

From: Suada Numic <[REDACTED]>
Sent: Tuesday, June 18, 2024 9:56 AM
To: ECE-Aarhus-Compliance <aarhus.compliance@un.org>
Cc: Stjepan Matić <[REDACTED]>; [REDACTED]; Redzib Skomorac <[REDACTED]>; Administrator, Aarhus centar u BiH <[REDACTED]>; nina kresevljakovic <[REDACTED]>; Dijana Vasić <[REDACTED]>; Mis Zeneva [MVP GOV] <[REDACTED]>; Sabina Salihbegović <[REDACTED]>; Lejla Arnautović <[REDACTED]>; Emina Karjašević <[REDACTED]>; Maja Bevanda <[REDACTED]>
Subject: Re: ACCC/C/2021/189 (Bosnia and Herzegovina) - letter to Party concerned

Dear Ms. Marshall,

Dear All,

Regarding the submission to the Compliance Committee with the Aarhus Convention regarding the respect of access to the judiciary of Bosnia and Herzegovina in relation to environmental permits, **case ACCC/C/2021/189 dated 16 December 2021**, we adhere to the information we submitted on 21 March 2023 and we extend the response to the Compliance Committee on items 10, 11 and 12 as follows:

1. **Respondent**, Federal Ministry of Environment and Tourism, Hamdije Čemerlića 2, 71 000 Sarajevo (entity Federation of Bosnia and Herzegovina) issued a decision on environmental permit official number: UPI 05/2-23-22-55/17 from 14th Mart 2018 for construction of a HPP "Dindo" (3,74 MW), on Ljuta river, Municipality of Konjic, Federation of Bosnia and Herzegovina, Bosnia and Herzegovina.
2. **Plaintiff**, Association Center for Environment, Miše Stupara 5, 78 000 Banja Luka (entity Republic of Srpska), on 15 June 2021 initiated an administrative dispute with the Sarajevo Cantonal Court, in order to annul the decision (environmental permit) of the Federal Ministry of Environment and Tourism, official case number: UPI 05/ 2-23-22-55/17.
3. Acting on an administrative dispute the Cantonal Court in Sarajevo issued a decision official case number: 09 0 U 031325 18 U dated 24 September, 2021, which reads **"The lawsuit is dismissed."**

4. After that, the plaintiff submitted a request to the Supreme Court of the Federation of Bosnia and Herzegovina for an extraordinary review of the court decision of the Cantonal Court in Sarajevo official case number: 09 0 U 031325 18 U.

5. On September 6, 2022, the Supreme Court of the Federation of Bosnia and Herzegovina passed judgment number: 09 0 U 031325 21 Uvp, which reads: "The request for an extraordinary review of the court decision is accepted, the decision of the Cantonal Court in Sarajevo, number: 09 0 U 031325 dated September 24, 2021, is revoked and the case is returned for a new decision."
<https://pravosudje.ba/vstvfo/H/142/kategorije-vijesti/141/odluka-text/62781>

6. In the repeated proceedings, the Cantonal Court in Sarajevo, on the basis of the evidence presented in the case files, and on the basis of the reasons given in the explanation of the contested decision and the allegations of the lawsuit, assessed that the disputed decision was made in a proper and legal manner, that it was based on:

- Properly and completely established factual situation in accordance with the provisions of Art. 7 and Art. 133 of the Law on Administrative Procedure ("Official Gazette of the Federation of Bosnia and Herzegovina", number: 2/98 and 48/99) and

- Proper application of substantive law.

1. Acting on the judgment of the Supreme Court of the Federation of Bosnia and Herzegovina, the Cantonal Court in Sarajevo once again assessed that the lawsuit was not founded and that the law was not violated to the plaintiff's detriment, and issued judgment number 09 0 U 031325 22 U 2 dated 17 February 2023 which reads: ***"The lawsuit is rejected."***

8. Judgment of the Cantonal Court in Sarajevo official case number: 09 0 U 031325 22 U 2 delivered to the Federal Ministry of Environment and Tourism on 24 February 2023.

9. In this way, all domestic legal remedies have been exhausted.

We expand the answer from March 21, 2023 with the following information:

10. Environmental permit issued to the company "INGHYDRO" d.o.o. Konjic for the construction of mini-hydroelectric power plant (HPP) "DINDO" with an installed

capacity of 3.74 MW on the river Ljuta in the municipality of Konjic, which is the subject of the procedure ACCC/C/2021/189 had a validity period of 5 years - until March 14, 2023. So the environmental permit is no longer valid. The applicant, the company "INGHYDRO" d.o.o. Konjic was obliged to contact the Federal Ministry of Environment and Tourism again with a request, which he has not done to date.

11. The construction project of the HPP "Dindo" on the river Ljuta in the municipality of Konjic, Federation of Bosnia and Herzegovina was not realized.

12. Based on the available data in this case, the Federal Ministry of Environment and Tourism, from the aspect of administrative proceedings, considers this case closed.

Additional information:

According to publicly available information from the Municipal Court in Mostar for the company "INGHYDRO" d.o.o. Konjic, bankruptcy proceedings were opened <https://pravosudje.ba/vstvfo/B/58/article/122990>, and the Decision on the opening of bankruptcy proceedings for "INGHYDRO" d.o.o. Konjic was adopted, link: <https://portalfo2.pravosudje.ba/vstvfo-api/vijest/download/102594>, April 24, 2023. We do not have information about the outcome of the bankruptcy proceedings.

Kind regards,

Suada Numić,

Federal ministry of Environment and Tourism,

Bosnia and Herzegovina