

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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Date sent to the Secretary	
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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, Republic of Srpska (entity)
Affected Party or Parties (States), likely to be affected by the transboundary impact of a proposed activity	Croatia
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 thermal power plant in Stanari, 300 MW power
Likely significant adverse trans-boundary impact of the activity (project)	Construction of a new lignite power plant is planned within less than 35 kilometers south of the Croatian border, which can potentially lead to the following transboundary impact: - AIR POLLUTION - through emissions of CO ₂ , coarse particulates (PM ₁₀), nitrogen oxides, sulphur dioxide, acid gases, persistent organic pollutants, heavy metals, dioxins, fine particulate matter (PM _{2.5}), mercury. PM ₁₀ and PM _{2.5} can be carried by air 20-200 km away from the source, posing a real threat to the neighbouring territories. In Europe, in general, regional background PM _{2.5} levels have a considerable

	<p>transboundary contribution of 40-80% of the concentrations in the air (http://www.euro.who.int/__data/assets/pdf_file/0006/78657/E88189.pdf). Particular attention should be paid to nitrogen oxides' transboundary impacts, which have been demonstrated to travel across the Indian Ocean, from South Africa to Australia (http://www.atmos-chem-phys.net/3/387/2003/acp-3-387-2003.pdf).</p> <p>In Europe, according to the same World Health Organization report above, 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>Provisions of the Convention (Articles) compliance with which is being contested</p>	<p>Art. 2.2, 2.4, 2.6, 2.7, Art.3.1, 3.2, Art. 4</p>
<p>Description of issue – please attach supporting information</p>	<p>In February, 2008 the Government of Republic of Srpska signed a concession contract with EFT for the construction and operation of Stanari lignite power plant. The project was granted an environmental permit on 19.5.2008, which was updated on 09.09.2010 and prolonged on the 19.04.2013.</p> <p>The environmental impact assessment for the project is faulty and does not represent the pollution that the plants operation might produce in a suitable manner. The environmental permit was based on an environmental impact study which was created for a certain type of combustion technology (power of 410 MW, 43% efficiency, pulverised coal fired boiler) which was later changed (for a 300 MW TPP with a fluidised bed boiler combustion technology with lower efficiency of around 34.1% net efficiency).</p> <p>The law of Republic of Srpska regarding the Environmental Impact Assessment requires that bordering countries are informed in projects where transboundary pollution is deemed likely through the environmental impact assessment. Even though this type of plant (thermal power plant over 300 MW) is ranked as a possible transboundary pollution source by the ESPOO convention, the environmental impact assessment document disregards this fact and does not consider the possibility in a suitable manner. This conduct might imply a serious lack of proper implementation of the Espoo convention and we would like to turn the attention of the Implementation Committee to a possible breach of Article 2.2. of the Convention. This should in our opinion be subject to a closer inspection by the Implementation Committee and Secretariat.</p> <p>According to Art. 3.1. of the Convention, BiH was supposed to inform Croatia, as a potentially affected party and include it in the EIA process by supplying it with appropriate information and time for a reaction. Not having sent this notification, BiH/RS 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 country, therefore not giving its citizens an opportunity 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"> - Request for access to information sent to the Ministry of Environmental and Nature Protection of Croatia, asking whether the Ministry was approached by the Bosnian and Herzegovinian or Republic of Srpska authorities regarding possible trans-boundary pollution from TPP Stanari - Answer of the Croatian Ministry informing that no approach was made by BiH/RS authorities and that the Ministry will request information from the BiH authorities - Information sent by the Ministry of Environmental and Nature protection of Croatia to the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina
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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	