

Information for the attention of Implementation Committee, Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

To be sent through the Secretary to the Convention:

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Sent by ("the source"):

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Concerning:

Party or Parties (States) of origin, under whose jurisdiction a proposed activity is envisaged to take place	Bosnia and Herzegovina
Affected Party or Parties (States), likely to be affected by the transboundary impact of a proposed activity	Croatia, Serbia
Activity (project), identified in the list of activities in Appendix I to the Convention	Art 2 of the Appendix 1 - List of Activities subject to Espoo Convention, (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more - construction of a new thermal power plant Banovići of 350 MWe power
Likely significant adverse trans-boundary impact of the activity (project)	The government of Federation of Bosnia and Herzegovina is planning a new 350 MWe coal power plant in Banovići (north-east Bosnia), only about 55 km from Cratian border, and 50 km from Serbian border, with the following potential trans-boundary impacts: AIR POLLUTION - through emissions of particulate matter (PM 2,5 and PM10), nitrogen oxides, sulfur dioxide, acid gases, persistent organic pollutants, heavy metals, dioxins, mercury and CO2. PM10 and PM2.5 can be carried by air 20-200 km away from the source, posing a real threat to the neighboring areas. In Europe, in general, regional

	<p>background PM2.5 levels have a considerable trans-boundary contribution of 40-80% of the concentrations in the air (http://www.euro.who.int/__data/assets/pdf_file/0006/78657/E88189.pdf). According to this World Health Organization report, emissions of fine primary particles in Germany, can be traced to the Czech Republic, France and the UK, affecting PM levels in these countries.</p> <p>A more recent report "EUROPE'S DARK CLOUD - how coal burning countries are making their neighbors sick" published in June 2016, presents facts and a detailed analyses about the negative cross-border impacts of air pollution, emitted by coal-fired power plants in Europe, on human health. The document is available at: http://env-health.org/IMG/pdf/dark_cloud-full_report_final.pdf</p> <p>Another potential tranboundary risk is posed by coal ash. The waste material left after coal is burned contains arsenic, mercury, lead, and other heavy metals, many of them toxic. Toxic constituents of coal ash are picked up by wind and/or are spilling and leaching (dissolving and percolating) from disposal sites into air, land and water, posing a demonstrated acute risk of cancer and neurological effects as well as many other negative health and environmental impacts. Coal sludge and ash are often improperly disposed and consequently contaminate air, soil and surface and underground water and harm ecosystems.</p>
Provisions of the Convention (Articles) compliance with which is being contested	Art. 2.2, 2.4, 2.6, 2.7, 2.11, Art.3.1, 3.2, Art. 4
Description of issue – please attach supporting information	<p>In June 2014 the Parliament of Federation BiH decide that building of the 300 MWe TPP Banovići is of public interest for Federation BiH.</p> <p>Federal ministry for environment and tourism, issued the first revised environmental permit for planned 300 MWe TPP. After receiving several comments from the NGOs and a lawsuit that was initiated against the permit by Ekotim, this permit was canceled by the Ministry. In the meantime the company decided to increase the capacity of the TPP to 350 MWe, prepared a new EIA and requested new environmental permit.</p> <p>The new environmental permit was issued in January 2016 and once again did not prescribe the emission values in accordance with the IED (industrial emission directive) adopted by BiH through Energy Community Treaty. We have initiated a lawsuit against this new permit on local BiH court and set off an official complaint against this permit with Energy Community.</p> <p>The FBiH Law on environmental protection SNFBiH, 33/03, clearly stipulates that, in case where the project can have negative trans-boundary pollution impact, the responsible ministry (In this case Federal ministry for environment and tourism) should, through relevant and responsible institutions, notify neighboring countries which could be affected by pollution from this project.</p> <p>Even though this type of plant (TPP over 300 MWt) is ranked as a possible trans-boundary pollution source by the ESPOO convention, the Environmental impact assesment document and related environmental</p>

	<p>permit absolutely disregard this fact and do not consider this possibility in a suitable manner. We consider this to be a serious violation of proper implementation of the Espoo convention and would like to point out that this could be considered as possible breach of the article 2.2. of the Convention. For this reason, our opinion is that this should in be an issue that has to be closely inspected by the Secretariat.</p> <p>According to Art. 3.1. of the Convention, Bosnia and Herzegovina was supposed to inform Croatia and Serbia, as a potentially affected parties and inform them about the EIA process by providing them appropriate information and sufficient time for feedback/reaction. Not having sent this notification, BiH/FBiH has implicitly breached this and Articles 2.4; 2.11; 3.2 as well as article 4 of the Convention. By not informing the bordering countries, therefore not giving an opportunity to the citizens of these countries to take part in the EIA process article 2.6 was breached as well.</p> <p>Documents attached:</p> <ul style="list-style-type: none"> - Resolution on the environmental permit for TPP Banovići issued on 11.01.2016. - Request for access to information sent to the Ministry of Environmental and Nature Protection of Croatia, - Answer from Croatian Ministry on Environment and Energy, which denies having received any notification as "affected party" (in Croatian). - Request for access to information sent to the Ministry for agriculture and environmental protection of Serbia - Answer from Ministry for agriculture and environmental protection of Serbia
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For use by secretariat:

Reference number	EIA / IC / INFO /
Date received	
Original language of information	
Translation into English by	
Date forwarded to Committee	
Date forwarded to Party or Parties	
Remarks by secretariat	
Date first discussed by the Committee (possibly including preliminary determination of admissibility)	
Additional information requested of source	

For use by the Committee:

The source of the information is known and not anonymous	
The information relates to an activity listed in Appendix I to the Convention likely to have a significant adverse transboundary impact	
The information is the basis for a profound suspicion of non-compliance	
The information relates to the implementation of Convention provisions	
Committee time and resources are available	