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ENVIRONMENTAL IMPACT ASSESSMENT

Best practices and challenges in
Bosnia and Herzegovina



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National Legal and Institutional Framework

In the juridical system of FBH, the EIA procedure is regulated only at entity level by the:

- Law on Environmental Protection (Official Gazette of FBH, No. 33/03 and 38/09)
Chapter IX: Environmental Impact Assessment
- Regulation on Facilities Subject to Obligatory Environmental Impact Assessment and Facilities Which May be Constructed and Operated Only with a Valid Environmental Permit (“Official Gazette of FBH”, No. 19/04)

Environmental permitting procedures are regulated separately at two levels:

- Entity level
- Cantonal level

National Legal and Institutional Framework

The Regulation provides a list of:

- activities and industrial facilities subject to mandatory EIA and permitting procedures at FBH level
- activities and facilities that undergo individual evaluation concerning the EIA requirement

The Regulation defines:

- EIS content
- criteria for determining the need for EIA

Activities and facilities subject to mandatory EIA

For Roads and Motorways:

- Construction of Motorway
- Construction of a new road or construction of additional lanes in order to have a road with four or more lanes, where this new road (widened section) has 10 km or more of continuous length

ENVIRONMENTAL PERMITTING PROCEDURE

- Environmental permitting procedures include submission of a request for an environmental permit, which contain the documentation developed in accordance with Article 54a of the Law on Environmental Protection, including a waste management plan. For plants and facilities requiring a mandatory EIA, along with the request for the environmental permit, instead of documentation developed in accordance with Article 54a, the investor is required to submit an environmental impact study.

ADMINISTRATIVE PROCEDURE

- According to Articles 5 and 6 of the aforementioned Regulation, Federal Ministry of Environment and Tourism (FMoET) will determine whether an EIA is necessary for the construction of new cantonal or regional roads with more than 2 km of continuous length.
- When evaluating the EIA requirement, the FMoET takes into account individual project characteristics (e.g. industrial plant/facility size, waste generation, pollution, etc.), project location and environmental sensitivity, as well as characteristics of potential impacts (e.g. impact extent, probability, etc.).

ADMINISTRATIVE PROCEDURE

- If FMoET decides that an EIA is necessary, the investor is required to submit the environmental impact study to FMoET within six months from the date of the resolution on the preparation of the study.
- If FMoET establishes, on the basis of the request for the environmental permit and relevant documents, that an environmental impact study is not necessary, it issues a decision on the issuance of the environmental permit based on a preliminary EIA

ADMINISTRATIVE PROCEDURE

- In case of the preliminary EIA, FMoET submits the request for the environmental permit, including attachments, to the competent authorities and interested parties in order to obtain their opinions and suggestions.
- The competent authorities and interested parties provide their opinions and suggestions within 15 days from the day they receive the request for the environmental permit.
- FMoET issues a decision on the necessity of an environmental impact study within 15 days from the date of the deadline for submitting opinions and suggestions.
- In case the FMoET decides that an environmental impact study is necessary, it also decides upon the content of such study.
- The evaluation of the Study is performed by an expert committee appointed by FMoET, during which the FMoET organizes a public hearing. Stakeholders may submit their suggestions and comments on the study within 30 days from the public hearing.

ADMINISTRATIVE PROCEDURE

- FMoET issues the environmental permit based on the results of the evaluation of the environmental impact study.
- The relevant Ministry issues the environmental permit within 120 days or within 60 days in case the EIA study is submitted. Environmental permits are valid for five years.

ADMINISTRATIVE PROCEDURE

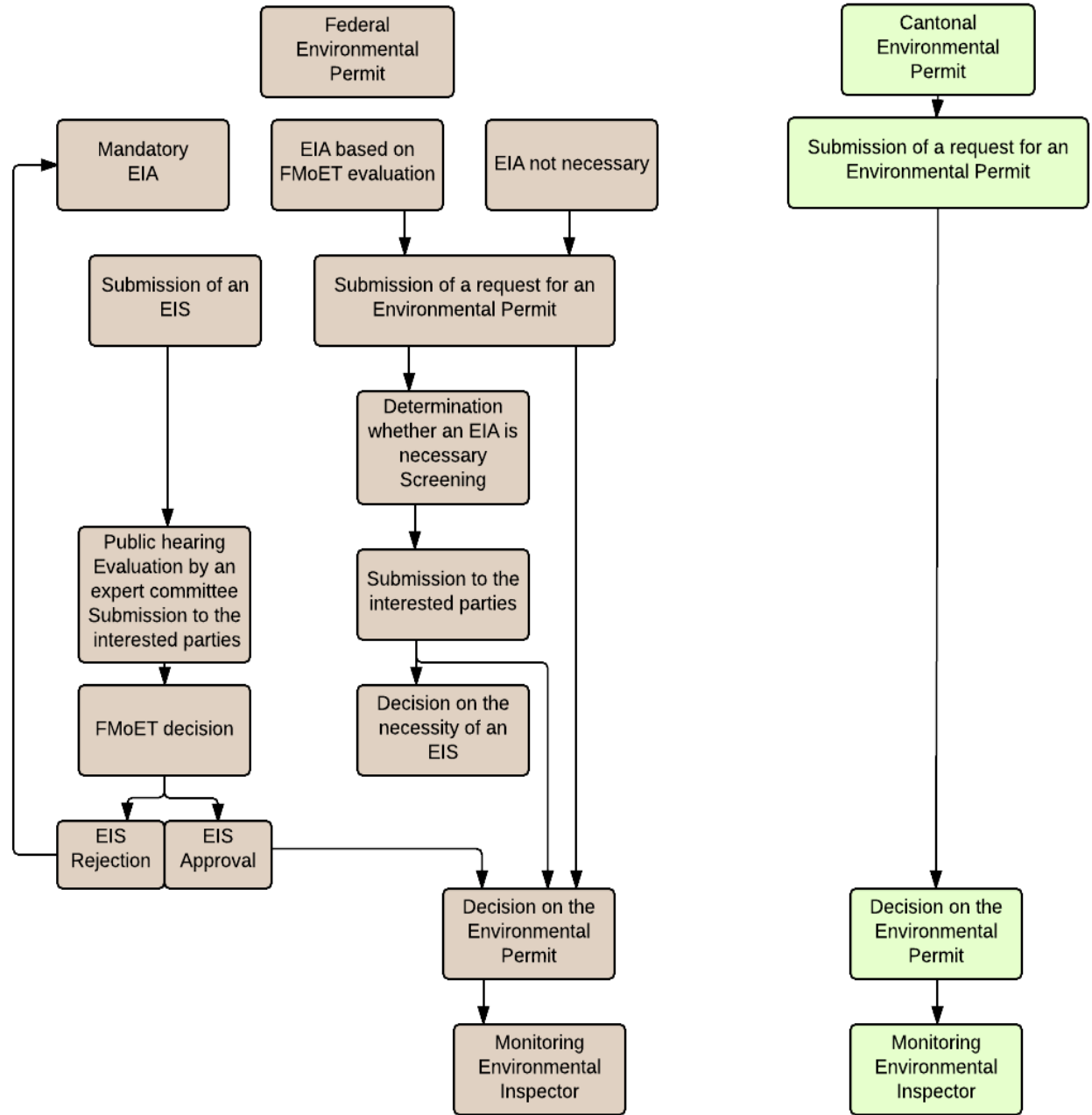
The Environmental Permit is issued by Cantonal ministries in charge of environmental protection (on the basis of the Request for Environmental Permit) for:

- plants or facilities which are not subject to EIA,
- plants or facilities with parameters below the thresholds defined by the mentioned Regulation,
- plants and facilities which are not listed under the Regulation,
- plants or facilities listed in Cantonal regulations.

ADMINISTRATIVE PROCEDURE

- Some Cantons have their own environmental laws and bylaws, i.e. implementing regulations on the activities and facilities which may be operated only with a valid Environmental Permit. In all other aspects, the environmental legislation of the Cantons resembles that of FBH legislation.

The Environmental Permit aims to ensure that, in the earliest phase of design, the Investor foresees measures for prevention of negative effects that the project could have on the environment; accordingly, the Environmental Permit must be obtained before Urban Permit, and is to be attached to the application for an Urban Permit.



Environmental Impact Assessment

EIA includes identification, description, evaluation, direct and indirect project impact on:

- people, flora and fauna;
- soil, water, air, climate and space;
- material assets and cultural heritage,
- interaction of the above mentioned factors

PRACTICE

- The Public Company “Roads of Federation of Bosnia and Herzegovina”, a limited liability company wholly owned by the Government of FBH, has launched an overarching programme for the modernisation of the main roads on the territory of the Federation of Bosnia and Herzegovina (FBH) to ensure adequate and appropriate road infrastructure by 2020.
- The Government of FBH has supported the initiative to ensure credit resources from IFIs in the amount of up to EUR 150 million for the Project "Modernization of the Main Roads in FBH".

Road Modernization Program

Project Components:

- construction of roads - improvement of the road elements in the existing corridor
- construction of third road lanes to be used by slow vehicles
- reconstruction of road surface and correction of road axle
- reconstruction of bridges and tunnels,
- construction of bypasses around cities,
- reconstruction of dangerous places and the solution to the problem of accident black-spots.

Road Modernization Program

- The Company is expected to obtain funding from the European Investment Bank (EIB), the World Bank (WB) and European Bank for Reconstruction and Development (EBRD)
- The EIA Directive (Directive 2011/92/EU of the European Parliament and the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (as amended by Directive 2014/52/EU) which is also one of the basis on which the IFIs Environmental and Social Policy are founded, covers a broad range of activities ranging from industrial to infrastructure projects. It introduces procedural elements to be followed in each and every financing such as the provision of an environmental impact statement and consultation with the public and environmental authorities within the framework of development consent procedures for the activities covered.

EBRD's Environmental and Social Policy 2014 (ESP)

- PR 1: Assessment and Management of Environmental and Social Impacts and Issues,
- PR 2: Labour and Working Conditions,
- PR 3: Resource Efficiency and Pollution Prevention and Control,
- PR 4: Health and Safety,
- PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement,
- PR 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources,
- PR 7: Indigenous Peoples,
- PR 8: Cultural Heritage,
- PR 9: Financial Intermediaries,
- PR 10: Information Disclosure and Stakeholder Engagement.

EIB's 2009 Statement of Environmental and Social Principles and Standards

- Assessment and management of environmental and social impacts and risks,
- Pollution prevention and abatement,
- Biodiversity and ecosystems,
- Climate-related standards,
- Cultural heritage,
- Involuntary resettlement,
- Rights and interests of vulnerable groups,
- Labour standards,
- Occupational and public health, safety and security,
- Stakeholder engagement.

World Bank Operational Policies

- OP/BP4.01, Environmental Assessment,
- OP/BP 4.04, Natural Habitats,
- OP 4.09, Pest Management,
- OP/BP 4.10, Indigenous Peoples,
- OP/BP 4.11, Physical Cultural Resources,
- OP/BP 4.12, Involuntary Resettlement,
- OP 4.36, Forests,
- OP/BP 4.37, Safety of Dams (WB, The WB Operations Manual, Revised April 2013).



Thank You!

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