

Questionnaire for the report of **Bosnia and Herzegovina on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015**

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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.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

(a) Yes

(b) Yes, with some differences (please provide details): by the Law on environmental protection (OG of Republika Srpska No. 71/12 and 79/15), the environmental Impact is defined as: "change in the environment caused by usage or pressures imposed to the environment"

(c) No (please provide the definition):

(d) There are no definitions of impact in the legislation

Your comments: the use and pressures to the environment are caused by a proposed activity in the spirit of the Convention. Additionally, pressures to the environment include emissions of substances or energy to the environment.

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

(a) Yes

(b) Yes, with some differences (please provide details):

(c) No (please provide the definition): Our legal acts do not provide specific definition of the transboundary impacts. However, the Law on environmental protection recognizes the "area of impact" and defines it as : part of the area where certain environmental impact has been caused as a result of activity that has impacted the environment, and which can be defined in accordance with the environmental legislation.

(d) There are no definitions of transboundary impact in the legislation

Your comments:

I.3. Please specify how major change is defined in your national legislation:

The major change, as defined in the Law on environmental protection, comprises any change in the nature or operation or upgrading of installation that may impose significant negative impact to human health or environment.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

(a) Based on the geographical location of the proposed project

(b) By making the information available to all members of the public and letting them identify themselves as the public concerned

(c) By other means (please specify):

Your comments:

Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

(a) Law on EIA: as described above in answer to the question I.2. (c), procedural steps to be taken in the case of transboundary impacts are regulated in articles 75-79 of the Law on environmental protection

(b) EIA provisions are transposed into another law(s) (please specify):

(c) Regulation (please indicate number/year/name):

(d) Administrative (please indicate number/year/name): the Rulebook on the projects subject to the EIA procedure, and criteria for determining the Necessity and scope of the EIA (*Official Gazette of RS 124/12*), lists all activities from the Annex I of the convention. Except to this one, the relevant rulebooks for carrying out the EIA procedure are: Rulebook on the Installations that may be constructed only if the Environmental Permit is granted (*Official Gazette of RS 124/12*), Manual on the Contents of the EIA Study (*Official Gazette RS 108/13*), etc.

(e) Other (please specify):

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly (please specify):

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, regional, local levels

(b) They are different for domestic and transboundary procedures

- (c) Please name the responsible authority/authorities: 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

(d) There is no single authority responsible for the entire EIA procedure:

Your comments:

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes (please specify):

Your comments:

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

EIA procedures are separate for the affected Party and Party of origin. The competent Ministry informs the affected Party and domestic public during 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, at the official web site of the affected parties.

Article 3 Notification

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format (please attach a copy)
- (c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation (please indicate the time frame): 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.
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations (please indicate the average length in weeks):

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website¹

(b) Other (please specify):

Your comments:

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify):

Your comments: the decision about taking part in the EIA procedure is based on all aforementioned criteria. It is very important to take into consideration the public opinion as well as opinion of the local authorities (local self governments) affected by the impact.

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.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

Your comments: 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 to have an opportunity to review it. When appropriate, public consultations can be organized as joint consultations in the final stage of the EIA procedure.

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

Article 4

Preparation of the environmental impact assessment documentation

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin?
Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

Your comments:

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify):

Your comments:

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

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify): Based on the location, technology and increased pollution from the Party of origin’s project, “reasonable alternatives” are identified in our legislation.
- (c) Other (please specify):

Your comments:

Article 5

Consultations on the basis of the environmental impact assessment documentation

(a) Public participation

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As Party of origin

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

As affected Party

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments:

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments:

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:

(b) Consultations

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional (please specify):

Your comments: The term "consultations" does not officially exist in our 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

**Article 6
Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

I.25. 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):

(a) Yes

(b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

(a) No

(b) Yes (please specify):

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

(a) Yes

(b) No (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments:

Article 7

Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

Article 8

Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

(b) Procedural steps required by the national legislation

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

- (a) When EIA in a transboundary context is part of a domestic EIA procedure:

in the case that the competent Ministry appraise that the project may cause potentially significant transboundary impact to the other entity or Brcko 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.

- (b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

- (a) No
- (b) Yes (please specify):
 - (i) Special provisions:

in the case that the competent Ministry appraise that the project may cause potentially significant transboundary impact to the other entity or Brcko 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 Brcko 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 Brcko 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.

(ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

(a) No

(b) Yes (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

Part two

Practical application during the period 2013–2015

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. 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.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

Cases during the period 2013–2015

II.2. If your country's national administration has a record 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 them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months		Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any Public participation, including public hearing, if any	
1.				
2.				
3.				
4.				
...				

Your comments:

Table II.2 (a)

Transboundary EIA procedures: As affected Party

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1.					
2.					
3.					
4.					
...					

Your comments:

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.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin:

(b) As affected Party:

Official text of Convention has been translated and published in the Official Gazette of Bosnia and Herzegovina. Apart from the original text, we haven't translated other documents related to the Convention, i.e. procedural documentation etc.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

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.

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

(a) Yes

(b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional

arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

(a) For joint cross-border projects:

(b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

II.8. Would your country like to introduce a case in the form of a Convention “case study fact sheet”?

(a) No

(b) Yes (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

(a) No

(b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned):

2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

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

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes (please indicate which provisions and how they are unclear):

4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved. For most of the cases, our country is just at the beginning of the ESPOO convention implementation. Therefore, we would prefer simple and shorter questions.

Additionally, we need to pursue further capacity building activities and intensify our activities related to the conferences and meetings organized by your secretariat.