

**Sub-regional workshop
on land-use planning
and industrial safety
(South-Eastern
Europe)**

**27-29 October 2021,
Belgrade, Serbia**



**Exchange of experiences and good practices:
implementation of and integration between land-use
planning and industrial safety in the framework of
the SDGs – the case of Bosnia and Herzegovina**

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SDG implementation

Bosnia and Herzegovina is fully committed to Agenda 2030, which is the most comprehensive global sustainable and transformational development agreement for all United Nations Member States and has the Sustainable Development Goals at its core.

EU accession, Agenda 2030 and the SDGs are perceived as mutually reinforcing and complimentary processes that encourage institutions and citizens of Bosnia and Herzegovina to strive for a better society and a future where no one is left behind and where people, prosperity, peace, partnership and care for our planet are at the core of a better and common future.

Through dedicated data analysis, we developed a better understanding of the country's baseline position.

This allows us to focus and increase efforts to improve the quality of life and prosperity for all, including future generations, but not at the harm of the nature and the environment.

SDG's Voluntary National Review for Bosnia and Herzegovina, link:

https://sustainabledevelopment.un.org/content/documents/23345VNR_BiH_ENG_Final.pdf



Chapters of the acquis vs. SDGs		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	Free movement of goods	●	●								●		●					●
2	Freedom of movement for workers	●							●		●		●					
3	Right of establishment and freedom to provide services	●	●						●		●		●					
4	Free movement of capital								●		●		●					●
5	Public procurement								●		●		●					
6	Company law								●				●					●
7	Intellectual property law										●							
8	Competition policy								●				●					
9	Financial services										●		●					●
10	Information society and media											●	●					●
11	Agriculture and rural development	●	●										●			●		
12	Food safety, veterinary and phytosanitary policy	●	●										●			●		
13	Fisheries		●										●		●			
14	Transport policy								●		●							
15	Energy	●					●				●	●	●	●	●	●		●
16	Taxation										●							●
17	Economic and monetary policy	●									●		●					●
18	Statistics										●							●
19	Social policy and employment	●				●			●		●							
20	Enterprise and industrial policy									●			●			●		●
21	Trans-European networks									●	●		●					●
22	Regional policy and coord. of structural instruments		●						●	●	●					●		●
23	Judiciary and fundamental rights	●									●						●	
24	Justice, freedom and security	●									●						●	
25	Science and research									●		●			●			●
26	Education and culture				●	●					●			●	●			
27	Environment						●				●	●	●	●	●	●		●
28	Consumer and health protection	●	●	●														●
29	Customs union									●		●				●		
30	External relations										●							
31	Foreign, security and defence policy										●						●	
32	Financial control								●		●						●	●
33	Financial and budgetary provisions								●		●							●
34	Institutions			●		●			●		●			●			●	●
35	Other issues										●	●		●			●	●

Connection SDG and EU acquis in Bosnia and Herzegovina

Intergovernmental Working Group:

1. Ministry of Foreign Affairs
2. Directorate for Economic Development of B&H
3. Agency for Statistic of B&H
4. Office of Prime Minister of FB&H
5. Institute for Development Planing of FB&H
6. Institute for Statistic of FB&H
7. Ministry of European Integration and Intenational Cooperation of RS
8. Statistic Institute of RS
9. Institute for Startegic planing of the General Secretariat of the RS Government
10. Brcko District B&H
11. United Nations in B&H

SDG implementation

Intergovernmental working group does not include environmental ministries at all levels, so we need to „fight” to include Goals: 3, 9, and 16 in activities regarding TEIA and SDG connection.

We are participating in UNECE project activities:

- „Evidence-based environmental governance and sustainable environmental policies in support of the 2030 Agenda in South-East Europe“,
- *Other bussines as usual, programs and project activities at all governmental levels.*

Overview of legislation on industrial safety in relation to land-use planning/siting of hazardous

Law on Environmental Protection; (bylaws on the content of the remediation and reclamation project and on limit and remediation values, pollutants, harmful and dangerous substances in the soil)

Law on Water Protection;

Law on Waste Management;

Law on Nature Protection;

Law on Air Protection;

Law on Ecological Fund and Energy Efficiency/Environmental protection Fund

Law on Spatial Planning and Construction Law (RS and DB)

Law on Spatial Planning and Land Use (FBiH)



<http://www.unece.org/environmental-policy/conventions/industrial-accidents/about-us/enyvejaabout/more.html>

Article 7 Decision-making on siting

These activities are determined by Decision on Environmental permitting which, operator has to describe possible risks and actions that he need to take in consideration in case of accident.

It is in accordance to minimize the risk to the population and the environment as well as to reduce possible concerns of surrounding people regarding risk on environment due to operator activities.

Definition on policy regarding minimizing risks and prevention of accidents has to be drafted via separate Strategy on implementation of TEIA convention that was proposed as conclusions of this presentation. (Same in both entities and Brčko District B&H)

Overview of legislation on industrial safety in relation to land-use planning/siting of hazardous activities

Laws on Environmental Protection adopted in both entities and BD BH since 2002/2003 have had many changes and amendments. The changes and amendments include most important horizontal EU directives:

- EIA Directive 2014/52/EU on Environmental Impact Assessment
- SEA Directive 2001/42/EC
- IED Directive 75/2010
- Seveso III Directive on prevention of Larger Accidents;
- ...

Overview of legislation on industrial safety in relation to land-use planning/siting of hazardous activities (Principles)

Principles of sustainable development

Principle of precaution and prevention

Principle of integration

Polluter pays principle

Principle of preventing accidents at the source

Principle of substitution

Principle of cooperation and shared responsibility

Public participation, access to environmental information and legal rights

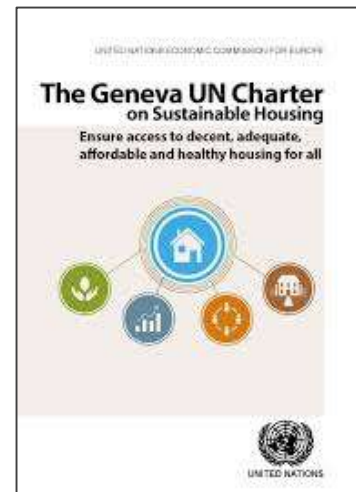
<http://www.unece.org/environmental-policy/conventions/industrial-accidents/about-us/envteiaabout/more.html>

Overview of legislation and institutional structures on land-use planning and the siting of hazardous activities

Regarding to Land Use, BH has in charge competent authorities which are responsible for urban planning. For this activities authorities use strategic documents as well as legislation into the force (on Entity level and district Brčko District BiH) are responsible for urban planning.

Concerning dissemination and exchange of information with neighbouring countries regarding land-use plans and decision-making BH have procedures for information neighbouring countries about planned activities (building some industrial site: Building Water company or Sugar factory in DB BiH etc).

Implementation of the provisions the International Guidelines on Urban and Territorial Planning and/or the Geneva UN Charter on Sustainable Housing are not in this very moment, but with increasing capacity we will consider it

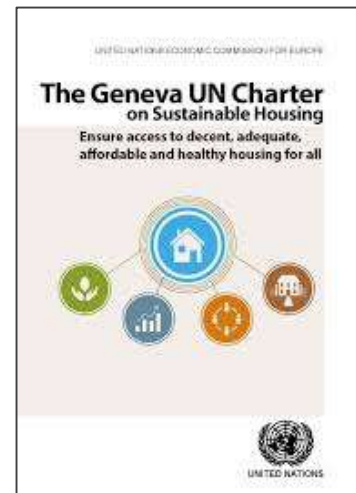


Overview of legislation and institutional structures on land-use planning and the siting of hazardous activities

In BH Land Use planning legislation includes spatial/physical planning, by entities and local communities. Spatial, urban and regulatory plans includes zone for particular land usage (construction area, forests, protected area etc).

Spatial planning in RS regulated by the Law on Spatial planning and Construction, as well as in BD BiH, and in FBiH by the Law on Spatial planning and land use.

There are planning for all administrative structure to improve land use and strategic documents, as a part of permanent activities (Business as usual)



Linkages between the industrial safety and land-use planning procedures

Linkages between industrial safety and land-use planning procedures are regulated by Environmental laws and Environmental permitting procedures.

For the industrial activities BH use procedures regulated by the Law on Environmental Protection (RS, FBiH, BD BiH). By this Law there are Regulation on the Measures that are in accordance with the environmental protection and risk prevention

During to process of issuing of Environmental/Ecological permits, Operators and responsible Ministry have obligation to communicate with authorised institution/ministry for Land Use. In case if planned activities are not in line with spatial planning, these activities will be stopped. Permits cannot be issued and no further procedure can be carried out.

Cooperation between land-use planning authorities and industrial safety authorities, including practical case examples where possible

Bosnia and Herzegovina has a communication between land-use planning, industrial safety authorities and environmental protection authorities during to process of SEA and EIA procedures (in preparation phase for Environmental Permits for Industrial site)

In accordance by Law on Environmental Protection (entities and BD BiH) land-use planning authorities and industrial safety authorities cooperate on plans/projects/proposals relating to the use/development of land for or near to hazardous industrial activities. In this cases Operator/Authorised Companies should defined control measures to prevent accident and response measures for negative impact on the environment and population health and safety. The process of definition of location of industrial site take in consideration Law on Spatial Planning.

Any environmental permit for industrial site describes all technological activities, environmental/health aspects and impacts, control measures to prevent accident and response measures

According the SEA procedure it is obligatory to inform neighbouring countries and invite to participate in public disclosure and hearing. The Land-use planning and industrial safety authorities cooperate with authorities in neighbouring countries (for example, Water company and Sugar Factory in BD BiH).

Cooperation between land-use planning authorities and industrial safety authorities, including practical case examples where possible

Industrial activities may include substances that are not usually a major threat to our health and the environment, but are nevertheless potentially dangerous. Even the safest factory is never completely risk-free or risk 0.

B&H legislative framework include /RS and FBIH/ Council Directive (96/82/EC) on the control of major-accident hazards - also known as the Seveso III Directive.

B&H don't have methodology for industrial risk assessment established in legislative framework.

The operator of such an establishment must adopt a document in writing setting out major-accident prevention policy (MAPP) and to implement it properly. The Safety Report, inter alia, demonstrates that MAPP and safety management system for its implementation has been put into effect.

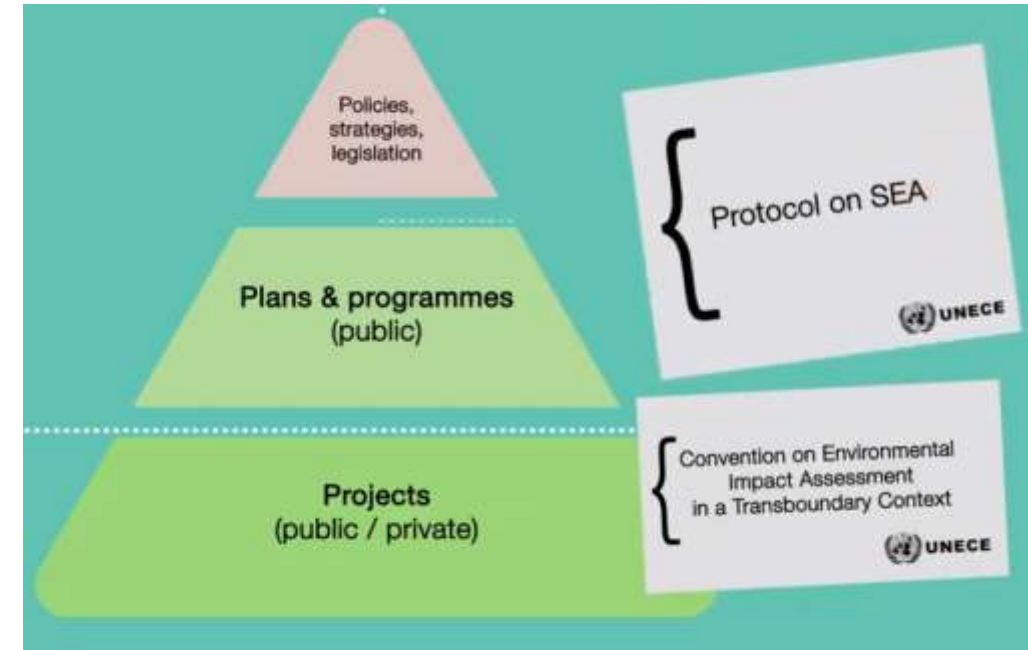
Industrial risk assessment methodology which is often used by B&H consultants for industrial risk assessment is Manual for the Classification and Prioritization of Risks Due to Major Accidents in Process and Related Industries or another methodology

SEA is used for some spatial planning documents, but is not implemented for all strategic and plans documents on B&H state level or entity level

Application (if at all) of EIA/SEA when implementing industrial safety and land-use planning measures

Process of drafting industrial safety and/or land-use planning legislation/policies/national plans include SEA procedure.

Bosnia and Herzegovina (entities and BDBiH), (when implementing industrial safety and/or land-use planning measures for all development projects) completely implement provisions of Environmental Impact Assessment as well as respect provisions of ESPOO convention.



Successes and challenges in the implementation of and coordination between land-use planning and industrial safety

Lack of capacity, legislation, Implementation of international treaties and provisions, lack of specific institutions, better coordination, are the main obstacles to implementation and coordination.

Report on implementation of TEIA convention in Bosnia and Herzegovina, submitted to the Secretariat of the Convention in September 2021.

Next steps are to work on upgrade of the First Report, by communication with all stakeholders in Bosnia and Herzegovina, drafting priorities and project ideas.

Bosnia and Herzegovina expecting from TEIA secretariat, support by some project activities, assistance program, and drafted Strategy on implementation TEIA convention in Bosnia and Herzegovina that will include all stakeholders.

Opportunities/ideas for overcoming challenges

Challenges in the process of implementation of TEIA Convention should be addressed by the:

- adaptation and implementation of International (EU) legislations,
- capacity building of the institutions and
- coordination between all stakeholders in Bosnia and Herzegovina

Some of the ideas to establish or enhance the implementation of and coordination between land-use planning and industrial safety in the future is to enhance available coordination bodies.

Transboundary cooperation between these authorities should be established or enhanced by permanent capacity building, project activities for drafting reports, etc...

Conclusion

1. Report on implementation of TEIA Convention submitted to Secretariat
2. Awareness raising on implementation of TEIA convention
3. Draft Strategy and Action Plan for implementation of TEIA Convention till 2030 (need UNECE Support in experts, funding experiences)
4. Promote importance of TEIA Convention
5. Promote cooperation of Green Deal and TEIA Convention
6. Establish coordination bodies
7. Other Business as Usual Activities

Thank you for your attention!

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