

FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT

The following report was submitted on behalf of Bosnia and Herzegovina, in accordance with Decisions I/8, II/10 and IV/4, as follows

IMPLEMENTATION REPORT

Party	
National Focal Point	
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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Response:

In preparing this report, the authorities of Bosnia and Herzegovina (BiH) used the reporting procedure, adapting it to the circumstances in BiH. The preparation of the Fourth National Implementation Report on Aarhus Convention in Bosnia and Herzegovina was, as were the three previous ones, supported by the OSCE Mission to Bosnia and Herzegovina. This report is an addition to the Third National Implementation Report on Aarhus Convention (NIR 3 BiH), that BiH submitted by the end of the year 2017.

FBiH Ministry of Environment and Tourism (FMET) sent an official letter with a request for designation of contact persons in the institutions who should take part in the Working Group to Develop the Report. The mentioned letter was sent out to **46** institutions on state and entity levels and the levels of the Brčko District and cantons. Contact persons were designated by **45** institutions in the stage of drafting the preliminary draft report. Designated contact persons were all sent a questionnaire along with the NIR 3 and Aarhus Convention document. The questionnaire was also sent to four Aarhus Centres in BiH (Banja Luka, Zenica, Sarajevo and Tuzla), with a recommendation to share it with other NGOs.

Only 13 institutions delivered completed questionnaires within the deadline. Three (3) institutions provided comments on Draft Report IV. In drafting this Report, data were used from the Handbook for Public Participation in Environmental Decision-Making, Third National Implementation Report on Aarhus Convention and other current legal regulations in the area of environment protection. In the course of preparing the Report IV, three online discussions were held with the full support by the OSCE Mission to BiH. After those public discussions, comments were provided by the MPUGiE of Republika Srpska, which were incorporated into the final draft.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

<i>Response:</i>

The Constitution of BiH organizes the state into administratively divided entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) and the Brčko District of BiH (BD), as a local self-government unit. According to the Constitution of BiH, state level authorities are not directly responsible in matters of environmental protection. However, the Law on Ministries and other Administrative Bodies of BiH (Official Gazette of BiH 5/03, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09 and 103/09), designates the Ministry of Foreign Trade and Economic Relations of BiH (MoFTER) as the responsible state level public authority to conduct activities and tasks related to the definition of policy, basic principles, coordination of actions and harmonization of plans of entity authorities and representation at the international level.

According to the RS Constitution, RS institutions organize and provide for environment protection. The Constitution of FBiH envisages that the Federation Government and cantons share responsibilities in environmental protection. Concerning Brčko District, it has the same responsibilities as entities, municipalities and cantons in FBiH. Although Bosnia and Herzegovina ratified the Aarhus Convention in September 2008, it can be stated that already the First National Report identified a considerable degree of incorporation of the Convention's provisions into domestic legislation, with a considerable rate of practical implementation. This could be explained by the fact that BiH has set joining the EU as its strategic goal and consequent harmonization of BiH regulations with the regulations of the EU that are in line with the Aarhus Convention provisions. Considerable efforts are invested in BiH in the improvement of its implementation, particularly given the lack of qualified staff, finances and the need to raise awareness of the civil servants and the public on the importance of the Convention.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS OF ARTICLE 3, PARAGRAPHS 2, 3, 4, 7 AND 8 OF THE AARHUS CONVENTION.

State legislative, regulatory and other measure implemented in regard to the above-mentioned paragraphs.

Explain how the paragraphs are implemented. In particular, describe:

- (a) Para 2 – measures taken to ensure assistance and necessary instructions from the officials and the authorities;**
- (b) Para 3 – measures taken to promote education and awareness raising about the environment protection;**
- (c) Para 4 – measures taken ensure an appropriate recognition and support to associations, organisations or groups supporting environment protection;**
- (d) Para 7 – measures taken to promote the principles of the Convention at international level, including:**
 - (I) Measures taken to co-ordinate activities amongst and within ministries to inform officials participating in other international fora about Articles 3 and 7 and Instructions adopted in Alma-Ata, indicating whether the measures are still being applied;**
 - (II) Measures taken to ensure access to information at the state level in connection to international fora, including phases in which the access to information was granted;**

(III) Measures taken to promote and ensure public participation at the state level in connection to international fora (e. g. inviting NVO members to take part in delegations of signatories during talks about environment protection or including NVO members to participate in forming an official stance of a signatory in these talks), including phases in which the access to information was granted;

(IV) Measures taken to promote the Aarhus Convention principles in protocols of other international fora;

(V) Measures taken to promote the Aarhus Convention principles in work programmes, projects, decisions and other important conclusions of other international fora;

(e) Para 8 – measures taken to ensure that persons guaranteed rights under this Conventions are not punished, convicted or mistreated.

Response:

a)

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH)
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH)
- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS)
- Law on Civil Service in Administrative Bodies of BiH (Official Gazette of BiH, 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10 and 40/12) (LoCS BiH)
- Law on Civil Service in FBiH (Official Gazette of FBiH, 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 and 04/12) (LoCS FBiH)
- Law on RS Administration (Official Gazette of RS, 115/18)
- Law on Civil Service in Administrative Bodies of BD (Official Gazette of BD, 28/06, 29/06, 19/07, 2/08, 9/08, 44/08, 25/09, 26/09 and 4/13) (LoCS BD)
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (ZoZO FBiH)
- Law on Protection of Waters of FBiH (Official Gazette of FBiH, 70/06) (ZoV FBiH);
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15 and 70/20) (LoPE RS)
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD)
- Law on Agricultural Land of FBiH (Official Gazette of FBiH: 52/09)
- Law on Agricultural Land of RS (Official Gazette of RS, 93/06; 86/07, 14/10, 58/19)
- Law on Spatial Planning and Use of Land of FBiH (Official Gazette of FBiH, 2/06, 72/07, 32/08, 4/10, 13/10 and 45/10) (LoSPUL FBiH)
- Law on Urban Planning and Civil Engineering of RS (Official Gazette of RS, 40/13, 106/15, 3/16, 84/19) (RS LoUPCE)
- Regulation on Space and Building of FBiH (Official Gazette of FBiH, 32/14). (RoSB FBiH)
- Law on Geological Explorations FBiH (Official Gazette of FBiH 9/10, 14/10) (LoGS FBiH);
- Law on Inspections in RS (Official Gazette of RS, 18/20) (LoI RS)
- Rulebook on Internal Court Operations (Official Gazette of BiH, 66/12, 54/17, 60/17) (RoICO BiH)
- Law on Administration ("Official Gazette of BiH", No 32/02 and 102/09) (LoA BiH)
- Law on Statistics of BiH (Official Gazette of BiH: 26/04, 42/04) (LoS BiH);
- Law on Protection of Waters of BD (Official Gazette of BD: 25/04, 1/05, 19/07) (LoPW BD).
- Law on Air Protection of BD (Official Gazette of BD: 25/04, 1/05, 19/07, 9/09) (LoAP BD)
- **Law on Agriculture (Official Gazette of RS 70/06, 20/07, 86/07, 71/09) (LoA RS)**
- **Law on Forests of RS (Official Gazette of RS: 75/08, 60/13) (LoF RS)**
- **Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12 and 74/17) (LoW RS)**

- Law on Air Protection of RS (Official Gazette of RS: 124/11, 46/17).

Article 18 of the LoFAI BiH/FBiH/RS prescribes that public authorities shall take all necessary measures to assist any natural or legal persons seeking to exercise their rights on access to information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall appoint a public relations officer, who processes requests for information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall ensure a guide enabling every individual access to information under control of a public authority. The guide must be delivered to the Ombudsman Institution and every public and private library in Bosnia and Herzegovina and, whenever possible, via Internet. It must also be available per request. Furthermore, a public authority must make available an index register, containing all information under control of a public authority, the format in which this information is available as well as where this information can be accessed.

According to Article 19 of the LoFAI BiH/FBiH/RS, a significant number of institutions have appointed a public relations officer, who processes requests for information. For example, the FBiH Agropedology Institute (FAPI), issued in addition to appointing a public relations officer a "Guide for Access to FAPI Information". In line with the LoFAI FBiH, on the basis of the Decision passed by the President of the Goražde Cantonal Court, a person was designated for public relations to process information access requests submitted to the mentioned Court, adhering to principles of transparency and publicity and Guidelines for Publishing Court and Prosecutor's Office Decisions on Official Websites. On the basis of Article 61 of LoA BiH and Article 20 of LoFAI BiH, the Director of the BiH Agency for Statistics (BHAS) passed a Guide on Access to BHAS Information and BHAS Information Index Register. FBiH Ministry of Urban Planning (FMUP BiH) also designated a public information officer and issued a Guide for Access to Information.

A certain number of institutions inform the public on ways to access information on their official websites. For example, FBiH Ministry of Environment and Tourism (FMoET) informs public via their official webpage: www.fmoit.gov.ba, MPUGiE via their official webpage <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/Pages/default.aspx> the RS Inspection Affairs Administration/RS Inspectorate (RSI), via www.inspektorat.vladars.net enables all interested citizens to contact this institution and obtain information relevant to their rights or to file complaints. RSI also runs a separate telephone line for citizens' complaints. In 2007, High Judicial and Prosecutorial Council of BiH (BiH HJPC) initiated development of a judicial web portal pravosudje.ba, which presents today a central place for obtaining relevant information of the work of judicial institutions. One of the services available on the portal includes online access to court cases, which is a right provided by law to parties of the case and their legal representatives. The Environment Protection Fund of FBiH (EPF FBiH) opens all activities to the public via their official website www.fzoFBiH.org.ba. EPF FBiH is also open via its info@fzoFBiH.org.ba e-mail address for all inquiries by legal and natural persons, in reference to Article 3, Paras 2, 3, 4, 7 and 8 of the Aarhus Convention and LoFAI BiH/FBiH. Sava River Basin Agency Sarajevo informs the public via their website: www.voda.ba, about ongoing activities at the Sava River Basin and the e-mail address: info@voda.ba, is open for all questions of interested parties.

In accordance with Article 14(4) of LoCS BiH, Article 17(4) of LoCS FBiH and Article 122 of LoCS BD, civil servants must serve and assist the public and disclose information requested in accordance with the law.

Article 10 of LoPE FBiH, Article 12 of LoPE RS and Article 10 of LoPE BD prescribe that the authorities who pass regulations and relevant environment protection authorities shall assist and raise public awareness to inspire participation in decision-making processes by ensuring wider public to access information. For the purpose of indemnification or legal protection, every interested person is entitled to protection in administrative and judicial proceedings.

In accordance with Article 119 of LoRSA RS, civil servants must in the course of their duty apply and adhere, among other things, to the principle of transparency and openness.

In line with Article 10 of LoGE FBiH, geological explorations for the purpose of environment protection are of interest to FBiH. In accordance with LoGE FBiH, Geological Documentation

System (GDS) is established as part of the general geoinformation system based on modern geoinformation technologies, managed by the FBiH Geological Institute (FGI). Manner of collection, recording, processing, use and sharing data of relevance to the database, establishment of a fund of technical documentation on geological explorations and organisation of geoinformation system shall be prescribed by a regulation passed by the relevant FBiH Minister.

FGI FBiH provides in line with the law all available data to FBiH and cantonal institutions and institutes, municipalities, public and private companies and natural persons, particularly regarding mineral reserves, urban plans, strategies, water management, etc.

Adherence to Paragraph 2 that ensures public participation and disclosing information concerning the adoption of construction-related regulations is achieved in line with the LoUPLU FBiH and the Regulation on Space and Building, for which the FMoUP issues urban planning permits and/or location information.

Cantonal Court in Goražde acts in line with the Rulebook on Internal Court Operations of BiH (RoICO), whose Article 119 regulates the freedom of access to court files.

Access to information related to environmental statistics is ensured by the following LoS BiH provisions:

Article 3, Paragraph 3 – BiH Statistical Data Development – includes all activities needed for preparation, collection, storage, processing, compilation, analysis and distribution of statistical data of BiH.

Article 3, Paragraph 5 – BiH Statistical Programme (Programme) – relates to a clearly regulated structure referred to in Chapter V of this law, including co-ordination, harmonisation, planning, collection and distribution of statistical data of BiH.

Article 3, Paragraph 7 – Users – all persons (natural and legal persons, institutions and authorities and all other types of business entities) that use the statistical data of BiH.

Article 19, Paragraph 1 – In order to ensure the quality of the BiH statistics and to preserve public trust, organisation and implementation of the Programme and all other related activities which are subject to this law shall be carried out in line with the principles of reliability, objectivity, relevance, importance, statistical confidentiality and transparency.

Article 8, Paragraph 1 – BHAS is a body in charge of processing, distribution and establishment of statistical data of BiH, in terms of Article 3.

Article 8, Paragraph 2 – BHAS:

- a) performs international representation and co-operates with organisations and other bodies and carries out international commitments of BiH in the area of statistics;
- e) collects, processes and distributes statistical data of BiH in line with internationally recognised standards;
- h) carries out distribution of statistical data of BiH to all users, including the authorities, institutions, social and economic organisations and the public, after establishing a simple and equal access to data using the appropriate media without disclosing confidential data to public.

b) With respect to paragraph 3, measures taken to promote education and environmental awareness;

- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15, 79/20) (LoPE RS);
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);
- Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH);
- Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12, 74/17) (LoW RS);
- Law on Protection of Waters of BD (Official Gazette of BD, 25/04, 1/05, 19/07) (LoPW BD);
- Law on Environment Protection Fund of FBiH (Official Gazette of FBiH, 33/03) (LoEPF);
- Law on Fund and Funding Environment Protection of RS (Official Gazette of RS, 117/11, 63/14, 90/16) (LoFFEP);

- Law on Waste Management of FBiH (Official Gazette of FBiH, 33/03, 72/09, 92/17) (LoWM FBiH);
- Law on Waste Management of RS (Official Gazette of RS, 111/13, 106/15, 16/18, 70/20) (LoWM RS);
- Law on Waste Management of BD (Official Gazette of BD, 25/04, 01/05, 02/08, 19/07, 09/09) (LoWM BD);
- Law on Nature Protection of FBiH (Official Gazette of FBiH, 66/13) (LoNP FBiH);
- Law on Nature Protection of RS (Official Gazette of RS, 20/14) (LoNP RS);
- Law on Nature Protection of BD (Official Gazette of BD, 24/04, 01/05, 19/07) (LoNP BD);
- Law on Use of Renewable Energy and Efficient Cogeneration of FBiH (Official Gazette of FBiH, 70/13) (LoUREEC FBiH);
- Law on Protection and Rescue of Persons and Goods against Natural and other Disasters (Official Gazette of FBiH, 39/03, 22/06 and 43/10) (LoPRPGND FBiH);
- Regulation on Organisation of Protection and Rescue Services of the Federation of BiH ("Official Gazette of FBiH, 58/06, 40/10 and 14/12) (UoOSZiS FBiH)
- **Law on Protection and Rescue in Emergency Situations (Official Gazette of RS 121/12, 46/17)**

According to Articles 32 LoPE FBiH / 28(1) LoPE RS/ 26 LoPE BD, every citizen is entitled to acquire and advance his/her knowledge about the environment. The relevant minister must co-operate with other ministers to ensure technical education on environment. Also, Articles 33 LoPE FBiH/ 28(3) LoPE RS/ 27 LoPE BD prescribe that the public authorities must carry out training sessions on the environment in co-operation with educational institutions and non-governmental organisations. Public authorities must also provide support to educational institutions, religious communities, scientific institutes and professional organisations and associations to enable them carry out their educational activities in a more effective manner and, if necessary, allocate available funds. Articles 32 LoPE FBiH/ 30 LoPE RS/ 31 LoPE BD prescribe that the competent ministry of education and culture shall develop annual educational programmes in the area of environment in co-operation with the relevant ministry of environment, with the aim of education and raising awareness about environment. Environment protection educational programmes should be part of regular classes and extra-curricular activities. Along with environment protection-relates issues, these programmes should contain data on ensuring access to information, taking part in decision-making processes and exercising rights in the area of environment. Relevant ministries of environment should organise training sessions for environmental NGOs. Relevant Articles are 29 and 31 LoPE RS.

Similar provisions are also contained in other laws. For example, in line with Articles 156(1)(12) LoW FBiH/178(1)(z) LoW RS, water protection agencies in FBiH and the Public Institute for Waters in RS must organise activities to raise awareness of the public in terms of a sustainable use of waters and protection of waters and aquatic ecosystems. Articles 10(1)(d) LoWM FBiH/ 21(2)(k) LoWM RS/ 10(1)(d) LoWM BD prescribe that waste management plans should include public awareness raising programmes. Public awareness raising through public education and training is defined also in Articles 13 LoNP FBiH/ 16 LoNP RS/ 11 LoNP BD. Article 32 LoUREEC FBiH provides for drafting relevant training programmes, public and expert debates and workshops and seminars in order to ensure that information on the use of REEC, such as REEC benefits, additional cost of use of REEC and other practical pieces of information, timely reaches interested parties and citizens in FBiH.

According to the FMES, subjects and topics that result in raising awareness of environment and positive attitude toward nature are an integral part of curricula implemented in schools under the scope of competence of cantonal ministries of education. In that context, the FMES is in charge of drafting the Framework Curriculum for the nine-year elementary education, envisaging the following subjects in the area of the protection of environment: My Environment, Culture of Living, Biology, Chemistry, Geography, Technological Culture, Foreign Languages, Art Culture, and Physical and Health Education.

In the first triad of the elementary education in Brčko District, pupils learn about My Environment and secondary schools have introduced training for Ecology Technician, with the overall aim of promoting and cherishing healthy environment.

The pre-school education curriculum in RS for children up to the age of six includes development of hygiene- and environment-related habits and culture.

One of the tasks of the elementary education in RS, defined by the Law on Elementary Education, includes development of ecological awareness and awareness of the need for cherishing nature and environment.

Pupils in elementary schools in RS acquire knowledge of environment throughout all grades and school subjects: nature and society, introduction into nature, biology and ecology and environment protection, while environmental topics are included in homeroom classes. Also, ecology clubs are formed.

One of the goals of the secondary education defined in the Law on Secondary Education of RS includes raising awareness of the need for preserving nature and environment.

In secondary schools in RS students have biology and ecology and environment protection as subjects. Biology is taught in grammar schools (all departments, twice a week). All departments also include ecology within the Biology subject as a separate teaching material.

The basic mission of the Faculty of Ecology is acquiring and improving knowledge and skills in the area of environment protection, and education of students in resolving numerous and complex environmental problems. Ecology is a profession and science promising solutions to ever growing environmental problems. Particularly harmful for the health of humans, plants and animals are noise, waste, soil, water and air pollution and other toxicants stemming from production, industry and agriculture. That is why extremely important is a high quality and comprehensive environmental education of future professional staff. Their future scientific and professional knowledge and skills will be fundamental preconditions in protecting the quality of environment, sustainable development and sustainable use of natural resources and development of public environmental awareness within environmental ethics.

The educational goal of the ecology study programme is professional development in the area of ecology acquired throughout the first and second terms, within a harmonised interaction of theoretical, practical and field work of students. Having in mind the acquired knowledge and skills, in line with the EU environmental directives, with the aim of supervising law implementation, graduates will be able to apply acquired skills in production, sales turnover, laboratory controls and the immediate work of inspection services.

In the area of co-operation with REC, REC directly contributes to the UNESCO Global Action Plan for Education for Sustainable Development and facilitates the achievement of the UN Sustainable Development Objectives through building capacities for the implementation of the UN Sustainable Development Agenda (UN 2030).

Education for Sustainable Development in the Western Balkans Project is aimed at providing support in the implementation of education reforms and strategies for education for sustainable development in the Western Balkans. The purpose of the Project is to improve practical aspect of sustainable development in schools and communities in the Drina river basin (BiH, Montenegro and Serbia) and in the broader region of the Western Balkans.

Grammar School of Banja Luka – Environmental brigade (club) was formed spontaneously during the Italian language lessons in December 2011. Its goal is to raise awareness of young people on the importance of ecology, recycling, environment protection measures and local action. Its main motto is 'Oplaneti se! Recikliraj!' (become aware of the planet and recycle!)

FBiH MoET presented at numerous debated across FBiH various instructions and advices to local population as to the implementation of the Aarhus Convention and their right to information, participation in decision-making processes and access to justice.

FBiH Institute for Agropedology (FAPI) provides relevant information about soil (pedological maps and information on soil contamination by organic and inorganic pollutants and soil fertility control) to pupils and students for drafting their papers. FAPI employees participate in various environmental conferences and seminars and present their scientific works. They also educate pupils, students and farmers in paedology.

IRS gives its contribution to promotion of education and raising awareness in the area of environment protection exclusively through its participation in workshops of governmental and non-governmental sectors.

With the aim of promoting education and raising awareness of environment, the Agency for Waters in the Area of Sava River Basin (AWASRB) continues to implement and drafts new programmes in the area of public consulting and participation, in line with the needs of LoW: regular issue of "Voda i mi" Magazine, organisation and co-organisation of the marking of March 22 – World Water Day, preparation of radio and TV show on waters aiming at raising awareness of the importance of waters, organisation of seminars and other expert meetings for the needs of the Agency and FBiH Ministry (presentation of projects, strategic documents, management plans, implementation of laws and by-laws, etc.), participation in drafting river basin management plans and flood risk management plans in the part involving public (organisation of public presentations and debates, collaboration with all interested parties, preparation of printed materials, etc., collaboration with all other public information instruments in the area of FBiH water management, providing support to and participation in water-related projects, programmes, expert meetings and gatherings promoting the importance of the FBiH water resources preservation.

BHAS, as needed, holds press conferences presenting the latest environmental statistics; regularly publishes statistical statements on their website; regularly distributes relevant statistical statements, thematic journals and periodic publications by mail to all relevant institutions in the country; BHAS also distributes via mail and email the mentioned materials to all other interested parties in BiH (NGOs, private persons involved in environment protection, university professors, students, etc.), responds to requests of legal persons and private persons sent to BHAS in relation to statistics and all other matters relevant to environment and protection of environment.

FEF FBiH promotes education and raises awareness of environment as an integral component of every project that it finances, through concrete programmes and projects of raising awareness; financially supports and actively participates in expert and scientific events and conferences on environment management; and financially supports marking international dates of relevance to certain areas of environment protection through various promotional activities. Project activities that FEF BiH supports include also a significant media space filled with educational and constructive contents, inviting BiH citizens to contribute to better, healthier and more pleasant life in their own communities. School and pre-school institutions are enabled to implement environmental programmes for pupils motivating them to think about priorities and importance of preserving environment using interactive and pedagogical methods. FEF FBiH participated in the development of media campaigns aimed at raising awareness of environment by including all available means in the environment protection policy and its implementation. It also participates in co-producing media campaigns with radio and TV outlets, aimed at sensitising the public and polluters about the problems related to environment protection.

The Fund raises funds, finances preparation, implementation and development of programmes, projects and similar activities in the area preservation, sustainable use, protection and improvement of environment and in the area of energy efficiency and use of renewable energy sources, in line with the Law on the Fund.

With the aim of environment protection and raising public awareness, the Public Health Institute of FBiH (FPHI) marks every year the World Water Day, Earth Day and Environment Day, when various educational and promotional activities are undertaken (printing leaflets and other promotional materials, addressing the public via media, etc.).

Posavina Canton Ministry of Transport, Communications, Tourism and Environmental Protection (PC MTCTEP) provides support to the NGO 'LIPA' Odžak in publishing the 'Environmental Journal' as a way of raising awareness of the importance of environment protection.

The Institution of Ombudsman for Human Rights of Bosnia and Herzegovina (BH HROI) indicated that the activities in the area of promotion and public participation should be intensified and more active and that the authorities should in general consider their policies in the context of proactive transparency.

c)

- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15, 70/20) (LoPE RS);
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07, 9/09) (LoPE BD);
- Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH);
- Law on Waters of RS (Official Gazette of RS, 50/06, 92/09, 121/12, 74/17) (LoW RS);
- Law on Environment Protection Fund of FBiH (Official Gazette of FBiH, 33/03) (LoEPF);
- Law on Fund and Funding Environment Protection of RS (Official Gazette of RS, 117/11, 63/14, 90/16) (LoFFEP);
- Law on Geological Explorations of FBiH (Official Gazette of FBiH, 9/10, 14/10) (LoGE FBiH);

Relevant are Articles 25 LoPE FBiH/31 LoPE RS/27 LoPE BD. In addition, in line with Article 41 LoPE FBiH/32 LoPE RS/40 LoPE BD, representatives of associations for environment protection participate in the work of the Environment Advisory Council of FBiH/BD.

According to Articles 33 LoPE FBiH/28(3) LoPE RS/31(2) LoPE BD, FBiH Ministry of Environment and Tourism (FMET)/RS Ministry of Urban Planning, Civil Engineering and Environment (RS MUPCEE)/Department of Urban Planning and Property Relations of the Brčko District Government (BD DUPPR) must organise training courses for environmental NGO members.

NGO representatives are included in the work of advisory councils of relevant water management agencies in BiH, in line with Articles 164 through 166 LoW FBiH/ 184 through 186 LoW RS. The Adriatic Sea River Basin Agency (ASRBA) allocated BAM 2,957 in the 2014 - 2016 period for the work of the Advisory Council. ASRBA allocated BAM 11,500 in the 2014 - 2016 period for collaboration with various associations and NGOs active in the area of water preservation and protection.

Very important institutions for supporting NGOs are FEF FBiH and RS Environmental Protection and Energy Efficiency Fund (EPEFF RS). Activities of these two Funds involve collection and distribution of funds for environment protection on the territory of FBiH and RS. According to Article 10(3) LoEPF, representatives of NGOs are members of the FEF Steering Board.

Each year, BD Government – Department for Expert and Administrative Affairs/ Subdepartment for NGO and LC Support at the Department for Administrative Affairs, allocate grants to support environmental NGOs.

According to Article 8 LoGE FBiH, a special method of geological explorations is forming collections of minerals, ores, rocks and fossils with the aim of scientific or professional improvement, education, presentation or preservation within verified (competent) institutions, such as museums, institutes and faculties. FIG FBiH participates in the preparation and supports the BiH Geologists Associations in organising Advisory Meetings of Geologists every two years in BiH, where they present works in the area of geology and other similar disciplines, discussing environment protection in exploring and exploiting mineral law materials. FIG FBiH supports by providing expertise and personnel the 'Citrin' Association from Kreševo in organising mineral fairs held every year in Kreševo. It also participates, together with the National Museum in Sarajevo in preparing various exhibitions of collections of minerals, fossils, maps and in promoting books. FIG FBiH is a publisher of a prestigious magazine called 'Geological Gazette' issued periodically.

The IRS, as an independent RS administration, carries out inspections and administrative and other duties involving inspection supervision. This body is a control body and its primary task is to control the work of business entities in terms of adherence to laws and regulations and to take actions to remove any irregularities detected. In that regard, environmental associations and organisations are provided with inspection oversight in the manner in which those bodies

deliver official letters and submissions on the basis of which the inspection is carried out in the field and adequate legal measures are undertaken.

This Court also supports the pupils of the elementary school 'Husein efendija Đozo' from Goražde in the manner in which all employees of this institution collect packaging waste and paper on a regular basis, which is taken over every third Tuesday by the pupils on the occasion of the 'School Eco Day'. In this way, this institution contributes to raising public awareness of the importance of recycling and protecting environment.

In accordance with the law and goals defined in plans and programmes and the four-year plan of activities, FEF FBiH continually provides financial support to associations, organisations and groups or projects which contribute to raising public awareness, education and research in the area of environment protection aimed at improving environmental quality and natural values as well as strengthening NGO capacities and supporting scientific research capacities on the territory of FBiH.

Examples of public awareness raising campaigns supported by FEF FBiH are the following: 'Krajina-Land of Chestnut' by RTV Cazin; 'Cleaning and Revitalisation of the Old Bosnia River Bed and Building Sports and Recreational Facility Dobroševići or 'Lađenica Eco Oasis' as an educational centre for training young people in ecology and raising environmental awareness' by Association of Recreational Fishermen Sarajevo; 'Viva Film Festival – International Festival of Religious, Ecologic and Tourist Film' by Viva Sarajevo Association; 'Eco Magazine Herzegovina' by Lijepa naša Eco Society from Čapljina; 'Children's Environmental Summit – Raising Awareness of Environment Protection and Biodiversity' by Ehoo Association from Čapljina; 'TV Series: Ekologika' by Tim System; 'Project: River – Raising Public Awareness of Protection, Preservation and Rational Use of Water Resources of Neretva and Trebišnjica River Basins' by Neretva Delta Forum Association from Mostar; 'Promotion of Environment Protection and Energy Efficiency in Zenica-Doboj Canton' by Inicijativa Association from Sarajevo; 'Photomonography of the BiH Perućica Rainforest by the Association of Forestry Engineers and Technicians of FBiH, and other projects.

d)

- Law on Administration of BiH (Official Gazette of BiH, 32/02, 102/09, 72/17) (LoA);
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15) (LoPE RS);
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07, 9/09) (LoPE BD);

Relevant are Articles 32 LoPE FBiH/31 LoPE RS/27 LoPE BD. In addition, in line with Article 25 LoPE FBiH/32 LoPE RS/40 LoPE BD, representatives of associations for environment protection participate in the work of the Environment Advisory Council of FBiH/BD.

According to Articles 31 LoPE FBiH/28(3) LoPE RS/31(2) LoPE BD, FBiH Ministry of Environment and Tourism (FMET)/RS Ministry of Urban Planning, Civil Engineering and Environment (RS MUPCEE)/Department of Urban Planning and Property Relations of the Brčko District Government (BD DUPPR) must provide support to educational and scientific organisations, religious communities, professional organisations and associations dealing with environmental protection.

(i)

Article 31 of LoA prescribes that the governing bodies of BiH have an obligation to exchange data and information necessary to perform their duties, exchange information and experiences, form joint expert teams and establish other ways of cooperation. Article 32 of the same Law provides for relationship between the governing bodies of BiH and governing bodies of entities and BD. Further on, exchange of information between representatives of MoFTER, entities and BD is done within the framework of the inter-entity body for environment, whose work is regulated through LoPE FBiH/LoPE RS/LoPE BD.

FMET FBiH co-operated with all international processes of decision making, particularly in terms of the UN Paris Conference on climate changes from December 2015 (COP 21) and Budva Declaration from September 2017 on democracy and environment.

FBiH FAPI Director presents reports at the FBiH Government sessions, which, if connected to environment issues, are delivered to municipal, cantonal and entity relevant ministries.

FBiH FIG maintains good co-operation with local and international relevant institutions. Local Institutions: Institute of Geology of RS, Faculty of Mining, Geology and Engineering in Tuzla, Faculty of Civil Engineering in Sarajevo, SRBA, ASRBA, Institute for Water Management, Mining Institute of Tuzla, 'Kreka' Mines of Tuzla, Utility Services in all FBiH municipalities, and other institutions. International Institutions: Croatian Institute of Geology, Slovenian Institute of Geology, Austrian Institute of Geology, Natural History Museum of Croatia and other institutions.

FBiH FIG regularly co-operates with the FBiH Ministry of Energy, Mining and Industry (FMEMI) within the following activities: preparation of the Law on Geological Explorations; preparation of the Rulebook on Categorisation and Classification of Ground Water Reserves; preparation of the Rulebook on Geoinformational Systems; participation in the work of Review Committees, etc.

Representatives of FBiH FPHI and the FBiH Ministry of Health (FBiH FMH) actively attend international conferences and meetings and workshops on environmental impact on health.

A representative of Health Department at the Ministry of Civil Affairs of BiH (MCA BiH) is a member of the Working Group for Protocol on Water and Health co-ordinated by the BiH MoFTER, which works on identifying goals in line with Article 6 of the Protocol (goals definition in progress).

Although providing information to officials participating in relevant international fora does not fall within the jurisdiction of FBiH FEF, it maintains sectoral co-operation with relevant ministries at the FBiH level through regular reporting per certain areas, technically and financially, and through regular communication. Sectoral co-ordination of FBiH FEF with relevant cantonal ministries is not consolidated in terms of regular and comprehensive reporting of cantonal ministries to FBiH FEF on earmarked funds spending.

In the context of delivering data and information needed for operations, sharing information and experience and other forms of co-operation, FBiH FEF and RS FEF actively co-operates with relevant ministries (FMET, FBiH Ministry of Agriculture, Water Management and Forestry (FMAWMF), FMEMI, FBiH Ministry of Finance (FMF) on passing regulations needed for drafting and adopting necessary environmental laws and implementing sectoral strategic goals. In the area of water protection, FBiH FEF continually co-operates with SRBA and ASRBA. As to air protection, it also maintains co-operation with the FBiH Hydrological and Meteorological Institute (FHMI).

As regards waste management, FBiH FEF co-operates with cantonal ministries in charge of the environmental issues. When it comes to protection of biodiversity and soil, it co-operates with scientific and higher education institutions, BiH National Museum and others. At the level of BiH, the most significant co-operation was established with MoFTER and BHAS. At the entity level, in terms of all environment-related issues, FBiH FEF co-operates with the FBiH Inspectorate (FBiH FI), FBiH Agency for Statistics (FAS), FBiH municipalities, utility services, etc.

As regards waste management, FEF RS continually co-operates with local self-government units. As regards the biodiversity and soil protection it continually co-operates also with scientific and higher education institutions.

With the aim of sharing experiences and co-ordinating joint projects, co-operation was established with the RS EPEFF, while efforts have been invested into establishing co-operation with environment protection funds of neighbouring and other countries (e.g., Environment Protection Funds of Croatia and Slovenia).

In addition, FBiH FEF also actively co-operates with international institutions, such as: SIDA, EPTISA, DEI, UNDP, EBRD, GEF, GIZ, UN, World Bank and others.

(ii)

As agreed, in some cases, representatives of the entity bodies and BD are authorized to represent BiH in international relationships, such as FMoAWF that represents BiH in the activities related to the 'Participation of Public' Working Group within the International Commission for Protection of the Danube River (ICPDR). Communication among the respective bodies flows within the framework described under (i) above. Public is then informed through communication channels between the public and relevant bodies. There is no central register of such information.

RS Ministry of Urban Planning, Civil Engineering and Environment (RS MUPCEE) largely contributes as Espoo Convention and UNFCCC Focal Point.

FAPI delivered data for the needs of the Stockholm Convention. For the needs of the final draft of report on preliminary assessment of BiH readiness to join the Minamata Convention, FAPI delivered the required data and actively participated in the work.

FAPI also participates in several international projects - Wamos, Darling, GeoEra – referring to valorisation and use of mineral raw materials. Also, projects are being prepared for IPA funding and for EU, NATO and other.

FAPI participates with SRBA in the activities of the 'Participation of Public' Working Group within ICPDR.

FIG and MAWMF together with relevant RS ministries take part in the activities of the 'Participation of Public' Working Group within ICPDR (Convention on Co-operation on Protection and Use of the Danube River).

(RS?).

A SRBA employee was appointed as member of the 'Participation of Public' Working Group within ICPDR.

(iii)

Recorded are cases of participation of NGO members in BiH delegations at international negotiations on environment (e.g. 5 CoP Aarhus Convention in Maastricht, when a representative of the network of Aarhus Centres participated in the BiH delegation).

Recorded is also participation within GLAAS (Global Analysis and Assessment of Sanitation and Drinking-Water). A working group comprising representatives of various institutions, such as MCA BiH, Ministry of Health and Social Protection of RS (RS MHSP), FBiH FPHI, RS PHI, BiH Agency for Food Safety (BiH AFS), FBiH MAWMF, RS MAWMF, RS Waters and NGO initiatives, drafted a document for GLAAS for BiH, which can be found on the following webpages:

http://www.who.int/water_sanitation_health/monitoring/investments/country-highlights-2017/bih-glaas2017-country-highlight.pdf

http://www.mcp.gov.ba/org_jedinice/sektor_zdravstvo/dokumenti/ostalo/Archive.aspx?langTag=bs-BA&template_id=108&pageIndex=1

e)

- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15, 70/20) (LoPE RS);
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07, 9/09) (LoPE BD);
- Law on Urban Planning and Civil Engineering of RS (Official Gazette of RS, 40/13) (RS LoUPCE) and
- Law on Nature Protection of RS (Official Gazette of RS 20/14) (RS LoNP)

Articles 31 LoPE FBiH/30 LoPE BD are relevant stating that an abuse of legal instruments (litigation, indemnification, civil or minor offence or legal proceedings) for the purpose of punishing, persecution or harassment of individuals who exercised their right of participation as public shall be deemed illegal. In LoPE RS, the law maker has left out the provision that would explicitly forbid punishing, persecution or harassment of individuals who exercised their right of participation as public. Article 42 LoPE RS prescribes that interested public or interested authorities may instigate proceedings to protect their rights before relevant courts.

e) With respect to Paragraph 8, measures taken to ensure that persons entitled to rights under the Convention have not been punished, persecuted or harassed.

- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15, 70/20) (LoPE RS);
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07, 9/09) (LoPE BD);

Articles 31 LoPE FBiH/30 LoPE BD are relevant stating that an abuse of legal instruments (litigation, indemnification, civil or minor offence or legal proceedings or employment proceedings) for the purpose of punishing, persecution or harassment of individuals who exercised their right of participation as public shall be deemed illegal. In LoPE RS, the law maker has left out the provision that would explicitly forbid punishing, persecution or harassment of individuals who exercised their right of participation as public, but it is precisely prescribed that natural persons regardless of their citizenship, nationality or place of residence and legal persons regardless of their seats, have the harassed right to take part in environment and rights protection decision-making.

Cantonal Court in Goražde concluded that in the period between 01 January 2014 and 31 December 2016 there were no proceedings initiated before this Court in regard to violations of the right to public participation. Having in mind that in terms of indemnification and legal protection every individual is entitled to protection in administrative and judicial proceedings, official records of this Court were verified and it was found that there were no administrative procedures initiated in the mentioned period before this Court concerning environment protection.

The Sava River Basin Agency legal, regulatory and other measures taken to implement Paragraphs 2, 3, 4, 7 and 8 of Article 3 of the Law on Waters of FBiH (Official Gazette of FBiH, 70/06) (LoW FBiH)

Explain how they are implemented.

b) To promote education and raise awareness of environment, the Sava River Basin Agency Sarajevo continues with the existing and develops new programs in the segment of consulting and public participation, in line with the needs of the LoW implementation:

- Continued publishment of the "Voda i mi" Magazine,
- Organisation or taking part in organisation of marking the March 22 – World Water Day,
- Preparation of TV and radio shows on water, with the aim of raising awareness about the importance of water,
- Promotion of the activities of the Agency at web portals in BiH,
- Continued updating of the website of the Agency,
- Organisation of seminars and other different expert meetings and events for the needs of the Agency and the Federation Ministry (presentation of projects, strategic documents, management plans, law and by-law implementation, and others),
- Taking part in developing the plan of managing the river basin and plan of flood risk management, in the part which involves public participation (public presentation and hearings, co-operation with all interested parties, preparation of various printed materials and other activities), and
- Co-operation with means of public information in the area of water management in FBiH,
- Supporting and participating in projects, programs, expert meetings or water-related activities, which promote the importance of preserving water resources in FBiH.

c) *NGO representatives are included in the work of advisory councils of the Water Agency in FBiH, in line with Articles 164 through 166 LoW FBiH.*

d) *An employee of the WP Sava Sarajevo is appointed to the "Public Participation" Working Group within the International Commission for Protection of the Danube River (ICPDR).*

Adriatic Sea River Basin Agency

a) With respect to Para 2, measures taken to ensure that officials and the authorities provide assistance and requested guidance;

b) With respect to Para 3, measures taken on promotion of education and awareness about the environment;

Water Agency FBiH, in co-operation with the Public Institution "RS Waters", marks the "World Water Day in BiH", by undertaking various promotional activities in different parts of BiH

c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection

...NGO representatives are included in the work of advisory councils of relevant water agencies in BiH, in line with Articles 164 through 184 LoW FBiH/RS. Funds are allocated for the work of these councils. The FBiH budget allocated BAM 50,000 for the 2009-2012 period....

.... Water Agencies in FBiH have spent BAM 135,000.00, on the account of the support to water protection NGOs in FBiH. Also, the NGO sector receives funds from five international sources. Through the GEF Project "Management of Neretva and Trebišnjica", implemented in FBiH by the FBiH Ministry of Agriculture, Water Management and Forestry (FMAWMF) and the Adriatic Sea River Basin Agency, for the "Public Support", US\$ 250.000 was spent. Out of this amount, US\$ 50.000 was donated to NGO dealing with activities targeting wider public, in order to have it included in the development of the River Basin Management Plan. The rest of the funds, in the amount US\$ 200.000, was spent on another program – preservation and protection of waters against pollution in local communities....

ASRBA allocated for the co-operation with various water preservation and protection associations and NGOs, BAM 3000 in 2017, BAM 4500 in 2018 and BAM 3500 in 2019, which is BAM 11.000 in total (Para D9 of the Activity Report)

d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally, including:

Measures taken to coordinate within ministry and among ministries in regard to informing officials included in other relevant international forums about Article 3(7) of the Convention, as well as about the Almaty Guidelines, indicating whether the coordination measures are ongoing;

Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote principles of the Convention in procedures of other international forums;

(v) Measures taken to promote principles of the Convention in the work programs, projects, decisions and other substantive outputs of other international forums;

e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Ministry of Justice FBiH

- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH);
- Law on Civil Service of FBiH (Official Gazette of FBiH, 29/03, 23/04, 39/04, 54/04, 67/05, 8/06, 04/12) (LoCS FBiH);
- In line with Para 2, measures taken to ensure that officials and the authorities assist and provide necessary guidance;

Article 18 of the LoFAI BiH/FBiH/RS prescribes that public authorities shall take all necessary measures to assist any natural or legal persons seeking to exercise their rights on access to information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall appoint a public relations officer, who processes requests for information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall ensure a guide enabling every

individual access to information under control of a public authority. The guide must be delivered to the Ombudsman Institution and every public and private library in Bosnia and Herzegovina and, whenever possible, via Internet. It must also be available per request. Furthermore, a public authority must make available an index register, containing all information under control of a public authority, the format in which this information is available as well as where this information can be accessed.

In line with Article 19 LoFAI FBiH, the FBiH Ministry of Justice appointed an information officer who processes information requests.

FBiH Ministry of Justice, via its website www.fmp.gov.ba informs public on possibilities to access information.

In line with Article 17(4) LoCS FBiH, civil servants must serve to and assist public by providing information requested according to the law.

To obtain indemnification or legal protection, every interested person is entitled to protection in administrative and judicial proceedings.

- With respect to Para 3, measures taken to promote education and awareness of the protection of environment;

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- With respect to Para 4, measures taken to provide adequate recognition and support to associations, organisations or groups promoting the protection of environment;

- Law on Associations and Foundations (Official Gazette of FBiH, 45/02) (LoAF FBiH) Sector of administration at the FBiH Ministry of Justice manages the Registry of Associations, Foundations and Offices of Foreign and International NGOs, including associations that promote environment protection. In line with Article LoAF FBiH, we timely inform the relevant ministry of tourism and environment about their existence.

- With respect to Para 7, measures taken to promote the principles of the Convention internationally, including:

(I) Measures taken to coordinate within ministry and among ministries in regard to informing officials included in other relevant international forums about Article 3(7) of the Convention, as well as about the Almaty Guidelines, indicating whether the coordination measures are ongoing;

As under c)

(II) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(III) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(IV) Measures taken to promote principles of the Convention in procedures of other international forums;

(V) Measures taken to promote principles of the Convention in the work programs, projects, decisions and other substantive outputs of other international forums;

(e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Department for Spatial Planning and Property Affairs at the Brčko District of BiH

The mentioned Paragraphs are applied by adhering to the Law on Protection of Environment, primarily through environment impact assessment and issuing environmental permits when there is a possibility of public participation in environment protection decision-making.

Ministry of Justice of BiH

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11, 100/13 (LoFAI BiH),
- Law on Administration of BiH (Official Gazette of BiH, 32/02, 102/09) (LoU BiH)

Article 18 of the LoFAI BiH/FBiH/RS prescribes that public authorities shall take all necessary measures to assist any natural or legal persons seeking to exercise their rights on access to information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall appoint a public relations officer, who processes requests for information. Article 19 of the LoFAI BiH/FBiH/RS prescribes that every public authority shall ensure a guide enabling every individual access to information under control of a public authority. The guide must be delivered to the Ombudsman Institution and every public and private library in Bosnia and Herzegovina and, whenever possible, via Internet. It must also be available per request. Furthermore, a public authority must make available an index register, containing all information under control of a public authority, the format in which this information is available as well as where this information can be accessed.

Measures taken on the promotion of the Convention principles at the international level:

- Law on Administration of BiH (Official Gazette of BiH, 32/02, 102/09) (LoU BiH),

LoU prescribes that the BiH authorities are obligated to exchange data and information necessary for doing their work and to exchange experience, set-up joint expert bodies and establish other forms of co-operation.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 3

Response:

The FBiH Government set up new advisory councils for the Sava river basin and Adriatic Sea river basin in line with Article 164 LoW FBiH. As members, appointed are the relevant representatives of the FBiH Government, cantonal institutions, water users, NGOs and scientific institutions.

In line with LoUPLU FBiH, LoPPC RS and OoBBS FBiH for which FMPU- MUPCEE issues urban development permits – evidence and/or site information – location conditions in Republika Srpska.

When issuing urban planning permits by FBiH FMPU/RS MUPCEE, they should, among other things, in accordance with Article 41 FBiH LoUPLU / Article 36 RS LoPPC, include ‘responsibilities in relation to neighbours and rights of other individuals, particularly of persons with disabilities’, and in Republika Srpska ‘responsibilities in relation to other buildings and rights of free access of persons with disabilities’.

In line with Article 41, Para 3 FBiH LoPE, ten members of the Advisory Board nominate relevant cantonal environmental ministries from amongst scientific, economic and expert organisations. One representative is nominated by the President of the Academy of Sciences and Arts of BiH. One representative of the Environment Protection Association is nominated by REC, on the basis of a written consent of at least five NGOs registered in FBiH.

With the aim of appointing new members of the Environment Advisory Council of FBiH, FBiH FMET sent an official request on 25 July 2016, No. 04-23-999/16, to relevant cantonal ministries, Academy of Sciences and Arts of BiH and REC. Nominations were submitted, but, no further actions were undertaken. The Advisory Council could not begin with its work due to lack of managing staff, that is, due to waiting for the appointment of the new assistant minister

in charge of issuing permits after the retirement of the previous one. Due to a long tender procedure, the assistant minister has not been appointed yet as well as the Advisory Board. Its establishment is defined also by the RS LoPE and the activities on balancing the membership are underway.

Department for Spatial Planning and Property Affairs at the Brčko District of BiH
Obstacles mainly occur with different interpretation of environment protection-related documents (requests, studies, etc.) when the public does not allow construction and work of certain projects regardless of the fact that a certain project would have no negative effect on the environment. In that case, additional assessments are carried out to enable the relevant body pass the relevant decision.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

Provide information on practical application of the general provisions of Article 3

<i>Response:</i>

- Law on Urban Planning and Land Use of the Federation of BiH (Official Gazette of FBiH, 2/06, 72/07, 32/08, 4/10, 13/10, 45/10) (FBiH LoUPLU)
- Ordinance on Buildings and Building Scopes for which the FBiH FMUP issues building permits and/or site information (Official Gazette of FBiH, 32/14),
- Law on Administrative Procedure of FBiH (Official Gazette of FBiH, 2/98 and 48/99), (FBiH LoAP)
- Law on General Administrative Procedure (Official Gazette of RS, 13/02, 87/07, 50/12, 66/18) (RS LoGAP)

In accordance with FBiH LoUPLU and FBiH OoBBS for which the FBiH FMUP issues building permits and/or site information, this Ministry issues building documents (planning permit/site information, building permit and usage permit). When issuing urban planning permits and/or site information, which should, among other things, in accordance with Article 41 FBiH LoUPLU, include 'responsibilities in relation to neighbours and rights of other individuals, particularly of persons with disabilities', FBiH FMUP require, in accordance with the Law on Administrative Procedure (LoAP), statement of neighbours about the construction in question and, if necessary, FBiH FMUP performs on-site inspections and consultations, also in line with LoAP. When issuing construction permits, in accordance with Article 56 FBiH LoUPLU, FBiH FMUP must allow the parties involved to have insight into the main project. Same Article prescribes who can be a party involved. A public tender is published in daily papers and on the ministry's notice board, to enable the parties to have insight in due deadline and provide their opinions, remarks or suggestions in writing.

FBiH FMAWMF organises and participates in the work of expert and scientific gatherings and conferences in the area of environment and water management. Amongst the most important such events we should single out the Symposium on Flood Risk Management and Mitigating Adverse Effects held in May 2015 and BiH Congress on Waters held in October 2016.

FBiH FAPI participates in the work of expert and scientific gatherings and conferences in the area of environment and soil management.

FBiH Statistics Institute (FSI) and FHMI have an important role in gathering, processing and disseminating environmental data to public. FPHI uses these data for drafting annual reports on the BiH population health status under 'Health and Environment'.

NGOs work by using funds from local and international sources on raising public awareness of the environment and on improving communication within the NGO network and with institutions.

Aarhus Centre Sarajevo has not yet received any instruction from any relevant institution on how to access environmental data in line with the law, nor has it been informed how to properly get involved in the decision-making process and instigate administrative proceedings. Aarhus Centre Sarajevo personnel has received guidance and assistance on environmental data, public participation and judiciary access from other more experienced non-governmental/international organisations and has not had an opportunity to take part in training sessions organised by relevant state institutions. Aarhus Centre received minimum support by the relevant state institutions, mostly from the Canton Sarajevo Ministry of Urban Planning, Civil Engineering and Environmental Protection (CS MUPCEEP). Unfortunately, donated funds were so scarce that the Aarhus Centre was unable to hire adequate premises. Association members had to donate the rest of the funds.

Aarhus Centre Zenica was established in December 2019 with the support by the OSCE Mission to BiH and the City of Zenica. The City administration ensured its premises free of charge and the OSCE Mission provided logistical support in the form of furniture, equipment and expert training for the personnel and activists of the Centre. The Centre operates on the principle of initiating and implementing projects and those projects ensure funds for personnel and utilities. One of those projects was "Civil Monitoring of the ZDC KEAP" within which 26 requests for information were sent to the authorities at the FBiH, cantonal and local levels. Within the legal deadline of 30 days, nine responses were received, of which five were detailed and contained all the requested pieces of information, while others were either incomplete or forwarded to other institutions for consideration. With a delay of one to six months, seven more detailed and two incomplete responses were received.

Aarhus Centre Banja Luka: access to environmental data in BiH is regulated by the general Freedom of Access to Information Act (FOIA) at the state level and by relevant entity laws. On paper, they concur with the clauses of the Aarhus Convention.

For example, BiH Constitutional Court is the sole judicial authority maintaining online judgements database. Secondly, responses to individual requests for data disclosure are lacking. While public authorities claim, without an exception, that they disclose all relevant information, environmental NGOs data indicate otherwise.

In Republika Srpska, responses were provided to all individual requests for information access, in line with RS LoPE.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

Provide relevant website addresses, if they exist:

<i>Response:</i>

Aarhus Center in BiH (Sarajevo) - <http://aarhus.ba/sarajevo/>
 Adriatic Sea River Basin Agency - <http://www.jadran.ba/>
 Adriatic Sea River Basin Agency - <http://www.voda.ba/>
 Ecology and Energy Centre (Aarhus Centre Tuzla) - www.ekologija.ba
 Environment Protection Centre (Aarhus Centre Banja Luka) <http://czzs.org/>
 Eco Forum Zenica (Aarhus Centre Zenica) - <http://ekoformuzenica.ba/>
 Inspectorate Administration of FBiH, relevant Inspectorates - <http://www.fuzip.gov.ba/>
 Institute for Geology of FBiH - <http://www.fzzg.gov.ba/>
 Agropedology Institute of FBiH - <https://www.agropedologija.gov.ba/>
 Ministry of Energy, Mining and Industry of FBiH - <http://www.fmeri.gov.ba/>
 Ministry of Health of FBiH - <http://www.fmoh.gov.ba/>
 Environmental Fund of FBiH - <http://www.fzoFBiH.org.ba/v3/>
 RS Fund for Environment Protection and Energy Efficiency - <http://ekofondrs.org/>
 Hydrological and Meteorological Institute FBiH - <http://www.fhmzbih.gov.ba/>
 Ministry of Civil Engineering, Urban Planning and Environment Livno - www.vladahbz.gov.ba
 Ministry of Education and Science of FBiH - <http://www.fmon.gov.ba/>

Ministry of Environment and Tourism of FBiH - <http://www.fmoit.gov.ba/>
 Ministry of Physical Planning of FBiH - <http://www.fmpu.gov.ba/>
 Ministry of Agriculture, Forestry and Water Management of FBiH - <http://www.fmpvs.gov.ba/>
 Ministry of Justice of FBiH - <http://www.fmp.gov.ba/>
 Ministry of Justice of RS - <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpr/Pages/default.aspx>
 Ministry of Transport, Communications, Tourism and Environment Protection Orašje - <http://www.zupanijaposavska.ba/>
 Ministry of Urban Planning and Environment Protection Tuzla - <http://www.vladatk.kim.ba/>
 Ministry of Urban Planning and Environment Protection Sarajevo - <http://mpz.ks.gov.ba/>
 Ministry of Planning, Reconstruction and Return Travnik - <http://www.sbk-ksb.gov.ba/>
 Ministry of Urban Planning, Resources and Environment Protection Široki Brijeg - <http://www.vladazzh.com/>
 RS Ministry of Education and Culture - <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpk/Pages/default.aspx>
 Ministry of Security of BiH - <http://www.msb.gov.ba/>
 Ministry of Civil Affairs of BiH - <http://www.mcp.gov.ba/>
 Ministry of Justice of BiH - <http://www.mpr.gov.ba/>
 High Judicial and Prosecutorial Council of BiH - <http://www.hjpc.ba/>
 Agency for Statistics of BiH - <http://www.bhas.ba/>
 Agency for Food Safety of BiH - <http://www.fsa.gov.ba/>
 Parliament of FBiH - <http://www.parlamentFBiH.gov.ba/>
 Ministry of Trade, Tourism and Environment Protection Mostar - <http://www.vlada-hnz-k.ba/>
 Ministry of Foreign Trade and Economic Relations of BiH - <http://mvteo.gov.ba>
 Ministry of Engineering, Urban Planning and Environment Protection Bihać - <http://vladausk.ba/v4/>
 Ministry of Urban Planning, Civil Engineering and Environment of RS - <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/Pages/default.aspx>
 Ministry of Agriculture, Forestry and Water Management of RS - mgr@mgr.vladars.net
 Ministry of Urban Planning, Transport, Communications and Environment Protection Zenica - <http://www.zdk.ba/>
 Ministry of Urbanism, Planning and Environment Protection Goražde - <http://www.bpkg.gov.ba/>
 Ministry of Agriculture, Forestry and Water Management of RS - <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mps/Pages/default.aspx>
 National Assembly of RS - <http://www.narodnaskupstinars.net/>
 Department for Spatial Planning and Property Affairs of the BiH BD Government www.vlada.bdcentral.net
 Parliamentary Assembly of BiH - <https://www.parlament.ba/>
 Aarhus centres Network Portal in BiH - <http://www.aarhus.ba/>
 RS Inspection Affairs Administration, RS Inspectorate - <http://www.inspektorat.vladars.net/>
 RS Hydro Meteorological Institute - <http://www.rhmzrs.com/>
 RS Institute of Statistics - <http://www.rzs.rs.ba/>
 Public Institution "Vode Srpske" - <http://www.voders.org/>
 Assembly of Brčko District of BiH - <http://www.skupstinabd.ba/>
 Government of Brčko District of BiH - [http://www.bdcentral.net](http://www.bdcentral.net;);
 Government of Republika Srpska - <http://www.vladars.net/>
 Public Health Institute of FBiH - <http://www.zzjzFBiH.ba/>
 Statistics Institute of FBiH - <http://www.fzs.ba/>
 Sava River Basin Agency - <http://www.voda.ba/>

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

Explain legislative, regulatory and other measures implementing the provisions on access to environmental information in Article 4

Explain the way in which each of the provisions of Article 4 is implemented. Explain how

the relevant definitions specified in Article 2 were transposed, describe anti-discrimination measures in Article 3, Paragraph 9, specifically, describe the following:

(a) With respect to Article 1, measures taken to ensure the following:

- (I) Every person may have access to information without stating reasons of his or her interest;
- (II) Copies of documents containing or including the requested information are provided;
- (III) Information is available for insight in the requested format;

(b) Measures taken to ensure adherence to the deadline described in Para 2;

(c) With respect to Para 3 and 4, the following measures are taken:

- (I) Exemption from acting upon a request;
- (II) Application of the provision on public interest, mentioned at the end of Para 4;

(d) With respect to Para 5, measures taken to ensure that an authority which does not hold the requested environmental information take necessary steps;

(e) With respect to Para 6, measures taken to ensure that the rule on singling out and accessibility of information is applied;

(f) With respect to Para 7, measures taken to ensure that the decision on rejection is reached within the deadline and that other rules pertaining to rejection are respected;

(g) With respect to Para 8, measures taken to ensure adherence to the rules regarding payment of services.

<i>Response:</i>

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),
- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15, 70/20) (LoPE RS);
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Administrative Procedure (Official Gazette of FBiH, 2/98 and 48/99) (LoAP FBiH)
- Law on General Administrative Procedure of RS (Official Gazette of RS, 13/02, 87/07, 50/12, 66/18) (LoGAP RS)
- Law on Personal Data Protection of BiH (Official Gazette of BiH, 49/06 and 76/11) (LoPDP BiH)
- Law on Inspections in RS (Official Gazette of RS, 74/10, 44/16) (LoI RS)
- Law on General Administrative Procedure of RS (Official Gazette of RS, 13/02, 87/07, 50/10) (LoGAP RS)
- Law on Environment Protection BPC Goražde (Official Gazette of BPC 5/05, 11/10, 8/11),
- Law on Administrative Disputes (Official Gazette of FBiH 9/05),
- Law on Minor Offences (Official Gazette of FBiH 63/14)
- Rulebook on Internal Court Operations (Official Gazette of BiH, 66/12 54/17, 60/17)
- Law on Statistics BiH (Official Gazette of BiH: 26/04, 42/04) (LoS BiH);
- Article 3(2) of LoFAI BiH/FBiH/RS, contains broader and more precise definition of public authorities in comparison with the definition specified under Article 2(2) of the Convention.

Article 30(1) of LoEP FBiH is harmonised with Article 2(3) of Aarhus Convention, focusing on the definition of “environmental information”, while Article 28 of LoEP FBiH is harmonised with Article 2(4) of the Convention, focusing on the definition of “the public”. As for the definition of “the public concerned”, that definition has also been taken from Article 2(5) of the Convention, and has been specified under Article 30(2) LoEP FBiH. In Republika Srpska, the applicable articles 14(j)(k)(o) (alj) and 34 of LoPE RS are fully harmonised with Article 2(3)(4)(5) of Aarhus Convention. In Brčko District of BiH, Article 4(6)(7)(11)(12) of LoPE BD fully incorporates the provisions of Article 2(3)(4)(5) of Aarhus Convention. Article 15 of the Law on Nature Protection of the RS (Official Gazette 20/14) mandates that the process of development of documents focusing on protection and management of natural resources as well as the process of development of other documents within the scope of this Law, should integrate the element of public participation, through public insight.

With regard to the requirement of non-discrimination, specified under Article 3(9) of the Convention, applicable provisions of Article 31 of LoPE FBiH, Article 35 of LoPE RS and Article 30 of LoPE BD mandate that the public shall have access to information, ability to participate in decision-making and protection of rights in the area of environment protection in proceedings before administrative and judicial bodies, without discrimination on the ground of citizenship, ethnicity or place of residence and for legal persons, without discrimination based on their place of registration or location of their headquarters.

In addition, the provisions of Article 4 of LoFAI BiH/FBiH/RS grant right of access to information held by any public administration body to all natural and legal persons.

During the reporting period, the Ministry of Justice of BiH (MoJ BiH) commenced the process of development of amendments to the LoFAI BiH, to ensure this piece of legislation is adequately harmonised with systemic regulations in effect in BiH, as well as with the applicable EU regulations. Amendments to LoFAI BiH aim at enabling maximum degree of enforcement of the right to free access to information for all natural and legal persons under the same conditions, while ensuring publicity and transparency of operations of bodies of public administration, in accordance with the EU regulations, international instruments for protection of human rights and freedoms, as well as generally accepted standards of international law, for the purpose of protection of interests of public in free and democratic society.

Access to information has also been mandated under the applicable provisions of LoAP FBiH and the provisions of LoPDP BiH.

During the course of inspection oversight in the RS, the relevant inspection body (RS Inspectorate) provides information to parties to the proceedings in accordance with the LoI RS and LoGAP RS. When it comes to third parties, such as different organisations, associations of citizens, media etc., the RS Inspectorate, in its review of each individual request for access to information in the area of environment protection, performs detailed analysis to determine whether publication of the requested information could constitute exception in the context of the provisions of LoFAI RS and LoPDP BiH, specifically, whether the requested information was pertinent to the defence and security interests, protection of public safety, prevention and detection of crime, protection of decision-making processes of bodies of public administration, protection of privileged corporate information and protection of personal interests pertinent to privacy of third parties.

a) With respect to Paragraph 1, measures taken to ensure that:

- (i) Any person may have access to information without having to state an interest;**
- (ii) Copies of the actual documentation containing or comprising the requested information are supplied;**
- (ii) The information is supplied in the form requested;**

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),
- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),

- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15, 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Electricity FBiH (Official Gazette of FBiH 66/13 and 94/15) (LoE FBiH)
- Ordinance on Procedure, Criteria, Form and Content of the Application for Issuance of Energy License for Construction of New and Reconstruction of Existing Generation Facilities (Official Gazette of FBiH 27/14),
- Law on Petroleum Products FBiH (Official Gazette of FBiH 52/14) (LoPP FBiH);
- Rulebook on Issuance of Permits (licenses) for Energy Related Operations in the Area of Petroleum Industry (Official Gazette of FBiH 15/16),
- Law on Geological Explorations FBiH (Official Gazette of FBiH 9/10 and 14/10) (LoGS FBiH),
- Law on Exploration and Exploitation of Oil and Gas FBiH (Official Gazette of FBiH 77/13) (LoEEOG FBiH).

In accordance with the provisions of Article 11(4) of LoFAI BiH/FBiH and Article 11(2) LoFAI RS, the body of public administration shall not question or demand justification of the request, which is in line with the provisions of Article 4(1)(a) of Aarhus Convention. Article 14(2) of LoFAI BiH/FBiH/RS, mandates that the applicant shall either be granted access to information in the premises of the body of public administration, enabled to make copies of documentation, or enabled to get copies of the requested information. In addition, also applicable are the provisions of Article 33 LoEP FBiH / Article 36 of LoEP RS / Article 32 of LoEP BD, although the Law on Environment Protection of the FBiH does not include the provision which mandates that the body of public administration shall refrain from questioning or demanding justification for the request.

FMEMI responds to inquiries and acts in accordance with the provisions of LoFAI BiH. FMEMI also disseminates information to interested citizens by posting it on its website (<http://www.fmeri.gov.ba>). The information posted on the website of the Ministry includes information on licenses issued in accordance with the provisions of LoE FBiH, Ordinance on Procedure, Criteria, Form and Content of the Application for Issuance of Energy License for Construction of New and Reconstruction of Existing Generation Facilities, LoPP FBiH and the Rulebook on Issuance of Permits (licenses) for Energy Related Operations in the Area of Petroleum Industry.

In line with the provisions of LoGE FBiH and LoEEOG FBiH, Geology Department operating within the Mining Sector, implements the procedure of issuance of licenses for geological explorations. Within the procedure of issuance of license, public discussion is organised and notice posted on the bulletin board of the municipality in which the exploration shall take place, to inform the public on the activities that may have environmental impact. (Para 4, Article 28 LoGE FBiH).

In accordance with the provisions of office management regulations, all documentation is kept in the sector archives or central archive of the FEF, established in line with the provisions of office management and archiving by-laws of the FEF. In line with the provisions of Article 14(2) of LoFAI BiH/FBiH/RS, the FEF enables access to information to applicants by processing their requests and providing access, once it is verified that the documentation requested does not contain confidential information. Access is granted by providing copies of the documentation containing or encompassing the requested information.

b) Measures taken to ensure that the time limits provided for in Paragraph 2 are respected

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),

- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

Under the provisions of Article 14, Paragraph 4 of the LoFAI BiH/FBiH/RS, the deadline for provision of access to information is 15 days of the date of submission of the request. The noted deadline may be extended provided that the applicant is duly informed of such extension. Articles 33(4) of LoPE FBiH, 36(5) of LoPE RS and 32(4) of LoPE BD also mandate the deadline of 15 days for provision of access to information. In accordance with the provisions of LoPE FBiH, this deadline may be extended up to one month, if such extension is deemed justified due to content or complexity of the requested information. Under those circumstances, the applicant is to be informed of extension of the deadline and reasons for it. In practice, similar approach should be applied in the RS and the BD, since the applicable provisions of the LoFAI are in effect. Under the provisions of Article 14, Paragraph 4 of the LoFAI RS, the deadline for response to the request for provision of information may be extended.

With regard to the procedure for addressing requests for access to information, BiH HROI made a general observation about issues noted in the area of compliance with deadlines, adding that the number of instances in which such issues have been identified was not significant. Such trend noted by BiH HROI cannot be generally correlated with issues pertinent to the environment, specifically, to the implementation of Aarhus Convention. However, these issues point to the general question that emerges in the area of publicity with reference to understanding the scope of exceptions, since certain number of bodies of public administration frequently cite provisions of other laws as well (for instance LoPDP BiH).

For that reason, BiH HROI believes that continuous effort is needed to ensure civil servants are trained in the application of regulations pertinent to access to information, with particular emphasis on Aarhus Convention.

c) With respect to paragraphs 3 and 4, measures taken: *exemptions*

(i) Exemptions from requests provided;

(ii) Public interest test at the end of Paragraph 4 is applied;

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),
- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);
- Articles 5 to 9 of the LoFAI BiH/FBiH/RS are relevant in this area, since they specify the criteria for refusal of the request, which are in compliance with the provisions of the Convention, in addition to specifying the public interest test. Also relevant are the provisions of Article 34(1)(2) of LoPE FBiH, Article 37(1)(2) of LoPE RS and Article 33(1)(2) of LoPE BD, which specify grounds for refusal of access to information requests, which are in compliance with the provisions of the Convention.
- Article 121 of the Rulebook on Internal Court Operations also specifies exemptions from compliance with requests for access to information.

- In the process of public interest test, the Cantonal Court in Goražde takes into account each benefit or detriment that may arise from providing access to the requested information, while trying to assess potential violations of privacy of third parties, legitimate goals of the FBiH and privileged corporate information held by third parties (Article 9 of LoFAI FBiH). If submission of information is deemed to be justified and serving public interest, the information shall be provided regardless of exceptions specified under the provisions of articles 6, 7 or 8 of LoFAI FBiH. (Article 9, Paragraph 2 of LoFAI FBiH).

d) With respect to Paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),
- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

This requirement is contained within the provisions of Article 13 LoFAI BiH/FBiH/RS, and Article 34(4) LoPE FBiH, Article 37(3) of LoPE RS and Article 33(3) of LoPE BD. In the event the public authority does not have the requested information, such public authority shall be required to forward the request to the other public authority which may have the requested information and notify the applicant thereof.

In the event FMET does not have the requested environmental information, it shall be required to notify the applicant thereof without delay, instructing the applicant to address other relevant institution, or, forward the request to another public authority and notify the applicant thereof.

In situations when the Cantonal Court in Sarajevo does not have the requested information, but knows which public authority has it, the Court shall forward the request to such institution, notifying the applicant thereof. In the event the Court is unable to identify the public authority which has the requested information, the Court shall notify the applicant of the reasons it is unable to comply with the applicant's request.

e) With respect to Paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),
- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);

If part of the requested information has been identified to constitute an exception, the relevant public authority should separate out such part and make the rest of the information available, unless the information has been rendered incomprehensible as a result of such separation, as specified under Article 10 of LoFAI BiH/FBiH/RS. Similar provisions have been integrated in Article 34(4) of LoPE FBiH and Article 33(5) of LoPE BD. With the adoption of the most recent

amendments to LoPE RS, this provision was omitted, although the implementation of the provisions of LoFAI should require enforcement of this process in practice.

If part of the requested information has been identified to constitute an exception, the Cantonal Court in Sarajevo shall separate out such part and disclose the rest of the information, unless the information has been rendered incomprehensible as a result of such separation.

In instances of full or partial refusal of request for access to information, the Cantonal Court in Goražde notifies the applicant of such refusal by issuing a decision which specifies legal ground for exemption, in the context of the applicable provisions of the LoFAI and the provisions of Article 121, Paragraph (2) of the Rulebook on Internal Court Operations, in addition to specifying legal remedy, which includes name and address of the body dealing with appeals against such decision, deadline for submission of the appeal and the instruction on how to contact the Ombudsman Institution, with necessary contact details. In the event the request for access to information is not met within the time limit mandated under the law, the applicant shall have the right to lodge an appeal to the relevant court.

If part of the requested information has been identified to constitute an exception, the FEF shall separate out such information and provide access to the rest of the information, making sure that it is comprehensible.

f) With respect to Paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),
- Law on Freedom of Access to Information of RS (Official Gazette of RS, 20/01) (LoFAI RS),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Administrative Procedure BiH (Official Gazette of BiH 92/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH),
- Law on Administrative Procedure FBiH (Official Gazette of FBiH, 2/98 and 48/99) (LoAP FBiH),
- Law on General Administrative Procedure of RS (Official Gazette of RS, 13/02, 87/07, 50/10 and 66/18) (LoGAP RS),
- Law on Administrative Procedure BD (Official Gazette of BD 09/02, 08/03, 08/04, 25/05, 08/07, 36/09, 48/11) (LoAP BD).

In the event of refusal of the request for access to information, the relevant public authority shall be required to notify the applicant of such refusal in writing, within the time frame of 15 days (which may be extended), explain the reasons for refusal and suggest possible further course of action, in accordance with the provisions of Article 14(3)(4) of LoFAI BiH/FBiH/RS. According to the practice in the RS, in the event the request is refused, decision is made to that effect, rather than a written response in the form of a letter. Such practice has been put into place on the basis of court decisions, according to which, bodies of public administration are required to issue decision when they find that the conditions have been met to refuse the request to access information, which would enable the applicant to initiate second instance proceedings accordingly.

The provisions of Article 34(3)(6) of LoPE FBiH and Article 37(3) of LoPE RS stipulate that the reasons for refusal to comply with the request to access information must be explained and presented in writing, if the request for access to information was also presented in writing, or if written response was required by the applicant. Time frames for delivery of decisions are not specified under the laws in effect, especially not under the provisions of the Law on Freedom of

Access to Information. In addition, the Law on General Administrative Procedure also does not specify the time frame for delivery of decision, but does specify the manner in which such delivery is to be made and those provisions apply to deliveries of all decisions. If the Law on Freedom of Access to Information stipulates that the deadline for delivery of decision rejecting the request is 15 days, there is no need for further stipulation of deadlines for delivery. Decisions are delivered immediately upon being made in writing.

Article 36, Paragraph 5 of the LoPE RS specifies that the response on rejection of request is to be made in writing, within 15 days of the day of submission of the request to access information. In accordance with the provisions of Article 33(3)(6) of LoPE BD, the ground for rejection shall be briefly explained and the relevant department shall notify the applicant of rejection of the request to access information within eight days of receipt of the request.

In addition, in accordance with the provisions of Article 15(2) of LoAP BiH, Article 11(3) of LoAP FBiH, Article 12(3) of LoGAP RS and Article 11(2) of LoAP BD, the applicant has the right to appeal even in situations when a public authority did not make a decision on the outcome of the request submitted by the applicant within the specified time frame (silence of the administration). In cases of refusal of the request for access to information, the Cantonal Court in Sarajevo informs the applicant of the outcome by issuing a decision, which specifies that appeal against such decision may be submitted to head of the body (President of the Court) within eight days of receipt of the decision and suggests a possibility for the applicant to notify the BiH HROI, if the applicant is not satisfied with the way in which the Court dealt with the request.

In cases of refusal of the request for access to information, the FEF informs the applicant of such refusal within 15 days and advises the applicant on the possible further course of action.

g) With respect to Paragraph 8, measures taken to ensure that the requirements on charging are met

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH, 28/00, 45/06, 102/09, 62/11 and 100/13) (LoFAI BiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH, 32/01 and 48/11) (LoFAI FBiH),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH, 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS, 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD, 24/04, 1/05, 19/07 and 9/09) (LoPE BD);
- Law on Personal Data Protection of BiH (Official Gazette of BiH, 49/06 and 76/11) (LoPDP BiH).
- In line with the provisions of Article 16 of LoFAI BiH/FBiH/RS, fees are charged only for photocopying services, with exception of the first ten pages, which are provided free of charge. Also relevant to this matter are the provisions of Article 35 of LoPE FBiH, Article 38 of LoPE RS and Article 34 of LoPE BD.
- The Cantonal Court in Goražde does not charge fees for the provision of the requested information for the first ten pages. Each page after the first ten is charged at the rate of BAM 0.5 per page. So far, there have been no cases that the requested information exceeded ten pages.
- According to the RSI parties involved in inspection oversight have access to the entire file made during the process of inspection oversight, as mandated under the provisions of the LoI RS and LoGAP RS. Third parties, including different organisations, citizens' associations, the media and so on, that do not have the status of the party to the proceedings, have the ability to access information within the scope of mandate of this body of public administration, as mandated under the provisions of LoFAI RS and LoPDPBiH. This body has never denied any request to access information to any applicant and has never charged any fee for such services.

Cantonal Court in Sarajevo acts in compliance with the provisions of Article 16 of LoFAI FBiH and the Instruction for implementation of LoFAI FBiH.

Based on the provisions of LoS BiH, LoFAI, LoPDP BiH, BHAS developed and posted on its website a document under the title: "BiH Statistics Agency Access to Information Guide". The Guide specifies all measures in its Article 4, paragraphs 1 to 8. Information Dissemination Department of BHAS is assigned to deal with requests for access to information.

In Sava River Basin Agency (SRBA), in accordance with the provisions of Article 16 of LoFAI BiH/FBiH/RS, prices are set only for the services of copying, with exception of the first 10 pages, which are not charged.

Federation Ministry of Justice, (Article 3(2) of the LoFAI FBiH, provides broader and more precise definition in comparison to the one provided under Article 2(2) of the Convention, with respect to defining public authorities. Article 4 of LoFAI FBiH grants right to access to information under the control of the public authority to all natural and legal persons) commenced development of the new LoFAI FBiH to identify solutions and create a regulation which would be harmonised with systemic regulations in effect in BiH, as well as with the regulations in effect in the EU. Adoption of the new LoFAI FBiH would provide for the broader scope of the right to access to information for all natural and legal persons under the same conditions, while ensuring openness and transparency of operations of public authorities, in line with the regulations in effect in the EU, international treaties for the protection of human rights and freedoms as well as with generally accepted standards of international law, for the purpose of protection of public interest in the exercise of free and democratic order and open society.

- (a) With respect to Paragraph 1, measures were undertaken to ensure that:
 - (I) Each person may access information, without having to state the interest;
 - (II) Copies of documents containing or encompassing the requested information shall be provided;
 - (III) Information shall be provided in the requested format;

In line with the provisions of Article 11(4) of LoFAI FBiH, public authority shall not examine nor demand to know the reasons behind the request for access to information, which is in line with Article 4(1)(a) of the Aarhus Convention. Article 14(2) of LoFAI FBiH mandates that the applicant shall either be granted access to information in the premises of the relevant public authority or presented with a copy of the requested documentation.

(b) Measures undertaken to ensure compliance with the deadline specified in Paragraph 2; Deadline to respond to the request for submission of information is 15 days of the day of submission of the request, in line with Article 14, Paragraph 4 of the LoFAI FBiH with the possibility to extend the deadline and inform the applicant of such extension.

- (c) With respect to paragraphs 3 and 4, measures were undertaken to:
 - (I) Enable exemption from the responsibility to act on the request;
 - (II) Ensure implementation of the provision on public interest referred to at the end of Paragraph 4;

Of relevance here are Articles 5 to 9 of the LoFAI FBiH which specify grounds for refusal of the request and challenge to the public interest, which are in compliance with the provisions of the Convention.

The process of challenge of the public interest shall take into account all benefits and damages that may arise from disclosure of the requested information, while examining at the same time whether the privacy of any third persons, legitimate goals of the FBiH and confidentiality of commercial information of third persons could be violated (Article 9 of the LoFAI FBiH). If deemed that submission of information is justified by the public interest, the information shall be disclosed, regardless of the exemption stipulated under Articles 6, 7 of 8 of the LoFAI FBiH (Article 9, Paragraph 2, LoFAI FBiH).

- (d) With respect to Paragraph 5, measures were undertaken to ensure that public authorities that do not have the requested information pertinent to environment protection undertake the necessary steps;

This responsibility is contained in the provisions of Article 12 of the LoFAI FBiH, which stipulates that in the event the public authority does not have the requested information, such public authority shall be required to send the request to the body of public administration that could have the requested information as soon as possible and inform the applicant thereof.

In the event the Federation Ministry of Justice does not have the requested information, the Ministry shall notify the applicant of it as soon as possible and advise the applicant to address

the appropriate institution and request the information, or as an alternative, the Ministry shall pass the request to such institution and inform the applicant that his/her request has been forwarded.

(e) With respect to Paragraph 6, measures were undertaken to ensure application of the rule on redaction and availability of information;

In the event part of the requested information was determined to represent an exemption, the relevant public authority shall redact that part and disclose the rest of the information, unless the redaction rendered the information unintelligible, as mandated under Article 10 of the LoFAI FBiH.

(f) With respect to Paragraph 7, measures were undertaken to ensure that the decision on refusal of request is made within the deadline and ensure compliance with other rules pertinent to refusal;

In the event of refusal of the request to access information, the relevant public authority shall be required to notify the applicant of the refusal within 15 days, with the possibility of extension of the deadline, explain the reasons for refusal and suggest possible further action, in line with the provisions of Article 14(3), (4) of the LoFAI FBiH.

In line with Article 11(3) of the FBiH Law on Administrative Procedure, the applicant may appeal, including when the relevant public authority failed to issue the decision per the request of the applicant within the specified deadline (silence of the administration).

(g) With respect to Paragraph 8, measures were undertaken to ensure compliance with the rules on charging for the services provided.

In line with Article 16 of LoFAI FBiH rates are determined only for the services of copying, with exception of the first 10 pages, which are copied free of charge.

Department for Spatial Planning and Property Affairs of Brčko District Government works in line with the Law on Access to Information of BiH, the Law on Environment Protection of Brčko District, the Law on Administrative Procedure of Brčko District and the Law on Administrative Fees of Brčko District. Article 10 of the Law on Environment Protection defines public participation and access to information in the area of environment protection. Also relevant is Chapter VI of the said Law, which defines public participation and access to information of relevance to the environment (articles 30 - 37).

Ministry of Justice of BiH responds to requests for submission of information within 15 days of receipt of the request, as mandated under Article 14, Paragraph 4 of the LoFAI BiH, with the possibility of extension of the deadline, which requires that the applicant be informed of such extension.

Federal Ministry of Environment and Tourism prepared and published the **Instruction on Procedure in Administrative Proceedings of Environment Impact Assessment and Issuance of Environmental Permits** and posted it on its website under the title: Public Information and Participation in Decision Making: <https://www.fmoit.gov.ba/bs/okolisne-dozvole/okolisna-dozvola>.

VIII. OBSTACLES IN IMPLEMENTATION OF ARTICLE 4

Describe any obstacles encountered in implementation of any of the provisions of Article 4

Response:

Certain public authorities failed to issue a price list specifying the amount of fees charged for the services of provision of information, mandated under the provisions of Article 35 of LoPE FBiH and Article 34 of LoPE BD. As a result, in Posavina Canton there was no price list specifying the amount of fee to be charged for the provision of information, mandated under Article 35 and LoPE FBiH. In addition, the FBiH Environmental Fund (FEF) also did not issue the price list to specify these fees.

No obstacles were experienced by the Department for Spatial Planning and Property Affairs of Brčko District Government.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

List further information on the practical implementation of the provisions of Article 4 on access to information, e.g., are there statistical data on the number of filed requests, number of refused requests and reasons for refusal?

<i>Response:</i>

FMET does not keep a record of the received requests for access to information, refused requests or reasons for refusal. It is planned that the practice of keeping such records would be introduced as of 2018 and that a member of staff within the Ministry would be assigned to keep it, but that has not been done.

In the RS, requests for access to information are logged and once the procedure is completed, the requests are filed. There is no separate register, but the number of received requests is known.

The ASRBA also does not keep the register of received requests for access to information.

The FAPI has statistical data on the number of received requests, number of refused requests and data on reasons for refusal. Requests were refused based on justified reasons only, with decisions issued to that effect that have not been challenged in the appeals proceedings.

The officer of the Federal Ministry of Urban Planning keeps a record of received requests for access to information, documenting both the procedure completed and the outcome of such requests.

During the period between 2014 and 2016, in the area of inspection of urban development, construction and environmental affairs, the RSI dealt with all requests received from other public authorities, organisations, legal entities and individuals, as follows:

21 requests for access to information were received in 2014, 19 in 2015 and 18 in 2016.

The Cantonal Court in Sarajevo keeps a record which documents the number of requests received, the number of completed proceedings and the duration and outcome of such proceedings.

Various publications, journals, reports, guides and other documents of relevance to public health are available on the website of FPHI. During bouts of air pollution, extreme cold and extreme heat, the FPHI website includes recommendations for citizens on how to protect their health from these environmental risks. These recommendations are also disseminated by the media (through appearances of representatives of FPHI in radio and TV shows, publication of articles in printed media, etc.). Provision of information is denied only in cases when the requested information is not available, or in cases focusing on the activities outside the scope of competence of FPHI.

Information of relevance to operation of the FEF is disseminated to the public on daily basis, especially the information on funds provided by the FEF. In addition, the information disseminated by the FEF also includes requests for clarifications and correspondence of relevance to the process of registration and meeting the criteria on the part of payers of environmental fees to the FEF on the territory of the FBiH.

In its interaction with the interested parties, each request is duly processed and answered to. The same applies to communication with the media, facilitated either through appearances in radio and TV shows or through provision of statements and written replies to queries from the media. Guide for access to information and Index Register with overview, description and purpose of information and the manner of exercise of the right to access information are being drafted at the moment. These documents have not been adopted yet, and therefore have not been posted on the website of the Fund.

Considering the fact that one of the fundamental activities of Sarajevo Aarhus Centre is to collect environmental information held by public authorities, the experience in this area so far, is rather

negative. In most cases, public authorities do not respond to requests for access to information within the time frame mandated under the law, and some public authorities do not respond to such requests at all (silence of the administration). In those cases, Sarajevo Aarhus Centre appeals to BH HROI. This practice results in receipt of decisions from the relevant public authorities. In most cases, these decisions neither specify the requested information nor the legal remedy to be pursued. In some instances, requests for access to information result in refusal to comply, but those refusals are not in compliance with the law, which is the reason Sarajevo Aarhus Centre is compelled to appeal to the relevant body or initiate an administrative dispute. To date, Sarajevo Aarhus Centre did not incur substantial expenditures as a result of its endeavours to access information.

Banja Luka Aarhus centre: According to NGOs, most frequent violations of the right to access information include late submissions, lack of legal remedy in written decisions and unjustified exemptions. Individuals and organisations requesting information are often forced to pursue their rights before the second instance administrative or judicial institutions, invest substantial effort in these endeavours and be prepared to deal with substantial delays.

Banja Luka Aarhus centre: According to commitments stemming directly from the provisions of Aarhus Convention, BiH also signed Kyiv Protocol on Pollutant Release and Transfer Registers (PRTR), which entered into force in 2009. The purpose of the Protocol is to encourage access to information through development of comprehensive and harmonised registers of pollutants at the levels of the entities, which could facilitate public participation in decision making in the area of environment protection and contribute to decrease and prevention of pollution. According to the provisions of the Protocol, relevant authorities (FMET in BiH), are required to collect data from owners of stationary industrial and agricultural sources of pollution and publish it annually.

However, despite the fact the EU provided 1,200,000 EUR in funding for the implementation of EU PRTR Directive in 2009 in BiH*, its implementation is far from satisfactory. New server and software purchased within the project were online briefly, in experimental use, but after a while, the idea of further use and upgrade of the system was abandoned. At the same time, the FMET independently and at its own cost, procured software and established PRTR system. However, only one employee of the FMET has the password to access data. Instead of publishing the information in the register, to make it available to the public, the information is released based on individual requests submitted to the Ministry. Replies to these requests often take a lot of time and applicants often receive the information too late to be able to use it in decision-making. In addition, the system only covers the territory of the FBiH, while the RS and BD BiH are in the process of development of their own systems. During the course of 2020, upon the proposal of REC, activities were initiated and online consultations organised to discuss application for the establishment of the PRTR database for the FBiH, the RS and BD and the MoFTER that would be developed with the assistance of the German Environmental Agency. At the moment, the response on whether the application/project has been approved is still pending. RS Hydro-meteorological institute published excerpts from the PRTR register for 2016, 2017 and 2018, which is available at:

<https://rhmzrs.com/zivotna-sredina/registar-postrojenja-i-zagadivaca/izvjestaji/>.

ASRBA and SRBA receive written inquiries pertinent to water management and send responses to the relevant departments, also in writing, as promptly as possible. There have been no refusals of requests for access to information. There is no register of requests for access to information.

In the FBiH Ministry of Justice, a staff member of the Ministry was assigned to keep the register of received requests for information and note in the record the method of resolution and the outcome.

* Project N0. 2009/228-439, Reference: EuropeAid/126648/C/SER/BA. Tender No: EC/BIH/08/013 – “Support to Implementation of PRTR Directive “.

During the reporting period, the Department for Spatial Planning and Property Affairs of the Government of Brčko District, responsible for environmental issues, received one request for access to information and positively responded to it.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

List relevant websites, if any:

Response:

Adriatic Sea River Basin Agency – ASRBA - <http://www.jadran.ba/>

Representatives of public may contact the relevant bodies using the contact information available on the websites of those relevant bodies, as specified under Item VI above.

Department for Spatial Planning and Property Affairs of the Government of Brčko District - www.vlada.bdcentral.net.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES THAT IMPLEMENT THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION AS SPECIFIED IN ARTICLE 5

List legal, regulatory and other measures that implement the provisions on collection and dissemination of environmental information specified in Article 5.

Explain the manner in which each paragraph of Article 5 is implemented. Describe how the relevant definitions specified in Article 2 and anti-discrimination measures specified in Article 3, Paragraph 9 have been transposed in the national regulations.

In particular, describe the following:

- (a) With respect to Paragraph 1, measures taken to ensure that:
 - (I) Public authorities possess and update environmental information;
 - (II) There is an adequate flow of information to public authorities;
 - (III) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to Paragraph 2, measures undertaken to ensure that public authorities provide environmental information in transparent manner and that the information is accessible;
- (c) With respect to Paragraph 3, measures undertaken to gradually transfer environmental information into electronic databases and ensure they are easily accessible to public through public telecommunication networks;
- (d) With respect to Paragraph 4, measures undertaken to publish and disseminate national reports on environmental situation;
- (e) Measures undertaken with the view of dissemination of information specified in Paragraph 5;
- (f) With respect to Paragraph 6, measures undertaken to encourage operators whose activities have significant impact on the environment to regularly inform the public of environmental impact of their activities and products;
- (g) Measures undertaken to publish and provide information in line with the provisions of Paragraph 7;
- (h) With respect to Paragraph 8, measures undertaken to develop mechanisms to ensure that public is provided with sufficient product information;
- (i) With respect to Paragraph 9, measures undertaken to establish inventory or register of pollutants that would encompass the entire state territory.

Response:

In addition to bylaws, listed in responses to individual queries, also relevant are the following:

- Law on Food BiH (Official Gazette of BiH: 50/04) (LoF BiH),
- RS Law on Food BiH (RS Official Gazette: 19/17) (RSLof BiH),
- Law on Protection of Plant Health BiH (Official Gazette of BiH: 23/03) (LoPPH BiH),
- Law on Seed and Seedlings of Agricultural Plants BiH (Official Gazette of BiH: 03/05) (LoSSAP BiH),
- Law on Agriculture, Food Production and Rural Development BiH (Official Gazette of BiH: 50/08) (LoAFPRD BiH),
- Law on Genetically Modified Organisms (Official Gazette of BiH: 23/09) (LoGMO BiH),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15 and 70/12) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Waters of FBiH (Official Gazette of FBiH: 70/06) (LoW FBiH),
- Law on Waters of RS (Official Gazette of RS: 50/06, 92/09, 121/12 and 74/17) (LoW RS),
- Law on Nature Protection of BD (Official Gazette of BD: 24/04, 01/05, 19/07, 9/09) (LoNP BD),
- Law on Nature Protection of FBiH (Official Gazette of FBiH: 66/13) (LoNP FBiH),
- Law on Nature Protection of RS (Official Gazette of RS: 20/14) (LoNP RS),
- Law on Nature Protection of BD (Official Gazette of BD: 24/04, 01/05, 19/07,) (LoNP BD),
- Law on Air Protection of FBiH (Official Gazette of FBiH: 33/03, 4/10) (LoAP FBiH),
- Law on Air Protection of RS (Official Gazette of RS: 124/11, 46/17),
- Law on Air Protection of BD (Official Gazette of BD: 25/04, 1/05, 19/07, 9/09) (LoAP BD),
- Law on Agriculture of FBiH (Official Gazette of FBiH: 88/07, 4/10, 7/13) (LoA FBiH),
- Law on Agricultural Land of BD (Official Gazette of BD: 1/00, 7/04, 20/06, 19/07) (LoAL BD),
- Law on Spatial Planning and Use of Land of FBiH (Official Gazette of FBiH: 2/06, 72/07, 32/08, 4/10, 13/10 and 45/10) (LoSPUL FBiH),
- Law on Spatial Planning and Construction of BD (Official Gazette of BD: 29/08, 18/17) (LoSPC BD),
- Law on Una National Park (Official Gazette of FBiH: 44/08) (LoUNP FBiH),
- Law on Forests of RS (Official Gazette of RS: 75/08, 60/13) (LoF RS),
- Law on Forests of BD (Official Gazette of BD: 02/10) (LoF BD),
- Law on Protection of Plant Health of RS (Official Gazette of RS: 25/09) (LoPPH RS),
- Law on Chemicals of RS (Official Gazette of RS: 36/09, 88/10, 92/11, 93/12, 25/15) (LoC RS),
- Law on Statistics of BiH (Official Gazette of BiH: 26/04, 42/04) (LoS BiH),
- Law on Statistics of FBiH (Official Gazette of FBiH: 63/03); (LoS FBiH),
- Law on Statistics of RS (Official Gazette of RS: 85/03); (LoS RS),
- Law on Agricultural Land of FBiH (Official Gazette of FBiH: 52/09).

Of relevance at state level are the provisions of articles 6 and 10 of the LoF, articles 11, 54, 55, 56 and 57, of the LoPPH BiH; articles 61 and 64 of LoSSAP BiH; articles 15 and 16 of LoAFPRD BiH and articles 31, 32 and 50 of LoGMO BiH.

With reference to possession and updating of environmental information on the part of the relevant institutions, of relevance are the provisions of articles 36, 38 and 40 of LoPE FBiH articles 33 and 102 of LoPE RS and articles 28 and 29 of LoPE BD. FMET in the FBiH is the institution responsible for collection of data on the environment, from other ministries, other relevant institutions and institutes (FBiH Hydrological and Meteorological Institute - FHMI, FSI, etc.). In the RS, the relevant institution is RS MUPCEE, which works with other ministries and institutions, such as the RS HMI and RS Statistics Institute - RSSI). With respect to the flow of information to government bodies and informing them of any immediate threats to human health, of relevance are the provisions of articles 102, 103, 104, 105, 106, 107 LoPE FBiH, articles 92, 107 and 110 of LoPE RS and articles 72, 73, 74, 76 and 77 of LoPE BD. Also relevant are the

provisions of articles 28 and 29 of LoPE FBiH, articles 25 and 26 of LoPE RS and articles 22 and 23 of LoPE BD, which focus on the system of environmental information dissemination. In addition, also of relevance are the Rulebook on Registers of Facilities and Pollutants (Official Gazette of FBiH: 82/07) and the Rulebook on Methodology and Method of Keeping of Registers of Facilities and Pollutants (Official Gazette of RS: 92/07).

In accordance with the provisions of articles 98 to 106 of the LoW of FBiH and articles 110 to 119 of the LoW RS, water information system has been put in place. The system is managed by the relevant agencies, specifically ASRBA in the FBiH and "Vode Srpske" public institution in the RS. Unfortunately, this system has not yet been initiated in the BD BiH. Water protection database in Brčko District is managed online, using a computerised Geographic Information System (GIS).

Of relevance are the provisions of Article 39 of LoNP FBiH, Article 91 of LoNP RS and Article 14 of LoNP BD, which mandate the establishment of nature protection information system. For the purpose of establishment of this system, the following regulations have been adopted: the Rulebook on Establishment and Management of Nature Protection Information System and Monitoring (Official Gazette of FBiH: 46/06) and Rulebook on Method of Establishment and Management of Nature Protection Information System and System of Monitoring (Official Gazette of RS: 85/05). Article 92 of the Law on Nature Protection of RS defines the establishment of nature protection information system and requires monitoring of the situation. Also of relevance are the provisions of articles 15, 26, 30 and 32 of LoAP FBiH, articles 15, 17, 18, 23, 35, 36 and articles 64 to 69 of LoAP RS and articles 37, 41 and 43 of LoAP BD. Also of relevance are the provisions of Article 42 of LoA FBiH, Article 31 of LoSPUL FBiH and Article 14 (17) of LoUNP FBiH. In Republika Srpska, of relevance are the provisions of Article 86 of LoF RS, articles 7, 14(j), 27, 81 and 83 of LoPPH RS and the provisions of articles 22, 23, paragraphs (5) and (6), article 58 and 84 of LoC RS. In Brčko District, of relevance are the provisions of articles 37, Paragraph (5) of the LoF BD, Article 150 of LoAL BD and articles 4(l) and 43 of LoSPC of BD.

Also relevant are the following provisions of by-laws in effect in the FBiH:

- Article 2 of the Rulebook on Monitoring Air Quality (Official Gazette of FBiH: 12/05, 9/16),
- Article 2 and 9 of the Rulebook on Contents of Report on State of Security, Content of Information and Security Measures and Content of Internal and External Intervention Plans (Official Gazette of FBiH: 68/05),
- Article 6 of the Rulebook on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of FBiH: 39/05),
- Article 3, Paragraph (5) and 11, paragraphs (4) and (8) of the Ordinance on Limiting Values of Dangerous and Harmful Substances for Waters which are Released after Filtration from Public Sewage System into Natural Receptors (Official Gazette of FBiH: 26/20, 96/20),
- Decree on Obligation to Submit Annual Report on Fulfilment of Requirements in Waste Management License (Official Gazette of FBiH: 31/06),
- Article 12 of the Rulebook on Conditions of Operation of Waste Incineration Facilities (Official Gazette of FBiH: 12/05),
- Article 24 of the Rulebook on Monitoring Emissions of Pollutants in the Air (Official Gazette of FBiH: 12/05),
- Article 14 of the Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas (Official Gazette of FBiH: 71/09),
- Ordinance on Conditions of Release of Waste Water into the Environment and Public Sewage Systems (Official Gazette of FBiH: 26/20, 96/20),
- Rulebook on Methodology of Monitoring of Quality of Agricultural Land (Official Gazette of FBiH: 38/11),
- Rulebook on Determination of Allowed Concentrations of Harmful and Hazardous Substances in Soil and the Method of Soil Testing (Official Gazette of FBiH: 72/09),
- Rulebook on Establishment and Management of Water Information System (Official Gazette of FBiH: 77/09),

- Decree on Waste Management Information System (Official Gazette of FBiH 97/18).

The relevant by-laws are in the RS:

- Article 2, 9 and 10 of the Ordinance on Air Quality Indicators (Official Gazette of RS: 24/12),
- Article 24 of the Rulebook on Measures of Prevention and Decrease of Air Pollution and Improvement of Air Quality (Official Gazette of RS: 03/15, 51/15, 47/16 and 16/19),
- Article 6 of the Decree on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of RS: 94/05),
- Programme of Mandatory Statistical Research in the Area of Health Care (Official Gazette of RS: 46/05), which requires monitoring and reporting of the following: pollution situation and measures undertaken to protect quality of air, water and soil from ionizing radiation and other harmful substances that present risk to human lives and health, number of analysed samples of food products and products for general use as well as number of analysed drinking water samples (daily sampling, analysis and annual reporting),
- Rulebook on Eco Labels of Republika Srpska (Official Gazette of RS: 108/13).

The relevant by-laws are in the BD:

- Article 2 of the Rulebook on Monitoring Air Quality (Official Gazette of BD: 30/06),
- Article 21 of the Rulebook on Monitoring Emissions of Pollutants in the Air (Official Gazette of BD: 30/06),
- Article 6 of the Rulebook on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of BD: 30/06).

The provisions cited above facilitate the flow of information on the environment situation. In addition, these provisions ensure that in case of emergencies, information is distributed without delay.

- In the event of immediate threat to human health or the environment, the relevant minister shall present representatives of the public with all data in possession by bodies of public administration that could enable the public to take measures to prevent or reduce the damage that could result from a specific threat, as mandated under the provisions of Article 29(3) of LoPE FBiH and Article 29(2) of LoPE BD. The public should be informed of emergency situations, such as interventions in the event of incident pollution, through the media and on the website, as well as in direct contacts and during public events. In line with the provisions of Article 9, Paragraph (2) of the Rulebook on Air Quality Monitoring of BD (Official Gazette of BD: 30/06), interested public is informed of air quality in real time, if pollutant concentration exceeds critical values of air quality and if technical features of the air sampling facility enable provision of information in real time.
- Article 42 of the Rulebook on Measures of Prevention and Decrease of Air Pollution and Improvement of Air Quality (Official Gazette of RS: 03/15, 51/15, 47/16) mandates that the annual emissions report should be entered into the information system.

In line with the provisions of articles 3 and 8 of the LoS BiH, BHAS distributes statistical data to all relevant institutions in BiH, interested parties, scholars and other interested individuals, upon request.

In accordance with the provisions of Article 6 of the LoF, BiH FSA disseminates risk information to enable the relevant bodies in BiH, its entities and BD, companies involved in trade of food and animal feed, consumers and other relevant institutions and interested parties to get timely, reliable, objective and understandable information about risks related to food and animal feed. In addition, pursuant to the provisions of Article 10 of the LoF, BiH FSA undertakes steps if it is suspected that food or animal feed could pose a risk to human or animal health and notifies the public of the risks to health, identifying the food or animal feed products affected, explaining the risk they pose and specifying the measures undertaken or to be undertaken to prevent, decrease or eliminate the risk.

During 2014 flood crisis, in line with its competences mandated under the law, the Soil Department operating within the FAPI prepared a Programme of Emergency Measures of Recovery of Flooded Agricultural Land on the Territory of the FBiH and distributed it to municipal institutions, Federation Civilian Protection HQ and the Government.

On the basis of the decision of the FBiH Government, upon the initiative of Gračanica Municipality, Monitoring of the River Spreča Underflow was initiated in 2014. This monitoring initiative is still ongoing. In the focus of the research was soil contamination with organic pollutants. Upon the initiative of Zenica Municipality and based on the subsequent decision of the FBiH Government, monitoring has been initiated to monitor pollution of soil with inorganic and organic pollutants on the territory of Zenica. This monitoring initiative is still ongoing. All reports prepared by FAPI, focusing on direct threat to human health and the environment are presented by FAPI director in the sessions of the FBiH Government. The reports are distributed to municipalities and cantons covering the territory where soil contamination has been detected. These reports are also posted on the FAPI website. Director and other staff of FAPI acting upon approval of the Director, make statements to the media, if necessary. If soil contamination is detected with specific pollutant that poses risk to human health and the environment, the FAPI releases preliminary report immediately upon completion of laboratory testing and performs further testing in the contaminated area.

In line with the provisions of articles 98 to 106 of the LoW of FBiH, water information system has been put in place. The system is managed by the relevant agencies in the FBiH. With reference to procedures of disseminating information to the public in cases of incidents, defined under the provisions of Article 14 of the Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas, ASRBA also uses Operative plan of Measures in cases of emergencies and pollution incidents.

In accordance with the provisions of Article 156, Paragraph 1, Item 6 of the Law on Waters (Official Gazette of FBiH: 70/06) and the Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas (Official Gazette of FBiH: 71/09), and pursuant to the provisions of Article 47 of the Statute of the Agency for Sava River Basin in Sarajevo, Director of the Agency for Sava River Basin issued the **Operative Plan of Measures in cases of emergencies and pollution incidents in the Sava river basin**. This plan is available on the website of the Agency for Sava River Basin in Sarajevo (www.voda.ba).

In the event of immediate threat to human health, the relevant information is immediately disseminated by the FPHI and FMH to the public and to the relevant institutions, with recommended protection measures. Examples: provision of information and implementation of activities with the view of protecting the health of the population in the event of extreme weather conditions (air pollution, extreme heat or cold, floods), or in the event of food and water contamination, emergence of epidemics of communicable diseases, etc.

In line with the provisions of Article 29 of the LoPE FBiH, the practice in Zenica-Doboj Canton is that the relevant Minister addresses the public and presents all information held by the relevant Ministry that could enable the public to undertake measures to prevent or reduce the effects of damage that could result from a given risk. In the event of incident pollution, the public is informed of the situation by the media, the relevant websites, as well as through direct contacts and public events. With reference to air quality, the interested public is informed of the air quality through publication of results of testing that could be read on displays installed at three locations on the territory of the City of Zenica.

b) With respect to Paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible

Relevant are Articles 20 of LoFAI BiH/FBiH/RS. Relevant institutions have legal obligation to adopt a guide on access to information, in accordance with the provisions of LoFAI. Relevant are also Articles 28, 29, 35 and 37 LoPE FBiH, Articles 38, 40 and 102 LoPE RS and Articles 28, 29, 34 and 36 LoPE BD. Relevant public authorities provide information specifying the type and scope of environmental information, which is also available on their websites. Many

institutions also publish the contact details of their public relations officers, as specified under Item III, Paragraph 2, or facilitate other channels of communication.

c) *With respect to Paragraph 3, measures taken to ensure progressive access to environmental information via electronic databases which are easily accessible to the public through telecommunication networks*

In accordance with the existing regulations and, in some cases, at their own initiative, the responsible authorities in BiH post the available information on their websites, as per Article 5, Paragraph 3 of the Convention. The text of the adopted regulations is mainly accessible to the public via websites of the responsible institutions. However, certain websites do not contain an updated list of such regulations, which could have negative impact on the public. Similar to the regulations, the adopted reports (including those concerning the implementation of various Conventions), strategies, plans and programs are also available on the websites of the relevant authorities. In specific cases, the efforts made by the responsible institutions in BiH towards making the aforementioned documents accessible to the public via the internet were financially and technically supported by foreign donors (such as the EU, OSCE etc.)

In Cantonal Court in Goražde, as well in all other courts in BiH, case files could be accessed via the Internet. This particular service is intended for the benefit of the parties to the proceedings, lawyers, holders of the power of attorney and legal representatives. Upon the request of the party, the registry office of the court issues a certificate on issuance of the access code with instructions on how to access the court case file via the Internet.

As a part of implementation of IMPAQ project funded by Sweden, air quality web portal (<https://zrakubih.ba/>) has been established which still does not include data from the RS.

d) *With respect to Paragraph 4, measures taken to publish and disseminate state reports on the environment*

The first domestic report on the environment in BiH was made in 2012 and was presented at the UN Conference on sustainable development. The report is accessible online. It was made with the support of international donors. The report was prepared on the basis of the methodology recommended by the European Environmental Agency.

UNECE published "3rd Environmental Performance Review of Bosnia and Herzegovina": <https://unece.org/environment-policy/publications/3rd-environmental-performance-review-bosnia-and-herzegovina>

In 2019, the World Bank published the report titled: "Air Pollution Management in Bosnia and Herzegovina" <http://documents.worldbank.org/curated/en/117281576515111584/pdf/Air-Quality-Management-in-Bosnia-and-Herzegovina.pdf>

e) *Measures taken to disseminate information referred to in Paragraph 5*

All adopted regulations, policy instruments and decisions on ratification/accession to the international treaties are public (along with the text of those treaties in the official language) and as such are available to the public via different official gazettes available in BiH. Unfortunately, access to the BiH official gazettes is charged, which represents an obstacle to access to information. The relevant public authorities are making efforts to ensure that the relevant regulations, policy instruments and international treaties are accessible on their websites. Finally, the interested parties may address the relevant bodies and request to access these documents (see Section VII of this Report).

f) *With respect to Paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products*

Of relevance are the provisions of Article 73 of the LoPE FBH, Article 92, LoPE RS and Article 72 of LoPE BD. The public is informed by the relevant bodies. With regard to eco-labels and control, of relevance are the provisions of Chapter XIII of LoPE FBH, Chapter IX of LoPE RS

and Chapter XII of LoPE BD. Regulations on eco-labels are in place in the FBiH (Official Gazette of FBiH: 92/07), and the RS (Official Gazette of RS: 108/13).

g) *Measures taken to publish and provide information listed in Paragraph 7*

The reports on the environment and other relevant reports used as a basis for development of the environment policies and regulations are posted on the official websites of the relevant bodies. With Republic of Croatia joining the EU, the EU Regulations concerning the environment became accessible to BiH public in the local language through the EUR-Lex (the EU regulations database). The goal of BiH is membership in the EU. In line with that goal, the applicable EU environmental regulations need to be incorporated into the applicable national regulations focusing on the environment. The national Environment Approximation Strategy has been adopted, specifying the plan of incorporation of the relevant EU environmental regulations. The Strategy is accessible to the public.

The website of BHAS contains the set of publications focusing on specific issues of relevance to the environmental statistics. Most publications have been distributed in hard copies to all relevant stakeholders in the country, including the relevant NGOs. These also include a substantial number of special releases on the subject of environmental statistics, available on the website: <https://goo.gl/Vhvqgx>.

h) *With respect to Paragraph 8, measures taken to develop mechanisms with a view of ensuring that sufficient product information is made available to the public*

Relevant are articles 93 and 94 of LoPE FBH, articles 111 to 114 of LoPE RS and articles 89 and 90 of LoPE BD as well as the provisions of the Rulebook on Eco-Labels of FBiH. In addition, also applicable are the provisions of Article 52 of LoGMO. The data on income collected on different grounds and subsequently distributed to users for various purposes, as specified under the regulations in effect and according to geographic distribution, may be obtained from the FEF, upon the request from the relevant institutions.

i) *With respect to Paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers*

PRTR register is kept in accordance with the entity regulations in effect. In BiH, there is still no body in place that would consolidate data in the register of pollutants for the entire country (PRTR). FBiH has put in place the register on facilities and pollutants, but it only covers 51% of the territory of BiH. The data is available upon request, and also posted on the following website: <http://www.fmoit.gov.ba/ba/page/86/registri-i-izvjescaronivanje>. Another serious problem is verification of received data, in other words, the data recorded in the register on the part of the authorised reference centre. Only valid data may be made available to the public. To date, the FBiH has only put in place the authorised reference centre for air quality. The register should be expanded to include the data necessary for verification. To that end, the FMET prepared the applicable terms of reference.

PRTR in the RS is kept by the RS Hydrometeorological Institute.

In line with the provisions of the Law on the FEF, the FEF is required to set up and maintain the register of payers of general and special fees, in the manner defined under the regulations adopted by the relevant ministry. To that end, electronic databases are developed and maintained consisting of reports on annual pollutant emissions and payers of applicable fees, in addition to databases monitoring sources of revenue and funds transfers, tracking requirements of the relevant institutions – FBiH Government priorities, and keeping a record of coordination with international institutions.

With the view of optimal collection, use and cross referencing of basic groups of data which create foundation for water management at the level of river basins, Water Information System (WIS) has been put in place at the level of the FBiH, managed by the relevant river basin agencies (SRBA and ASRBA). In line with the provisions of the Law on Waters, specifically, articles 98 to 106, the content of Water Information System has been defined, in addition to the

manner of its management, procedures applicable to release of data and access to data contained in the WIS.

Of relevance are also the following provisions of the applicable bylaws:

- Articles 3(5) and 11(4) and (8) of the Ordinance on Limiting Values of Dangerous and Harmful Substances for Waters which are Released after Filtration from Public Sewage System into Natural Receptors (Official Gazette of FBiH: 26/20),
- Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas (Official Gazette of FBiH: 71/09),
- Rulebook on Establishment and Management of Water Information System (Official Gazette of FBiH: 77/09).

In 2017, the relevant institutions of BiH adopted the National Environment Approximation Strategy - EAS-BiH.

Adriatic Sea River Basin Agency

a) with respect to Paragraph 1, measures were undertaken to ensure:

- (I) Public authorities possess and update environmental information;**
- (II) There is an adequate flow of information to public authorities;**
- (II) In emergencies, appropriate information is disseminated immediately and without delay;**

...In line with articles 98 to 106 of LoW FBiH/110 to 119 LoW RS, Water Information System has been put in place, managed by the relevant agencies responsible for water basins in the FBiH and the Public Institution "Vode Srpske" in the RS.

The procedures to be followed in cases of incidents are specified in Article 14 of the Rulebook on Procedures and Measures in Cases of Accidents Involving Waterways and Surrounding Land Areas (Official Gazette of FBiH: 71/09, 102/18), in addition to being specified in the ASRBA Operative Plan of Measures in cases of emergencies and pollution incidents and Federation Operative Plan (Official Gazette of FBiH: 19/20)

Food Safety Agency (FSA) **Paragraph 1 (III)**

In line with Article 6 of the Law on Food (Official Gazette of BiH: 50/04), (LoF), the FSA disseminates risk information to enable companies involved in trade of food and animal feed, consumers and other relevant institutions and interested parties to get timely, reliable, objective and understandable information about risks related to food and animal feed.

In addition, pursuant to the provisions of Article 10 of the LoF, BiH FSA undertakes steps if it is suspected that food or animal feed could pose risk to human or animal health and notifies the public of the risks to health, identifying the food or animal feed products affected, explaining the risk they pose and specifying the measures undertaken or to be undertaken to prevent, decrease or eliminate the risk.

In the Department for Spatial Planning and Property Affairs of the Government of Brčko District, the provisions on collection and dissemination of environmental information are implemented in line with the Law on Environment Protection of Brčko District. For instance, the information (on adoption of laws and bylaws, important environmental documents (strategies, action plans)) is posted on the website of Brčko District Government to enable the interested public to get information on activities implemented by the relevant department responsible for environment protection and submit its comments and suggestions to drafts of posted documents, ensuring that, if found to be justified, these comments and suggestions are included in the final version of those documents.

XII. OBSTACLES ENCOUNTERED IN IMPLEMENTATION OF ARTICLE 5

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 5.

Response:

Although regulated under the Law, the offices in charge do not have the technical capacities to promptly inform the public of air quality, with exception of several major urban centres in BiH. Representatives of NGOs point to the omissions in informing the public on matters of interventions regarding incident pollutions through the media, online and in direct contacts and public events. NGO representatives believe that the information released by BHAS is incomplete, inaccessible, incomprehensible and indicative of the lack of coordination between different databases containing environment information. BD does not have the environment protection information system.

At the moment, the process of incorporation of EU regulations on the environment into BiH regulations is underway, but the progress of the process is not available to the public as per the provisions of Article 5(3) of the Convention. Availability of such input would allow the public to follow the work of the relevant bodies in BiH in a more efficient manner.

The competence for environment protection belongs to the level of entities and BD.

Under the provisions of Article 102 of the Law on Environment Protection, the RS Hydrological and Meteorological Institute keeps the Register of Release and Transfer of Pollutants.

PRTR database requires maintenance, constant development and upgrades, which means it is necessary to provide funds from the budget for these purposes. The existing PRTR database in place at the level of the FBiH must include a developed GIS system, specifying geo-locations of PRTR facilities with longitude and latitude coordinates entered into the database. Further assistance is necessary in the establishment of the database at state level.

We note once again that the competence for environment protection belongs to the level of entities and BD. No obstacles were noted by the Department for Spatial Planning and Property Affairs of the Government of Brčko District of BiH.

XIII. FURTHER INFORMATION ON PRACTICAL APPLICATION OF GENERAL PROVISIONS OF ARTICLE 5

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information as referred to in Article 5, e.g., are there any statistics available on the information published?

Response:

The relevant bodies in BiH disseminate environment information (including regulations, policy instruments etc.) by posting them on their website, by answering queries and participating in seminars, workshops and informative shows broadcasted by different media outlets. Most of the institutions have a PR officer on their staff. Development of electronic databases that will be available online is underway.

NGO representatives objected to the fact that the information requested was not available online, although they were advised by the institutions in charge that the information would be available online.

Water agencies in FBiH, using their internet services, provided the GIS information from their automated hydrology stations to all the interested institutions.

Unfortunately, there are no initiatives at the moment to enable access to the Official Gazettes free of charge, which would improve access to the relevant regulations, policy instruments and international treaties.

The following information is posted on the website of ASRBA (www.jadran.ba): annual reports on the quality of surface and underground bodies of water of the Adriatic Sea river basin, results of monitoring of physical, chemical and biological properties of samples taken from specific bodies of water, GIS and data obtained from the automated hydrology stations, water permits issued, strategic and planning documents in the area of water management and regulations in effect in the area of water management.

The following information is posted on the website of SRBA (www.voda.ba): GIS and data obtained from the automated hydrology stations, water permits issued, strategic and planning documents in the area of water management and regulations in effect in the area of water management. Additional information may be provided by email: info@voda.ba.

Among other things, the website of BHAS also contains statistical indicators pertinent to publication of environmental information, specifically:

[Client satisfaction survey, 2017](#)

[Client satisfaction survey, 2014](#).

The FEF does not have any statistics available. Each request is processed and response to it is provided. There are no statistics on the number of requests received, but all requests received are registered in the outgoing mail register of the FEF. Many queries are answered by email and email records may also serve the purpose of providing an overview of all responses provided to requests for access to information. Information is provided on daily basis on the activities of the FEF, especially on the subject of provision of funds from the FEF, but also including requests for clarifications and correspondence in the process of registration and compliance with commitments on the part of payers of environmental fees on the territory of the FBiH. The data of relevance to the operation of the FEF are disseminated by posting them on the official website, providing answers to queries and participation in seminars, workshops and news shows broadcasted by different media outlets. In contacts with interested parties, each request is processed and answered. The same applies to contacts with the media on the subject of appearances in radio and TV shows, provision of statements and responses to written queries. Guide for Access to Information and Index Register with overview, description and purpose of information and the manner of exercise of the right to access to information are being drafted at the moment. Implementation of projects is well covered by local, entity and state radio and TV stations. The relevant institutions are informed of the activities of the Fund, through development of journals and promotional materials and organisation of public presentations, round table discussions, symposia, etc.

Aarhus centres provided detailed information on this subject, within the information specified with reference to Article 4.

RS Hydrometeorological Institute published excerpts from the PRTR register for 2016, 2017 and 2018, available at:

<https://rhmrzr.com/zivotna-sredina/registar-postrojenja-i-zagadivaca/izvjestaji/>.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

List relevant websites, if any:

<i>Response:</i>

The same web addresses specified in response referring to Article 3 of the Convention.

ASRBA - <http://www.jadran.ba/>

FBiH *Ministry of Justice* – Representatives of the public may turn to the relevant bodies using the contact details posted on their websites, as specified under Item IV above.

Department for Spatial Planning and Property Affairs of the Government of Brčko District of BiH - www.vlada.bdcentral.net

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES FOR IMPLEMENTATION OF THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISION-MAKING ON SPECIFIC MATTERS, AS SPECIFIED IN ARTICLE 6

List legislative, regulatory and other measures for implementation of the provisions on public participation in decision-making on specific matters, as specified in Article 6.

Explain the manner in which each paragraph of Article 6 is implemented. Describe how the relevant definitions specified in Article 2 and anti-discrimination measures specified in Article 3, Paragraph 9 have been transposed in the national regulations.

In particular, describe the following:

- (a) With respect to Paragraph 1, measures taken to ensure that:
 - (I) The provisions of Article 6 are applied with respect to decisions on whether to allow proposed activities listed in Annex I to the Aarhus Convention;
 - (II) The provisions of Article 6 are applied with respect to decisions on whether to allow proposed activities not listed in Annex I to the Convention, which may have significant impact on the environment;
- (b) Measures taken to ensure that the public concerned is informed early on of any environmental decision-making procedures pertinent to the matters referred to in Paragraph 2, in adequate, timely and effective manner;
- (c) Measures undertaken to ensure that timeframe pertinent to public participation procedures are in line with the requirements specified under Paragraph 3;
- (d) With respect to Paragraph 4, measures undertaken to ensure participation of the public early into the procedure;
- (e) With respect to Paragraph 5, measures undertaken to encourage future applicants to recognise the interested public, take part in the discussion and provide information focusing on the objectives of applying prior to filing an application for permit;
- (f) With respect to Paragraph 6, measures undertaken to ensure that:
 - (I) Relevant bodies of public administration provide the interested public with all information of relevance to decision-making specified under Paragraph 6, available at the time of implementation of the procedure of public participation;
 - (II) Relevant bodies provide the interested public with information specified in this Paragraph;
- (g) With respect to Paragraph 7, measures undertaken to ensure that the procedure of public participation allows the public to submit comments, information, analyses or opinions deemed by the public to be of relevance to the proposed activity;
- (h) With respect to Paragraph 8, measures undertaken to ensure that the process of decision-making takes into account the outcome of public participation;
- (i) With respect to Paragraph 9, measures undertaken to inform the public as soon as possible of the decision in accordance with the applicable procedure;
- (j) With respect to Paragraph 10, measures undertaken to ensure that once the public authority reviews or updates the conditions for performance of activities listed in Paragraph 1, the provisions specified under paragraphs 2 to 9 are applied *mutatis mutandis*, and where appropriate;
- (k) With respect to Paragraph 11, measures undertaken with the view of application of the provisions of Paragraph 6 to decisions on whether to permit deliberate release of genetically modified organism into the environment.

<i>Response:</i>

The relevant definitions specified in Article 2 and anti-discrimination measures specified in Article 3, Paragraph 9 are listed in the response pertinent to Article 4.

Of relevance are the following:

- LoW FBiH; LoW RS; LoPW BD;

- Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of FBiH: 19/04 and 1/21),
- Rulebook on Projects Requiring Environmental Impact Assessment and Criteria to Determine the Implementation and Scope of Environmental Impact Assessment (Official Gazette of RS: 124/12), Rulebook on Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of RS: 124/12),
- Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of BD: No 30/06),
- Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits (Official Gazette of FBiH: 6/08, 57/09, 72/09, 68/12),
- Decree on Public Participation in Water Management (Official Gazette of RS: 35/07).

BiH HROI suggested that proactive transparency was needed, adding that public authorities should look into all options at their disposal that could enable them to disseminate information to the highest number of persons possible. In addition, the process of public consultations should be interpreted in the broadest sense possible, including in the context of openness to public, interested parties and parties to the proceedings.

In particular, describe the following:

- **With respect to Paragraph 1, measures undertaken to ensure that:**
 - (i) The provisions of Article 6 are applied with respect to decisions on whether to allow proposed activities listed in Annex I to the Convention;**
 - Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
 - Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15 and 70/20) (LoPE RS),
 - Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
 - Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of FBiH: 19/04 and 1/21),
 - Rulebook on Projects Requiring Environmental Impact Assessment and Criteria to Determine the Implementation and Scope of Environmental Impact Assessment (Official Gazette of RS: 124/12),
 - Rulebook on Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of RS: 124/12),
 - Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of BD: No 30/06).

Under the provisions of national regulations, two procedures are in place for the purpose of approval of activities listed in Annex I of Aarhus Convention, specifically: environmental impact assessment and issuance of environmental permit. During the course of both procedures, relevant provisions of LoPE of FBiH/RS/BD apply, in addition to subsequent application of the applicable provisions of LoAP FBiH/RS/BD. The requirement pertinent to public participation in decision-making is mandated under the provisions of Article 40 of LoPE FBiH, Article 39 of LoPE RS and Article 35 of LoPE BD. The activities specified in Annex I of Aarhus Convention are also specified in the facilities and machinery rulebooks in effect in FBiH, RS and BD.

The activities specified in Annex I of Aarhus Convention are also specified in the facilities and machinery rulebooks in effect in Posavina Canton and approval for their implementation is given by the relevant cantonal Ministry of Posavina Canton, which is also responsible for the procedure of issuance of environmental permits.

The cantonal ministry is responsible for issuance of environmental permits for the facilities that do not meet the criteria mandated in the Facilities and Machinery Rulebook of FBiH and the activities that are not specified in it. The Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of FBiH: 14/13), is in effect in Zenica-Doboj Canton. The Rulebook specifies facilities and machinery, as well as activities and interventions that do not require environmental impact assessment, in addition to specifying the facilities and machinery below the threshold determined under the FBiH Rulebook. Given the fact that cantons issue environmental permits for smaller facilities and machinery that do not require environmental impact assessment, the public does not have a particular interest in the procedure of issuance of environmental permits, although, in accordance with the applicable regulations, it may participate in decision-making, as specified therein.

The units of local self-government in the RS are responsible for issuance of environmental permits for facilities and machinery under the threshold determined in the facilities and machinery Rulebook in effect in the RS, as well as activities and interventions not listed in the applicable Rulebook.

(ii) The provisions of Article 6 applicable to decisions on proposed activities not listed in Annex I, which may have significant impact on the environment;

With regard to some activities, the criteria contained in the regulations specified above have been lowered in comparison with those specified under the provisions of Annex I of the Convention. Furthermore, Cantons and units of local self-government in the FBiH and the RS are responsible for issuance of environmental permits.

In the RS, environmental permits are issued for the facilities listed in Article 2 of the Rulebook.

In accordance with the regulations in effect, the public may participate in decision-making in this area, as specified under the provisions of those regulations.

In the opinion of the FMET, the best course of action with regard to the implementation of the provisions of Article 6 pertinent to decisions on the proposed activities outside the scope of Annex I which could have substantial impact on the environment, is to encourage units of local self-government to inform the public of those activities by broadcasting announcements on local radio or TV stations, engaging with NGOs operating on their territory, engaging with local residents and undertaking other activities, as deemed necessary, in accordance with the provisions of regulations and plans currently in effect.

In the RS, the public is informed by posting announcements in the daily press, submission of applications and documentation to units of local self-government and posting the information on submitted applications on the website of the RS MUPCEE. Units of local self-government inform the public by posting announcements on the website and on the bulletin board.

b) Measures taken to ensure that the public concerned is informed early on of any environmental decision-making procedures pertinent to the matters referred to in Paragraph 2, in adequate, timely and effective manner;

- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Concessions of BiH (Official Gazette of BiH: 32/02, 56/04) (LoC BiH),
- Law on Concessions of FBiH (Official Gazette of FBiH: 40/02, 61/06) (LoC FBiH),
- Law on Waters of FBiH (Official Gazette of FBiH: 70/06) (LoW FBiH),
- Law on Waters of RS (Official Gazette of RS: 50/06, 92/09, 121/12 and 74/17) (LoW RS),

- Law on Protection of Waters of BD (Official Gazette of BD: 25/04, 1/05, 19/07) (LoPW BD),
- Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits (Official Gazette of FBiH: 6/08, 57/09, 72/09, 68/12),
- Decree on Public Participation in Water Management (Official Gazette of RS: 35/07),
- Law on Air Protection of FBiH (Official Gazette of FBiH: 33/03, 4/10) (LoAP FBiH),
- Law on Air Protection of BD (Official Gazette of BD: 25/04, 1/05, 19/07, 9/09) (LoAP BD).

Of relevance are the provisions of Article 40 of LoPE FBiH, Article 39 of LoPE RS and Article 35 of LoPE BD, which stipulate that upon initiation of the administrative procedure, the public would be informed of the proposed activities, bodies responsible for decision-making and course of the proceedings pertinent to public participation, time and place of public discussion, bodies responsible for provision of information as well as bodies responsible for answering to comments and questions. Of importance are also the provisions of articles 72 to 80 of LoPE FBiH, articles 56, 69-71, 88 and 89 of LoPE RS and articles 59 and 66 of LoPE BD. It is also important to note the provisions of articles 10 and 29 of LoPE FBiH, Article 12 of LoPE RS and articles 10 and 29 of LoPE BD.

In addition to the applicable provisions of laws on protection of the environment, this issue is regulated by other laws as well. In that regard, of relevance are the applicable provisions of Article 15 of LoC BiH, Article 19 of LoC FBiH, articles 38, 124 and 126 of LoW FBiH, articles 29 and 130 of LoW RS, Article 15 of LoW BD, as well as the provisions of articles 8, 9 and 10 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH, and articles 4, 14 and 15 of the Decree on Public Participation in Water Management of the RS. Furthermore, public participation is also regulated under the provisions of Article 1(3) of LoAP FBiH and articles 2 and 3 of LoAP BD, although it is not specified that the public should be informed early on of the process of environmental decision-making in appropriate, timely and efficient manner.

According to the FMET, in line with the provisions of Article 70 of LoPE FBiH, Article 64 of the LoPE RS, the request for environmental impact assessment is submitted to the relevant ministry.

The relevant ministry presents the request with accompanying documentation to the relevant bodies and other interested parties for comments and suggestions. In line with the amendments to the LoPE RS, interested public is participating in the procedure of environment impact assessment, because both the application and the data for environment impact assessment are posted on the website of the RS MUPCEE.

In the process of development and adoption of necessary regulations of relevance to environment protection, the FEF cooperates with the FMET, as well as with other ministries in the FBiH Government. Promotion of public participation in the law-making process is outside the scope of competence of the FEF.

In the RS, under the provisions of Article 64 of LoPE RS, the procedure of environmental impact assessment is initiated upon submission of the request.

Descriptions are provided using technical language, and should include narrative, numerical and visual data, while the non-technical description is provided using non-technical language, suitable for the purpose of informing the relevant bodies, organisations and the public. General and interested public is informed of applications submitted via the website of the RS MUPCEE. Article 3, Item 8 of the Law on Spatial Planning and Use of Land at the level of the Federation of Bosnia and Herzegovina stipulates that spatial planning shall be based on the principle of transparency and free access to data and documents of importance to planning, in accordance with the Law and special regulations in effect.

Article 7 of the Decree on Methodology of Development of Planning Documents stipulates that public participation is necessary in all stages of development of planning documents, at all levels of spatial planning. Paragraph 4 of the same Article defines that the Programme of Public Participation specifies methods of public participation (public rallies, round table discussions, public debates and other forms of public participation) in all stages of development of planning documents.

Article 56 of the Law on Spatial Planning and Use of Land at the level of the Federation of Bosnia and Herzegovina stipulates that prior to issuance of construction permits the Ministry is responsible to enable the parties to the proceedings to see project documentation.

c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of Paragraph 3

In the FBiH, the public is informed of an upcoming public discussion 15 days prior to the date of the public discussion, which enables the public to submit suggestions and comments to the relevant Ministry within 30 days of the announcement of the public discussion (articles 61 and 62 of LoPE FBiH). In the RS (Article 69, Paragraph (3) and Article 88 of LoPE RS) and BD (Article 66 of LoPE BD), members of the public may submit their opinion on the request for issuance of the environmental permit within 30 days of publication of the announcement. In the RS, the project holder is required to notify the concerned public of the request for approval of environmental impact assessment within 15 days of submission of the request, by posting the announcement in one of daily newspapers in circulation in the RS available on the territory of the local community in which the project is to be implemented.

In the FBiH, the period for completion of the procedure of issuance of water permits cannot be less than 5 or more than 30 days from the day the information on submission of the request was released, in accordance with Article 9 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH. In the RS, this period cannot exceed 30 days, as specified under the provisions of Article 131 of LoW of RS.

In line with the provisions of Article 75 of LoPE FBiH, FMET presents the request specified under the provisions of Paragraph 1 of this Article with the accompanying documentation to the relevant bodies and interested parties for comments and suggestions. Deadline for submission of comments and suggestions is 30 days of the date of receipt of the request. The applicant and other relevant parties shall be informed of the outcome of the environmental impact assessment. In accordance with the provisions of Article 76 of LoPE FBiH, the FMET informs the public of the initiation of the procedure of environmental impact assessment by posting announcements in newspapers in circulation in the FBiH and invites the public to take part in the public discussion. Comments and suggestions received from the public are to be presented to the relevant ministry within 30 days of the date of publication of the announcement. In accordance with the provisions of Articles 76 and 77 of LoPE FBiH, the FMET organises public discussion on the project, at the location in the closest proximity to the project location. The public is to be informed of the upcoming discussion at least 15 days prior to the date of the discussion. The relevant ministry prepares minutes of the public discussion within three days of the date of the discussion.

In the RS, the public is informed of the submission of request for approval of the environmental impact assessment by posting the request and the corresponding documentation on the website. In addition, the public is informed of the upcoming public discussion by posting the announcement in the daily newspapers. During the course of the proceedings, opinions are obtained from the relevant bodies.

d) With respect to Paragraph 4, measures taken to ensure that there is early public participation

In accordance with regulations on public participation in the process of issuance of environment permits and water legal acts, the public is informed and invited to express opinions and make comments before decisions are made by the relevant bodies.

In line with the provisions of LoW FBiH, with reference to development of water management plans, legal entities and individuals may present their written comments to the draft water management plan within six months of its publication. These provisions ensure early public participation. LoW of BD mandates that the public is to be informed of commencement of development of individual plans at least three years prior to commencement of the period covered under those plans, which ensures public participation in the process of development and adoption of the relevant plans. LoW FBiH includes similar provisions to this effect.

Immediately upon submission of the request, the FMET initiates early public participation, in line with the provisions of Article 40 of LoPE FBiH.

In the RS, the provisions of Article 80 and Article 90, paragraphs 4 and 5 describe the manner in which the public is informed of the request for issuance of environmental permit and subsequent issuance of the permit.

e) With respect to Paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit

- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Protection of the Environment of the RS (Official Gazette of the RS: 71/12, 79/15 and 70/20) (LoPE RS);

In accordance with Article 36 of the LoPE FBiH and Article 35 of LoPE BD, the relevant body shall request that the applicant encourages the public concerned to participate in discussions prior to submission of the request for issuance of the environmental permit.

f) With respect to Paragraph 6, measures taken to ensure that:

(i) The relevant bodies allow access of the public concerned to all information of importance to decision-making available at the time of the proceedings which include public participation, as stipulated under Article 6,

(ii) The relevant bodies ensure access of the public concerned to information specified under this Paragraph.

- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15, 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits (Official Gazette of FBiH: 6/08, 57/09, 72/09, 68/12),
- Decree on Public Participation in Water Management (Official Gazette of RS: 35/07).

The information on allowing access of the public concerned is integrated in the provisions of Article 40 of LoPE FBiH, Article 69, Paragraph 4 of LoPE RS and Article 36 of LoPE BD.

With reference to the procedure of issuance of water permits, of relevance are the provisions of Article 9 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH. In the RS of relevance in these matters are the provisions of Article 15 of the Decree on Public Participation in Water Management of RS.

In the RS, in the procedure of approval of the environment impact assessment, the announcement encompasses the following information on the request submitted:

- a) Basic information on the request,
- b) Summary of the request with conclusion of impact assessment,
- c) Time and location where the public will be able to examine the request and impact assessment documents, free of charge,
- d) Planned time and location of public discussion on the subject of impact assessment,
- e) Deadline for submission of written comments on the request and impact assessment,
- f) Address for submission of written comments referred to under item d) above, and
- g) Information about the project with possible impact on the environment of the other entity or Brčko District.

The Ministry posts announcements of upcoming public discussions and outcome of impact assessment on its website, upon publication of the announcement in one of daily newspapers. These announcements are to remain posted on the website until expiry of the deadline for submissions of comments and suggestions specified under the provisions of Article 70, Paragraph 5 of this Law.

The project holder shall be required to allow the public concerned the opportunity to examine the request for impact assessment and the impact assessment, free of charge, in the premises

of the unit of local self-government in which the project is located, from the date of publication of the announcement until expiry of the deadline for submission of comments and suggestions. The project holder shall be required to organise a public discussion in the premises of the unit of local self-government in which the project is located, within no more than 60 days of the date of submission of the request for approval of environmental impact assessment to the Ministry. Public discussion shall be announced at least 15 days prior to the scheduled date of the public discussion.

The FMET enables public participation by posting announcements of the upcoming public discussions on its website or enabling the public to examine documents, by posting them on www.fmoit.gov.ba, under the section dedicated to public discussions; by publishing announcements of public discussions in daily newspapers; by submission of documents on CD or in hard copy; and by distribution of decisions to interested bodies and the public concerned. The FMET enables access to information contained in registers, lists, inventories and files free of charge, by mail upon written request, by email, in website posts (by posting requests / assessments / plans of activities and accompanying documents), or by telephone.

In 2020, Ministry of Environment and Tourism of the FBiH developed and posted the Instruction specifying the manner in which the public should be informed and involved in decision making processes of relevance to projects that require environmental impact assessment and issuance of environmental permits. The Instruction is posted on the following website <https://www.fmoit.gov.ba/bs/okolisne-dozvole/okolisna-dozvola>

g) With respect to Paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity

- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Waters of FBiH (Official Gazette of FBiH: 70/06) (LoW FBiH),
- Law on Waters of RS (Official Gazette of RS: 50/06, 92/09, 121/12 and 74/17) (LoW RS),
- Law on Protection of Waters of BD (Official Gazette of BD: 25/04, 1/05, 19/07) (LoPW BD).

Of relevance to this section are the provisions of articles 40 and 78 of LoPE FBiH, articles 15, 40, 55, 66 and 69 of LoPE RS and articles 35, 36, 58, 59 and 60 of LoPE BD, which mandate that the public concerned may submit in writing any comments, information, analyses or opinions deemed important to the given activity.

In the FBiH, of relevance to this area are the provisions of Article 24 (6) of LoW FBiH, which mandate that legal entities and individuals may submit written comments to water management plans to the relevant river basin agency, within six months of its publication. Also relevant are the provisions of Article 24 (5) which mandate that comments and suggestions to draft water management strategy may be submitted within three months of the date of receipt of the draft. Article 26 (e) of LoW of RS describes the process of dissemination of information to the public and outlines consultative measures and changes to plans that resulted from such measures. Article 15 (5) of LoW of BD mandates that written comments to draft plans should be submitted by the public within six months of publication of such plans.

Public participation procedures implemented by the FMET, which enable the public to present comments, information, analyses or opinions of importance to proposed activities, include public announcements:

- enabling the public to view the relevant documentation in the premises of the Ministry, and
- public announcements of upcoming public discussions, to be made 15 days ahead of the discussion focusing on presentation of environmental impact assessments, with

period after discussion for submission of comments, suggestions and opinions of relevance to the presented material.

In both the RS and the FBiH, any publication of information and documents with the view of enabling public participation, shall include details of time frames and addresses for submission of comments, suggestions and opinions.

Public participation procedures implemented in the RS, which enable the public to present its comments, include:

- Viewing of the relevant documentation (initial environmental impact assessment),
- Viewing of the relevant documentation (environmental impact assessment),
- Public discussion,
- Viewing of the relevant documents in the process of issuance of environmental permits.

h) With respect to Paragraph 8, measures taken to ensure that decision duly reflects the outcome of the public participation

- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Decree on Public Participation in Water Management (Official Gazette of RS: 35/07),
- Law on Administrative Procedure of BiH (Official Gazette of BiH: 92/02, 12/04, 88/07, 93/09, 41/13) (ZoAP BiH),
- Law on Administrative Procedure of FBiH (Official Gazette of FBiH: 2/98, 48/99) (LoAP FBiH),
- Law on General Administrative Procedure of RS (Official Gazette of RS: 13/02, 87/07, 50/10) (LoGAP RS).

LoPE FBiH/RS/BD do not have any provisions stipulating that public suggestions and objections should be taken into consideration before issuing any environmental permits, nevertheless public participation procedures are applied in practice. Article 89, Paragraph 1 of LoPE RS stipulates that the body authorised to issue an environmental permit shall issue a decision concerning the issuance of an environmental permit and concerning its content, on the basis of request filed by a responsible official, attached documentation, as well as on the basis of opinions obtained from the local self-government unit and the **interested members of the public**, no later than 60 days after the receipt of a valid request for issuance of an environmental permit, which in essence corresponds to the provision that stipulates that suggestions and comments of the public are to be taken into account in the process of issuance of environmental permits.

Besides, LoPE FBiH/BD do not contain any obligation to incorporate suggestions and objections of the public in the process of giving approval for the environmental impact assessment while, as per Article 71 of the LoPE RS, the Ministry in charge is obliged to forward its assessment of received objections from the interested members of the public to the project coordinator, as well as its own position regarding the matter and, if necessary, to instruct the project coordinator to make some alterations and additions to the assessment. Finally, in accordance with Article 73 of the LoPE RS, it is noted in the explanation of the assessment approval decision whether the objections by the interested members of the public were taken into consideration or not. In the RS, the decision concerning a request for water/legal act must include an explanation, describing all the implemented activities in determining whether the request was justified or not, in addition to describing the effects and conclusions of consultations with the public, in accordance with Article 21(1) of the Decree on Public Participation in Water Management in the RS.

According to the relevant provisions of the Law which regulate administrative procedures, the resolution that enacts a decision must contain all the evidence, as well as assessment of the reasons that resulted in its adoption. This way, obligations from the Convention are fulfilled.

In the FBiH Ministry of Environment and Tourism, it is obligatory for the reasons for the Decision to contain those remarks made by the members of the public which were taken into account.

i) With respect to Paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures

- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07 and 9/09) (LoPE BD),
- Law on Waters of FBiH (Official Gazette of FBiH: No 70/06) (LoW FBiH),
- Decree on Public Participation in Water Management (Official Gazette of RS: 35/07),
- Law on Administrative Procedure of BiH (Official Gazette of BiH: 92/02, 12/04, 88/07, 93/09, 41/13) (ZoAP BiH),
- Law on Administrative Procedure of FBiH (Official Gazette of FBiH: 2/98, 48/99) (LoAP FBiH),
- Law on General Administrative Procedure of RS (Official Gazette of RS: 13/02, 87/07, 50/10) (LoGAP RS),
- Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and put into Operation upon Issuance of the Environmental Permit (Official Gazette of FBiH: 19/04),
- Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits (Official Gazette of FBiH: 6/08, 57/09, 72/09, 68/12),
- Law on Spatial Planning and Use of Land at the Level of the Federation of Bosnia and Herzegovina (Official Gazette of FBiH: 2/06, 72/07, 32/08, 4/10, 13/10 i 45/10), Article 3, Item 8, Article 56 Paragraph 2,
- Decree on Methodology of Development of Planning Documents (Official Gazette of FBiH: 63/04, 50/07 and 84/10) Article 7.

According to Article 40 of LoPE FBiH/Article 40 of LoPE RS/Article 36 of LoPE BD, the competent administrative body informs the public of the decision immediately following its adoption. In the RS and BD, the competent administrative body is obliged to publish text of the decision by posting it on the website of the RS MUPCEE and publishing it in daily press, noting also the reasons for adoption of such decision. In BD there is an obligation to publish the decision on environmental impact assessment, according to Article 61 of the LoPE BD. Article 126 of the LoW FBiH prescribes an obligation to submit the issued water act to the interested parties and to the public, but only upon their request. In the RS, also relevant is Article 21(2) of the Decree on Public Participation in Water Management.

The parties involved in administrative proceedings must be informed of the decision, which means that the members of the public who provided their comments should also be informed of the decision.

Measures taken to ensure that the public is immediately informed of the decision, in accordance with relevant procedures of the FBiH Ministry of Environment and Tourism, shall be implemented by providing the decision to all the interested bodies and to the interested members of the public, and by publishing the decision on the website of the Ministry.

In accordance with Article 126, Paragraph (4) of LoW and Article 24, Paragraph (1) of the FBiH Rulebook on Content, Form, Conditions, Manner of Issuance and Archiving of Water Acts, a decision concerning an issued water act shall be published on the web site of ASRBA.

j) With respect to Paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in Paragraph 1, the provisions of Paragraphs 2 to 9 are applied, making the necessary changes where and when appropriate.

In accordance with Articles 94(3) and 95(3) of LoPE RS, the public is informed of the environmental permit revision. Compliance with the requirements of the environmental permit is verified by the relevant inspectorate. The procedure of issuance of water acts also applies to cases of amendments to the existing water acts in the FBiH and of the RS. The correlation

between the procedure of extension and/or revision of water use permit and the procedure relating to the participation of public has not been defined.

In the FBiH Ministry of Environment and Tourism, the process of amending a decision is subject to the provisions of Article 6, Paragraphs 2-9 of the Aarhus Convention, specifically, necessary changes are made to the decision on the basis of opinions and comments, in other words, on the basis of inputs resulting from public participation.

k) With respect to Paragraph 11, measures taken to apply the provisions of Article 6 to decisions on whether to allow deliberate release of genetically modified organisms into the environment.

More information on the measures undertaken with the aim of application of provisions of Article 6 on decisions whether to allow deliberate release of genetically modified organisms in the environment is contained in the answers to questions related to Article 6 bis.

Adriatic Sea River Basin Agency - ASRBA

Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits

In particular, describe the following:

- **With respect to Paragraph 1, measures taken to ensure that:**

- (I) The provisions of Article 6 are applied with respect to decisions on whether to allow proposed activities listed in Annex I to the Aarhus Convention;

- (II) The provisions of Article 6 are applied with respect to decisions on whether to allow proposed activities not listed in Annex I to the Convention, which may have significant impact on the environment;

- b) Measures taken to ensure that the public concerned is informed early on of any environmental decision-making procedures pertinent to the matters referred to in Paragraph 2, in adequate, timely and effective manner;**

...Of relevance are articles 28, 40, 41 of LoPE FBiH / Article 12 of LoPE RS / articles 10 and 29 of LoPE BD, and in particular, articles 70, 75 and 76 of LoPE FBiH / articles 69 – 71, 88 and 89 of LoPE RS / articles 59 and 66 of LoPE BD. In addition, of relevance are articles 124 and 126 of LoW FBiH / Article 130 of LoW, as well as articles 22 and 23 of the FBiH Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits and articles 4, 14 and 15 of the RS Decree on Public Participation in Water Management...

- c) Measures undertaken to ensure that timeframes pertinent to public participation procedures are in line with the requirements specified under Paragraph 3;**

... In the FBiH, the period for completion of the procedure of issuance of water permits cannot be less than 5 or more than 30 days from the day the information on submission of the request was released, in accordance with Article 22 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH. In the RS, this period cannot exceed 30 days, as specified under the provisions of Article 131 of LoW of RS...

- d) With respect to Paragraph 4, measures undertaken to ensure participation of the public early into the procedure;**

...In line with the provisions on public participation in the process of issuance of environmental permits and water acts, the public is informed and invited to give opinions and comments prior to issuance of a decision by the relevant authorities. Such approach ensures public participation early into the process...

- e) With respect to Paragraph 5, measures undertaken to encourage future applicants to recognise the interested public, take part in the discussion and provide information focusing on the objectives of applying prior to filing an application for permit;**

- **With respect to Paragraph 6, measures undertaken to ensure that:**

- (I) Relevant bodies of public administration provide the interested public with all information of relevance to decision-making specified under

Paragraph 6, available at the time of implementation of the procedure of public participation;

(II) Relevant bodies provide the interested public with information specified in this Paragraph;

.... With respect to the procedure of issuance of water acts, of relevance is Article 22 of the FBiH Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits, and Article 15 of the RS Decree on Public Participation in Water Management.

g) With respect to Paragraph 7, measures undertaken to ensure that the procedure of public participation allows the public to submit comments, information, analyses or opinions deemed by the public to be of relevance to the proposed activity;

...in the FBiH, the public may express its position on the request for issuance of water acts in writing, in addition to participating in public discussion in line with Article 22 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH, provided that the relevant agency or body deems organisation of such discussion necessary...

h) With respect to Paragraph 8, measures undertaken to ensure that the process of decision-making takes into account the outcome of public participation;

i) With respect to Paragraph 9, measures undertaken to inform the public as soon as possible of the decision in accordance with the applicable procedure;

.... Article 126 of LoW FBiH specifies the responsibility for submission of issued water acts to interested parties and the public, but only upon request. In the RS, of relevance is Article 21(2) of the Decree on Public Participation in Water Management.

Parties in administrative proceedings must be informed of the decision, which means that the members of the public who provided their comments should be informed of the decision...

In line with Article 126, Paragraph 4 of LoW and Article 24 Paragraph 1 of the Rulebook on Content, Form, Conditions, Procedure of Issuance and Archiving of the Water Permits of FBiH the resolution on issuance of water act is posted on the website of ASRBA.

j) With respect to Paragraph 10, measures undertaken to ensure that once the public authority reviews or updates the conditions for performance of activities listed in Paragraph 1, the provisions specified under paragraphs 2 to 9 are applied mutatis mutandis, and where appropriate;

.... The procedure of issuance of water permit is also applied to amendments of water acts in the FBiH and the RS. The correlation between the procedure of extension and/or revision of water use permit and the procedure relating to the participation of public has not been defined...

k) With respect to Paragraph 11, measures undertaken with the view of application of the provisions of Paragraph 6 to decisions on whether to permit deliberate release of genetically modified organisms into the environment.

Food Safety Agency

Article 6 Annex I 19 Other Activities (b) and (c)

Food Safety Agency of Bosnia and Herzegovina, within the scope of its competence, as defined under the Law on Food (Official Gazette of BiH: 50/04), participates in development and adoption of food regulations.

In line with the Law on Food, Food Safety Agency of Bosnia and Herzegovina, in cooperation with relevant institutions of BiH, its entities and Brčko District of BiH, prepared and developed the Rulebook on Food Hygiene (Official Gazette of BiH: 4/13), Rulebook on Hygiene of Animal Source Food (Official Gazette of BiH: 103/12), Rulebook on Control Measures Implemented for the Purpose of Verification of Compliance with Food and Animal Feed Regulations and Regulations on Health and Wellbeing of Animals (Official Gazette of BiH: 5/13, 62/17), Rulebook on Raw Milk (Official Gazette of BiH: 21/11, 62/14, 17/19) Rulebook on minced meat, semi-finished and finished meat products (Official Gazette of BiH: 82/13, 84/17).

In the Department for Spatial Planning and Property Affairs of the Government of Brčko District, issuance of environmental permits includes public participation from the very beginning of the process, as mandated under the Law on Protection of the Environment of Brčko District of BiH

as well as the Rulebook on Facilities and Machinery that Require Environmental Impact Assessment, and Facilities and Machinery that may only be Built and Out into Operation upon Issuance of the Environmental Permit.

Once the application is submitted for issuance of environmental permit, the documents which represent the ground for issuance of the permit are posted on the official website of the Government of Brčko District of BiH to ensure public is informed of initiation of the proceedings and of possibilities for public participation in the process.

The interested public has 30 days to submit views, comments and suggestions pertinent to the content of the documents and participate in public discussion. After having received comments and suggestions from interested members of the public, the relevant department reviews them and decides whether to reject or accept them. Once comments and suggestions that are deemed relevant are accepted, the relevant body proceeds with making necessary changes and informing the interested parties of its final decision, in accordance with the appropriate procedures which ensures that the outcome of public participation is taken into account.

BiH Ministry of Justice improved its transparency by introducing a web platform: e-konsultacije (e-consultation), developed as a part of the project under the title: "Institutional Capacity Building to Initiate Dialogue with Civil Society"

XVI OBSTACLES ENCOUNTERED IN IMPLEMENTATION OF ARTICLE 6

Describe any obstacles encountered in implementation of any of the paragraphs of Article 6.

<i>Response:</i>

Although legislation in both entities provides for public participation, the NGO representatives have repeatedly pointed out the problems they encounter when a project has an impact on the citizens of the other Entity. Thus, according to the representatives of the NGO sector, in some cases in practice, they are not invited to public discussions, or else, public discussions are not held in their vicinity, although consequences are felt in their environment. In the RS, the public discussion is held on the territory of a unit of local self-government in which the project is implemented. Nevertheless, the other entity is informed of organisation of a public discussion focusing on projects that could have major impact on the environment in another entity and information on such proceedings is also made available to the Inter-entity Body for Environment Protection.

The FBiH Ministry of Environment and Tourism recognised these difficulties at the local level, which occur in cases when the local community, specifically, the relevant service in the Municipality on whose territory the intervention is planned, does not co-operate fully in dissemination of information to the public and facilitating public participation in decision-making.

Obstacles encountered by the Department for Spatial Planning and Property Affairs of Brčko District of BiH mainly refer to disagreement of the public with implementation of specific projects (such as building farms, concrete factories, etc.) in residential areas, despite the fact that urban planning documentation allows implementation of such projects. In such cases, the relevant department implements the procedure and organises public discussions to demonstrate justification of planned projects. As a result, decision-making process takes a lot of time, as the aim is to reach a decision at the satisfaction of all parties involved. This means that all relevant regulations are complied with in the decision-making process, in addition to taking into account (if possible) comments and suggestions of the public.

XVII. FURTHER INFORMATION ON PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

Provide further information on practical application of the provisions on public participation in decisions on specific activities in Article 6, e.g., is there any statistical data or other information available regarding public participation in decisions on specific activities or on decisions not to apply the provisions of this Article to proposed activities serving national defence purposes.

Response:

Detailed information on public participation referring to Article 6 of the Convention does not exist. Also, there is no data concerning the procedures which exclude the public from participation.

The FBiH Ministry of Environment and Tourism does not have precise summary of statistical data on public participation.

In individual cases of environment impact assessment in which the public is involved through a public debate, the list of participants is enclosed as an integral part of the case file and of the minutes of the public debate. In addition, the minutes of the public debate specify the names of people who took part in the discussion, in addition to detailing their proposals.

Participation of the public in environmental matters consists of two key aspects. On the one hand, that is an opportunity for the general public to participate, practically and efficiently, in administrative procedures, which lead to concrete decisions or to the issuance of permits. This aspect primarily refers to urban planning (and to related processes), as well as practical aspect of public participation via written comments and public debates. On the other hand, there is an aspect of participation through engagement of representatives of the public who are consulted in the relevant processes of legislation adoption and of policy-making. The Rules of Procedure of the BiH Parliament do not require that the public be consulted in any case, except when there is a specific decision to that effect. In contrast to that practice, entity parliaments should include public consultations in their regular processes. However, that requirement is often circumvented through implementation of urgent procedures.

An analysis of mechanisms for taking positions of the public into account was conducted at a local level by CE and it showed that they were, in most cases, in accordance with minimum requirements set by the Aarhus Convention and domestic legislation. The situation is more complicated when it comes to the implementation of EU legislation, such as the Directive concerning integrated pollution prevention and control. Even if in most cases the local administration strives to inform the public through various channels (internet, newspapers, official bulletin boards, etc.), the practical efficiency of such attempts remains low. The official websites of local administrative bodies mostly do not promote information on public debates in an adequate and user-friendly way. Instead, the information is hidden under various subsections.

XVIII WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

List relevant website addresses, if any:

Response:

*Adriatic Sea River Basin Agency – ASRBA - <http://www.jadran.ba/>
Sava River Basin Agency – SRBA - <http://www.voda.ba/>*

FBiH Ministry of Justice explained that representatives of the public may turn to the relevant bodies using the contact details posted on their websites, as specified under Item VI above.

Department for Spatial Planning and Property Affairs of the Government of Brčko District of BiH - www.vlada.bdcentral.net explained that there must be significant number of institutions that act in line with Article 6 and post on their websites the information needed to facilitate public participation in decision making on specific activities. All those institutions and their websites should be added to this list.

XIX. PRACTICAL AND/OR OTHER PROVISIONS AIMING TO FACILITATE PUBLIC PARTICIPATION IN DEVELOPMENT OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT, PURSUANT TO ARTICLE 7

List practical and/or other provisions aiming to facilitate public participation in development of plans and programmes relating to the environment, pursuant to Article 7. Describe how the relevant definitions in Article 2 and antidiscrimination provisions in Article 3, Paragraph 9 have been transposed into local regulations.

Response:

The relevant definitions in Article 2 and the non-discrimination clauses in Article 3, Paragraph 9, were listed in the response provided with respect to Article 4.

Of relevance are:

- Rules of Procedure of the House of Representatives of the FBiH Parliament (Official Gazette of FBiH: 69/07),
- Rules of Procedure of the RSNA (Official Gazette of the RS: 66/20),
- Rules of Procedure of the BD Assembly (Official Gazette of BD: 17/08, 20/10),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH: 15/21) (LoPE FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS: 71/12, 79/15 and 70/20) (LoPE RS),
- Law on Protection of Environment of BD (Official Gazette of BD: 24/04, 1/05, 19/07, 9/09) (LoPE BD),
- Law on Waters of FBiH (Official Gazette of FBiH: 70/06) (LoW FBiH),
- Law on Waters of RS (Official Gazette of RS: 50/06, 92/09, 121/12, 74/17) (LoW RS),
- Law on Protection of Waters of BD (Official Gazette of BD: 25/04, 1/05, 19/07) (LoPW BD),
- Law on Spatial Planning and Land Use of FBiH (Official Gazette of FBiH: 2/06, 72/07, 32/08, 4/10, 13/10, 45/10) (LoSPLU FBiH),
- Law on Spatial Planning and Civil Engineering of RS (Official Gazette of RS: 40/13, 106/15, 3/15, 84/19) (LoSPCE RS),
- Law on Spatial Planning and Civil Engineering of BD (Official Gazette of BD: 29/08, 18/17) (LoSPCE BD),
- Law on Protection of Air of FBiH (Official Gazette of FBiH: 33/03, 4/10) (LoPA FBiH),
- Law on Protection of Air of RS (Official Gazette of RS: 124/11, 46/17),
- Law on Protection of Air of BD (Official Gazette of BD: 25/04, 1/05, 19/07, 9/09) (LoPA BD),
- Law on Protection of Nature of FBiH (Official Gazette of FBiH: 66/13) (LoPN FBiH),
- Law on Protection of Nature of RS (Official Gazette of RS: 20/14) (LoPN RS),
- Law on Protection of Nature of BD (Official Gazette of BD: 24/04, 01/05, 19/07) (LoPN BD),
- Decree on Content and Operators of Unified Information System, Methodology of Collection and Processing of Data, and Templates used for Recordkeeping (Official Gazette of FBiH: 33/07),
- Decree on Public Participation in Water Management (Official Gazette of RS: 35/07).

In accordance with Articles 57 and 59 of LoPE FBiH, proposals of the FBiH and cantonal environmental protection strategies must be available to the public for the purpose of provision of suggestions and comments. Comments shall be provided within three months, but the above-mentioned Articles do not prescribe an obligation to take into account the result of public debate, nor is the public included in the earliest phases of decision-making. In the Brčko District, LoPE does not prescribe participation of the public at the time of adoption of the strategic plan. LoPE RS, in its Article 55, prescribes that the body in charge of preparation of the plan and programme provides for public participation in the process of deliberation on the strategic assessment report before sending the report to the Ministry for an opinion, thus including the public in the early phase of decision-making. The body in charge of preparation of the plan and programme is obliged to properly inform the public on the manner and deadlines in which to gain insight into the content of the report and to provide an opinion, as well as on time and place of the public debate, in accordance with the regulation prescribing the process of drafting the plan and programme. The body in charge of preparation of the plan and programme prepares the report on the participation of interested bodies, organisations and members of the public, which contains a statement on all the accepted or rejected views no later than 30 days from the date

of the public debate. Article 55 of LoPE RS is fully harmonised with Article 7 of the Aarhus Convention.

Article 25 of LoW FBiH/ Article 26 of LoW RS/Article 14 of LoW BD prescribes that the water management plan contains, among other things, a report covering the results of public participation in the plan drafting process. Also, documents used for the preparation of water management plans are made publicly available. Legal and natural persons may submit their comments to draft plans. Public participation is also planned in the process of development of detailed plans and programmes of water management, in line with the provisions of Article 41 of the LoW FBiH.

Article 23 of the LoUP FBiH prescribes an obligation of holding a public debate when drafting urban planning documents. LoSPCE RS was somewhat more detailed in terms of obligation to include the public. Thus, it was envisaged in Article 46 that the urban planning development stakeholder deliberates on comments, opinions and suggestions on the pre-draft and includes the accepted solutions into the draft urban planning document with which the public debate starts. Members of the public are not included into the development of the pre-draft (only the professional community is involved), thus violating the provision of the Aarhus Convention on the involvement of the public from the earliest phases. The deadline for comments is 30 days. Article 37 of LoSPCE BD provides detailed instructions on the involvement of the public regarding the draft urban planning document. This Article is fully harmonised with Article 7 of the Aarhus Convention, since the public shall be included at the earliest stage of decision-making, there is a reasonable deadline for comments and an obligation to take into account the comments of the public.

Relevant are Article 1 of LoPA FBiH/Article 3 of LoPA BD, in accordance with which the public is participating in determining and making plans and programmes for the protection of air. In the RS, by adopting a new law, this regulation was amended because sectoral strategies are an integral part of the Environmental Protection Strategy.

Laws on the protection of nature also foresee the provisions on public participation in decision-making. Articles 4, 6, 146, 15, 200 and 201 are only some of the Articles of the LoPN FBiH which prescribe the obligation for public participation in decision-making during the development of regulations and acts on declaring natural preserves, urban planning documents, protected areas management plans and natural preserves utilisation plans, as well as universally applicable and legally binding regulations and documents in the area of environment protection. In the RS, relevant Articles are 14(a) and 33(b) of the LoPN RS.

In accordance with Article 44 of LoPE FBiH, the environmental planning system encompasses the adoption of the following programmatic documents:

- Inter-Entity Plan of Environment Protection;
- FBiH Environment Protection Strategy and Action Plan, and
- Cantonal Plan of Environment Protection.

In accordance with LoPE RS, the strategic documents are the Environmental Protection Strategy, whose integral parts are sectoral strategies (Air, Nature, Waste and other thematic areas) and Local Self-Government Units' Environmental Protection Plan.

Pursuant to Article 43 of LoPE, the RS prepares the proposal of the Environmental Protection Strategy. Included in the integral parts of the Strategy are the Nature Protection Strategy, the Air Protection Strategy, and the Waste Management Strategy.

Pursuant to Article 44 of LoPE, the FBiH Ministry of Environment and Tourism prepares a proposal of the FBiH Environment Protection Strategy. Integral parts of the FBiH Environment Protection Strategy are: the FBiH Water Protection Strategy, the FBiH Nature Protection Strategy, the FBiH Air Protection Strategy, and FBiH Waste Management Strategy. The proposal of the FBiH Environment Protection Strategy is delivered to cantonal ministries and to the Advisory Council to provide their opinions and it also must be available to the public for

suggestions and comments. The proposal of the FBiH Environment Protection Strategy is also sent to the Inter-Entity Body for Environment and to the Government of the Republika Srpska to provide their opinions. The comments and suggestions regarding the proposal of the FBiH Environment Protection Strategy shall be delivered no later than three months after the receipt of the proposal.

In accordance with provisions of LoSPLU FBiH and with the Directive on the Content and Stakeholders of a Unified IT System, for the methodology of data collection and processing, and for unified record forms, one needs, among other things, information on threats to the environment (illegal construction, pollution of soil, water, air, etc.), and information on areas in which the danger stemming from consequences of natural and man-made disasters and war-related activities is especially prominent, for the purpose of preparation for the development of plans. The stakeholder of the preparation of the planning document is obliged to provide the document developer with all the available documentation relevant for plan development, and especially with the documentation of the plan of the wider area, water management and forestry resources, environment protection strategy, development plans for economy, agriculture, transport, and information about the geological basis, mineral resources, etc. The stakeholder of the preparation of the planning document is obliged to ensure co-operation and harmonisation of stances with all real estate owners, space users and relevant construction stakeholders, especially with: the relevant administrative bodies, legal persons in charge of water management, forestry, agriculture, transport, energy, mining, tourism, healthcare, education, culture, protection of cultural, historical and natural heritage, protection of environment, defence authorities, the Chamber of Commerce, utilities companies, representatives of religious communities, and to obtain opinions and approvals of relevant bodies and organisations, under the law.

The Draft 2017-2025 Cantonal Environmental Action Plan (CEAP) of the Zenica-Doboj Canton (ZDC) was discussed at the 34th Session of the Zenica-Doboj Canton Assembly, held on 30 November 2016. The Zenica-Doboj Canton Assembly accepted the Draft CEAP and forwarded it to the City of Zenica and to all the municipalities of the Zenica-Doboj Canton for public debate. The project manager and expert teams, in co-operation with the CEAP drafting stakeholder, analysed all the opinions, comments and suggestions to the Draft CEAP ZDC, provided at the session of the ZDC Assembly and during the public debates, on the basis of which they wrote the Report on Action Upon Comments and Suggestions on the Draft 2017-2025 CEAP ZDC.

The Public Consultation Plan in the process of adoption of the 2016-2021 Sava River Basin Water Management Plan was defined primarily on the basis of LoW FBiH. In accordance with that, SRBA, as the stakeholder of the Management Plan development, conducted all the public participation activities.

The public participates in the preparation and development of the Water Management Strategy (Article 24, Paragraph 4 of LoW of the Federation of BiH), which defines the water management policy. Also, water basin advisory councils, which include NGO representatives, participate in the preparation of plans and strategies in accordance with Article 165 of LoW of the Federation of BiH.

The public also participates in the development of water management plans, pursuant to Articles 25 and 26 of LoW of the Federation of BiH. Also, the public gains insight into documents used in the development of the management plan. Legal and natural persons can provide comments regarding the draft plan. The public participation is also envisaged in more detailed water management plans and programs, pursuant to Article 41 of LoW of the Federation of BiH.

The Adriatic Sea River Basin Agency: *“The public participates in the development of river basins management plans, pursuant to Articles 25 and 26 of LoW FBiH/25. Also, the public gains insight into documents used in the development of the management plan. Legal and natural persons can provide comments regarding the draft plan. The public participation is also envisaged in more detailed water management plans and programs, pursuant to Article 41 of LoW of the Federation of BiH.”*

Representatives of FPHI and FMH participated in the development of the 2008-2018 FBiH Environment Protection Strategy, as well as in the development of the 2012 BiH State of Environment Report. They also provided an opinion and suggestions on the 2018-2019 Draft FBiH Waste Management Plan, especially the segment of medical waste. The RS adopted the Republika Srpska Waste Management Plan, including the prior procedure of environmental impact strategic assessment and the development of the Strategic Assessment Report and the Consultations Report.

BiH HROI received a complaint regarding the practical application in the preparation of environmental plans and programmes from a community claiming that they were not informed about plans or procedures to build a mini hydroelectric plant. BiH HROI investigation of the matter is still ongoing. They also note that public consultation plans in which the public is informed about various plans and strategies (urban, spatial, etc.) are ongoing and that some of them attracted public attention and wide-ranging participation, but are of the opinion that training sessions should be held, or at least a public information programme. Interested members of the public are often insufficiently informed about all the procedures, impacts and effects of certain changes, which brings into question the manner in which they can present their interests and protect their rights as equally as investors who can engage a wide spectrum of experts and organisations.

The Brčko District Government Department of Urban Planning and Property-Related Issues: The procedure of preparations of the Environmental Protection Policies is conducted in a way similar to the development and adoption of the Environmental Protection Policies, because the public is involved from the early stages of the development, i.e., during the formation of working groups they are members of. That provides timely impact on the form and content of the document. Of course, before it is adopted, the document is published on the official site of the Brčko District Government and remains there for a period of 30 days. Subsequent procedure is the same as in the previous Article.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT, PURSUANT TO ARTICLE 7

Explain opportunities provided for public participation in the preparation of policies relating to the environment, pursuant to Article 7

<i>Response:</i>

- Rules of Procedure of the House of Representatives of the FBiH Parliament ("Official Gazette of FBiH", No 69/07);
- Rules of Procedure of the RS National Assembly ("Official Gazette of the RS", No 66/20));
- Rules of Procedure of the BD Assembly ("Official Gazette of BD", No 17/08, 20/10).
- Law on Protection of Air of FBiH ("Official Gazette of FBiH", No 33/03, 4/10) (LoPA FBiH);
- Law on Protection of Air of RS ("Official Gazette of RS", No 124/11, 46/17);
- Law on Protection of Air of BD ("Official Gazette of BD", No 25/04, 1/05, 19/07, 9/09) (LoPA BD);
- Law on Waste Management of FBiH ("Official Gazette of FBiH", No 33/03, 72/09 and 92/17) (LoWM FBiH);
- Law on Waste Management of RS ("Official Gazette of RS", 111/13, 106/15, 16/18 and 70/20) (LoWM RS);
- Law on Waste Management of BD ("Official Gazette of BD", No 25/05, 1/05, 19/07, 2/08, 2/09) (LoWM BD)

Pursuant to Article 227 of the Rules of Procedure of the Republika Srpska National Assembly/Article 177 of Rules of Procedure of the House of Representatives of the FBiH Parliament / Article 129 of the Rules of Procedure of the BD Assembly concerning the plans,

programs and other acts decided by the Assemblies/Parliament, relevant Rules of Procedure are to be implemented concerning public participation during the adoption of laws, unless this is determined differently (see XXIV). The public participates in the preparation and development of the Water Strategy (Article 24, Paragraph (4) of LoW FBiH), which defines the water management policy. Also, advisory councils for river basins, in which NGO representatives take part, participate in the preparation of plans and strategies pursuant to Article 165 of LoW FBiH/Article 185 of LoW RS. Similar function is also envisaged for the advisory environment councils in BiH.

The associations for environment protection participate in the development of the Strategy for Waste Management/Strategy for Managing Solid Waste (Article 8(3) and (4) of LoWM FBiH/Article 17(9) of LoWM RS/Article 8(1) and (2) of LoWM BD), the cantonal plan for waste management (Article 9(5) of LoWM FBiH) and municipal plan for waste management/local plan for managing solid waste (Article 10 (3) of LoWM FBiH/Article 20 (2) of LoWM RS).

In RS, public participation during the development of the Waste Management Strategy was provided (the Plan was adopted in 2020) through the implementation of Article 206 of the Rules of Procedure of the Republika Srpska National Assembly ("Official Gazette of the Republika Srpska", No 31/11 and 34/17) and the Guidelines for Action of RS Administrative Bodies Concerning Public Participation and Consultation in Drafting Laws ("Official Gazette of the Republika Srpska", No 123/08 and 73/12).

Public participation during the development of the RS Waste Management Plan is provided through the implementation of the Guidelines for Action of RS Administrative Bodies Concerning Public Participation and Consultation in Drafting Laws ("Official Gazette of the Republika Srpska", No 123/08 and 73/12).

Pursuant to Article 1 of LoPA FBiH/Article 3 of LOPA BD, the public participates in process of determining the policies of air protection. The public also participates in the procedure of adoption of the Environmental Protection Strategy in RS.

XXI. OBSTACLES ENCOUNTERED IN IMPLEMENTATION OF ARTICLE 7

Describe any obstacle you encountered in implementation of Article 7

Response:

Representatives of the NGOs have made considerable objections to the lack of transparency in selecting NGOs into advisory councils. Also, there is a problem with the small number of seats for the NGO representatives in these councils.

XXII. FURTHER INFORMATION ON PRACTICAL APPLICATION OF PROVISIONS OF ARTICLE 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 7.

Response:

Pursuant to Articles 44, 45, and 46 of LoPE, the FBiH Ministry of Environment and Tourism prepares a proposal of the FBiH Environment Protection Strategy, which envisages public participation, but does not clearly prescribe the manner in which the public participates. Often the adoption of very important documents is almost unnoticed by the general public due to inadequate information (e.g., uploading to the web site).

ASRBA conducted a public consultation process for the purpose of developing the Draft FBiH Adriatic Sea River Basin Water Management Plan (FASRBWMP). During the public consultation process, all the interested parties were invited to download the Draft Plan from the web site of ASRBA and to send comments and proposals, as well as to participate in workshops and events. The call was published in daily newspapers. As part of the public presentations of the characterisation report and of NFASRBWMP, the public and the interested parties had the opportunity to learn about the project and to ask questions.

As a result, significant issues for ground waters and subterranean waters were identified for Adriatic Sea river basin in FBiH. All the received comments, questions and suggestions were discussed and included into the Plan, together with the official response.

Based on the written instructions by the FBiH Ministry of Environment and Tourism, ASRBA also conducted public consultations during the process of adoption of the Strategic Impact Assessment of FASRBWMP. The Strategic Study was uploaded onto the web site of ASRBA for public comments and questions. The media published information on the development of FASRBWMP and of the Strategic Environmental Impact Assessment Study, inviting all the interested parties to attend the public presentation and to send their comments between June and September 2016, including for the Strategic Study. The public presentation was held on 15 July 2016 in Mostar, and participants were representatives of governmental institutions, water users, water pollutants, scientific institutions, professional institutions and the media. The Draft FASRBWMP and the main results of the Strategic Study and the Mud Management Plan were briefly presented, followed by a discussion, but there were no important objections to the Strategic Study. Also uploaded onto the web site was the presentation of SPUO. During the public debate there were no comments or objections to the Strategic Study.

The following activities were conducted by ASRBA between 2017 and the end of 2019:

- Pursuant to Article 28 of the Law on Waters, ASRBA prepared the Working Plan for the Preparation and Adoption of the Adriatic Sea River Basin Waters Management Plan in the Federation of BiH (2022 – 2027). That document was published on the web site of the Agency, and information was sent to the media (daily newspapers and the web site of the Agency), as well as by post and by e-mail to institutions and to members of the Advisory Council on the beginning of the preparation of the Adriatic Sea River Basin Waters Management Plan in the Federation of BiH (2022 – 2027). The Working Plan also envisaged public consultations per individual documents.
- On 11 December 2019, they organised a public workshop on the topic of the “Overview of issues of importance to water management as part of the development of the Draft Adriatic Sea River Basin Waters Management Plan in the Federation of BiH (2022 – 2027)”, and they sent invitations to over 140 addresses (institutions of BiH and of FBiH, municipalities, public utility companies, faculties, associations, NGOs, companies, etc). Following the workshop, interested members of the general public had a period of time during which they could send comments and suggestions.
- Further activities on the preparation of the Adriatic Sea River Basin Waters Management Plan in the Federation of BiH (2022 – 2027) are ongoing.

The Plan to Conduct Public Consultations, as part of the process of adoption of the 2016-2021 Sava River Basin Waters Management Plan, was defined primarily on the basis of the FBiH Law on Waters. Pursuant to that, the Sava RBA, as the main stakeholder of the development of the Management Plan, conducted the following activities with the aim to ensure public participation in the development of the Plan:

- a. The Draft Plan, with the accompanying documents, was published on 01 March 2016 on the web site of the Sava RBA (www.voda.ba), inviting all the interested parties to gain direct insight into the proposed Draft Plan and its accompanying documents, and to provide their comments no later than 01 September 2016.;
- b. An official letter was sent to key actors/participants to get involved in the Plan development process, primarily by sending comments on the Draft Plan, and if they are

- interested, also by pasting a link to the web address of the Sava RBA, at which the Draft Plan was presented;
- c. Invitation to the general public to comment on the Draft Plan was published in daily newspapers in FBiH;
 - d. An official letter was sent to the media in FBiH with information that the Draft Plan was finalised in order for the media to get involved in informing the public more widely;
 - e. The Draft Plan was discussed at public debates held in:
 - Odžak on 15 March 2016;
 - Travnik on 23 March 2016;
 - Sarajevo on 29 March 2016.
 - f. A concise report was prepared on all the comments provided on the Draft Plan with explanations per individual comments.

The 2016-2021 Strategic Environmental Impact Assessment of the Plan was adopted in 2017, which contains the plan and programme of transposition of EU environmental regulations, and it is available to the public.

The Sava River Basin Agency, as the main stakeholder of the development of the Sava River Basin Waters Management Plan, also prepared the Strategic Environmental Impact Assessment of the Sava River Basin Waters Management Plan (2016–2021), and conducted the public consultation process.

The Sava RBA conducted the following activities regarding public participation in the Strategic Assessment procedure:

- a. Draft Strategic Assessment was published on 07 October 2016 on the web site of the Sava RBA (<http://www.voda.ba/nacrt-strateske-studije-o-utjecaju-plana-upravljanja-vodama-za-vodno-podrucje-rijeke-save>) inviting all the interested parties to gain direct insight into the proposed Draft and to provide their comments no later than 20 October 2016;
- b. An official letter was sent to over 100 addresses, to key actors/participants to get involved in the Strategic Assessment development process, and to send their comments on the draft document by pasting a link to the web address of the Sava RBA, at which the Draft Plan was presented;
- c. Invitation to the general public to comment on the draft document was published in daily newspapers in FBiH;
- d. An official letter was sent to the media in FBiH with information that the Draft Strategic Assessment was prepared in order for the media to get involved in informing the public more widely;

The Sava RBA also organised two public debates on the Draft Strategic Environmental Impact Assessment of the Sava River Basin Waters Management Plan (2016–2021).

According to the activities related to the development of the draft of the 2022-2027 Management Plan, it is of major importance that issues of relevance to water management, as part of the above-mentioned Draft Management Plan, are presented to the stakeholders and professionals. This document is a key basis for the definition of water management goals and of a program of future measures.

The Sava RBA organised a public debate regarding the “Issues of Relevance to Water Management” document, held on 21 January 2020 at 11:00 hours, at the IBIS STYLES Hotel, located at the following address: Džemala Bijedića 169A in Sarajevo.

The goal of the public debate was for all the participants to be informed about the water-related situation in the Sava River basin in the Federation of BiH, and to discuss current problems and challenges faced by the water sector in the subsequent timeframe.

The public debate encompassed two activities:

- Presentation of the content of the draft of the “Issues of Relevance to Water Management” document and the subsequent discussion;
- Responses to written comments and suggestions by the public;

The invitation was published on the official web site of the Sava RBA, together with the draft of the “Issues of Relevance to Water Management” document. Also, written invitations were sent to 250 addresses (inviting representatives of the State, FBiH and cantonal institutions,

municipalities/cities, the Waters Advisory Council, water polluters/users, relevant institutions of the Republika Srpska and the Brčko District, academic community, scientific institutions, the non-governmental sector, representatives of the media...), and there were approximately 150 participants.

In the framework of the public debate process, the public could provide comments and suggestions on the published document in a written form, by either using the form referred to in Annex 1, or as a letter, sent to the following addresses: e-mail: planupravljanja@voda.ba, as well as to the postal address of the stakeholder of the 2022-2027 Management Plan: Sava River Basin Agency, Hamdije Čemerlića 39a, 71000 Sarajevo.

The deadline to provide comments on the presented document was 28 February 2020.

Link: <http://www.voda.ba/znacajna-pitanja-upravljanja-vodama>

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

List relevant website addresses, if any:

Response:

ASRBA: As above under XIV.

Brčko District Government Department of Urban Planning and Property-Related Issues - www.vlada.bdcentral.net

XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8.

Describe what efforts are made by public authorities to promote effective public participation during the preparation of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to Article 8. To the extent appropriate, describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9.

Response:

The relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9, were listed in the answer regarding Article 4.

- Rules of Procedure of the House of Representatives of the FBiH Parliament ("Official Gazette of FBiH", No 69/07);
- Rules of Procedure of the RS National Assembly ("Official Gazette of the RS", No 66/20));
- Rules of Procedure of the BD Assembly ("Official Gazette of BD", No 17/08, 20/10).
- Rules and Procedures in Drafting Laws and Other Regulations of FBiH ("Official Gazette of FBiH", No 71/14).

Article 204 of the Rules of Procedure of the Republika Srpska National Assembly/Article 173 of the Rules of Procedure of the House of Representatives of the FBiH Parliament /Article 129 of the Rules of Procedure of the BD Assembly define that, following the completed consideration of a draft law, the representative body may decide to hold a public hearing on the proposed draft law, in case the respective piece of legislation regulates issues of special public interest. The public provide specific proposals, suggestions, and comments either at public hearings or submit them by e-mail or often by postal service. Inclusion of public opinion in the final act is not binding; however, reasons for non-inclusion have to be stated. The public is entitled to institute an administrative dispute in case its opinion is not accepted. Also, the environmental protection associations take part in the activities of the Environmental Advisory Council, thus contributing to the preparation of generally accepted and legally binding rules. Public participation in the preparation of regulations and other legally binding rules is promoted, inter alia, through calls to

participate in public debates. The Guidelines for Action of RS Administrative Bodies Concerning Public Participation and Consultation in Drafting Laws ("Official Gazette of the Republika Srpska", No 123/08 and 73/12), define that the regulations identified as being of public interest, shall be posted on the website, for the purpose of submitting comments and suggestions by the public.

As early as 2014, the FBiH Ministry of Environment and Tourism held four public debates on the Draft Law on Environment Protection, thus providing for public participation and for the interested parties to provide their comments and proposals of amendments to the Draft Law. The technical support in organising the public debates was provided by Strengthening Governing Institutions and Processes Project in BiH (SGIP), financed by USAID, in co-operation with the Aarhus Centre in BiH.

The public and the interested parties also participated in 2016 and 2017 concerning the new Draft Law on Environment Protection, Draft Law on the Environmental Fund, Draft Amendments to the Law on Waste Management, by-laws (Rulebook on the Monitoring of Air Quality, Rulebook on Facilities, etc.). The new Law on Environment Protection was adopted only in February 2021.

During the development of legislation and other regulations from the areas of forestry and hunting, one acts in accordance with the FBiH Rules and Procedures for the Development of Legislation and Other Regulations.

FMAWMF conducted consultations on the working draft of the Regulation on Methodology of Determination of the Lowest Basic Price of Water Management Services in FBiH (working draft), on the following dates:

- On 03 October 2019, presentation of information at the Water Management Conference on Results of the UNDP-MEG Project, the only ongoing EU project that implements a fundamental reform and reorganisation of local self-government and of the sector of water management services in BiH,
- On 09 October 2019, consultations with FBiH institutions and with some of the cantonal ministries in charge of water management and utilities,
- On 08 November 2019 the draft was presented to professionals at the 2nd Congress on Waters of BiH,
- On 21 November 2019, presentation and consultations with representatives of JLS and utility companies (approximately 100 participants), who gave their full support to its adoption as soon as possible, and who expressed their dissatisfaction with the lack of progress in the adoption of amendments to the Law on Waters.

The adoption of the Regulation will create preconditions for the improvement of infrastructure for the provision of water services and their adequate management. At this moment (before the adoption of the Regulation) the improvement of infrastructure for the provision of water services and their adequate management are entirely limited. That problem was also identified through adopted planning documents in the fields of waters and environment in FBiH/BiH, such as:

- 2010-2022 FBiH Water Management Strategy,
- 2016-2021 Sava River Basin Water Management Plan in FBiH,
- 2016-2021 Adriatic Sea Basin Water Management Plan in FBiH,
- Strategy of Approximation of Environmental Legal Regulations in BiH with EU Acquis in the Area of Environment.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

Describe any obstacles encountered in the implementation of Article 8.

Response:

The representatives of NGOs believe that, in certain cases, draft laws are not available on the Internet.

In the Republika Srpska, Draft Law is posted on the internet site of the relevant body, and if there is a public debate, that notification is also posted.

XXVI. ADDITIONAL INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

Provide additional information on the practical application of the provisions on public participation in the area referred to in Article 8

Response:

In April 2017, the BiH PA House of Representatives again put on the agenda Proposal of Law on Amendments to the BiH Law on Animal Protection and Welfare, under urgent procedure. The “BiH No Fur Coalition” again approached the Aarhus Centre Sarajevo, to seek reaction regarding the violation of Articles 4 and 8 of Aarhus Convention. In this case, the Aarhus Convention directly refers to insufficient environmental infrastructure in the area of animal waste management throughout BiH and, in general to the pollution of soil, air and water, including the danger to the environment and biodiversity of BiH, due to the fact that the American mink, which is bred for fur, is an invasive species in Europe. The Aarhus Centre Sarajevo, as well as BiH HROI, reacted by warning BiH PA.

As a result, the Constitutional and Legal Committee of the BiH PA House of Peoples held a public debate on 05 September 2017, when for the first time in its history, BiH PA discussed an environmental topic and learned about the relevant BiH obligations towards the European Union.

The law was adopted only in late February 2021, and it entered into force on 04 March 2021. In the RS, the public was included both in the adoption of the Environmental Protection Law in 2012 and in all its amendments (in 2015 and 2020).

The FBiH Law on Chemicals (“Official Gazette of FBiH”, No 77/20) was adopted in October 2020, but it did not go through a public debate (i.e., the public debates included only cantonal assemblies, but not the general public). The law regulates classification, packaging and labelling, safety data sheets, conducting activities with chemicals, integral inventory of chemicals, limitations and bans of chemicals, conditions for import and export of chemicals, putting detergents on the market, integrated management of chemicals, supervision and other issues of importance for safe management of chemicals in the Federation of BiH.

In accordance with the EU REACH Directive, and with the FBiH Law on Chemicals, substances of very high concern (SVHC) will particularly be defined by a special by-law, which the FBiH Government should adopt within 24 months following the adoption of the law. Until then, regulations will be applied based on the Law on the Transport of Toxic Materials (“RBiH Official Gazette”, No 2/92 and 13/94), if they are not in contravention of this law.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

List relevant website addresses, if any:

Response:

FBiH Ministry of Justice

Representatives of the general public may address relevant authorities, using contact information available on the websites of the relevant authorities, mentioned above under Section VI.

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES WHICH REFER TO IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

List legislative, regulatory and other measures that implement the provisions on access to justice in Article 9.

Explain how each Paragraph of Article 9 has been implemented.

Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9.

Also, and in particular, describe:

(a) With respect to Paragraph 1, measures taken to ensure that:

- (i) Any person who considers that his or her request for information under Article 4 has not been dealt with in accordance with the provisions of that Article has access to a review procedure before a court of law or another independent and impartial body established by law;
- (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
- (iii) Final decisions under this Paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in Paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of Article 6;

(c) With respect to Paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to Paragraph 4, measures taken to ensure that:

- (i) The procedures referred to in Paragraphs 1, 2 and 3 provide adequate and effective remedies;
- (ii) Such procedures otherwise meet the requirements of this Paragraph;

(e) With respect to Paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

<i>Response:</i>

The relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9, were listed in the answer regarding Article 4.

The Aarhus Convention is not directly applied in BiH. Therefore, the courts in BiH apply the Aarhus Convention through the provisions transposed into BiH legislation.

<u>Response:</u>

a) (i)

- Freedom of Access to Information of BiH ("Official Gazette of BiH", No 28/00, 45/06, 102/09, 62/11, 100/13) (FoIA BiH);
- Freedom of Access to Information of FBiH ("Official Gazette of FBiH", No 32/01, 48/11) (FoIA FBiH);
- Freedom of Access to Information of RS ("Official Gazette of RS", No 20/01) (FoIA RS)
- Law on Administrative Procedure of BiH ("Official Gazette of BiH", No 92/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)
- Law on Administrative Procedure of FBiH ("Official Gazette of FBiH", No 2/98, 48/99) (LoAP FBiH)

- Law on General Administrative Procedure of RS ("Official Gazette of RS", No 13/02, 87/07, 50/10, 66/18)
- Law on Administrative Procedure of BD ("Official Gazette of BD", No 09/02, 08/03, 08/04, 25/05, 08/07, 36/09, 48/11)
- Law on Protection of Environment of FBiH ("Official Gazette of FBiH", No 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS ("Official Gazette of RS", No 71/12, 79/15, and 70/20) (LoPE RS);
- Law on Protection of Environment of BD ("Official Gazette of BD", No 24/04, 1/05, 19/07, 9/09) (LoPE BD)
- Law on Courts in FBiH ("Official Gazette of FBiH", No 38/05, 22/06, 63/10, 72/10, 7/13, 40/14 and 52/14)
- Law on Administrative Disputes FBiH ("Official Gazette of FBiH", No 09/05) (LoAD FBiH);
- Law on Administrative Disputes ("Official Gazette of the Republika Srpska", No 109/05 and 63/11)

When it comes to the *lex generalis*, it is good to mention FoIA BiH/FoIA FBiH/FoIA RS which prescribe the possibility of filing an appeal if the requesting party is not satisfied with the decision sent by a public authority, either because of an incomplete decision, inadequately rejected decision or because of the silence of administration. Pursuant to Article 15(2) of LoAP BiH/Article 11(3) of LoAP FBiH/Article 12(3) of LoGAP RS/Article 11(2) of LoAP BD, it is prescribed that the requesting party shall have the right to appeal the first-instance decision. Only law can prescribe that an appeal is not allowed in certain administrative cases, if the protection of rights and of legality is ensured in another way. The requesting party also has the right to appeal if the first-instance body does not issue a decision on the request within a particular deadline (silence of the administration).

Of *lex specialis* provisions, Article 42 of LoPE FBiH/Article 41 of LoPE RS/Article 37 of LoPE BD prescribes that the requesting party whose request for information was either not discussed or was unjustifiably denied, or a completely or partially inadequate response was provided, has the right to initiate a review process before a second-instance body.

When it comes to the protection of environment for which the BiH MoJ is in charge, it needs to be emphasised that Entity Criminal Codes prescribe criminal sanctions for LoPE violations.

Since RSI is not a legislative body, but a regulation inspection body, pursuant to the Law on Inspection, it provides all persons with an opportunity to seek protection of their rights by filing a request for inspection, in accordance with this body's scope of authority.

If the request to access to information is rejected fully or partially, the requesting party will be informed about it through a decision which must contain the legal basis for rejection of information in the sense of FoIA and of Article 121, Paragraph (2) of the Rulebook on Internal Court Procedures, as well as a legal remedy, with the name and address of the body to which the appeal should be sent, the appeal deadline and the note that the requesting party has the right to approach BiH HROI, with the necessary BiH HROI contact information. If the request to access information is not fulfilled within the legal deadline, the requesting party has the right to file a lawsuit with the relevant court.

Every decision regarding a request to access information contains information on the right to appeal. If the court rejects access to information, either fully or partially, it will inform the requesting party through a decision, which should contain the following:

1. Legal basis for the rejection of information, in the sense of this law, including all material issues important for the decision-making, as well as taking into account the public interest holder, and
2. Legal remedy and the deadline to file an appeal to the President of the Court, pursuant to Article 11, Paragraph 1 of LoAP, as well as the instructions concerning the right to approach BiH HROI.

According to the information of the High Judicial and Prosecutorial Council, 39 administrative disputes were lodged in BiH during 2014-2016, all of them concerning violations of the Freedom of Access to Information Act, of which 23 cases in which the lawsuit was accepted and the contested document annulled, 12 cases in which the lawsuit was rejected, 1 case of silence of

administration ordering them to issue a decision, and no information on the decisions in the remaining cases.

(ii)

- Law on Administrative Procedure of BiH ("Official Gazette of BiH", No 92/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)
- Law on Administrative Procedure of FBiH ("Official Gazette of FBiH", No 2/98, 48/99) (LoAP FBiH)
- Law on Administrative Procedure of BD ("Official Gazette of BD", No 09/02, 08/03, 08/04, 25/05, 08/07, 36/09, 48/11)
- Law on Administrative Disputes of FBiH ("Official Gazette of FBiH", No 9/05) (LoAD FBiH);
- Law on Administrative Disputes of RS ("Official Gazette of Republika Srpska, No 109/05 and 63/11)
- Law on Administrative Disputes of BD ("Official Gazette of BD", No 4/00, 1/01) (LoAD BD);
- Law on Ombudsman for Human Rights of BiH ("Official Gazette of BiH" No 35/04, 32/06) (LOHR BiH)

Prior to initiating an administrative dispute, when the law provides so, an appeal to a second-instance administrative body is allowed. Article 11 of LoAP BiH; Article 14 of LoAP FBiH; Article 14 of LoGAP RS, and Article 14 of LoAP BD stipulate that administrative procedure has to be expeditious and as inexpensive for the party as possible, while obtaining all that is necessary to properly establish the facts and render a lawful and proper decision.

Pursuant to Article 67 of LoAD FBiH/Article 59 of LoAD RS/Article 43 of LoAD BD, the court acts urgently upon a request. Article 49a of LoAD RS prescribes that the party which initiated the trial due to the silence of the administration shall not pay the expenses even if they lose in court.

Pursuant to Article 2 of LOHR BiH, the Institution shall consider cases which refer to weak functioning or violations of human rights and freedoms by any authority in Bosnia and Herzegovina, and act upon receipt of a complaint or ex officio.

One of the mechanisms of access to justice is a possibility to file an appeal against the first-instance access-to-information decision before the Appellate Council of the BiH Council of Ministers, and according to LoAP BiH the dissatisfied party may file a lawsuit against the final administrative decision (the second-instance administrative decision) and request that the court in administrative dispute reviews the legality of the administrative decision.

Pursuant to FoIA provisions, the requesting party has the opportunity, when the request is rejected, to complain to the Head of relevant Authority, and has the right to file an administrative dispute against the decision adopted upon complaint.

The fee to file an administrative dispute before the Cantonal Court Goražde is regulated by the Law on Court Fees of the Bosnian Podrinje Canton.

The requesting party has the right to file an appeal against the first-instance decision. Only law can prescribe that an appeal is not allowed in certain cases, if the protection of rights and of legality is ensured in another way. No appeal is allowed against the second-instance decision, but an administrative dispute may be lodged.

Based on its subject-matter competence, the Cantonal Court in Sarajevo makes decisions in administrative dispute cases against a second-instance decision of a relevant body (e.g., the FBiH Ministry of Environment and Tourism), and the District Court in Banja Luka makes decisions against a second-instance decision of a relevant body (RS MUPCEE).

(iii)

- Law on Administrative Disputes BiH ("Official Gazette of BiH", No 19/02, 88/07, 83/08, 74/10) (LoAD BiH);
- Law on Administrative Disputes FBiH ("Official Gazette of FBiH", No 9/05) (LoAD FBiH);
- Law on Administrative Disputes RS ("Official Gazette of RS", No 109/05, 63/11) (LoAD RS);
- Law on Administrative Disputes BD ("Official Gazette of BD", No 4/00, 1/01) (LoAD BD);
- Law on Courts of FBiH ("Official Gazette of FBiH", No 38/05, 22/06, 63/10, 7/13, 72/14) (LoC FBiH);
- Law on Courts of Republika Srpska ("Official Gazette of Republika Srpska", No 37/12, 44/15 i 100/17)
- Law on Courts of BD ("Official Gazette of BD", No 19/07, 20/07, 39/09, 31/11) (LoC BD).
- Law on Administrative Procedure ("Official Gazette of BiH", No 29/02, 12/04, 88/07, 93/09, 41/13).

The relevant Articles are the following: Article 3 of LoAD BiH; Article 3 of LoAD FBiH; Article 3 of LoGAD RS, and Article 3 of LoAD BD. Pursuant to Article 7 of LoC FBiH; Article 8 of LoC RS, and Article 8 of LoC BD, the decisions of courts in BiH are binding in the territory of FBiH/RS/BD.

Pursuant to Article 25, Paragraph 4 of FoIA FBiH, following any violations of the Act, sanctions are applicable as determined in the criminal codes, civil codes and administrative laws (LoAP BiH), as well as other laws in force in FBiH, and the final court decisions are legally binding (Article 7 of LoC FBiH).

b)

- Law on Administrative Procedure of BiH ("Official Gazette of BiH", No 92/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)
- Law on Administrative Procedure of FBiH ("Official Gazette of FBiH", No 2/98, 48/99) (LoAP FBiH)
- Law on General Administrative Procedure of RS ("Official Gazette of RS", No 13/02, 87/07, 50/10, 66/18)
- Law on Administrative Procedure of BD ("Official Gazette of BD", No 09/02, 08/03, 08/04, 25/05, 08/07, 36/09, 48/11)
- Law on Protection of Environment of FBiH ("Official Gazette of FBiH", No 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS ("Official Gazette of RS", No 71/12, 79/15, and 70/20) (LoPE RS);

The relevant Articles are the following: Article 15, Paragraph 3 of LoAP BiH; Article 11, Paragraph 3 of LoAP FBiH; Article 12, Paragraph 3 of LoGAP RS, and Article 11, Paragraph 2 of LoAP BD. Also relevant are Article 43 of LoPE FBiH and Article 42 of LoPE RS.

Article 11, Paragraph 1 of LoAP FBiH regulates that the party has the right to appeal the first-instance decision. Only law can prescribe that an appeal is not allowed in certain administrative cases, if the protection of rights and of legality is ensured in another way.

Paragraph 2 prescribes that, if there is no second-instance administrative body, an appeal against the first-instance decision may be filed only when it is prescribed by law. That law would determine which body would decide on an appeal. Paragraph 3 prescribes that the party also has the right to file an appeal when the first-instance body did not issue a decision regarding the request within a set deadline. As long as an appeal can be filed against the decision, as an administrative act, that decision is not final. When the decision becomes final in the administrative procedure, and some rights or obligations for the party stem from the decision, such a decision can be abolished or changed only in cases listed in the Law on Administrative Procedure or another law (Article 13 of LoAP) – through extraordinary legal remedies: restart of the administrative procedure, request for protection of legality, annulment and removal by the right of supervision. An administrative dispute may be initiated only against the final decision – administrative act – before the court with territorial and subject-matter jurisdiction (Article 10 of LoAD).

c)

- Law on Administrative Procedure of BiH ("Official Gazette of BiH", No 92/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)
- Law on Administrative Procedure of FBiH ("Official Gazette of FBiH", No 2/98, 48/99) (LoAP FBiH)
- Law on General Administrative Procedure of RS ("Official Gazette of RS", No 13/02, 87/07, 50/10)
- Law on Administrative Procedure of BD ("Official Gazette of BD", No 09/02, 08/03, 08/04, 25/05, 08/07, 36/09, 48/11)
- Law on Administrative Disputes BiH ("Official Gazette of BiH", No 19/02, 88/07, 83/08, 74/10) (LoAD BiH);
- Law on Administrative Disputes FBiH ("Official Gazette of FBiH", No 9/05) (LoAD FBiH);
- Law on Administrative Disputes RS ("Official Gazette of RS", No 109/05, 63/11) (LoAD RS);
- Law on Administrative Disputes BD ("Official Gazette of BD", No 4/00, 1/01) (LoAD BD);

Pursuant to Article 213 of LoAP BiH; Article 221 of LoAP FBiH; Article 211 of LoGAP RS, and Article 208 of LoAP BD; parties, plaintiff, public defender and other bodies may appeal against a decision in administrative procedure which contravenes the law in favour of a physical or a legal person to the detriment of the public interest. Article 2 of LoAD BiH; Article 2 of LoAD FBiH; Article 2 of LoGAD RS, and Article 2 of LoAD BD, stipulate that a physical or a legal person is entitled to initiate an administrative dispute if their rights or direct personal interest based on the law have been violated through the final administrative act.

An individual or a legal entity has the right to initiate an administrative dispute if they are of the opinion that the administrative act violated their rights, or direct personal interest based on the law have been violated as well as, under the same conditions, an individual or a legal entity who participated in administrative proceedings for the purpose of protecting their rights or legal interests.

According to the information of the High Judicial and Prosecutorial Council, 22 administrative disputes were lodged in BiH during 2014-2016 against the decisions to issue environmental permits, of which 19 cases before the Cantonal Court Sarajevo, 1 before the Cantonal Court Tuzla and 2 before the Basic Court of the Brčko District.

In total, 264 decisions were issued whereby the defendant was pronounced guilty of the misdemeanour, 40 decisions stopping the proceedings, 23 decisions after the admission of guilt, and 22 decisions in which the defendant was held accountable for omission.

During 2014-2016, 2090 criminal offences were prosecuted for violations of Articles 303–322 of FBiH CC; Articles 415–437 of RS CC, and Articles 297–316 of BD CC.

d) (i)

- Freedom of Access to Information of BiH ("Official Gazette of BiH", No 28/00, 45/06, 102/09, 62/11, 100/13) (FoIA BiH);
- Freedom of Access to Information of FBiH ("Official Gazette of FBiH", No 32/01, 48/11) (FoIA FBiH);
- Freedom of Access to Information of RS ("Official Gazette of RS", No 20/01) (FoIA RS)
- Law on Administrative Procedure of BiH ("Official Gazette of BiH", No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)
- Law on Administrative Procedure of FBiH ("Official Gazette of FBiH", No 2/98, 48/99) (LoAP FBiH)
- Law on General Administrative Procedure of RS ("Official Gazette of RS", No 13/02, 87/07, 50/10, 66/18)
- Law on Administrative Procedure of BD ("Official Gazette of BD", No 09/02, 08/03, 08/04, 25/05, 08/07, 36/09, 48/11)
- Law on Administrative Disputes FBiH ("Official Gazette of FBiH", No 9/05) (LoAD FBiH);

- Law on Administrative Disputes RS ("Official Gazette of RS", No 109/05, 63/11) (LoAD RS);
- Law on Administrative Disputes BD ("Official Gazette of BD", No 4/00, 1/01) (LoAD BD);
- Law on Protection of Environment of FBiH ("Official Gazette of FBiH", No 15/21) (LoPE FBiH);
- Law on Protection of Environment of RS ("Official Gazette of RS", No 71/12, 79/15, and 70/20) (LoPE RS);
- Law on Protection of Environment of BD ("Official Gazette of BD", No 24/04, 1/05, 19/07, 9/09) (LoPE BD)
- Law on Waters of FBiH ("Official Gazette of FBiH", No 70/06) (LoW FBiH);
- Law on Waters of RS ("Official Gazette of RS", No 50/06, 92/09, 121/12, 74/17) (LoW RS);

The relevant provision is Article 14(3) (b) of FoIA BiH/FBiH/RS which prescribes an obligation to inform the requesting party of the right to file an appeal before a particular body, including that body's contact information, the appeal deadline and the costs of filing an appeal. This letter informs the requesting party of the right to approach the Institution of Ombudsman, including the Institution's contact information.

Articles 15 and 201 of LoAP BiH/Articles 11 and 208 of LoAP FBiH/Articles 12 and 198 of LoAP RS/Articles 11 and 195 of LoAP BD prescribe the right to file an appeal against the first-instance decision, including obligatory information on legal remedy informing the party whether an appeal or an administrative dispute or another court proceeding may be lodged against the decision. Relevant is Article 213 of LoAP BiH/Article 221 of LoAP FBiH/Article 211 of LoAP RS/Article 208 of LoAP BD.

Article 2 of LoAD BiH/Article 2 of LoAD FBiH/Article 2 of LoGAD RS/Article 2 of LoAD BD prescribes that a citizen or a legal person has the right to initiate an administrative dispute, if the final administrative act violated their rights or direct personal interest based on the law have been violated.

Also relevant are Articles 8 and 9 of LoAD BiH/Articles 8, 9 and 10 of LoAD FBiH/Articles 7 and 8 of LoAD RS/Articles 6, 7 and 8 of LoAD BD, which prescribe that an administrative dispute may be instituted only against a second-instance administrative act or against a first-instance administrative act if an appeal is not allowed, and in case of the silence of administration.

Also relevant are Articles 42 and 43 of LoPE FBiH/Articles 12 and 42 of LoPE RS/Article 10 of LoPE BD which prescribe that each interested individual has the right to protection in administrative and court proceedings, with the aim of achieving either compensation or legal protection in terms of access to information and public participation.

Also relevant are Articles 108, Paragraphs (1) and (8) and Article 126(3) of LoW FBiH/Articles 133 and 135 of LoW RS.

At the end of each decision the FBiH Ministry of Environment and Tourism and RS MUPCEE prescribe a legal remedy i.e., whether a party in the proceedings has the right to file an appeal or to initiate an administrative dispute.

The appellate procedure is prescribed in Article 221 to Article 245 of LoAD. A party also has the right to appeal when the first-instance body did not issue a decision concerning the request within a prescribed deadline – silence of the administration – deeming the request rejected (Article 216, Paragraph 3 and Article 243 of LoAD).

d) (ii)

Decisions of courts and other bodies are accessible to the public.

(e)

Article 20 of FoIA stipulates that public authorities are required to issue guidelines containing, inter alia, information on legal remedies. The costs of the procedure are borne by the parties, depending on its outcome.

In the Cantonal Court in Goražde, as in all courts in BiH, access to case files is available via the Internet, for parties in court proceedings, attorneys, power-of-attorney individuals and legal representatives. Upon a request of a party, the Court Registrar certifies the issuance of a unique

access code, with instructions as to how to access case files via the Internet. The Cantonal Court in Goražde has a public relations officer who receives and processes freedom-of-access-to-information requests. The contact information is available on the web site of the Court. The Cantonal Court in Novi Travnik adopted and published the Access to Information Guidelines, pursuant to Article 20 of FoIA FBiH. Any natural or legal person has the right to access information in possession of the Cantonal Court in Novi Travnik, and the Court has the relevant obligation to provide the information. The details on the type of information in possession of the Court, the form in which the information is available, and the data where to access the information, can be found in the Index Register of the Court.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 9.

Response:

In most cases, the relevant institutions have not issued the guidelines specified by Article 20 of FoIA. NGO sector regards that the present procedure is too complex and complicated, and find the costs of retaining lawyers to work on these cases too high to afford, which is evident in the replies submitted by the NGOs showing that very few of them use legal services (by lawyers not necessarily specialized for this area of expertise). Currently, there are no judges or prosecutors in BiH specialised in the environmental law. However, in the past two years considerable efforts have been invested in their training, with further activities planned for the future.

BHAS notes that statistics on environmental law has not yet been initiated as a statistical activity.

Also, one has to take into account that the BHAS Department of Environment, Energy and Regional Statistics started working in 2008 and that it is at a stage of intense development and efforts to fulfil requirements of international environmental statistics. In a very short period of time, this Department has established and developed key environmental statistics according to international and EU standards, and it is still intensely working towards the development of the existing statistics, as well as on the establishment of new environmental statistics. There is a problem of a lack of human resources at Entity-level statistical institutions (RSSI, FSI), who have major difficulties in keeping abreast with activities of BiH Agency for Statistics Department of Environment, Energy and Regional Statistics.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Response:

The ZDC Cantonal Office of the Prosecutor, on 15 September 2015, received a report of a criminal offence filed by Association Eko Forum Zenica against Arcelor Mittal Company Zenica, Palavathu Krishnan Nair Biju and Mukund Vyankatesh for the criminal offence of Environmental Pollution stipulated by Article 303 of CC FBiH. After the receipt of the report, a case file was opened in which the prosecutor in charge issued an order on 26 October 2015 to the ZDC Ministry of Interior to conduct pre-investigation activities. In July 2016, an environmental expert was hired to conduct an analysis, and the expert subsequently provided the Office of the Prosecutor with a Report and Opinion in October 2017.

On 20 November 2020, the Office of the Cantonal Prosecutor of the Zenica-Doboj Canton issued an order to stop an investigation against the former CEO and against the ArcelorMittal Zenica company in reference to the criminal offence of “Environmental Pollution”, referred to in Article 303, and to the criminal offence of “Endangering the Environment with Installations”, referred to in Article 304 of the FBiH Criminal Code, because there was insufficient evidence that the accused committed those criminal offences.

The Chief Cantonal Prosecutor of the Zenica-Doboj Canton rejected as unfounded the complaint lodged by Eko Forum on 24 November 2020 requesting reconsideration of the Decision to Stop the Investigation. The FBiH Chief Prosecutor rejected a request of the Eko Forum to transfer the authority to deal with the case from the Cantonal Office of the Prosecutor to the FBiH Office of the Prosecutor.

The access to justice turns out to be the most important element in the implementation of the Aarhus Convention. It serves to mitigate shortcomings of the administrative decisions. In BiH, administrative disputes may be initiated if an administrative appeal was either unsuccessful or unavailable, and if legal action was taken within 30 days of the issuance of the final administrative decision. In general, access to justice may be provided through civil and criminal proceedings on environmental matters. There are still very few judicial institutions which deal with the essence of the case, whose judgement entirely changes the original administrative decision. In general, the effect which the judicial system has on the implementation of the Aarhus Convention in BiH is positive. It significantly rectifies errors and the lack of action by relevant administrative bodies. The Institution of Ombudsman also plays a significant role in the sense of recommendations to public administration. Although they are not legally binding, practice has shown that pressure from the Ombudsman Institution may influence the public administration to work in accordance with the law. It is evident from the questionnaire that the total number of environmental court cases is small. There are multiple reasons for that. Firstly, structural barriers to accessing the court (obligatory fee of BAM 100 to accept the legal matter at all; the risk of compensation to be paid to the opponent's legal attorney in case of a loss in court; the lack of a possibility for NGOs to get legal representation free of charge, etc.). Additionally, this shows limited capacities of environmental NGOs. Finally, this could be viewed as a result of a lack of public confidence in institutions, the complexity of administrative procedures and the lack of legal aid to citizens.

Also, civil society organisations mention a lack of competent specialised lawyers, which is the result of a fact that law schools in BiH do not include environmental law into their curricula. As a result, the Environment Centre, in co-operation with Arnika, organised a pilot educational programme for young lawyers - “Environmental Legal Clinic”- with the aim of expanding their knowledge and their interest in the environmental law. The Clinic was organised in 2016 at the Banja Luka Law School with the participation of 34 senior year students, of whom five subsequently worked as interns at the Environment Centre, supporting the work of local communities and using legal tools and case studies.[†]

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

List relevant website addresses, if any:

<i>Response:</i>

FBiH Ministry of Justice

Representatives of the general public may address relevant authorities, using contact information available on the websites of the relevant authorities, mentioned above under Section VI.

Articles 10 – 22 do not refer to the State-level implementation.

XXXII. GENERAL COMMENTS ON THE CONVENTION'S OBJECTIVES.

[†] 2014 – 2016 Aarhus Convention implementation in BiH Shadow Report

<http://eko.ba/publikacije/190-demokratija-zivotne-sredine-napredak-neprijavljen>

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Response:

The Adriatic Sea River Basin Agency: The Aarhus Convention is a unique international legal instrument which provides the opportunity for public participation in environmental matters, based on the idea of participatory democracy in which the people have the right to impact decision-making which affects their lives. Provisions of the Aarhus Convention represent only minimum standards below which the States – signatories of the Convention – must not go. Unfortunately, it turned out in practice that the signatories of the Convention sometimes do not ensure that minimum.

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES FOR IMPLEMENTING PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6 bis AND ANNEX I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

(a) With respect to paragraph 1 of article 6 bis and:

- (i) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
- (ii) Paragraph 2 of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
- (iii) Paragraph 3 of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
- (iv) Paragraph 4 of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
- (v) Paragraph 5 of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

- (vi) Paragraph 6 of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
- (vii) Paragraph 7 of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
- (viii) Paragraph 8 of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to paragraph 2 of article 6 bis, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

<i>Response:</i>

(a) With respect to paragraph 1 of article 6 bis and:

- (i) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - Law on Genetically Modified Organisms ("Official Gazette of BiH", No 23/09) (LoGMO BiH)
 - Law on Genetically Modified Organisms of Republika Srpska ("Official Gazette of RS", No 41/2009) (LoGMO RS)
 - Decision on the Appointment of the Council for Genetically Modified Organisms ("Official Gazette of BiH", No 67/15, 49/16)
 - Law on Food ("Official Gazette of BiH", No 50/04) (LoF BiH)
 - Law on Administration ("Official Gazette of BiH", No 32/02 and 102/09) (LoA BiH)
 - Law on Administrative Procedure of BiH ("Official Gazette of BiH", No 29/02, 12/04, 88/07, 93/09, 41/13) (LoAP BiH)
 - Rulebook on Conditions and Procedure of Issuance of Permit to Initially Put Genetically Modified Food and Feed on BiH Market and Monitoring and Marking Conditions ("Official Gazette of BiH", No 78/12 and 62/15)

Pursuant to Article 17 of LoGMO BiH, information on the use of GMO and on the procedures of approval by the relevant body is public. The public call is published in the media and on the web site of BiH FSA, listing the time and place for the documents to be reviewed, as well as the procedure how to provide opinions and comments, for which the deadline is 30 days and it is not counted towards the deadline to issue a decision. The relevant body is obliged to present its view of the public comments and opinions, in the reasons for the adoption of the decision.

It is necessary to conduct a public debate before drafting a report on the assessment of appropriateness of placing GMOs or products containing GMOs on the market (Article 44 of LoGMO BiH) and before the issuance of a permit to place GMO on the market (Article 47 of LoGMO BiH).

Pursuant to LoGMO RS, the use of GMOs or products containing GMOs is forbidden. The use is defined as packaging, handing, placing on the market, transport and transit through the Republika Srpska. The law allows only limited use, in closed systems for research activities, but only upon a special approval of RS MAWMF. The oversight over the implementation of the law is conducted by the Food Inspectorate and the Agriculture Inspectorate.

LoGMO BiH prescribes the procedure and conditions for limited use, cross-boundary transfer, deliberate release into the environment and placement on the market of GMOs and products consisting of, containing or originating from GMOs, with the aim of ensuring a high level of protection of lives and health of people, health and well-being of animals, of the environment, of consumer interests regarding GMOs and products consisting of GMO, as well as live modified organisms with the effective functioning of the market. Pursuant to LoGMO BiH, BiH FSA is the central coordination body for professional tasks in relation to GMOs. Also, upon proposal of BiH FSA, the BiH Council of Ministers adopted the Decision on Appointment of the Council for Genetically Modified Organisms (GMO Council), whose goals are defined by Article 56 of the Law on GMO, for the purpose of monitoring the situation and developments in managing GMOs and of providing expert assistance to the relevant bodies in BiH in the implementation of this law.

In the past, upon proposal of BiH FSA, the BiH Council of Ministers adopted a number of GMO-related regulations.

When it comes to legislative, regulatory and other measures conducted regarding public participation in decision-making on deliberate release of GMOs into the environment, BiH did not transpose EU legislation on deliberate release of GMOs into the environment.

When it comes to legislative, regulatory and other measures conducted regarding public participation in decision-making on placement on the market of GMO food and feed, BiH FSA, upon receiving a Request for Decision on Approval of Placement on the Market of Genetically Modified Feed, sent by feed salespeople, and on the basis of Article 56 of LoF BiH, Article 61 of LoA BiH, Article 193, Paragraph (1) of LoAP BiH, Article 11 of LoGMO BiH, Article 19 of the Rulebook on Conditions and Procedure of Issuance of Permits for Placement for the First Time of Genetically Modified Food and Feed on the BiH Market and requests for their Monitoring and Labelling and positive Opinions of the GMO Council per requests, issues the Decision on Approval of Placement on the Market of Genetically Modified Feed.

Opinions of the GMO Council per requests of feed salespeople for Decision on Approval, as well as the issued Decisions on Approval of Placement on the Market of Genetically Modified Feed are available on the official web site of BiH FSA.

The public is not involved in procedures of issuance of the Decision on Approval, and BiH FSA maintains a single register of GMOs, pursuant to Article 58 of LoGMO, and it is also available to the public via the official web site of the Agency.

(ii) Paragraph 2 of Annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in Annex I bis and the criteria for any such exception;

Pursuant to Article 17 of LoGMO BiH, the public is involved in every permit issuance procedure for deliberate discharge of GMOs into environment.

(iii) Paragraph 3 of Annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;

Pursuant to Article 17 of LoGMO BiH, in the permit issuance procedure for deliberate discharge of GMOs in environment, the competent body is obliged to inform the public on:

- Content of application;
- Content of technical documentation;
- Risk assessment;
- Content of the GMO Council's opinion.

Public call indicating the time and place where the above-mentioned documents can be seen, as well as the proceedings of giving opinion and objections are published via the media and on the FSA BiH web page. The relevant body's deadline for insight and opinion/objections is 30 days.

(iv) Paragraph 4 of Annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

Pursuant to Article 8 of LoGMO BiH, the requesting party cannot regard the following information as confidential:

- a) First name, last name, company name and company seat;
- b) Intended manner of use of GMOs and of products consisting of, containing or originating from GMOs, conditions under which the product will be placed on the market and conditions for use;

- c) Characteristics of GMOs and products, as well as of their components;
- d) Scope and group of dangers stemming from limited use of GMO;
- e) Monitoring plan regarding the placement of GMOs onto the market, their use and measures in case of unforeseen risks during the placement of GMOs and of products consisting of, containing or originating from GMOs;
- f) Information about health, biodiversity or environmental hazards;
- g) Risk assessment

As a result, information contained in Paragraph 4 of Annex I bis cannot be regarded as confidential, pursuant to LoGMO BiH.

(v) Paragraph 5 of Annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

- a. **The nature of possible decisions;**
- b. **The public authority responsible for making the decision;**
- c. **Public participation arrangements laid down pursuant to Paragraph 1 of Annex I bis;**
- d. **An indication of the public authority from which relevant information can be obtained;**
- e. **An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;**

Concerning the permit issuance procedure for deliberate release of GMO in the environment, under Article 17, Paragraph 2, Subparagraph (d) of LoGMO BiH, the public is provided access to the GMO Council's opinion, which can be said to have the nature of a possible decision. Also, under Paragraph 3 of this Article, public participation arrangements are presented to the public, while the relevant information can be obtained on the website of the Food Safety Agency of BiH (FSA BiH). Comments can be submitted to the Food Safety Agency (FSA) BiH, Entity Ministries in charge of agriculture, forestry and water management, BiH Administration for the Protection of Plant Health, and BiH Veterinary Office, depending on whether deliberate discharge of GMO in the environment is in question or placing GMOs on the market.

(vi) Paragraph 6 of Annex I bis, measures taken to ensure that the arrangements introduced to implement Paragraph 1 of Annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

Concerning the permit issuance procedure for deliberate discharge of GMO in the environment, the public can submit their opinions and comments. Unfortunately, the LoGMO BiH contains no provisions that would stipulate into more detail the permit issuance procedure for placing GMOs on the market, apart from providing that public hearings need to be organised.

(vii) Paragraph 7 of Annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to Paragraph 1 of Annex I bis;

Pursuant to Article 17, Paragraph (4) LoGMO BiH, the public authority is obliged to address the opinions and comments of the public in the “reasoning” part of the decision.

(viii) Paragraph 8 of Annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on Annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

Pursuant to Article 48, Paragraph (2) of LoGMO BiH, the permit for placing GMOs on the market has to be made publicly available, except for the information stipulated and designated as confidential, as well as the assessment of risk to human health, biodiversity and the environment.

Pursuant to Article 17, Paragraph (4) of LoGMO BiH, the public authority is obliged to address the opinions and comments of the public in the “reasoning” part of the decision.

(b) With respect to Paragraph 2 of Article 6 bis, how the requirements made in accordance with the provisions of Annex I bis are complementary to and mutually supportive of the Party’s national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

The relevant Articles are the following: 2, Paragraph (b); 3; 4, Paragraph (4), 10; 13; 19; 32; 34; 38, Paragraph 4; 39; 43; 46 and 49 of LoGMO BiH.

BiH Food Safety Agency - <http://www.fsa.gov.ba/>

BiH Food Safety Agency: Legal framework in the field of genetically modified organisms in Bosnia and Herzegovina:

- Law on Food (“Official Gazette of BiH”, No 50/04);
- Law on Genetically Modified Organisms (“Official Gazette of BiH”, No 23/09);
- Rulebook on the Manner of Maintenance of the Unified Registry of Genetically Modified Organisms (“Official Gazette of BiH”, No 17/12);
- Rulebook on the Establishment of the System for the Development and Assignment of Unified Codes for Genetically Modified Organisms (“Official Gazette of BiH”, No 68/12);
- Rulebook on the Conditions for and Procedure of Issuance of Approval for the First-time Placement of Genetically Modified Food and Feed on the Market of Bosnia and Herzegovina and Requirements for Their Traceability and Labelling (“Official Gazette of BiH”, No 78/12 and 62/15);

- Rulebook on the Content of Application and Technical Documentation for Placement on the Market, Conditions for Labelling and Packaging of Genetically Modified Organisms or Products which Contain and/or Consist of or Originate from Genetically Modified Organisms ("Official Gazette of BiH", No 78/12);
- Rulebook on the Content and Scope of Risk Assessment Regarding Placement on the Market of Genetically Modified Organisms or Products which Contain and/or Consist of or Originate from Genetically Modified Organisms and Risk Assessment Methodologies ("Official Gazette of BiH", No 79/12);
- Rulebook on the Conditions of Monitoring Plan Regarding the Impact of Genetically Modified Organisms or Products which Contain and/or Consist of or Originate from Genetically Modified Organisms and of Their Use ("Official Gazette of BiH", No 64/14),
- Decision on the Amount of Special Fee for the Issuance of Approval of Placement of Genetically Modified Food and Feed on the Market ("Official Gazette of BiH", No 61/14) and
- Rulebook on the Procedure of Assessment and Authorisation of Laboratories to Test, Control and Monitor Genetically Modified Organisms or Products which Contain and/or Consist of or Originate from Genetically Modified Organisms ("Official Gazette of BiH", No 73/17)

Council for Genetically Modified Organisms

For the purpose of monitoring the situation and developments in the field of GMO management and the provision of expertise in the implementation of the Law on GMO, the Council of Ministers of Bosnia and Herzegovina (hereinafter: BiH Council of Ministers), upon proposal of the Food Safety Agency of Bosnia and Herzegovina (hereinafter: Agency), appoints members of the Council for Genetically Modified Organisms (hereinafter: GMO Council).

The GMO Council provides opinions on the use of GMO as part of administrative proceedings and other procedures upon request of relevant authorities, provides opinions and proposals in the preparation of regulations on the use of GMO, provides opinions and proposals to relevant authorities on the issues of utilisation of GMO, monitors the situation and developments in the field of use of genetic technology and use of GMO, monitors scientific achievements and provides opinions on the use of genetic technology and use of GMO, provides opinions on social, ethical, technical and technological, scientific and other conditions of use of GMO, provides advice to relevant authorities on the issues of utilisation of GMO and of genetic technology, informs the public through the media and scientific conferences on the situation and developments in the field of use of genetic technology and use of GMO, as well as on their own stances and opinions, conducts other professional tasks prescribed by the Law on GMO by subsequent regulations. Until now, the GMO Council has adopted 36 opinions on laboratories for testing, control and monitoring of genetically modified organisms and products which contain or consist of or originate from genetically modified organisms.

Pursuant to Article 16 of the Law on Genetically Modified Organisms ("Official Gazette of BiH", No 23/09), the Council of Ministers of Bosnia and Herzegovina, upon proposal of the Food Safety Agency of Bosnia and Herzegovina and upon the opinion of the Accreditation Institute of Bosnia and Herzegovina, adopted the Rulebook on the Procedure of Assessment and Authorisation of Laboratories to Test, Control and Monitor Genetically Modified Organisms or Products which Contain and/or Consist of or Originate from Genetically Modified Organisms ("Official Gazette of BiH", No 73/17). According to the provisions of the Rulebook, the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska, the FBiH Ministry of Agriculture, Water Management and Forestry and the Brčko District Department of Agriculture conduct the procedure and authorise testing laboratories for control, testing and monitoring of GMO and of products which contain or consist of or originate from GMO. Following the authorisation, the Decision on Authorisation of Laboratories is sent to the BiH Food Safety Agency, which registers them in the unified list of testing laboratories in BiH for GMO. The list will be published in the "Official Gazette of BiH" and on the web site of the Agency.

Co-operation Protocol

Pursuant to the Conclusions of the BiH Council of Ministers, from its 134th Session held on 05 October 2010, and with the aim of providing support to authorised testing laboratories and to

the improvement of the GMO control system in Bosnia and Herzegovina, the Agency signed the Co-operation Protocol for the Development of Authorised Testing Laboratories for Genetically Modified Organisms in BiH with the “Istituto Zooprofilattico Sperimentale delle Regioni Lazio e Toscana” (IZSLT), which will serve as the reference laboratory for the area of Bosnia and Herzegovina until such time when an authorised laboratory from Bosnia and Herzegovina reaches the necessary level of reference.

Approval Decision Issuance Procedure

The BiH Council of Ministers, upon proposal of the Agency and in accordance with the Law on Genetically Modified Organisms, adopted the Rulebook on the Conditions for and Procedure of Issuance of Approval for the First-time Placement of Genetically Modified Food and Feed on the Market of Bosnia and Herzegovina and Requirements for Their Traceability and Labelling. Among other things, the Rulebook regulates the procedure how to file a request to place on the market GM food and feed, as well as the issuance of a decision on approval of the placement of GM food and feed, taking into account the opinion of the GMO Council, all the regulations in force and other facts important to make an approval decision for which the Agency is in charge, pursuant to Article 3, Paragraph (2), Subparagraph c) of the Law on GMO.

In order to be issued with a Decision on Approval, a written request should be delivered in writing to the Agency either by registered mail or in person. The applicant requesting to be issued with a Decision on Approval, or the applicant's representative, must have a registered head office in Bosnia and Herzegovina. The Agency confirms to the applicant that it received the application, in a written form, not later than 14 days following the receipt of the application. The confirmation shall state the date of receipt of the application.

All the accompanying official documents must be written in one of the languages and scripts in official use in Bosnia and Herzegovina. Requests to issue decisions on approval of placing feed on the market, received from feed sales companies, shall be discussed by the GMO Council and shall adopt an opinion, pursuant to Article 56 of the Law on GMO, the Rulebook on the Conditions for and Procedure of Issuance of Approval for the First-time Placement of Genetically Modified Food and Feed on the Market of Bosnia and Herzegovina and Requirements for Their Traceability and Labelling and Article 2 of the Rules of Procedure of the GMO Council. In case the GMO Council issues a positive opinion, the Agency issues a Decision on Approval to place on the market genetically modified feed which will be used solely as feed, to the feed sales company which filed a request to be issued with the Decision on Approval to place on the market feed which contains GMO. To date, 36 Decisions have been issued.

Acting in accordance with its scope of authority, the Agency gave its contribution in the preparation and adoption of the legal framework which regulates the procedure to issue approval to place GM feed on the market of Bosnia and Herzegovina. Feed sales companies in Bosnia and Herzegovina which are in need of a Decision on Approval to place GM feed on the market and which wish to place such feed on the BiH market can do that. Of course, the entire process of issuance of the Decision on Approval to place GM food and feed on the market shall be conducted with strict measures of control and in a transparent manner, with continual professional oversight by the GMO Council.

XXXIV.OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 bis AND ANNEX I bis

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 6 bis and Annex I bis.

<i>Response:</i>

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 bis AND ANNEX I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in Article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under Paragraph 2 of Annex I bis to be exceptions to the public participation procedures in that annex?

Response:

BiH Food Safety Agency - <http://www.fsa.gov.ba/>

XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6 bis

Provide relevant internet addresses, if any, including internet addresses of registers of decisions and releases regarding genetically modified organisms:

Response:

BiH Food Safety Agency - <http://www.fsa.gov.ba/>