

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	Republic of Serbia
Activity (project), identified in the list of activities in Appendix I to the Convention	Art. 2 of 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 third block of the thermal power plant Ugljevik of 600 MW power
Likely significant adverse trans-boundary impact of the activity (project)	The Ministry of Spatial Planning, Civil Engineering and Ecology of the Republic of Srpska (Entity of Bosnia and Herzegovina) has granted an environmental permit for the construction of a 600 MW third block in Ugljevik, located 30 kilometers west of the border of the Republic of Serbia. This gives rise to potential transboundary impacts: - 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}),

	<p>mercury. PM10 and PM2.5 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 PM2.5 levels have a considerable 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 counties.</p> <p>In the Environmental Impact Analysis for Ugljevik 3 it is said that according to the EMEP (Cooperative Programme for Monitoring and Evaluation of Long Range Transmission of Air Pollutants in Europe) the sulphur pollution from the existing thermal plant (next to which Ugljevik 3 will be situated) is transported to Republic of Serbia, Montenegro, Croatia, Romania, Italy, the European part of the Mediterranean, Austria, Germany, Bulgaria, Hungary, France and others.</p>
<p>Provisions of the Convention (Articles) compliance with which is being contested</p>	<p>Art. 2.2, 2.4, 2.6, 2.11, Art.3.1, 3.2, Art. 4</p>
<p>Description of issue – please attach supporting information</p>	<p>In July 2012, the Government of Republic of Srpska signed an agreement with Comsar Energy Group Limited on the development of the mines and a 600 MW (2x300) thermal power plant in Ugljevik, Republic of Srpska. Even though Bosnia and Herzegovina is a signatory of the ESPOO convention, and obliged to abide by the Environmental Impact Assessment Directive which envisages special attention to cross-border influence, the Government of Republic of Serbia was not notified about the project. This might be due to the fact that in the Environmental Impact Assessment the project was deemed not to be a significant cross-border threat. However Bosnia and Herzegovina is obliged to inform neighbouring countries regarding projects included in the list of Activities subject to Espoo convention listed in the Annex 2 of Appendix one. Despite this, the project received an environmental permit on 14th November 2013. 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 the possible breach of Article 2.2. of the Convention. This should in our opinion be subject to closer inspection by the Implementation Committee and Secretariat.</p> <p>According to Art. 3.1. of the Convention, BiH was supposed to inform the Republic of Serbia, 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 information sent by CSO CEKOR to the Ministry of Energy, Development and Environment Protection of Serbia, inquiring whether the BiH or RS authorities had contacted those of Serbia - Reply from the Ministry, informing CEKOR that no contact has been made or information sent by either Ministry Of Foreign Trade and Economic Relations of Bosnia and Herzegovina (in charge of implementation of the Espoo convention) or the Ministry of Spatial Planning, Civil Engineering and Ecology of Republic of Srpska (which issued the environmental permit).
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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	