

LAW

ON AIR PROTECTION

- Unofficial revised text-ⁱ
(Law on Air Protection, Official Gazette of the Federation of BIH, Vol 33/03 and the Law on amendments and addenda to the Law on Air Protection, Official Gazette of the Federation of BIH, Vol 04/10)

I BASIC PROVISIONS

Article 1

The purpose of this Law is to regulate technical requirements and the measure for prevention or reduction of emissions into the air caused by human activity which must be obeyed in the production process in the territory of the Federation of Bosnia and Herzegovina (hereinafter: the Federation of BIH), planning of the air protection, special sources of emissions, cadaster of emissions, air quality, supervision and penalties for any breaches conducted by legal and natural persons.

The measures referred to in Paragraph 1 of this Article shall be undertaken applying the principles of:

- the integrated approach to the environmental protection, including air, water and soil, and the obligation to reduce emissions to the lowest possible level applying the best available technologies;
- the polluter pays principle to ensure the costs of air pollution reduction are borne by the operators of sources of polluting emissions;
- harmonization of safety at work rules with the environmental protection rules;
- improvement of air quality in and beyond the territory of the Federation of BIH.

Air protection and improvement shall be ensured by the Federation, cantons, local self-governance units, businesses and other legal and natural persons, each within its own competence.

The relevant Federation and cantonal bodies shall make sure that the public participates in the spatial development and other plans that have an impact on the air quality, as well as in the preparation of air quality policies and action plans related to air, in determination of the sites, procedures of license issuance and inspection of the sources of emissions.

II – TERMS AND DEFINITIONS

Article 2

For purposes of this Law:

Emission means a release of the substances from any source into the air;

Pollutant emission quota means the total allowed annual quantity of emissions (expressed in units of mass at certain time) from one or several sources, or from one specific area and/or in the territory of the Federation of BIH;

Sources means any source of emission of air pollutants, including stationary sources from industry and households, as well as mobile sources such as motor vehicles and mobile and diffuse sources;

Air means atmospheric air excluding the work spaces;

Air quality means a concentration of pollutants in the air or its deposition on the surface during a certain period of time;

Air quality monitoring means a systemic measurement or valuation of air quality according to the time and space schedule;

Evaluation means a relevant method used for the measurement, calculation, anticipation or assessment of air quality (degree of the pollutant in the air);

Top boundary of evaluation means a prescribed level of air quality (pollution) below which the evaluation is done by a combination of measurement and methods of assessment based on standardized mathematical methods and/or other appropriate assessment methods;

Bottom boundary of evaluation means a prescribed level of air quality (pollution) below which the evaluation is done only by the assessment method based on standardized mathematical methods and/or other appropriate assessment methods;

Pollutant means any substance discharged directly or indirectly into the air, which might have harmful effects on human health and /or environment as a whole, including unpleasant odors;

Unpleasant odor means a characteristic of an odorant felt as a negative physiological impact on human sense of smell;

Air pollution means any direct or indirect release of substances into the air by humans which results in harmful impacts that endanger human health, and damage living resources and ecosystems, material estates;

Facility means any structure used for industry or public utilities which might cause the air pollution;

Combustion facility means any technical devices which oxidize fuels so to use the heat which is produced thereby; this Law shall apply to combustion facilities the intended use of which is to produce energy, save for the facilities which directly use combustion products in their production processes;

Waste incineration facility means any stationary or mobile technical unit used for the thermal processing of waste with or without return of the heat produced in the combustion process; this includes combustion by way of oxidation and other processes such as pyrolysis, gasification or plasma when the substances resulting from the treatment are subsequently incinerated;

Operator means any natural or legal entity that manages the work or controls the facility, or a person who was transferred the public authority in cases determined by the Law;

Large-scale accident means an occurrence of large emission, fire or explosion caused by uncontrolled changes in the facility's operation which poses a great threat to human health or environment directly or indirectly, inside or outside the facility involving one or more hazardous substances;

Minor change means a change in the facility's work which does not cause an increase in the emission of pollutants;

Major change means a change in the facility's operation which might have harmful impact on humans or the environment, by way of either direct or delayed impact;

Limit value of the air quality means the level determined based on scientific knowledge in order to avoid, prevent or reduce harmful effects to human health and/or to the environment as a whole; this level must be achieved over a certain period of time and must not be exceeded after that;

Limit value of emissions means a concentration and/or quantity of pollutants in emissions from a source over a period of time which must not be exceeded;

Target value means the level determined with the aim of avoiding several long-term harmful impacts on human health and/or environment as a whole; this level must be reached over a certain period, where appropriate;

Alarm threshold means the level above which lays the risk to human health due to brief exposure, which requires a direct action;

Warning threshold means the level above which lays the risk to human health due to brief exposure in case of highly sensitive population and which requires the distribution of updated information.

Margin of tolerance means the percentage of allowed exceeding of limit values under prescribed conditions;

Tolerance value means the limit value enlarged by the margin of tolerance;

Area means one of delineated parts of the territory of the Federation of BiH from other parts, which constitutes a functional unit with regard to the monitoring, protection and improvement of air quality and air quality management;

Inhabited area means the area with more than 250.000 residents or the area with less than 250.000 residents but densely populated area per square kilometers thus justifying the need for evaluation and quality air management.

Register of emissions means a set of information about the type, quantity, and manner, and spatial distribution, places of discharge and introduction of pollutants into the air.

Article 3

The Federation, cantonal and municipal bodies, emission operators, business subjects and other legal and physical persons shall cooperate with a view to protect and improve the air quality.

The emission operators shall discharge obligations determined under this Law and bylaws rendered on the basis of this Law.

Any significant air pollution or infliction of harm on the environment by way of emissions shall be forbidden.

III - PLANNING

Article 4

With a view to achieve the goals set under this Law, the Federation Ministry of Environment and Tourism and Cantonal Ministries in charge of environmental issues (hereinafter: the Cantonal Ministry) shall coordinate and harmonize the plans relevant to the air quality.

In order to implement the contractual obligations assumed under international treaties and agreements in the field of protection of air, climate and ozone layer, the Federation Ministry of Environment and Tourism (hereinafter: the Federation Ministry) shall participate in making of national action plans, national programs and national reports.

The Parliament of the Federation of Bosnia and Herzegovina (hereinafter: the Federation Parliament) shall enact the Federation Air Protection Strategy for the period of at least ten years, as part of the Federation Environmental Protection Strategy aimed at air quality improvement. In addition to the measures for preservation of air, the said Strategy shall cover the issue of climate change.

The report on the implementation of the Strategy referred to in Paragraph 2 of this Article shall be prepared on a biannual basis by the Federation Ministry and submitted to the Government of Bosnia and Herzegovina /sic/ (hereinafter: the Federation Government) for review, adoption and submission to the Federation Parliament.

The report shall contain:

- a) data on the air quality, its development and tendencies, especially in view of pollutants the limit value of which is determined in the implementing regulations which stem from this law;
- b) data on development and tendencies of emissions of pollutants which are mentioned in the cadaster of emissions;
- c) measures for the improvement of air quality which are undertaken in line with this Law and results of the measures;and
- d) measures for abatement of climate changes and adaptation to climate changes.

In cooperation with the relevant Ministry from Republika Srpska, the Federation Ministry shall determine emission quotas for 2010 and 2020 in relation to gases the emission of which is prescribed by international agreements, conventions or protocols on cross-border air pollution.

The Cantonal legislative bodies shall render cantonal air quality protection plans for the period of at least five years, as part of cantonal environmental protection plans aimed at the air quality improvement.

Air quality protection cantonal plans shall be harmonized with the Federation air quality protection strategy.

Article 5

When developing the spatial development documents and other plans, the air quality issue shall be taken into consideration. Plans shall not be rendered unless they are consistent with the determined Federation environmental protection strategy and Federation air quality protection strategy.

The Federation Ministry and Cantonal Ministries shall, each within its own jurisdiction, make the list of areas which cannot be sites of any new point source of emission particularly referring to plants and facilities, combustion facilities and waste incineration facilities.

Any significant expansion of the existing operations shall not be possible in the areas referred to in Paragraph 2 of this Article.

When developing the spatial development documents and other plans, and when deciding on the sites of new point sources of emissions referred to in Article 7(1) of this Law, a due caution shall be exercised in terms of protection of ventilation corridors and air quality in densely or permanently populated areas.

The site, size and characteristics of ventilation corridors shall be determined by a meteorological study.

Article 6

Any source of emissions shall meet the following requirements:

- that emissions of pollutants into the air and emissions of unpleasant odors are reduced to the lowest possible level applying the best available technologies in the phases of planning, project designing, opening of facilities and operation of facilities and

- that emission quotas and limit values of emissions must not be exceeded;

The Federation Minister of Spatial Development and Environment (hereinafter: the Federation Minister) shall prescribe the limit values of emissions.

Article 7

Emissions into the air generated from emission sources which have the obligation to make an environmental impact assessment and obtain environmental permit shall be regulated by the environmental permit.

With regard to new emission sources which require the environmental permit, and when the sources are likely to have adverse effect on human health/ environment as a whole, upon the request of the Federation or Cantonal Ministry, the applicant shall make the study related to the air giving an extensive description of the anticipated emissions into the air and their impact on the environment.

The relevant Ministry shall not request the development of the study related to the air from the applicant who is issued the environmental permit for the source of emission, pursuant to the Study on Environmental Protection, provided that the study covered the issue referred to in Article 10 of this Law.

The study related to the air shall make an integral part of the documentation when issuing the environmental permit for sources of emission. The relevant Ministry shall not issue the environmental permit in case the study related to the air suggests significant harmful effects to human health and/or environment.

In the course of the issuance procedure of environmental permit referred to in Paragraph 2 of this Article and prior to deciding on the request for environmental permit, an opinion of any municipality, which might be significantly affected by that source, shall be obtained.

The municipality shall submit its opinion with remarks and suggestions no later than 15 days from the request for opinion.

The relevant ministry issuing the environmental permit shall keep in mind the obtained opinion.

Article 8

The allowed emissions into the air shall be determined for the sources of emissions that are not included in Article 7(2) and (3) of this Law, urban development approval, construction permit and permit for use.

In order to obtain the decision referred to in Paragraph 1 of this Article, the applicant shall submit the request along with:

- the data on quality and quantity of basic substances that will be used in the operation,
- the data on quality and quantity of substances emitted into the air during normal course of operations including the diffuse emissions,
- the data on quality and quantity of substances emitted into the air from the facility in case of large-scale accidents and
- the list of preventive measures or consequences abatement measures used for the prevention or at least reduction of emissions.

In case that data on the air prepared in an earlier phase of the decision-making procedure referred to in Paragraph 1 of this Article are found insufficient in the later phases, the relevant body shall ask the applicant to revise and amend the documentation.

Article 9

In case the existing facilities reinstate their operations or change the intended use, the procedure shall be conducted and new environmental permit issued in line with Article 7(2) of this Law.

Article 10

The study on the air shall be made by the company which meets the requirements and criteria set in Article 59(5) of the Environmental Protection Law.

The costs of the air study development shall be borne by the applicant for the permit issuance.

The study on the air shall be developed in line with the approved methods.

The study on the air shall include:

- the data on the project, including the site, environs, infrastructure, nature of activities, and, where appropriate, necessary technologies that will be used;

- comparison of technologies use in relation to the best available technologies, especially those pertaining to the emissions into the air;
- quality and quantity of substances that will be used in the production process and for energy generation, if needed;
- quality and quantity of substances that will be emitted in the normal course of facility's operations including the diffuse emissions;
- quality and quantity of substances that will be emitted from the facility in case of large-scale accidents;
- description of impacts on the environment that pollutants have during the normal course of operations and, in case of large-scale accidents it shall contain:
 - sketch of the site which is under the impact of sources of emission;
 - description of the air quality in the relevant area in case the said project is not implemented;
 - description of additional pollution caused by the project, applying the extensive calculations of the transfer and information on local meteorological conditions, where appropriate;
 - description of the overall air quality in the relevant area;
 - description of the overall air quality (more precisely, anticipated air quality after the project implementation) in relation to humans, flora and fauna, soil (by depositions), material and cultural heritage which gives the description of overall air pollution in view of the limit values prescribed by the implementing regulations;
 - list of preventive and abatement measures to prevent, or at least to reduce the impact of emissions of the given project;
 - description of the data used and methods applied in the study preparation,
 - non-technical resume for the purpose of informing the public.

The non-technical resume of the air study shall be published immediately after the completion in the way adapted to the area where the facility will be located or have an impact on the environment in the period of at least two months.

Article 11

The relevant Ministry shall be notified of any changes to the project, plan or some source of emissions.

In case of minor changes, the relevant Ministry shall be notified about the nature of changes and the impacts they have on the emission of pollutants into the air within seven days from the day the changes occurred.

In case of intended major changes, the operator of the emission source shall submit a request for the environmental permit prior to approaching the changes if:

- the planned change is significant but the emission source does not refer to Article 7(1), the operator shall submit the description of changes and appropriate documentation in order to obtain the permit of the relevant Ministry;
- the planned change refers to Article 7(1), the operator shall submit the request for environmental permit in line with the existing regulations.

Article 12

The environmental permit issued in line with Article 71 of the Law on Environmental Protection and 7 of this Law shall also contain:

- reasons for which the relevant body established that all necessary preventive measures against air pollution have been taken including the application of the best available technologies given that the implementation of such measures does not imply excessive costs;
- applicability of certain bans and limitations at the source of emission as defined in the spatial development documents;
- defining the proper release of pollutants from the source of emission and defining other requirements of release;
- Limit values of emissions by which the given facility has to abide;
- explicit obligation prescribing that the working hours of the facility shall not exceed the limit values of emissions and air quality;
- determination of sites for sample taking, measurement and determination of procedures that will be used in order to meet the requirements of periodical measurements,
- measures that will be undertaken in case of large-scale accidents.

The Federation Minister shall issue a special regulation to prescribe the monitoring of emissions and air quality.

If neither of limit values determined under special regulations can be applied, the relevant Ministry shall set the limit value of emissions for the given source.

Article 13

The operator of stationary source of emissions referred to in Article 7(1) of this Law shall submit the report to the relevant Ministry once a year.

The report shall contain the data on emissions from the given source, consumption of energy and fuels and general data on potential impacts on health by substances emitted from the given source.

The report shall be published immediately after it is made in a way suitable for the area in which the facility shall be located within the period of at least two months.

Article 13a

The operator of stationary source of air pollution shall:

- Submit the data on the stationary source, operator and every change to the competent body of environmental protection and to the relevant environmental protection inspector;
- Provide for a regular monitoring of emissions and keep the record thereof;
- Provide for the measurement of pollutant emissions from the stationary source;
- Keep the record of the conducted measurements along with the data on measurement spots and measurement results, and frequency of the measurement of emissions;
- Keep the records of use fuel and waste in the process of incineration;
- Keep the record of the work of emission reduction appliances.

Article 14

If the regular report of the operator, change in regulations or findings of inspections show that the limit values of emissions cannot be ensured according to requirements set in the environmental permit, the relevant body shall ex officio reconsider the environmental permit.

Article 15

The operator shall immediately notify the relevant Ministry and the environmental protection inspector when the limit values of emission from the sources of emission referred to in Article 7(4) of this Law are exceeded.

The relevant Ministry and the environmental protection inspector shall order the suspension of the source of emission until the necessary measures are taken to get consistent with the emission standards.

The relevant Ministry and the environmental protection inspector shall determine the maximum allowed period for any technically unavoidable suspensions during which the concentration of emission into the air exceeds the anticipated limit values.

In case of faults, the operator shall reduce or suspend operation until reinstated to normal conditions. In that case, the source of emission can in no way whatsoever work more than 8 hours without breaks, and the duration of work in such conditions cannot be longer than total 96 hours per year.

The relevant Ministry and population living in the area of the source of emission shall be informed as soon as possible of large-scale accidents in the source of emission referred to in Article 7(1) of this Law.

IV – SPECIAL SOURCES OF EMISSION

Article 16

Household Sources of Emissions

Articles 7 through 15 of this Law shall not be applied to emissions into the air from household activities or household sources of combustion with thermal power lower than 250 kW.

City heating plants shall not be considered household sources.

Equipment, tools and other machinery which are used in households and represent sources of emission shall be subject to approval process for a specific type of product.

The Federation Minister shall set extensive rules for the approval of types of products, rules for the emission of pollutants and especially the rules for burning of small-scale biomass.

Article 17

Approval for fuels

Household sources of emission may use only fuels mentioned in the standards set by the Institute of standards of Bosnia and Herzegovina.

Article 18

Combustion facilities and other industrial facilities

The issues pertaining to the emission from combustion facility with nominal thermal power equal to or higher than 10 MW and facilities from plants with nominal thermal power lower than 10 MW shall be regulated by the implementing document stemming from this Law.

The relevant ministry is the body that can allow temporary exceeding of limit values of emissions to certain combustion facilities which use domestic solid fuels.

The implementing regulations stemming from this Law shall set the limit values of emissions and monitoring requirements for the industrial sectors:

- metal production

a) plants for metal ore burning or sintering

b) plants for raw iron or steel production including the constant foundering

- production of cement clinker in rotation stoves

- production of cellulose from wood or other fiber material.

Article 19

Waste incineration facilities

Conditions for operation of waste incineration facilities shall be determined by implementing regulation in accordance with this Law.

Article 20

Motor vehicles

The emission from motor vehicles as non-stationary point sources of pollution shall be prescribed under special regulations which prescribe a regular annual inspection of motor vehicles.

The relevant body shall not register the vehicles that exceed the set limit values of emission.

Article 21

Ratio of sulphur in fuel

Heavy oils which contain sulphur value exceeding 1,00 % of the mass shall not be used as drive fuels for drives with combustion as of 1 January 2010.

The combustion drives which use heavy oils with sulphur value higher than the value referred to in Paragraph 1 of this Article shall work only if they obtained the environmental permit in line with Article 7 of this Law.

Diesel fuels used for motor vehicles and ships shall not be used as fuels as of:

- 1 January 2010 when sulphur value is higher than 0,20% of their mass,
- 1 January 2015 when sulphur value is higher than 0,10 % of their mass.

The limitations referred to in Paragraphs 1 through 3 of this Article in certain liquid oil derivatives shall not apply to:

- fuels intended for processing before final combustion,
- fuels that will be processed in a refinery industries.

The Federation Minister shall issue the regulation to determine the conditions of measurement and control.

Article 22

Vehicle fuels

Motor vehicle fuels shall be in accordance with the quality standards set by the Institute for standards of Bosnia and Herzegovina.

The sales of lead benzine shall not be allowed as of 1 January 2010.

Article 23

Liquid fuel storing

This Law shall apply to facilities, plants, vehicles, railway and ships used for storing, loading and transporting of benzine from one storage place to another or from the main storage to gas station.

Facilities, plants, vehicles and tools shall be designed and used in such manner that:

- remaining evaporations remain in the container after benzine is decanted
- they receive and hold return evaporations from the storing area at a gas station or main storage
- hold evaporations in a mobile container until it is re-filled in the main storage .

Article 24

Other evaporating organic compounds

Emissions of vaporizing organic compounds shall be determined by the implementing regulation in accordance with this Law.

The use of organic compounds in operations and plants shall be reduced to the lowest possible level.

Substances and preparations that are classified as cancerogenic, mutagenic or toxic for biological reproduction because of the contents of vaporizing organic compounds shall be replaced with less harmful substances and preparations as much and as soon as possible.

Article 25

Ozone layer protection

The ozone layer protection shall pertain to substances that damage the ozone layer, and products and equipment which contain those substances.

The implementing regulations of this Law shall regulate the conditions and procedure for gradual exclusion of substances that damage the ozone layer and for their replacement with alternative substances that have significantly lower harmful effect on the environment, as well as the procedure for handling with the products which contain or are made of substances that damage the ozone layer.

The relevant Ministry shall keep the records of import, export and consumption of substances which damage the ozone layer and shall submit reports in line with the international agreement relative to the environmental protection referred to in Paragraph 1 of this Article.

V – REGISTER OF EMISSIONS

Article 26

The register of emissions and pollutions, which is established under the Law on Environmental Protection, shall also contain a register of emissions into the air with the data on the source of emissions, their legal persons and pollutants released into the air from the sources.

The contents of the data kept in the register referred to in Paragraph 1 of this Article, the manner and deadline for the collection thereof, submission and entry in the register, methodology and manner of keeping the data, as well as the manner of the management of data entered in the register (giving of information, submission of reports and others) shall be prescribed by the Minister.

Registers of emissions into the air shall be prepared at least for the following pollutants: sulphur-dioxide, nitro-oxides, carbon dioxide, ammoniac, nitro-zoo-oxides, methane, non-methane carbon hydrogen, benzene, and PM-10.

Operators, expert institutions and relevant cantonal bodies shall submit to the Federation Ministry all data necessary for valuation of emissions or control thereof.

The Federation Ministry shall prepare and regularly update the register of emissions which includes all data on emissions from key sources.

Every January, the Federation Ministry shall publish the report on cadaster of emissions of pollutants into the air for the year before the preceding year for the territory of the Federation of BiH.

The Federation Ministry shall make available all information relative to emissions by way of publishing them.

Every April, Cantons shall publish reports on emissions of pollutants into the air (including the emission from natural sources) for the year before the preceding year for the territory of their respective cantons.

Every April, the Inter-entity environmental authority shall compile a report on emissions in the year before the last based on the information from the entities' ministries. The compiled report shall be submitted to BiH Council of Ministers for its submission to the bodies of international agreements of which Bosnia and Herzegovina is a member.

Reports shall be prepared in line with the reporting requirements set in international agreements of which Bosnia and Herzegovina is a member.

VI – AIR QUALITY

Article 27

For the purpose of monitoring the air quality (determination of the degree of pollution), undertaking of measures in order to prevent and abate pollution, limit values of air quality shall be prescribed for certain pollutants in the air and long-term goals for the ozone.

The top and bottom boundary of evaluation of air quality, temporary tolerance margins or tolerance values, warning thresholds and target values for certain pollutants, criteria for determination of measurement spots, methodology of measurement, measuring procedures, the manner of measuring quality and data accuracy verification, the processing and presentation of measuring results and values their consistency with prescribed norms, contents of reports on conducted measurements and deadlines for submission of data, the manner of evaluation of pollution level, as well as deadlines for gradual reduction of tolerance margins or tolerance values shall be determined by the implementing regulation of the Federation Minister in line with this Law.

The relevant Ministry shall not allow business operations that might cause exceeding of limit values in the area where limit values are not exceeded.

The Cantons may set the limit values of air quality lower than the values set in the implementing document referred to in Paragraph 1 of this Article depending on the specific characteristics of certain areas.

Article 28

Monitoring of air quality

For the purpose of efficient air quality management, a single functional system shall be established for the air quality monitoring.

The Federation Ministry shall provide for a regular monitoring of the air quality.

Monitoring of the air quality shall be done by:

- Measuring and/or evaluating the level of air pollution in areas that are not inhabited;
- Measuring and/or evaluating the level of air pollution which is the result of precipitation and regional or cross border transfer of pollutants in the air;
- Measuring the level of quality (pollution) of air and precipitation in settlements and industrial areas;
- Measuring of the level of quality (pollution) in the vicinity of certain stationary sources;
- Measuring meteorological parameters at the sites where the air quality is measured;
- Measuring and observing changes that indicate the presence of polluted air and manifested on soil, plants and samples of biological origin, structures and the like (indirect indicators of air quality).

Within the monitoring of the quality of air, a network of measuring stations for systematic measurements of air quality shall be established, as follows: Federation, Cantonal, municipal, pollution source and special areas.

Site of stations in the Federation network shall be determined by the Federation Government upon the proposal of the Federation Ministry.

An expert institution authorized by the Federation Ministry and Federation Ministry of Health shall establish and conduct the monitoring of air quality in line with the implementing regulation.

The expert institution referred to in Paragraph 6 of this Article shall keep the database on measurement of air quality.

The expert institution referred to in Paragraph 6 of this Article shall prepare an annual report relative to the status of air quality and submit it to the Federation Ministry and Federation Ministry of Health for the purpose of its publishing. The report must document the excess of air quality limit values, alarm thresholds, and long-term goals for the protection of air.

The Ministry shall inform the Federation Government about the areas where pollution levels are higher than the tolerance value, about the results of the measurements in those areas, and measurements and deadlines within which the pollution level shall be returned to the tolerance value limits.

Article 28a

In cases when there is a reasonable doubt that the air pollution occurred with the quality which can deteriorate human health, quality of life and/or detrimental effects to any element of the environment, measurements with special purpose shall be conducted or the pollution level evaluated.

The relevant Ministry, that is, the relevant local self-governance unit shall establish a reasonable doubt referred to in Paragraph 1 and shall reach a decision on measurements with special purpose which contains the manner and deadline of measurements.

Article 28b

Evaluation and classification of areas according to the levels of pollution

The quality of air (pollution level) shall be evaluated by the analysis of the existing situation on grounds of:

- Results of regular measurements in the Federation and Cantonal network over the period of at least one year;
- Results of regular measurement in the local network over the period of at least one year;
- Results of measurement for special purposes;
- Application of standardized mathematical models;
- Other methods of assessment in line with the generally accepted practice in the world.

According to the pollution level and considering the limit values and tolerance values, the following air quality categories shall be determined:

- The first category of air quality – air is clear or polluted to a minor degree: limit values (LV) are not exceeded by any pollutant;
- The second category of air quality – air is polluted to a moderate degree: limit values (LV) are exceeded by one or several pollutants, while tolerance values (TV) are not exceeded by any pollutant;
- The third category of air quality – air is highly polluted: tolerance values (TV) are exceeded by one or more pollutants.

Article 29

Measures applied in the areas with the levels higher than limit values

Within two years, the Canton shall enact the cantonal action plan for the air protection in the areas where limit values of one or more pollutants in the air are exceeded.

If the limit values are exceeded in two or more Cantons, the Federation Ministry shall be in charge of coordination among Cantons.

The plan referred to in Paragraph 1 of this Article may foresee the control measures, suspension of activities, including the suspension of motor traffic if it contributes to the excess of limit values.

Cantons may prohibit the traffic of certain types of vehicles on some roads if the air pollution caused by road traffic cannot be resolved otherwise.

The plan referred to in Paragraph 1 of this Article shall be submitted to the Federation Ministry and other cantonal ministries competent for the implementation of measures prescribed by the Cantonal action plan for the air quality protection.

The plan shall be available to the public for suggestions prior to its enactment.

Among other things, the plan shall contain:

- site of excessive pollution (regions, cities) and measurement stations;
- general information on the type of area (city, industrial or rural area);
- assessment of polluted area (km²) and number of population exposed to pollution;
- necessary climate data;
- relevant topographic data;
- information of type of goals requiring the protection in a given area;
- nature and assessment of pollution such as concentrations observed in preceding years, assessment techniques;
- origin of pollution such as the list of basic sources of emission responsible for pollution (map), total quantity of emission from the said sources (a ton a year), information on pollution from other areas;
- situation analysis such as extensive description of the factors that lead to excess (transfer, including transboundary transfer, form), extensive description of possible measurements for the air quality improvement;
- extensive description of measures or project that should be adopted to reduce the pollution;

- assessment of planned air quality improvement and time needed to achieve these goals;
- necessary budget requirements (means, staff, information, etc.) for the planned air quality improvement.

Article 30

Extreme pollution situations (SMOG)

The Canton shall enact the intervention plan in case of the existent risk to exceed the warning threshold stating the measures to reduce the risk and limit the duration of such occurrences.

The plans may foresee the control measures, suspension of activities, including the suspension of motor vehicles when they contribute to the excess of warning thresholds.

Cantons may prohibit the traffic of certain types of vehicles on some roads at certain periods of time if the road traffic caused air pollution cannot be resolved otherwise.

In case the alarm thresholds determined in the implementing regulations are exceeded, Cantons shall take necessary steps in order to keep the public informed (for example by radio, television, press or the manner usual in the given area).

Article 31

Exchange of information

Institutions and bodies relevant for the air quality assessment shall, in accordance with Article 28 of this Law, submit to the Federation Ministry the necessary information for the report and the Federation Ministry shall submit them to the inter-entity environmental protection authority.

Article 32

Public information

The expert institutions referred to in Article 28 of this Law shall make sure that updated information on pollutants concentration in the air are regularly submitted to the public and appropriate organizations such as environmental protection organizations, consumers organizations, organizations representing sensitive population groups and other relevant bodies in charge of human health.

Information shall be distributed by radio, television, press, display or electronically.

The information referred to in Paragraph 1 of this Article include the data on exceeded concentrations of limit values and alarm thresholds during the period to which a medium value is assigned, as well as the assessment of limit values and alarm thresholds and adequate information relevant to impact on health.

Information shared with the public and organizations shall be clear, understandable and available.

VII - SUPERVISION

Article 33

The Federation Ministry shall supervise the implementation of this Law and regulations enacted based on the Law.

The tasks of inspection supervision shall be conducted by the Federation and cantonal inspectors within their competences.

An ex officio inspector shall conduct inspection supervisions to check if the emissions are in line with proper limit values of emissions and other requirements of the environmental permit issued for the given sources.

The inspector shall take samples and check whether the values of sulphur in fuels are in line with Article 21 of this Law. Sample taking shall start within six months from the day when a proper maximum limit of sulphur value in fuels becomes effective.

The operator of the source of emission shall ensure the inspector conducts unhindered inspection supervisions by giving an access to the sources, data and documents on the source in the presence of the operator's representative during the inspection.

When conducting the inspection supervision, the inspector shall make the records of inspection findings which shall contain:

- date, duration, place and subject of inspection,
- name, function and statement of operator's representative,
- name of the operator of the emission source,
- technical data on the source of emission,
- precise location of sample-taking,
- description of sample-taking, measurement methods and equipment used,
- date and duration of sample-taking, number of taken samples, beginning and end of measurement,
- violation of regulations determined in the course of measurement
- potential reasons for impossibility to conduct inspection.

The inspector shall submit to the emission source operator the records on inspection supervision within one month from the inspection completion.

Article 34

In case the inspector finds that the action was not in line with this Law or requirements of the permit, the inspector shall render the decision ordering the operator to:

- take necessary measures as soon as possible to eliminate the determined irregularities;

- take necessary measures to meet the conditions including the alteration or modification of technologies used;
- to pay a fine in case of constant violation of this Law or permits;
- suspension of activities which pose a direct threat to human health or environment until such threat is eliminated and
- intermittent payment of fines in case of repeated violation of this Law or permits.

VIII – PENALTY PROVISIONS

Article 35

A fine in the amount from BAM 1,000.00 to 10,000.00 shall be ordered upon a legal entity which:

- starts working without obtaining the environmental permit referred to in Article 7 of this Law or contrary to the environmental permit;
- reinstates the work in the existing facility or alters the intended use without obtaining the environmental permit (Article 9 of this Law);
- willfully makes significant changes to the project, plan or operation of the source of emissions without obtaining the environmental permit (Article 11 of this Law).
- if acts in violation of Article 15 of this Law.

A fine in the amount of BAM 500.00 to 2,000.00 shall be imposed on a responsible person in the legal entity for breaches referred to in Paragraph 1 of this Article.

A fine in the amount of BAM 1,500.00 shall be imposed on a natural person for breaches referred to in Paragraph 1 of this Article.

Article 36

A fine in the amount from BAM 500.00 to 10,000 shall be imposed on any legal person who:

- fails to submit an annual report in line with Article 13 of this Law and
- fails to inform the relevant body about exceeded limit values of emissions (Article 15 of this Law).

A fine in the amount of BAM 500.00 to 2,000.00 shall be imposed on a responsible person in the legal entity for breaches referred to in Paragraph 1 of this Law.

A fine in the amount of BAM 1,500.00 shall be imposed on a natural person for breaches referred to in Paragraph 1 of this Article.

IX – TRANSITIONAL AND FINAL PROVISIONS

Article 37

The existing facilities which started up and obtained permits or started the permit issuance procedure before this Law becomes effective shall harmonize their activities with this Law and implementing regulations by 1 January 2010.

As an exception to Paragraph 1, all existing facilities which are proven not to meet technical and economic conditions shall harmonize their activities with the provisions of this Law and limitations prescribed by the implementing regulations by 2012.

Provisions of Paragraph 2 of this Article shall not apply to the facilities in relation to which justified complaints were filed that the emissions they make have adverse effect on human health at a given area or if there is an opinion that the emissions make a major impact on ecosystems or cultural and historical monuments.

The existing facilities shall prepare plans of adaptation to gradual improvement of characteristics of their emissions in order to meet the requirements of this Law.

Plans of adaptation shall be submitted to the relevant bodies for approval no later than one year from the day this Law becomes effective.

The financial means for the protection and improvements of air quality shall be provided in the budget of the Federation of BIH, cantonal budgets, of budgets of local self-governance units, as well as from revenues of the Environmental protection Fund of the Federation of BIH and cantonal/local self-governance environmental protection funds, in line with the Law on Environmental protection Fund in the Federation of BIH and from other sources according to the provisions of this Law (pollutants, donations, international aid funds, etc.).

Article 38

The regulation referred to in Article 4 of this Law shall be enacted by the Federation Parliament within one year from the day this Law becomes effective.

Regulations referred to in Articles 6, 10, 12, 16, 18(1) (2) and (4), 19, 21, 24, 25 and 27 shall be enacted by the Federation Minister within one year from the day this Law becomes effective.

Article 39

Once this Law becomes effective, the provisions of special laws regulating the air protection shall cease to be valid.

The existing implementing regulations concerning the air protection referred to in Paragraph 1 shall remain in force until the regulations referred to in Article 38 of this Law are enacted.

Periodical revisions of the implementing regulations shall be made at least on a five-year basis in line with technical development in setting the limit values, measurement methods and the like, especially in line with changes in the best available techniques.

Article 40

The revised text contains the Law on Air Protection (Official Gazette of the Federation of BiH, Vol 33/03) and the Law on amendments and addenda to the Law on Air Protection (Official Gazette of the Federation of BiH, Vol. 04/10).

The revised text is official and shall be published in the Official Gazette of the Federation of BiH.

No.

Sarajevo

Chairman
House of Peoples
Parliament of the Federation of BiH

Chairman
House of Representatives
Parliament of the Federation of BiH

ⁱ Article 24 of the Law on Amendments and Addenda to the Law on Air Protection (Official Gazette of FBIH, Vol 04/10) authorized the Legislative Committee of the House of Representatives in the Federation of BiH Parliament and the Legislative Committee of the House of Peoples in the Federation of BiH Parliament to determine the revised text of the Law on Air Protection.