

**REPORT OF BOSNIA AND HERZEGOVINA ON THE
IMPLEMENTATION OF THE CONVENTION ON
ENVIRONMENTAL IMPACT ASSESSMENT IN A
TRANSBOUNDARY CONTEXT**

in the period 2010–2012

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

The legal framework for implementing “horizontal” directives related to the environmental impact assessment in Bosnia and Herzegovina is comprised of the following laws and bylaws at the level of entities Republic of Srpska and Federation of BiH, and District Brcko as a local administration with special status:

a. Republic of Srpska (RS)

- Law on Environmental Protection (*Official Gazette of RS, 71/12*);
- Law on Access to Information (*Official Gazette of RS, 20/01*)
- Law on Administrative Procedure (*Official Gazette of RS, 13/02, 50/10,87/07*)
- Law on Administrative Dispute (*Official Gazette of RS, 109/05*)
- Law on Waters (*Official Gazette of RS, 50/06, 92/09 and 121/12*)
- Law on Spatial Planning and Construction (*Official Gazette of RS, 40/13*)
- Rulebook on the projects subject to EIA Procedure and Criteria for Deciding on Necessity and Scope of the EIA (*Official Gazette of RS 124/12*),
- Rulebook on the Installations that may be constructed only if the Environmental Permit is granted (*Official Gazette of RS 124/12*),
- Rulebook/ Manual on the Contents of the EIA Study (*Official Gazette RS 118/05*),

b. Federation of Bosnia and Herzegovina (FBH)

- Law on Environment Protection (*Official Gazette of FBiH, 33/03 and 38/09*)
- Law on Spatial Planning and Land Utilization (*Official Gazette of FBiH, 2/06, 72/07 and 32/08*)
- Law on Freedom of Access to Information (*Official Gazette of FBiH, 32/01*)
- Law on Administrative Procedure (*Official Gazette of FBiH, 33/03 and 38/09*)
- Law on Waters (*Official Gazette of FBiH, 70/06*)

c. Brčko District (BD)

- Law on Environmental Protection (*Official Gazette of BDBiH, 24/04, 1/05, 19/07 and 9/09*)
- Law on Administrative Procedure, consolidated text (*Official Gazette of BDBiH, 48/11*)
- Law on Administrative Disputes (*Official Gazette of BDBiH, 4/00 and 1/01*)
- Law on Spatial Planning and Construction (*Official Gazette of BDBiH, 29/08*)

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

The initial set of “environmental” laws, concerning the general environment protection, impact assessment and environmental permits, air, nature, waste, and environmental fund, were delivered in 2002 in Republic of Srpska, and in 2003 in Federation of Bosnia and Herzegovina. From then, this legislation is constantly developing, and in the area of impact assessment, particular focus is on developing more substantial provisions on SEA, public participation, transboundary impacts, and permitting procedures. Authorities of Brcko District have delivered their first Environmental protection Law in 2004, taking the basic principles and key steps in EIA methodology from the entities’ laws.

In general, taking into consideration the Constitutional competences, each entity and Brcko District is developing its own environmental legislation, adjusted to their administrative structure, harmonized with other entities.

In Federation of BiH, set of bylaws was developed in accordance with the Law on Environmental protection. Additionally, it is expected that the new Law on Environmental protection in the FBiH, which has been developed in the form of draft, will transpose the SEA (Strategic Environmental Assessment) Directive more substantially.

In Republic of Srpska, the following by-laws were under preparation during the reporting period, referring to the new Law on Environmental Protection that were published in 2013:

- Rulebook on Procedures for Revision and/or Renewal of the Environmental permits
- Rulebook on the Requirements for Obtaining a License for Carrying out Environmental Works,
- Rulebook on the Contents of the SEA Report,
- Rulebook on the criteria determining the necessity for implementation of the strategic environmental assessment,
- Rulebook on the contents and the Procedure for Keeping the Registry of Environmental Permits
- Rulebook on activities and the procedure for Development of the Best Available Techniques/ BAT
- New/updated Rulebook/ Manual on the Contents of the EIA Study

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

In general, the EIA procedure is carried out only for the projects that may have a significant impact to the environment, or for which the competent ministry decides that the EIA is necessary. Similarly, for the domestic transboundary EIA cases, competent authorities responsible for carrying out the procedure are mainly at the entity level, and at the level of Brcko District Administration. In the case of Bosnia and Herzegovina, transboundary context of the EIA is represented even if the project activity in one entity may have adverse environmental impact to the other entity or Brcko District, and the institutions involved in the process mainly comprise

different ministries and local government of Brčko District, that include, among the others, the following ministries:

- FBiH Ministry of Environment and Tourism
- FBiH Ministry of Energy, Mining and Industry
- FBiH Ministry of Agriculture and Water Management
- RS Ministry of Spatial Planning, Civil Engineering and Ecology
- RS Ministry of Industry, Energy and Mining
- RS Ministry of Agriculture, Forestry and Water Management
- Environmental Protection and Energy Efficiency Fund of the RS
- Environmental Fund of Federation BiH
- Government of Brčko District of BiH

In the case of international transboundary impacts, i.e. beyond the BiH state borders, coordination of activities is carried out with assistance of:

- BiH Ministry of Foreign Trade and Economic Relations, and
- The Inter-Entity Coordination Body for Environment

4. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.

There is no single institution authorized for collection of data on all EIA cases State-wide. Departments for environmental protection within the Ministries competent for environment at the entity level as well as the competent authority within the Government of Brčko District, are responsible for collecting the data on all transboundary EIA cases at the territory of their competence.

5. Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

In the case of RS, according to the Article 75.1. of the Law on Environmental Protection (Official Gazette RS 71/12), in the case that the competent Ministry appraise that the project may cause potentially significant transboundary impact to the other entity or Brčko District, the Ministerial Ruling on obligatory application of EIA procedure will contain special provision, obliging the company which carries out the EIA study to include additional section to the EIA that analyze the transboundary impact analyses.

Similarly, in the case that planned or developing project activity in other entity or Brčko District may have a significant negative impact to environment in RS, the competent Ministry delivers an Inquiry to the competent authority of other entity or Brčko District, asking for necessary information and documents in relation with the proposed project.

In the case that the project may have a transboundary impact to the other state, the Ministry will apply the same procedure, as described above, provided that both countries are obliged to comply with the international agreements, treaties, Rules of Reciprocity or official political agreements.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

Yes.

The EIA-corresponding laws and bylaws of competent authorities in both entities and BD contain the entire list of activities subject to EIA procedure, in accordance with the Annex I of the Espoo convention.

In RS, the Rulebook on the projects subject to the EIA procedure, and criteria for determining the Necessity for EIA, lists all activities from the Annex I of the convention.

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

Yes, it does. In our lists of installations subject to EIA procedure, the thresholds are even lower than in the Annex I of the Convention.

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

EIA procedures are separate for the affected Party and Party of origin. The competent Ministry informs the affected Party and domestic public in all stages of the procedure of EIA, and provides participation of the official representatives of affected party, to the public hearings.

The information to domestic public is made available at the official web site, and in some individual cases EIA documentation is made available for public, on the official web site in the affected parties.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

After recognizing the project in Appendix 1 of the Convention and the lists from the Regulation, our country starting implementation of the Law on EIA, as well as the ESPOO Convention. In the same time when we inform the domestic public, we are sending the notification to the affected party.

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

Our country usually notifies the affected Party in the first stage of the EIA procedure.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

Yes

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

Case by case, there are no specified criteria for determining the time frame for the response to the notification from the affected party. In accordance with the Law on Administrative procedure, a reasonable time frame for obtaining a reply from the affected party, taking into account the obligations from domestic legislation is four weeks/30 days, which is quite enough for providing comments. If not, we can extend the deadline, after receiving explanation from the affected party. There is no consequence for not respecting the time frame. The agreement on deadlines is achieved through signing bilateral agreements between the two parties.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

Together with the notification, our country provides relevant information regarding the proposed activity in the first stage of the EIA procedure. All this is requested in the first phase, in accordance with the format for notification, in due time frame.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

The interest of the public in the affected country shall be determined only based on the information received from the affected party. Communication will be conducted only with official representatives of the affected country and not with representatives of the public of the affected country.

- f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

Informing the domestic public is regulated by the Law on environmental protection, whereas we are not responsible for informing the public of the affected party, but the authority of the affected party upon receiving notification from our side informs its public.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

It is not specified in the Law on Environmental protection. Still, the announcements need to be sent at the each stage of the EIA process.

- h. Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.*

Yes.

- 11. Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes.

QUESTIONS TO AFFECTED PARTY

- 12. Indicate whether and how the following provisions are reflected in your national legislation:*

- a. How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

Upon receipt of the project documentation, the competent Ministry determines whether the project belongs to the List I (projects for which the EIA is mandatory) or to the List II (project for which the competent ministry decides on case-by-case basis whether the EIA procedure needs to be undertaken).

If the project falls under the List II, one of criteria for deciding on necessity for EIA procedure, in accordance with the Article 4 of the Rulebook, is the potentially significant impact to the environment of other entity, Brcko District or other state.

- b. The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

The form of request for information is not specified in the RS Law on Environmental Protection. The Article 77. Paragraph 1 of this law reads:

“the Ministry will extend a request to the competent authority of other entity or BD, to deliver necessary information and documents in relation with the project”

- c. How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

Law on environmental protection stipulates an obligation of competent authorities to take all necessary measures to provide participation of competent authorities and the public in the EIA procedure, at its territory of competence, but the procedures are separate at the territory of the Party of origin and the affected party. The Ministry shall also provide the competent authorities of other entity (FBH) and the BD with the information on the opinion of competent authorities and the public.

- d. When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

Notification to the Public is provided in all stages of the procedure. Most commonly, the printed media (newspapers) are used for notification.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

In accordance with the Rulebook/ Manual on the Contents of the EIA Study (*Official Gazette RS 118/05*) that has recently been amended and the new manual published in the Official Gazette RS 108/13, the content of the EIA study is fully harmonized with the contents of EIA documentation as proposed by the Article 4 paragraph 1, and Appendix II of the Convention.

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

The affected party is notified in the initial phase of EIA procedures and in the final phase as well. When our procedure is completed in accordance with our legislation, before the final decision, we send documentation to the other Party to be viewed and to receive an opinion

c. *The identification of “reasonable alternatives” in accordance with appendix II, paragraph (b);*

Based on the location, technology and increased pollution from the Party of origin’s project we identify “reasonable alternatives”

d. *The procedures and format for providing the EIA documentation domestically;*

The procedures and format for providing the EIA documentation are regulated by the Law on environmental protection of RS, and corresponding laws in FBH and BD.

e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

Together with the notification, our country provides relevant information regarding the proposed activity in the first stage of the EIA procedure in accordance with the format for notification, in due time frame. No significant difference

f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

In the first phase (screening), when the project developer submits a request (application) for screening to the competent authority (in this case, the Ministry), the role of the Ministry is to check if the submitted documentation is completed in accordance with the Article 64. of the Law on environmental protection. If the documentation is complete, and the project is in the List I, the competent Ministry issues the Ruling on the framework Scope and the Contents of the EIA. In the case that the project is in the List II, the Ministry sends the copy of application to the local administration, authorities and organizations in charge for environmental protection, and to the other entity/BD/ or a competent authority of other state if the project may have a transboundary effect. The addressed institutions deliver their opinion on the scope of the impact assessment for the projects within 30 days after receiving the copy of application.

In both cases, the Ministry delivers a Ruling on the scope and contents of the EIA study, within 60 days after receiving the application from the project developer.

After receiving the Ruling on mandatory scope and contents of the EIA, the project developer is obliged to submit a request to the licensed company, to compile the EIA study, with a maximum term for finalization of six months.

After the licensed company delivers the final EIA studies to the project developer, he is obliged to deliver the study to the competent Ministry within 30 days after receiving final versions of the Study.

The Ministry is in obligation to deliver the EIA study to the authorities listed in the screening procedure, within 15 days upon receipt of the EIA study, and the term for their opinion about the study is 30 days.

15 days after submitting the EIA, project proponent is obliged to publish a public announcement about the submission of the EIA study, with the information about time and place provided for the public insight, and the public hearings about the EIA study.

The public hearings should be organized at latest 60 days after submission of the EIA study to the competent Ministry. It always takes place in the municipality where the project is to be realized. After public hearing, we organize a meeting together with technical experts, where we together analyse all the submitted opinions of other interested parties and public (if there are any). There are usually some comments from experts, after which we return the request to the project developer for further improvement. The Law always allows two improvements of the request. Finally, we make a decision regarding the approval or disapproval on the EIA study.

- g. The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

Our country respects all the opinions and comments of competent bodies and public from the other Party, and organizes a meeting to which the other Party is invited to participate. Our country gives a time frame of four weeks-30 days, according to our national legislation, which is quite enough for providing comments. So far, we haven't had a situation in which the affected Party has not complied with the time frame, but in the case the affected party asks for longer period for comments, it may be provided.

- h. The procedures for public hearings domestically;*

In the last stage, besides public insight (30 days for public insight), the announcements of the submitted request and the decision for the need of EIA, we have public hearing. It always takes place in the municipality where the project is to be realized. The project developers have obligation to prepare public presentation about the project (It engages the Agency or the company licensed for the impact assessment studies and services in the area of environmental protection

- i. The procedures for public hearings held on the territory of the affected Party.*

We have public participation in all stages. The procedures are separate for both Parties. During the procedure we notify the affected Party, and we send the final documentation to them on insight. When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure.

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

- a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

Not specified in the Law on Environmental protection, but it is usual to give the timeframe of usual 30 days, or within the shortest possible period

- b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

The procedures are separate for both Parties. The EIA Department at the ministries in charge of Environmental Protection are responsible for the organization of the public participation in our country in accordance with our country's legislation.

- c. *The procedures for the examination of the EIA documentation domestically.*

In accordance with our country's legislation.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for cooperation with the affected Party related to consultations;*

The term "consultations" does not officially exist in the law and bylaws concerning impact assessment, however, there are always meetings with project developers and regardless of the procedure phase, that is, consultations are possible in all phases. Consultations take place in the final phase of EIA. Then, experts analyze the study in which comments and opinions are taken into account, adequate measures are proposed and certain protective measures are prescribed.

- b. *The stages, procedures and deadlines for consultations with the affected Party;*

In the case it concerns a project with a transboundary impact, and then consultations are always organized on the country and/or entity level, in accordance with the legislation of RS, FBH and BD. Our responsible ministries usually organized consultations by meeting and by the exchange of written communicates with the authority of the affected Party (Ministry). Transboundary EIA cooperation is conducted through points of contact. During the procedure we notify the affected Party, and we send the final documentation to them on insight. When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure.

- c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

For all these steps within transboundary EIA procedure, the Ministries competent for environmental protection are responsible authorities. Practically, involved authorities are the

Ministries, competent bodies, Institutions, Agencies, representative NGOs and Public concerned, depending of the type of project (collecting opinions from them in each phase in the procedure, engaging experts like members in Working groups for reviewing of the EIA Studies, etc) In accordance with domestic legislation for domestic EIA procedure, competent authorities are the Ministry (for those projects for which the permit for project implementation is under the responsibility of the Republic authority), the cantonal authority(for those projects for which the permit for project implementation is under the responsibility of the authority of the cantons in Federation BiH) and the Local self-government authority(for those projects for which the permit for project implementation is under the responsibility of the local self-government authority).

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

a. *The procedures for interaction with the Party of origin related to consultations;*

Announcements and the whole procedures of communication with the party of origin should be harmonized with the competent institutions, as listed below under answer to question b)

b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

Consultations are possible in all phases of the procedure.

The Ministry of Physical Planning, Civil Engineering and Ecology is a responsible authority for the projects planned for realization, or the ones that may have an impact to the territory of Republic of Srpska. Similarly, the Ministry of Environment and Tourism and the Government of Brcko District are the authorities in charge for the consultation process. Practically, the involved authorities are the Ministries, Agencies, representative NGOs and Public concerned

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. *Indicate the legal requirements in your country, if any, related to the following provisions:*

a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

The final decision is the approval of the EIA Study or the refusal of the application for approval of the EIA Study (disapproval of the EIA Study).

b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

For each activity listed in Appendix I, a construction permit or usage permit is issued as the final decision to authorize or undertake a proposed activity. In our local language, the term used in the national legislation is "gradjevinska /upotrebna dozvola" in accordance with Law of Planning and Construction, but in accordance with our Law on environmental protection, the final decision is The Ruling on EIA study approval or the Ruling on the EIA Study refusal.

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

Carried out in accordance with the existing legislation.

- d. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?*

Yes. The EIA procedure influences the decision-making process for the proposed activity in the way that after issuing a permit for an EIA study, monitoring and technical analysis is performed in order to determine whether the conditions and prescribed measures have been met.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

Yes. In accordance with Article 6, paragraph 3, our country would ask for consultations in order to revise the decision if necessary.

Article 7

Post-Project Analysis

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

We have no experience in carrying out the post project analysis, and it is not regulated by our regulations.

- b. *Procedures for informing of the results of post-project analysis.*

It is not specified by the law.

Article 8

Bilateral and multilateral agreements

19. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

No.

20. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

21. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

22. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

No, it has not been ratified yet. Our country is planning to ratify the first amendment to the Convention, in the near future

23. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

No, it has not ratified it yet. Our country is planning to ratify the second amendment to the Convention, in the near future

24. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

It has been signed on May 21st 2003, but still there is no plan for ratification.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

The Ministry of Physical Planning, Civil Engineering and Ecology of RS is competent for environmental protection and in accordance with that, it is a competent ministry for carrying out the EIA procedures for projects specified in the Bylaw/ Rulebook on the projects subject to the EIA procedure and the criteria for deciding on the need and scope of the EIA. The Law on environmental protection (OG RS 71/12) stipulates the procedures on the EIA in a transboundary context. All information related to the transboundary impact is exchanged through the Ministry, as a point of contact, in accordance with our legislation and Espoo convention.

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No.

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The transboundary procedures usually last the same time period as a procedure of the EIA, unless the specific case requires an additional time. Notification is carried out in parallel with the notification of domestic public, and all further procedure is carried out in accordance with the correspondence of the countries that participate in the procedure.

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2010–2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

During the reporting period we did not have any cases of possible adverse project impacts to the environment in a transboundary context. Still, implementation of the Convention would help in prevention and mitigation of possible negative transboundary impacts.

29. *Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others:*

a. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?*

In the EIA studies, there is a separate chapter on transboundary impacts, and it needs to be specifically elaborated. Information that needs to be included in the EIA documentation is determined by the size of the project, impacts to the environment typical for specific project, proximity and sensitiveness of specific protected area..

b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions have your country applied?*

The Convention has been translated and published in the Official Gazette of Bosnia and Herzegovina.

c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

The transboundary public participation is organized through direct announcement of the competent authority in the affected country, respecting the standard procedures of announcement of the Country of origin. We did not encounter any significant difficulties with the public participation and complaints from the public.

- d. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?*

In the cases of tight schedule, or difficulties in communication, we use the method of direct communication with the competent authority for environmental protection of the other state (the authority that carries out the procedure) with notification of the Ministry of Foreign Trade and Economic Relations, and the Ministry of Foreign Affairs of BiH. We proceed at the same manner in the cases when we need some additional information.

- e. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

The affected party usually asks for delivery of final decision and it is usually respected in practice. The Decision is communicated as a whole.

- f. *Has your country carried out post-project analyses and, if so, on what kinds of project?*

We did not carry out any post-project analyses.

- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);*

We did have some successful examples, but not in the case when BiH was the Affected party, since there were no significant projects with transboundary effects, realized at the territory of RS.

- h. *Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

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- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

Communication is established through the Ministry of Foreign Trade and economic Relations BiH and in the cases of impeded communication; the practice described in the line d) of this question is applied.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

Yes, those cases were achieved through good cooperation of the focal points.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

No

b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

No

c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

NO

CLARITY OF THE CONVENTION

32. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

No

AWARENESS OF THE CONVENTION

33. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Yes, by means of notification of all the potential stakeholders.

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

Yes, in view of ratifying the multilateral agreement. Also, the socio-economic aspect has to be on a much higher level in order for these projects to be realized more successfully in the future.

SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

The questions need to be shorter, more concise and not so repetitive

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