only some of the articles of the LoPN FBiH which prescribe the obligation for public participation in decision-making during the development of regulations and acts on declaring natural preserves, urban planning documents, protected areas management plans and natural preserves utilisation plans, as well as universally applicable and legally binding regulations and documents in the area of environment protection. In the RS, relevant Articles are 14(a) and 33(b) of the LoPN RS.

In accordance with Article 45 of LoPE FBiH, the environmental planning system encompasses the adoption of the following programmatic documents:

Inter-Entity Plan of Environment Protection;

FBiH Environment Protection Strategy and Action Plan, and

Cantonal Plan of Environment Protection.

Pursuant to Article 48 of LoPE, the FBiH Ministry of Environment and Tourism prepares a proposal of the FBiH Environment Protection Strategy.  Integral parts of the FBiH Environment Protection Strategy are: the FBiH Water Protection Strategy, the FBiH Nature Protection Strategy, the FBiH Air Protection Strategy, and FBiH Waste Management Strategy. The proposal of the FBiH Environment Protection Strategy is delivered to cantonal ministries and to the Advisory Council to provide their opinions and it also must be available to the public for suggestions and comments. The proposal of the FBiH Environment Protection Strategy is also sent to the Inter-Entity Body for Environment and to the Government of the Republika Srpska to provide their opinions. The comments and suggestions regarding the proposal of the FBiH Environment Protection Strategy shall be delivered no later than three months after the receipt of the proposal.

In accordance with provisions of LoSPLU FBiH and with the Directive on the Content and Stakeholders of a Unified IT System, for the methodology of data collection and processing, and for unified record forms, one needs, among other things, information on threats to the environment (illegal construction, pollution of soil, water, air, etc.), and information on areas in which the danger stemming from consequences of natural and man-made disasters and war-related activities is especially prominent, for the purpose of preparation for the development of plans. The stakeholder of the preparation of the planning document is obliged to provide the document developer with all the available documentation relevant for plan development, and especially with the documentation of the plan of the wider area, water management and forestry resources, environment protection strategy, development plans for economy, agriculture, transport, and information about the geological basis, mineral resources, etc. The stakeholder of the preparation of the planning document is obliged to ensure co-operation and harmonisation of stances with all real estate owners, space users and relevant construction stakeholders, especially with: the relevant administrative bodies, legal persons in charge of water management, forestry, agriculture, transport, energy, mining, tourism, healthcare, education, culture, protection of cultural, historical and natural heritage, protection of environment, defence authorities, the Chamber of Commerce, utilities companies, representatives of religious communities, and to obtain opinions and approvals of relevant bodies and organisations, under the law.

The Draft 2017-2025 Cantonal Environmental Action Plan (CEAP) of the Zenica-Doboj Canton (ZDC) was discussed at the 34th Session of the Zenica-Doboj Canton Assembly, held on 30 November 2016. The Zenica-Doboj Canton Assembly accepted the Draft CEAP and forwarded it to the City of Zenica and to all the municipalities of the Zenica-Doboj Canton for public debate. The project manager and expert teams, in co-operation with the CEAP drafting stakeholder, analysed all the opinions, comments and suggestions to the Draft CEAP ZDC, provided at the session of the ZDC Assembly and during the public debates, on the basis of which they wrote the Report on Action Upon Comments and Suggestions on the Draft 2017-2025 CEAP ZDC.

The Public Consultation Plan in the process of adoption of the 2016-2021 Sava River Basin Water Management Plan was defined primarily on the basis of LoW FBiH. In accordance with that, SRBA, as the stakeholder of the Management Plan development, conducted the following public participation activities:

The Draft Plan with auxiliary documents was published on 01 March 2016 at the web site of SRBA ([www.voda.ba](http://www.voda.ba)), inviting all the interested parties to gain direct insight into the proposed Draft Plan and its auxiliary documents, and to provide their comments/suggestions by 01 September 2016;

An official letter was sent to key actors/participants to get involved in the Plan development process, primarily by delivering comments on the Draft Plan, and if they are interested, by setting up a link to the web site of SRBA, at which the Draft Plan was presented;

Invitation to the general public to comment on the Draft Plan was published in daily newspapers in FBiH;

An official letter was sent to the media in FBiH with information that the Draft Plan was finalised in order for the media to get involved in informing the public more widely;

The Draft Plan was discussed at public debates held in:

Odžak on 15 March 2016;

Travnik on 23 March 2016;

Sarajevo on 29 March 2016.

A concise report was prepared on all the comments provided on the Draft Plan with explanations per individual comments.

The 2016-2021 Strategic Environmental Impact Assessment of the Plan was adopted in 2017, which contains the plan and programme of transposition of EU environmental regulations, and it is available to the public.

SRBA conducted the following activities with the aim of public participation in the strategic assessment process:

The Draft Strategic Assessment was published on 07 October 2016 at the web site of SRBA (<http://www.voda.ba/nacrt-strateske-studije-o-utjecaju-plana-upravljanja-vodama-za-vodno-podrucje-rijeke-save>) inviting all the interested parties to gain direct insight into the proposed Draft, and to provide their comments/suggestions by 20 October 2016;

An official letter was sent to more than one hundred key actors/participants to get involved in the Strategic Assessment development process, by delivering comments on the draft document, by setting up a link to the web site of SRBA, to which the document was uploaded;

Invitation to the general public to comment on the draft document was published in daily newspapers in FBiH;

An official letter was sent to the media in FBiH with information that the Draft Strategic Assessment was prepared in order for the media to get involved in informing the public more widely;

SRBA organised two public debates on the 2016-2021 Sava River Basin Water Management Plan:

On 13 October 2016 in Sarajevo, and

On 14 October 2016 in Goražde.

Representatives of FPHI and FMH participated in the development of the 2008-2018 FBiH Environment Protection Strategy, as well as in the development of the 2012 State of Environment Report. They also provided an opinion and suggestions on the 2018-2019 Draft FBiH Waste Management Plan, especially the segment of medical waste.

BiH HROI received a complaint regarding the practical application in the preparation of environmental plans and programmes from a community claiming that they were not informed about plans or procedures to build a mini hydroelectric plant. BiH HROI investigation of the matter is still ongoing. They also note that public consultation plans in which the public is informed about various plans and strategies (urban, spatial, etc.) are ongoing and that some of them attracted public attention and wide-ranging participation, but are of the opinion that training sessions should be held, or at least a public information programme. For various reasons, interested members of the public are often insufficiently informed about all the procedures, impacts and effects of certain changes, which brings into question the manner in which they can present their interests and protect their rights as equally as investors who can engage a wide spectrum of experts and organisations.

XX. Opportunities for public participation in the preparation of policies relating to the environment, provided pursuant to Article 7 of the Aarhus Convention

Rules of Procedure of the House of Representatives of the FBiH Parliament (“Official Gazette of FBiH”, No 69/07);

Rules of Procedure of the Republika Srpska National Assembly (“Official Gazette of the Republika Srpska”, No 31/11 and 34/17));

Rules of Procedure of the BD Assembly (“Official Gazette of BD”, No 17/08, 20/10).

Law on Protection of Air of FBiH (“Official Gazette of FBiH”, No 33/03, 4/10) (LoPA FBiH);

Law on Protection of Air of RS (“Official Gazette of RS”, No 124/11, 46/17);

Law on Protection of Air of BD (“Official Gazette of BD”, No 25/04, 1/05, 19/07, 9/09) (LoPA BD);

Law on Waste Management of FBiH (“Official Gazette of FBiH”, No 33/03, 72/09) (LoWM FBiH);

Law on Waste Management of RS (“Official Gazette of the Republika Srpska”, 111/13, 106/15 and 16/18) (LoWM RS);

Law on Waste Management of BD (“Official Gazette of BD”, No 25/05, 1/05, 19/07, 2/08, 2/09) (LoWM BD)

Pursuant to Article 227 of the Rules of Procedure of the Republika Srpska National Assembly/Article 177 of Rules of Procedure of the House of Representatives of the FBiH Parliament / Article 129 of the Rules of Procedure of the BD Assembly concerning the plans, programs and other acts decided by the Assemblies/Parliament, relevant Rules of Procedure are to be implemented concerning public participation during the adoption of laws, unless this is determined differently (see XXIV). The public participates in the preparation and development of the Water Strategy (Article 24, Paragraph (4) of LoW FBiH), which defines the water management policy. Also, advisory councils for river basins, in which NGO representatives take part, participate in the preparation of plans and strategies pursuant to Article 165 of LoW FBiH/Article 185 of LoW RS. Similar function is also envisaged for the advisory environment councils in BiH.

The associations for environment protection participate in the development of the Strategy for Waste Management/Strategy for Managing Solid Waste (Article 8(3) and (4) of LoWM FBiH/Article 17(9) of LoWM RS/Article 8(1) and (2) of LoWM BD), the cantonal plan for waste management (Article 9(5) of LoWM FBiH) and municipal plan for waste management/local plan for managing solid waste (Article 10 (3) of LoWM FBiH/Article 20 (2) of LoWM RS).

In RS, public participation during the development of the Waste Management Strategy is provided through the implementation of Article 206 of the Rules of Procedure of the Republika Srpska National Assembly (“Official Gazette of the Republika Srpska”, No 31/11 and 34/17) and the Guidelines for Action of RS Administrative Bodies Concerning Public participation and Consultation in Drafting Laws (“Official Gazette of the Republika Srpska”, No 123/08 and 73/12).

Public participation during the development of the RS Waste Management Plan is provided through the implementation of the Guidelines for Action of RS Administrative Bodies Concerning Public participation and Consultation in Drafting Laws (“Official Gazette of the Republika Srpska”, No 123/08 and 73/12).

Pursuant to Article 1 of LoPA FBiH/Article 3 of LOPA BD, the public participates in process of determining the policies of air protection.

XXI. Obstacles encountered in implementation of Article 7 of the Aarhus Convention

Describe any obstacles encountered in the implementation of Article 7.

Representatives of the NGOs have made considerable objections to the lack of transparency in selecting NGOs into advisory councils. Also, there is a problem with the small number of seats for the NGO representatives in these councils.

XXII. Further information on the practical application of provisions of Article 7 of the Aarhus Convention

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 7.

Pursuant to Article 48 of LoPE, the FBiH Ministry of Environment and Tourism prepares a proposal of the FBiH Environment Protection Strategy, which envisages public participation, but does not clearly prescribe the manner in which the public participates. Often the adoption of very important documents is almost unnoticed by the general public due to inadequate information (e.g. uploading to the web site).

ASRBA conducted a public consultation process for the purpose of developing the Draft FBiH Adriatic Sea River Basin Water Management Plan (FASRBWMP). During the public consultation process, all the interested parties were invited to download the Draft Plan from the web site of ASRBA and to send comments and proposals, as well as to participate in workshops and events. The call was published in daily newspapers. As part of the public presentations of the characterisation report and of NFASRBWMP, the public and the interested parties had the opportunity to learn about the project and to ask questions.

As a result, significant issues for ground waters and subterranean waters were identified for Adriatic Sea river basin in FBiH. All the received comments, questions and suggestions were discussed and included into the Plan, together with the official response.

Based on the written instructions by the FBiH Ministry of Environment and Tourism, ASRBA also conducted public consultations during the process of adoption of the Strategic Impact Assessment of FASRBWMP. The Strategic Study was uploaded onto the web site of ASRBA for public comments and questions. The media published information on the development of FASRBWMP and of the Strategic Environmental Impact Assessment Study, inviting all the interested parties to attend the public presentation and to send their comments between June and September 2016, including for the Strategic Study. The public presentation was held on 15 July 2016 in Mostar, and participants were representatives of governmental institutions, water users, water pollutants, scientific institutions, professional institutions and the media. The Draft FASRBWMP and the main results of the Strategic Study and the Mud Management Plan were briefly presented, followed by a discussion, but there were no important objections to the Strategic Study. Also uploaded onto the web site was the presentation of SPUO. During the public debate there were no comments or objections to the Strategic Study.

XXIII. Website addressed relevant to the implementation of Article 7 of the Aarhus Convention

The same addresses listed in response to the question regarding Article 3 of the Convention.

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to Article 8 of the Aarhus Convention

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to Article 8. To the extent appropriate, describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9.

The relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9, were listed in the answer regarding Article 4.

Rules of Procedure of the House of Representatives of the FBiH Parliament (“Official Gazette of FBiH”, No 69/07);

Rules of Procedure of the Republika Srpska National Assembly (“Official Gazette of the Republika Srpska”, No 31/11 and 34/17));

Rules of Procedure of the BD Assembly (“Official Gazette of BD”, No 17/08, 20/10).

Rules and Procedures in Drafting Laws and Other Regulations of FBiH (“Official Gazette of FBiH”, No 71/14).

Article 204 of the Rules of Procedure of the Republika Srpska National Assembly/Article 173 of the Rules of Procedure of the House of Representatives of the FBiH Parliament /Article 129 of the Rules of Procedure of the BD Assembly define that, following the completed consideration of a draft law, the representative body may decide to hold a public hearing on the proposed draft law, in case the respective piece of legislation regulates issues of special public interest. The public provide specific proposals, suggestions, and comments either at public hearings or submit them by e-mail or often by postal service. Inclusion of public opinion in the final act is not binding; however reasons for non-inclusion have to be stated. The public is entitled to institute an administrative dispute in case its opinion is not accepted. Also, the environmental protection associations take part in the activities of the Environmental Advisory Council, thus contributing to the preparation of generally accepted and legally binding rules. Public participation in the preparation of regulations and other legally binding rules is promoted, inter alia, through calls to participate in public debates. The Guidelines for Action of RS Administrative Bodies Concerning Public Participation and Consultation in Drafting Laws (“Official Gazette of the Republika Srpska”, No 123/08 and 73/12), define that the regulations identified as being of public interest, should be posted on the website, for the purpose of submitting comments and suggestions by the public.

In 2014, the FBiH Ministry of Environment and Tourism held four public debates on the Draft Law on Environment Protection, in Sarajevo, Mostar, Bihać and Tuzla, thus providing for public participation and for the interested parties to provide their comments and proposals of amendments to the Draft Law. The public debates were very well attended, totalling 211 participants in all four public debates. Also, any interested individual could provide their comments on a specified form. The public debates were attended by representatives of relevant FBiH, cantonal and municipal ministries and institutions, non-governmental organisations, international organisations, academic community, companies, the media, as well as citizens who provided concrete comments, proposals and suggestions. The technical support in organising the public debates was provided by Strengthening Governing Institutions and Processes Project in BiH (SGIP), financed by USAID, in co-operation with the Aarhus Centre in BiH.

The public and the interested parties also participated in 2016 and 2017 concerning the new Draft Law on Environment Protection, Draft Law on the Environmental Fund, Draft Amendments to the Law on Waste Management, by-laws (Rulebook on the Monitoring of Air Quality, Rulebook on Facilities, etc.).

During the development of legislation and other regulations from the areas of forestry and hunting, one acts in accordance with the FBiH Rules and Procedures for the Development of Legislation and Other Regulations.

The FBiH Government, at its 110th Session held on 07 July 2017, discussed the Draft Law on Forests developed by FMAWMF, endorsed it as the Proposal of Law on Forests and sent it into parliamentary procedure where it still finds itself at this moment. Consultations with interested parties were conducted during the development of the Pre-Draft and Draft Law on Forests, in accordance with the above-mentioned FBiH Rules and Procedures for the Development of Legislation and Other Regulations. FMAWMF invited all the interested parties to send comments, proposals and suggestions on the text of the Pre-Draft and Draft Law on Forests within a particular deadline. Also, public debates on the Draft Law on Forests were held in all the ten cantons, as well as a joint public debate with all the interested parties in Sarajevo. Throughout the consultation process, the text of the Pre-Draft and Draft Law on Forests was posted on the web site of FMAWMF, hence all the other interested parties who could not attend the public debates could send their comments, proposals and suggestions, with the aim of improving the text of the law. Following the public debates and meetings, and on the basis of comments presented not only during the debates, but also in writing, amendments were made to the text of the Draft Law on Forests, and explanations were provided for those comments which were not accepted.

In February 2016, FMAWMF prepared a new working-level text of the Law on Amendments to the Law on Waters. There were two rounds of prescribed public consultations held in 2016. The first round of consultations, as part of which the draft was posted on the web site of the Ministry, was held in February 2016. Due to additional comments coming from the Agency and FI, in 2017 there was another round of public consultations. All the received comments and proposals which were accepted were included into the working material, while for those which were rejected, following the discussion, reasons for rejection were explained.

XXV. Obstacles encountered in the implementation of Article 8 of the Aarhus Convention

Describe any obstacles encountered in the implementation of Article 8.

The representatives of NGOs believe that, in certain cases, draft laws are not available on the Internet.

In the Republika Srpska, Draft Law is posted on the internet site of the relevant body, and if there is a public debate, that notification is also posted.

XXVI. Additional information on the practical application of the provisions of Article 8 of the Aarhus Convention

The Aarhus Centre Sarajevo experienced two types of situations. During 2014, the FBiH Ministry of Environment and Tourism organised four public debates regarding the adoption of the new Law on Environment Protection. At that time, the FBiH Ministry of Environment and Tourism included the Aarhus Centre Sarajevo into the public debate organising process, as well as in working groups during the discussion of comments provided by the public. The entire process was conducted transparently, in accordance with the Aarhus Convention but, unfortunately, the law has not been adopted. On the other hand, in 2016 the FBiH Ministry of Environment and Tourism severely violated the Aarhus Convention by adopting the FBiH Rulebook on Cessation of the Rulebook on Packaging and Packaging Waste, without public participation. The Aarhus Centre Sarajevo reacted promptly and pointed to the Ministry’s failure.

In February 2016, the BiH PA House of Peoples put on the agenda the Proposal of Law on Amendments to the BiH Law on Animal Protection and Welfare, under urgent procedure. The “BiH No Fur Coalition”, an informal group of citizens organised with the aim to prevent extension of the deadline for the prohibition of fur animal husbandry, approached the Aarhus Centre Sarajevo, which reacted promptly by warning both Houses of BiH PA about the violation of the Aarhus Convention. The contentious Proposal was rejected.

In April 2017, the BiH PA House of Representatives again put on the agenda Proposal of Law on Amendments to the BiH Law on Animal Protection and Welfare, under urgent procedure. The “BiH No Fur Coalition” again approached the Aarhus Centre Sarajevo, to seek reaction regarding the violation of Articles 4 and 8 of Aarhus Convention. In this case, the Aarhus Convention directly refers to insufficient environmental infrastructure in the area of animal waste management throughout BiH and, in general to the pollution of soil, air and water, including the danger to the environment and biodiversity of BiH, due to the fact that the American mink, which is bred for fur, is an invasive species in Europe. The Aarhus Centre Sarajevo, as well as BiH HROI, reacted by warning BiH PA.

As a result, the Constitutional and Legal Committee of the BiH PA House of Peoples held a public debate on 05 September 2017. Thanks to that public debate, for the first time in its history, BiH PA discussed an environmental topic and learned about the relevant BiH obligations towards the European Union.

The contentious Proposal of the Law is still in parliamentary procedure. However, the general effects of the public debate are as follows:

The FBiH Ministry of Environment and Tourism was informed about the existence of fur animal farms, and it came to light that they did not have environmental permits, as prescribed by LoPE FBiH.

An expert seminar was held on the topic of Environmental Impact of Fur Animal Farming, at the Youth Centre Grbavica, on 19 October 2017, attended by 20 participants from the public and non-governmental sectors.

Thanks to media attention, the general public in BiH was informed about the Aarhus Convention and about the potential environmental problems in BiH if the deadline for the prohibition of fur animal husbandry is extended.

Also, all the relevant institutions in BiH were informed about the environmental impact of fur animal farming: MOFTER BiH, FMAWMF, cantonal inspectorates, cantonal ministries of urban planning, municipal authorities, public utility companies, etc.

Animal waste management must be urgently regulated throughout BiH.

For the first time in the history of BiH, an environmental topic was discussed at the State level, having in mind that it is not included in the BiH Constitution, and that this authority belongs to the Entity and BD.

XXVII. Website addresses relevant to the implementation of Article 8 of the Aarhus Convention

The same as referred to in the answer to the same question related to Article 3 of the Convention.

XXVIII. List legislative, regulatory, and other measures implementing the provisions on access to justice in Article 9

Explain how each Paragraph of Article 9 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9.

The relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9, were listed in the answer regarding Article 4.

The Aarhus Convention is not directly applied in BiH. Therefore, the courts in BiH apply the Aarhus Convention through the provisions transposed into BiH legislation.

Also, and in particular, describe:

With respect to Paragraph 1, measures taken to ensure that:

Any person who considers that his or her request for information under Article 4 has not been dealt with in accordance with the provisions of that Article has access to an appellate procedure before a court of law or another independent and impartial body established by law;

Freedom of Access to Information of BiH (“Official Gazette of BiH" , No 28/00, 45/06, 102/09, 62/11, 100/13) (FoIA BiH);

Freedom of Access to Information of FBiH ("Official Gazette of FBiH", No 32/01, 48/11) (FoIA FBiH);

Freedom of Access to Information of RS (“Official Gazette of RS", No 20/01) (FoIA RS)

Law on Administrative Procedure of BiH (“Official Gazette of BiH”, No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)

Law on Administrative Procedure of FBiH (“Official Gazette of FBiH”, No 2/98, 48/99) (LoAP FBiH)

Law on General Administrative Procedure of RS (“Official Gazette of RS”, No 13/02, 87/07, 50/10)

Law on Administrative Procedure of BD (“Official Gazette of BD”, No 09/02, 08/03,08/04,25/05, 08/07, 36/09, 48/11)

Law on Protection of Environment of FBiH (“Official Gazette of FBiH”, No 33/03, 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (“Official Gazette of RS”, No 71/12, 79/15) (LoPE RS);

Law on Protection of Environment of BD (“Official Gazette of BD”, No 24/04, 1/05, 19/07, 9/09) (LoPE BD)

Law on Courts in FBiH (“Official Gazette of FBiH”, No 38/05, 22/06, 63/10, 72/10, 7/13, 40/14 and 52/14)

Law on Administrative Disputes FBiH (“Official Gazette of FBiH”, No 09/05) (LoAD FBiH);

When it comes to the lex generalis, it is good to mention FoIA BiH/FoIA FBiH/FoIA RS which prescribe the possibility of filing an appeal if the requesting party is not satisfied with the decision sent by a public authority, either because of an incomplete decision, inadequately rejected decision or because of the silence of administration. Pursuant to Article 15(2) of LoAP BiH/Article 11(3) of LoAP FBiH/Article 12(3) of LoGAP RS/Article 11(2) of LoAP BD, it is prescribed that the requesting party shall have the right to appeal the first-instance decision. Only law can prescribe that an appeal is not allowed in certain cases, if the protection of rights and of legality is ensured in another way. The requesting party also has the right to appeal if the first-instance body does not issue a decision on the request within a particular deadline (silence of the administration).

Of lex specialis provisions, Article 38 of LoPE FBiH/Article 41 of LoPE RS/Article 37 of LoPE BD prescribes that the requesting party whose request for information was either not discussed or was unjustifiably denied, or a completely or partially inadequate response was provided, has the right to initiate a review process before a second-instance body.

When it comes to the protection of environment for which the BiH MoJ is in charge, it needs to be emphasised that Entity Criminal Codes prescribe criminal sanctions for LoPE violations. It is important to point out at the State level, in Article 1 of the BiH Criminal Code (BiH CC) - Basic Terms, the following terms are defined: radioactive material (Paragraph 35) and nuclear device (Paragraph 37), and both terms include large scale damage to the environment. In Chapter XVII of BiH CC – Crimes Against Humanity and Values Protected by International Law, Article 193a (Forbidden Arms and Other Means of Combat), Article 194 (Illicit Procurement and Disposal of Nuclear Material) and Article 194a (Endangering a Nuclear Facility), causing danger to environment is a criminal offence. Pursuant to Article 193a, Paragraph (5); Article 194 Paragraphs (3) and (4), as well as Article 194a, Paragraph (2) of BiH CC, the perpetrator of the criminal offence shall be punished by imprisonment if, among other things, commission of the criminal offences resulted in substantial danger to environment.

Since RSI is not a legislative body, but a regulation inspection body, pursuant to the Law on Inspection, it provides all persons with an opportunity to seek protection of their rights by filing a request for inspection, in accordance with this body’s scope of authority.

If the request to access to information is rejected fully or partially, the requesting party will be informed about it through a decision which must contain the legal basis for rejection of information in the sense of FoIA and of Article 121, Paragraph (2) of the Rulebook on Internal Court Procedures, as well as a legal remedy, with the name and address of the body to which the appeal should be sent, the appeal deadline and the note that the requesting party has the right to approach BiH HROI, with the necessary BiH HROI contact information. If the request to access information is not fulfilled within the legal deadline, the requesting party has the right to file a lawsuit with the relevant court.

Every decision regarding a request to access information contains information on the right to appeal. If the court rejects access to information, either fully or partially, it will inform the requesting party through a decision, which should contain the following:

1. Legal basis for the rejection of information, in the sense of this law, including all material issues important for the decision-making, as well as taking into account the public interest holder, and

2. Legal remedy and the deadline to file an appeal to the President of the Court, pursuant to Article 11, Paragraph 1 of LoAP, as well as the instructions concerning the right to approach BiH HROI.

According to the information of the High Judicial and Prosecutorial Council, 39 administrative disputes were lodged in BiH during 2014-2016, all of them concerning violations of the Freedom of Access to Information Act, of which 23 cases in which the lawsuit was accepted and the contested document annulled, 12 cases in which the lawsuit was rejected, 1 case of silence of administration ordering them to issue a decision, and no information on the decisions in the remaining cases.

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

Law on Administrative Procedure of BiH (“Official Gazette of BiH”, No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)

Law on Administrative Procedure of FBiH (“Official Gazette of FBiH”, No 2/98, 48/99) (LoAP FBiH)

Law on General Administrative Procedure of RS (“Official Gazette of RS”, No 13/02, 87/07, 50/10)

Law on Administrative Procedure of BD (“Official Gazette of BD”, No 09/02, 08/03,08/04,25/05, 08/07, 36/09, 48/11)

Law on Administrative Disputes of FBiH (“Official Gazette of FBiH”, No 9/05) (LoAD FBiH);

Law on Administrative Disputes of RS (“Official Gazette of Republika Srpska, No 109/05 and 63/11)

Law on Administrative Disputes of BD (“Official Gazette of BD”, No 4/00, 1/01) (LoAD BD);

Law on Ombudsman for Human Rights of BiH ("Official Gazette of BiH" No 35/04,32/06) (LOHR BIH)

Prior to initiating an administrative dispute, when the law provides so, an appeal to a second-instance administrative body is allowed. Article 11 of LoAP BiH; Article 14 of LoAP FBiH; Article 14 of LoGAP RS, and Article 14 of LoAP BD stipulate that administrative procedure has to be expeditious and as inexpensive for the party as possible, while obtaining all that is necessary to properly establish the facts and render a lawful and proper decision.

Pursuant to Article 67 of LoAD FBiH/Article 59 of LoAD RS/Article 43 of LoAD BD, the court acts urgently upon a request. Article 49a of LoAD RS prescribes that the party which initiated the trial due to the silence of the administration shall not pay the expenses even if they lose in court.

Pursuant to Article 2 of LOHR BIH, the Institution shall consider cases which refer to weak functioning or violations of human rights and freedoms by any authority in Bosnia and Herzegovina, and act upon receipt of a complaint or ex officio.

One of the mechanisms of access to justice is a possibility to file an appeal against the first-instance access-to-information decision before the Appellate Council of the BiH Council of Ministers, and according to LoAP BiH the dissatisfied party may file a lawsuit against the final administrative decision (the second-instance administrative decision) and request that the court in administrative dispute reviews the legality of the administrative decision.

Pursuant to FoIA provisions, the requesting party has the opportunity, when the request is rejected, to complain to the Head of relevant Authority, and has the right to file an administrative dispute against the decision adopted upon complaint.

The fee to file an administrative dispute before the Cantonal Court Goražde is regulated by the Law on Court Fees of the Bosnian Podrinje Canton.

The requesting party has the right to file an appeal against the first-instance decision. Only law can prescribe that an appeal is not allowed in certain cases, if the protection of rights and of legality is ensured in another way. No appeal is allowed against the second-instance decision, but an administrative dispute may be lodged.

Based on its subject-matter competence, the Cantonal Court in Sarajevo makes decisions in administrative dispute cases against a second-instance decision of a relevant body (e.g. the FBiH Ministry of Environment and Tourism).

(iii) Final decisions under this Paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

Law on Administrative Disputes BiH (“Official Gazette of BiH”, No 19/02, 88/07, 83/08, 74/10) (LoAD BiH);

Law on Administrative Disputes FBiH (“Official Gazette of FBiH”, No 9/05) (LoAD FBiH);

Law on Administrative Disputes RS (“Official Gazette of RS”, No 109/05, 63/11) (LoAD RS);

Law on Administrative Disputes BD (“Official Gazette of BD”, No 4/00, 1/01) (LoAD BD);

Law on Courts of FBiH (“Official Gazette of FBiH”, No 38/05, 22/06, 63/10, 7/13, 72/14) (LoC FBiH);

Law on Courts of Republika Srpska (“Official Gazette of Republika Srpska”, No 37/12, 44/15 i 100/17)

Law on Courts of BD (“Official Gazette of BD”, No 19/07, 20/07, 39/09, 31/11) (LoC BD).

Law on Administrative Procedure (“Official Gazette of BiH”, No 29/02,12/04,88/07,93/09,41/13)

The relevant Articles are the following: Article 3 of LoAD BiH; Article 3 of LoAD FBiH; Article 3 of LoGAD RS, and Article 3 of LoAD BD. Pursuant to Article 7 of LoC FBiH; Article 7 of LoC RS, and Article 8 of LoC BD, the decisions of courts in BiH are binding in the territory of FBiH/RS/BD.

Pursuant to Article 25, Paragraph 4 of FoIA FBiH, following any violations of the Act, sanctions are applicable as determined in the criminal codes, civil codes and administrative laws (LoAP BiH), as well as other laws in force in FBiH, and the final court decisions are legally binding (Article 7 of LoC FBiH)

b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in Paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of Article 6;

Law on Administrative Procedure of BiH (“Official Gazette of BiH”, No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)

Law on Administrative Procedure of FBiH (“Official Gazette of FBiH”, No 2/98, 48/99) (LoAP FBiH)

Law on General Administrative Procedure of RS (“Official Gazette of RS”, No 13/02, 87/07, 50/10)

Law on Administrative Procedure of BD (“Official Gazette of BD”, No 09/02, 08/03,08/04,25/05, 08/07, 36/09, 48/11)

Law on Protection of Environment of FBiH (“Official Gazette of FBiH”, No 33/03, 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (“Official Gazette of RS”, No 71/12, 79/15) (LoPE RS);

The relevant Articles are the following: Article 15, Paragraph 3 of LoAP BiH; Article 11, Paragraph 3 of LoAP FBiH; Article 12, Paragraph 3 of LoGAP RS, and Article 11, Paragraph 2 of LoAP BD. Also relevant are Article 39 of LoPE FBiH and Article 42 of LoPE RS.

Article 11, Paragraph 1 of LoAP FBiH regulates that the party has the right to appeal the first-instance decision. Only law can prescribe that an appeal is not allowed in certain administrative cases, if the protection of rights and of legality is ensured in another way.

Paragraph 2 prescribes that, if there is no second-instance administrative body, an appeal against the first-instance decision may be filed only when it is prescribed by law. That law would determine which body would decide on an appeal. Paragraph 3 prescribes that the party also has the right to file an appeal when the first-instance body did not issue a decision regarding the request within a set deadline. As long as an appeal can be filed against the decision, as an administrative act, that decision is not final. When the decision becomes final in the administrative procedure, and some rights or obligations for the party stem from the decision, such a decision can be abolished or changed only in cases listed in the Law on Administrative Procedure or another law (Article 13 of LoAP) – through extraordinary legal remedies: restart of the administrative procedure, request for protection of legality, annulment and removal by the right of supervision. An administrative dispute may be initiated only against the final decision – administrative act – before the court with territorial and subject-matter jurisdiction (Article 10 of LoAD)

c) With respect to Paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

Law on Administrative Procedure of BiH (“Official Gazette of BiH”, No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)

Law on Administrative Procedure of FBiH (“Official Gazette of FBiH”, No 2/98, 48/99) (LoAP FBiH)

Law on General Administrative Procedure of RS (“Official Gazette of RS”, No 13/02, 87/07, 50/10)

Law on Administrative Procedure of BD (“Official Gazette of BD”, No 09/02, 08/03,08/04,25/05, 08/07, 36/09, 48/11)

Law on Administrative Disputes BiH (“Official Gazette of BiH”, No 19/02, 88/07, 83/08, 74/10) (LoAD BiH);

Law on Administrative Disputes FBiH (“Official Gazette of FBiH”, No 9/05) (LoAD FBiH);

Law on Administrative Disputes RS (“Official Gazette of RS”, No 109/05, 63/11) (LoAD RS);

Law on Administrative Disputes BD (“Official Gazette of BD”, No 4/00, 1/01) (LoAD BD);

Pursuant to Article 213 of LoAP BiH; Article 221 of LoAP FBiH; Article 211 of LoGAP RS, and Article 208 of LoAP BD; parties, plaintiff, public defender and other bodies may appeal against a decision in administrative procedure which contravenes the law in favour of a physical or a legal person to the detriment of the public interest. Article 2 of LoAD BiH; Article 2 of LoAD FBiH; Article 2 of LoGAD RS, and Article 2 of LoAD BD, stipulate that a physical or a legal person is entitled to initiate an administrative dispute if their rights or direct personal interest based on the law have been violated.

An individual or a legal entity has the right to initiate an administrative dispute if they are of the opinion that the administrative act violated their rights, or direct personal interest based on the law have been violated as well as, under the same conditions, an individual or a legal entity who participated in administrative proceedings for the purpose of protecting their rights or legal interests.

According to the information of the High Judicial and Prosecutorial Council, 22 administrative disputes were lodged in BiH during 2014-2016 against the decisions to issue environmental permits, of which 19 cases before the Cantonal Court Sarajevo, 1 before the Cantonal Court Tuzla and 2 before the Basic Court of the Brčko District.

Also, there were 349 civil proceedings before the courts during 2014-2016 for misdemeanours prescribed by the following laws: Law on Waters of RS; Law on Environment Protection of RS; Law on Protection of Nature of RS; Law on Protection of Air of RS; Law on Waste Management of RS; Law on Waters of FBiH; Law on Waters of FBiH; Law on Environment Protection of FBiH; Law on Protection of Nature of FBiH; Law on Protection of Air of FBiH; Law on Waste Management of FBiH; Law on Protection of Water of BD BiH; Law on Environment Protection of BD BiH; Law on Protection of Nature of BD BiH; Law on Protection of Air of BD BiH; Law on Waste Management of BD BiH. The cases were filed before the following courts: Municipal Court in Banovići, Municipal Court in Bihać, Municipal Court Bosanska Krupa, Municipal Court Bugojno, Municipal Court Cazin, Municipal Court Goražde, Municipal Court Gradačac, Municipal Court Jajce, Municipal Court Kakanj, Municipal Court Kalesija, Municipal Court Kiseljak, Municipal Court Konjic, Municipal Court Livno, Municipal Court Lukavac, Municipal Court Ljubuški, Municipal Court Mostar, Municipal Court Orašje, Municipal Court Sanski Most, Municipal Court Sarajevo, Municipal Court Tešanj, Municipal Court Travnik, Municipal Court Tuzla, Municipal Court Velika Kladuša, Municipal Court Visoko, Municipal Court Zavidovići, Municipal Court Zenica, Municipal Court Čapljina, Municipal Court Široki Brijeg, Municipal Court Živinice, Basic Court Banja Luka, Basic Court Bijeljina, Basic Court Derventa, Basic Court Doboj, Basic Court Foča, Basic Court Modriča, Basic Court Mrkonjić Grad, Basic Court Prnjavor, Basic Court Sokolac, Basic Court Srebrenica, Basic Court Teslić, Basic Court Višegrad, Basic Court Zvornik. In total, 264 decisions were issued whereby the defendant was pronounced guilty of the misdemeanour, 40 decisions stopping the proceedings, 23 decisions after the admission of guilt, and 22 decisions in which the defendant was held accountable for omission.

During 2014-2016, 2090 criminal offences were prosecuted for violations of Articles 303–322 of FBiH CC; Articles 415–437 of RS CC, and Articles 297–316 of BD CC.

d) With respect to Paragraph 4, measures taken to ensure that:

(i) The procedures referred to in Paragraphs 1, 2 and 3 provide adequate and effective remedies;

Freedom of Access to Information of BiH ("Official Gazette of BiH" , No 28/00, 45/06, 102/09, 62/11, 100/13) (FoIA BiH);

Freedom of Access to Information of FBiH ("Official Gazette of FBiH", No 32/01, 48/11) (FoIA FBiH);

Freedom of Access to Information of RS ("Official Gazette of RS" , No 20/01) (FoIA RS)

Law on Administrative Procedure of BiH (“Official Gazette of BiH”, No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)

Law on Administrative Procedure of FBiH (“Official Gazette of FBiH”, No 2/98, 48/99) (LoAP FBiH)

Law on General Administrative Procedure of RS (“Official Gazette of RS”, No 13/02, 87/07, 50/10)

Law on Administrative Procedure of BD (“Official Gazette of BD”, No 09/02, 08/03,08/04,25/05, 08/07, 36/09, 48/11)

Law on Administrative Disputes FBiH (“Official Gazette of FBiH”, No 9/05) (LoAD FBiH);

Law on Administrative Disputes RS (“Official Gazette of RS”, No 109/05, 63/11) (LoAD RS);

Law on Administrative Disputes BD (“Official Gazette of BD”, No 4/00, 1/01) (LoAD BD);

Law on Protection of Environment of FBiH (“Official Gazette of FBiH”, No 33/03, 38/09) (LoPE FBiH);

Law on Protection of Environment of RS (“Official Gazette of RS”, No 71/12, 79/15) (LoPE RS);

Law on Protection of Environment of BD (“Official Gazette of BD”, No 24/04, 1/05, 19/07, 9/09) (LoPE BD)

Law on Waters of FBiH (“Official Gazette of FBiH”, No 70/06) (LoW FBiH);

Law on Waters of RS (“Official Gazette of RS”, No 50/06, 92/09, 121/12, 74/17) (LoW RS);

The relevant provision is Article 14(3) (b) of FoIA BiH/FBiH/RS which prescribes an obligation to inform the requesting party of the right to file an appeal before a particular body, including that body’s contact information, the appeal deadline and the costs of filing an appeal. This letter informs the requesting party of the right to approach the Institution of Ombudsman, including the Institution’s contact information.

Articles 15 and 201 of LoAP BiH/Articles 11 and 208 of LoAP FBiH/Articles 12 and 198 of LoGAP RS/Articles 11 and 195 of LoAP BD prescribe the right to file an appeal against the first-instance decision, including obligatory information on legal remedy informing the party whether an appeal or an administrative dispute or another court proceedings may be lodged against the decision. Relevant is Article 213 of LoAP BiH/Article 221 of LoAP FBiH/Article 211 of LoGAP RS/Article 208 of LoAP BD.

Article 2 of LoAD BiH/Article 2 of LoAD FBiH/Article 2 of LoGAD RS/Article 2 of LoAD BD prescribes that a citizen or a legal person has the right to initiate an administrative dispute, if the final administrative act violated their rights or direct personal interest based on the law have been violated.

Also relevant are Articles 8 and 9 of LoAD BiH/Articles 8, 9 and 10 of LoAD FBiH/Articles 7 and 8 of LoAD RS/Articles 6, 7 and 8 of LoAD BD, which prescribe that an administrative dispute may be instituted only against a second-instance administrative act or against a first-instance administrative act if an appeal is not allowed, and in case of the silence of administration.

Also relevant are Articles 10 and 39 of LoPE FBiH/Articles 12 and 42 of LoPE RS/Article 10 of LoPE BD which prescribe that each interested individual has the right to protection in administrative and court proceedings, with the aim of achieving either compensation or legal protection in terms of access to information and public participation.

Also relevant are Articles 108, Paragraphs (1) and (8) and Article 126(3) of LoW FBiH/Articles 133 and 135 of LoW RS.

At the end of each decision the FBiH Ministry of Environment and Tourism prescribes a legal remedy i.e. whether a party in the proceedings has the right to file an appeal or to initiate an administrative dispute.

The appellate procedure is prescribed in Article 221 to Article 245 of LoAD. A party also has the right to appeal when the first-instance body did not issue a decision concerning the request within a prescribed deadline – silence of the administration – deeming the request rejected (Article 216, Paragraph 3 and Article 243 of LoAD).

(ii) Such procedures otherwise meet the requirements of this Paragraph;

Decisions of courts and other bodies are accessible to the public.

(e) With respect to Paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Article 20 of FoIA stipulates that public authorities are required to issue guidelines containing, inter alia, information on legal remedies. The costs of the procedure are borne by the parties, depending on its outcome.

In the Cantonal Court in Goražde, as in all courts in BiH, access to case files is available via the Internet, for parties in court proceedings, attorneys, power-of-attorney individuals and legal representatives. Upon a request of a party, the Court Registrar certifies the issuance of a unique access code, with instructions as to how to access case files via the Internet. The Cantonal Court in Goražde has a public relations officer who receives and processes freedom-of-access-to-information requests. The contact information is available on the web site of the Court.

The Cantonal Court in Novi Travnik adopted and published the Access to Information Guidelines, pursuant to Article 20 of FoIA FBiH. Any natural or legal person has the right to access information in possession of the Cantonal Court in Novi Travnik, and the Court has the relevant obligation to provide the information. The details on the type of information in possession of the Court, the form in which the information is available, and the data where to access the information, can be found in the Index Register of the Court.

XXIX. Obstacles encountered in the implementation of Article 9 of the Aarhus Convention

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 9.

In most cases, the relevant institutions have not issued the guidelines specified by Article 20 of FoIA. NGO sector regards that the present procedure is too complex and complicated, and find the costs of retaining lawyers to work on these cases too high to afford, which is evident in the replies submitted by the NGOs showing that very few of them use legal services (by lawyers not necessarily specialized for this area of expertise). Currently, there are no judges or prosecutors in BiH specialised in the environmental law. However, in the past two years considerable efforts have been invested in their training, with further activities planned for the future.

BHAS notes that statistics on environmental law has not yet been initiated as a statistical activity.

Also, one has to take into account that the BHAS Department of Environment, Energy and Regional Statistics started working in 2008 and that it is at a stage of intense development and efforts to fulfil requirements of international environmental statistics. In a very short period of time, this Department has established and developed key environmental statistics according to international and EU standards, and it is still intensely working towards the development of the existing statistics, as well as on the establishment of new environmental statistics. There is a problem of a lack of human resources at Entity-level statistical institutions (RSSI, FSI), who have major difficulties in keeping abreast with activities of BiH Agency for Statistics Department of Environment, Energy and Regional Statistics.

XXX. Further information on the practical application of the provisions of Article 9

Provide further information on the practical application of the provisions on access to justice pursuant to Article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

We checked the information available in the Case Management System between 01 January 2014 and 31 December 2016 and found that in Cantonal Court in Goražde there were no environmental cases.

The ZDC Cantonal Office of the Prosecutor, pursuant to Articles 303 – 306 CC FBiH, received the following reports of a criminal offence:

- In 2014, three reports of a criminal offence, of which two for the criminal offence of Environmental Pollution stipulated by Article 303, Paragraph 1 of CC FBiH and one for the criminal offence of Endangering the Environment by Waste stipulated by Article 305, Paragraph 1 of CC FBiH.

- In 2015, four reports of a criminal offence, of which two for the criminal offence of Environmental Pollution stipulated by Article 303, Paragraph 1 of CC FBiH and two for the criminal offence of Endangering the Environment by Noise stipulated by Article 306, Paragraph 2 of CC FBiH.

- In 2016, four reports of a criminal offence, of which two for the criminal offence of Environmental Pollution stipulated by Article 303, Paragraph 1 of CC FBiH and two for the criminal offence of Endangering the Environment by Waste stipulated by Article 305, Paragraph 1 of CC FBiH.

- In 2017, two reports of a criminal offence, of which one for the criminal offence of Environmental Pollution stipulated by Article 303, Paragraph 1 of CC FBiH and one for the criminal offence of Endangering the Environment with Installations stipulated by Article 304, Paragraph 1 of CC FBiH.

The same Office of the Prosecutor, on 15 September 2015, received a report of a criminal offence filed by Association Eko Forum Zenica against Arcelor Mittal Company Zenica, Palavathu Krishnan Nair Biju and Mukund Vyankatesh for the criminal offence of Environmental Pollution stipulated by Article 303 of CC FBiH. After the receipt of the report, a case file was opened in which the prosecutor in charge issued an order on 26 October 2015 to the ZDC Ministry of Interior to conduct pre-investigation activities. In July 2016, an environmental expert was hired to conduct an analysis, and the expert subsequently provided the Office of the Prosecutor with a Report and Opinion in October 2017. In this specific case, there was a lot of documentation/evidence which needed to be analysed in detail and connected to the possible commission of the criminal offence. The case is at the report stage, and the prosecutor in charge is conducting all the necessary measures and activities to arrive at a prosecutorial decision as soon as possible.

The access to justice turns out to be the most important element in the implementation of the Aarhus Convention. It serves to mitigate shortcomings of the administrative decisions. In BiH, administrative disputes may be initiated if an administrative appeal was either unsuccessful or unavailable, and if legal action was taken within 30 days of the issuance of the final administrative decision. In general, access to justice may be provided through civil and criminal proceedings on environmental matters. Judgements of courts in BiH, in case of administrative disputes, are generally of corrective nature. The environmental jurisprudence shows that judgements are almost always based on procedural errors, if there are any, and the case is returned to the relevant body with instructions how to change the administrative decision. Otherwise, there are still very few judicial institutions which deal with the essence of the case, whose judgement entirely changes the original administrative decision. In general, the effect which the judicial system has on the implementation of the Aarhus Convention in BiH is positive. It significantly rectifies errors and the lack of action by relevant administrative bodies. The Institution of Ombudsman also plays a significant role in the sense of recommendations to public administration. Although they are not legally binding, practice has shown that pressure from the Ombudsman Institution may influence the public administration to work in accordance with the law. It is evident from the questionnaire that the total number of environmental court cases is small. There are multiple reasons for that. Firstly, structural barriers to accessing the court (obligatory fee of BAM 100 to accept the legal matter at all; the risk of compensation to be paid to the opponent’s legal attorney in case of a loss in court; the lack of a possibility for NGOs to get legal representation free of charge, etc.). Additionally, this shows limited capacities of environmental NGOs. Finally, this could be viewed as a result of a lack of public confidence in institution, the complexity of administrative procedures and the lack of legal aid to citizens.

Also, civil society organisations mention a lack of competent specialised lawyers, which is the result of a fact that law schools in BiH do not include environmental law into their curricula. As a result, the Environment Centre, in co-operation with Arnika, organised a pilot educational programme for young lawyers - “Environmental Legal Clinic”- with the aim of expanding their knowledge and their interest in the environmental law. The Clinic was organised in 2016 at the Banja Luka Law School with the participation of 34 senior year students, of whom five subsequently worked as interns at the Environment Centre, supporting the work of local communities and using legal tools and case studies.[[4]](#footnote-4)

XXXI. Website addresses relevant to the implementation of Article 9

The same as referred to in the answer to the same question related to Article 3 of the Convention.

XXXIII. Legislative, regulatory, and other measures for implementing provisions on genetically modified organisms, pursuant to article 6 bis and Annex I bis

(a) With respect to paragraph 1 of article 6 bis and:

Paragraph 1 of annex I bis, arrangements in the Party’s regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

Law on Genetically Modified Organisms ("Official Gazette of BiH" , No 23/09) (LoGMO BiH)

Law on Genetically Modified Organisms of Republika Srpska ("Official Gazette of RS", No 41/2009) (LoGMO RS)

Decision on the Appointment of the Council for Genetically Modified Organisms (“Official Gazette of BiH“ No 67/15, 49/16)

Law on Food (“Official Gazette of BiH”, No 50/04) (LoF BiH)

Law on Administration (“Official Gazette of BiH”, No 32/02 and 102/09) (LoA BiH)

Law on Administrative Procedure of BiH (“Official Gazette of BiH”, No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)

Rulebook on Conditions and Procedure of Issuance of Permit to Initially Put Genetically Modified Food and Feed on BiH Market and Monitoring and Marking Conditions (“Official Gazette of BiH”, No 78/12 and 62/15) (Day 9)

Pursuant to Article 17 of LoGMO BiH, information on the use of GMO and on the procedures of approval by the relevant body is public. The public call is published in the media and on the web site of BiH FSA, listing the time and place for the documents to be reviewed, as well as the procedure how to provide opinions and comments, for which the deadline is 30 days and it is not counted towards the deadline to issue a decision. The relevant body is obliged to present its view of the public comments and opinions, in the reasons for the adoption of the decision.

It is necessary to conduct a public debate before drafting a report on the assessment of appropriateness of placing GMOs or products containing GMOs on the market (Article 44 of LoGMO BiH) and before the issuance of a permit to place GMO on the market (Article 47 of LoGMO BiH).

Pursuant to LoGMO RS, the use of GMOs or products containing GMOs is forbidden. The use is defined as packaging, handing, placing on the market, transport and transit through the Republika Srpska. The law allows only limited use, in closed systems for research activities, but only upon a special approval of RS MAWMF. The oversight over the implementation of the law is conducted by the Food Inspectorate and the Agriculture Inspectorate.

LoGMO BiH prescribes the procedure and conditions for limited use, cross-boundary transfer, deliberate release into the environment and placement on the market of GMOs and products consisting of, containing or originating from GMOs, with the aim of ensuring a high level of protection of lives and health of people, health and well-being of animals, of the environment, of consumer interests regarding GMOs and products consisting of GMO, as well as live modified organisms with the effective functioning of the market. Pursuant to LoGMO BiH, BiH FSA is the central coordination body for professional tasks in relation to GMOs. Also, upon proposal of BiH FSA, the BiH Council of Ministers adopted the Decision on Appointment of the Council for Genetically Modified Organisms (GMO Council), whose goals are defined by Article 56 of the Law on GMO, for the purpose of monitoring the situation and developments in managing GMOs and of providing expert assistance to the relevant bodies in BiH in the implementation of this law.

In the past, upon proposal of BiH FSA, the BiH Council of Ministers adopted a number of GMO-related regulations.

When it comes to legislative, regulatory and other measures conducted regarding public participation in decision-making on deliberate release of GMOs into the environment, BiH did not transpose EU legislation on deliberate release of GMOs into the environment.

When it comes to legislative, regulatory and other measures conducted regarding public participation in decision-making on placement on the market of GMO food and feed, BiH FSA, upon receiving a Request for Decision on Approval of Placement on the Market of Genetically Modified Feed, sent by feed salespeople, and on the basis of Article 56 of LoF BiH, Article 61 of LoA BiH, Article 193, Paragraph (1) of LoAP BiH, Article 11 of LoGMO BiH, Article 19 of the Rulebook on Conditions and Procedure of Issuance of Permits for Placement for the First Time of Genetically Modified Food Feed on the BiH Market and requests for their Monitoring and Labelling and positive Opinions of the GMO Council per requests, issues the Decision on Approval of Placement on the Market of Genetically Modified Feed.

Opinions of the GMO Council per requests of feed salespeople for Decision on Approval, as well as the issued Decisions on Approval of Placement on the Market of Genetically Modified Feed are available on the official web site of BiH FSA.

The public is not involved in procedures of issuance of the Decision on Approval, and BiH FSA maintains a single register of GMOs, pursuant to Article 58 of LoGMO, and it is also available to the public via the official web site of the Agency.

(ii) Paragraph 2 of Annex I bis, any exceptions provided for in the Party’s regulatory framework to the public participation procedure laid down in Annex I bis and the criteria for any such exception;

Pursuant to Article 17 of LoGMO BiH, the public is involved in every permit issuance procedure for deliberate discharge of GMOs into environment.

(iii) Paragraph 3 of Annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;

Pursuant to Article 17 of LoGMO BiH, in the permit issuance procedure for deliberate discharge of GMOs in environment, the competent body is obliged to inform the public on:

• Content of application;

• Content of technical documentation;

• Risk assessment;

• Content of the GMO Council’s opinion.

Public call indicating the time and place where the above-mentioned documents can be seen, as well as the proceedings of giving opinion and objections are published via the media and on the FSA BiH web page. The relevant body’s deadline for insight and opinion/objections is 30 days.

(iv) Paragraph 4 of Annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

Pursuant to Article 8 of LoGMO BiH, the requesting party cannot regard the following information as confidential:

a) First name, last name, company name and company seat;

b) Intended manner of use of GMOs and of products consisting of, containing or originating from GMOs, conditions under which the product will be placed on the market and conditions for use;

c) Characteristics of GMOs and products, as well as of their components;

d) Scope and group of dangers stemming from limited use of GMO;

e) Monitoring plan regarding the placement of GMOs onto the market, their use and measures in case of unforeseen risks during the placement of GMOs and of products consisting of, containing or originating from GMOs;

 f) Information about health, biodiversity or environmental hazards;

g) Risk assessment

As a result, information contained in Paragraph 4 of Annex I bis cannot be regarded as confidential, pursuant to LoGMO BiH.

(v) Paragraph 5 of Annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

a. The nature of possible decisions;

b. The public authority responsible for making the decision;

c. Public participation arrangements laid down pursuant to Paragraph 1 of Annex I bis;

d. An indication of the public authority from which relevant information can be obtained;

e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

Concerning the permit issuance procedure for deliberate release of GMO in the environment, under Article 17, Paragraph 2, Subparagraph (d) of LoGMO BiH, the public is provided access to the GMO Council's opinion, which can be said to have the nature of a possible decision. Also, under Paragraph 3 of this Article, public participation arrangements are presented to the public, while the relevant information can be obtained on the website of the Food Safety Agency of BiH (FSA BiH). Comments can be submitted to the Food Safety Agency (FSA) BiH, Entity Ministries in charge of agriculture, forestry and water management, BiH Administration for the Protection of Plant Health, and BiH Veterinary Office, depending on whether deliberate discharge of GMO in the environment is in question or placing GMOs on the market.

(vi) Paragraph 6 of Annex I bis, measures taken to ensure that the arrangements introduced to implement Paragraph 1 of Annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

Concerning the permit issuance procedure for deliberate discharge of GMO in the environment, the public can submit their opinions and comments. Unfortunately, the LoGMO BiH contains no provisions that would stipulate into more detail the permit issuance procedure for placing GMOs on the market, apart from providing that public hearings need to be organised.

(vii) Paragraph 7 of Annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to Paragraph 1 of Annex I bis;

Pursuant to Article 17, Paragraph (4) LoGMO BiH, the public authority is obliged to address the opinions and comments of the public in the “reasoning” part of the decision.

(viii) Paragraph 8 of Annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on Annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

Pursuant to Article 48, Paragraph (2) of LoGMO BiH, the permit for placing GMOs on the market has to be made publicly available, except for the information stipulated and designated as confidential, as well as the assessment of risk to human health, biodiversity and the environment.

Pursuant to Article 17, Paragraph (4) of LoGMO BiH, the public authority is obliged to address the opinions and comments of the public in the “reasoning” part of the decision. (b) With respect to Paragraph 2 of Article 6 bis, how the requirements made in accordance with the provisions of Annex I bis are complementary to and mutually supportive of the Party’s national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity..

The relevant Articles are the following: 2, Paragraph (b); 3; 4, Paragraph (4), 10; 13; 19; 32; 34; 38, Paragraph 4; 39; 43; 46 and 49 of LoGMO BiH.

XXXIV. Obstacles encountered in the implementation of Article 6 bis and Annex I bis

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 6 bis and Annex I bis.

XXXV. Further information on the practical application of the provisions of Article 6 bis and Annex I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in Article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

XXXVI. Website addresses relevant to the implementation of article 6 bis

Provide relevant internet addresses, if any, including internet addresses of registers of decisions and press releases regarding genetically modified organisms:

FSA BiH - <http://www.fsa.gov.ba/>

List of acronyms

AIR - Access to Information Request

ASRBA - Adriatic Sea River Basin Agency

BD- Brčko District

BiH - Bosnia and Herzegovina

BHAS – BiH Agency for Statistics

BiH FSA - BiH Food Safety Agency

BiH HJPC - BiH High Judicial and Prosecutorial Council

BiH HROI – BiH Human Rights Ombudsman Institution

BIH MoCA - BiH Ministry of Civil Affairs

BiH MoJ - BiH Ministry of Justice

BiH PA – BiH Parliamentary Assembly

CEAP - Cantonal Environmental Action Plan

CS MUPCEEP - Canton Sarajevo Ministry of Urban Planning, Civil Engineering and Environmental Protection

CE – Centre for Environment

CSO – Civil Society Organisation

EU - European Union

FBiH - Federation of BiH

FASRBWMP – FBiH Adriatic Sea River Basin Water Management Plan

FAS – FBiH Agency for Statistics

FAPI – FBiH Agropedology Institute

FEF – FBiH Environmental Fund

FGI – FBiH Geological Institute

FHMI - FBiH Hydrological and Meteorological Institute

FI – FBiH Inspectorate

FMAWMF – FBiH Ministry of Agriculture, Water Management and Forestry

FMES – FBiH Ministry of Education and Science

FMEMI – FBiH Ministry of Energy, Mining and Industry

FMH – FBiH Ministry of Health

FMUP – FBiH Ministry of Urban Planning

FPHI – FBiH Public Health Institute

FSI – FBiH Statistics Institute

GMO – Genetically Modified Organisms

ICPDR - International Commission for the Protection of the Danube River

MoFTER - BiH Ministry of Foreign Trade and Economic Relations

PC – Posavina Canton

PC MTCTEP – Posavina Canton Ministry of Transport, Communications, Tourism and Environmental Protection

PRTR - Pollutant Release and Transfer Register

REC - Regional Environmental Center for Central and Eastern Europe

RS - Republika Srpska

RS EPEFF - RS Environmental Protection and Energy Efficiency Fund

RSI - RS Inspectorate

RS MAWMF - RS Ministry of Agriculture, Water Management and Forestry

RS MHSP – RS Ministry of Health and Social Protection

RS MUPCEE – RS Ministry of Urban Planning, Civil Engineering and Environment

RS PHI – RS Public Health Institute

SRBA - Sava River Basin Agency

ZDC - Zenica-Doboj Canton

ZDC MUPTCEP - Zenica-Doboj Canton Ministry of Urban Planning, Transport, Communications and Environmental Protection

List of institutions and NGOs which responded to questionnaires and provided data

Aarhus Centre Sarajevo

Adriatic Sea River Basin Agency

BiH Agency for Statistics

BiH Food Safety Agency

BiH High Judicial and Prosecutorial Council

BiH Ministry of Civil Affairs

BiH Ministry of Foreign Trade and Economic Relations

BiH Ministry of Justice

BiH Ombudsman Institution

Brčko District Government, Department for Urban Planning and Property Relations

Cantonal Court Goražde

Cantonal Court Novi Travnik

Cantonal Court Sarajevo

Canton Sarajevo Ministry of Urban Planning, Civil Engineering and Environmental Protection

Centre for Environment (Aarhus Centre Banja Luka)

Eko Forum Zenica

FBiH Agropedology Institute

FBiH Environmental Fund

FBiH Geological Institute

FBiH Ministry of Agriculture, Water Management and Forestry

FBiH Ministry of Education and Science

FBiH Ministry of Energy, Mining and Industry

FBiH Ministry of Environment and Tourism

FBiH Ministry of Urban Planning

FBiH Public Health Institute

No Fur Coalition

Posavina Canton Ministry of Transport, Communications, Tourism and

Environmental Protection

RS Inspectorate

RS Ministry of Urban Planning, Civil Engineering and Environment

RS Statistics Institute

Sava River Basin Agency Sarajevo

Zenica-Doboj Canton Ministry of Urban Planning, Transport, Communications and Environmental Protection

1. 2014 – 2016 Aarhus Convention Shadow Implementation Report for BiH

<http://eko.ba/publikacije/190-demokratija-zivotne-sredine-napredak-neprijavljen> [↑](#footnote-ref-1)
2. The issue of access to information in the area of environmental decision-making in BiH was analysed in detail in the paper by Havránková, Šárka (ed.), under the title: “*Pristup informacijama i učešće javnosti u donošenju odluka o životnoj sredini i administrativnim procesima u BiH” (Access to information and Public Participation in Decision-Making and Administrative Procedures in BiH).* Arnika – Centre for Environment Protection, Prague/Banja Luka, 2016. [↑](#footnote-ref-2)
3. Project N0. 2009/228-439, Reference: EuropeAid/126648/C/SER/BA. Tender No: EC/BIH/08/013 – “Support to Implementation of PRTR Directive “. [↑](#footnote-ref-3)
4. 2014 – 2016 Aarhus Convention implementation in BiH Shadow Report

<http://eko.ba/publikacije/190-demokratija-zivotne-sredine-napredak-neprijavljen> [↑](#footnote-ref-4)