

LAW ON ENVIRONMENTAL PROTECTION

I – GENERAL PROVISIONS

Article 1

Objectives of the Law

This Law shall regulate:

- Conservation, protection, renewal and improvement of ecological quality and capacity of the environment and the living quality;
- Measures and conditions of management, conservation and rational use of natural resources;
- Framework of legal measures and institutions for conservation, protection and improvement of environmental protection;
- Financing of activities related to the environment and voluntary measures;
- Duties and tasks of the administration authorities at different levels.

In line with the principles of cooperation and shared responsibility, the objectives of this Law shall be to:

- Reduce the use, prevent the environmental load and pollution, prevent the violation of and enhance and restore the damaged environment;
- Enhance the environmental conditions, protect human health, including the right to healthy life;
- Preserve and protect the natural resources, rational use of resources and the economy management which provides for the renewal of resources;
- Harmonization of other interests of the entity with the environmental protection requirements;
- International cooperation in the environmental protection;
- Public initiatives and public participation in the activities pertinent to the environmental protection;
- Coordinate the economy and integrate social and economic development in accordance with the environmental protection requirements and
- Establish and develop the institutions for environmental protection and conservation.

Article 2

Provisions of this Law shall pertain to:

- a) all forms of the environment (air, water, soil, animal and plant world, landscapes, built environment);
- b) all types of activities which use and load the natural resources, which have an impact on the environment to degree which represents a risk of environmental pollution or have an adverse effect on the environment (such as noise, vibration, radiation – excluding nuclear radiation, waste, light radiation, etc.);

This Law shall prescribe the rights and responsibilities of legal and natural persons conducting the activities regulated by this Law.

This Law shall prescribe the tasks in the field of environment that stem from international conventions, unless it is otherwise prescribed by the international convention.

Article 3

Right to the Environment

Every person has the right to healthy and ecologically sound environment as the fundamental constitutional right,

Every person shall have the right to live in the environment suitable for health and welfare, hence the personal and general responsibility to protect and enhance the environment for the sake of welfare of present and future generations.

II – DEFINITIONS

Article 4

For purposes of this Law:

The best available technologies mean the most effective and advanced stage in the development of activities and their methods of operation which points to the practical suitability of certain technologies (to ensure the emission limit values) with a view to prevent or at least reduce emissions into the environment as a whole;

Changes in the operation mean changes in nature, operation or expansion of facilities which might have consequences to the environment;

Hazardous substance means a substance, compound of substances or preparation determined in the implementing regulations and present as a raw material, product, byproduct, deposition or intermediate including the substances which can reasonably be expected to appear in case of an accident;

Emission means the direct or indirect release into the environment of substances, vibrations, heat, odor or noise generated by one or several sources in the facility and released into the air, water, soil;

Emission limit value means a mass represented by specific parameters, concentration and/or levels of emissions that will not be exceeded during a certain period(s) of time;

Environment means environmental components, certain systems, processes, and structure of the environment;

Environmental components mean the land, air, water, biospheres, and built (artificial) environment which resulted from the human activities which is also an integral part of the environment;

Strategic environmental assessment is a systemic process of evaluation of consequences on the environment which might entail from the implementation of strategy, plan and program so that the decision-making process relative to economic and social issues also include environmental issues.

Environmental impact assessment means the identification, description and appropriate assessment of each specific case in line with provisions of this Law, a direct or indirect impact of some project on the following elements and factors:

- humans, flora and fauna;
- soil, water, air, climate and landscapes;
- material estates and cultural heritage;

- Interrelated impact of factors referred to in the said bullet points.

Plan of activities is a plan of adaptation of the existing installations and facilities which contains objectives, measures and conditions which must satisfy new standards of protection for all environmental segments with the means determined in a set deadline;

Information related to the environment means any information in a written, visual, audio, electronic or any other material form relative to the environment situation, or environmental components;

Environmental load means the emission of substances or energy into the environment;

Environmental protection means all appropriate activities and measures with a view to prevent the risk, damage or pollution of the environment, offset or eliminate the damage that occurred and reinstate to the state as it was prior to the damage;

Environmental quality standard means the prescribed requirements which must be met at certain period of time, in certain surrounding or area, as prescribed by this Law or other laws such as those that pertain to air or water quality;

Hazard means an internal property of hazardous substances or a situation which might have adverse effects on human health or environment;

Impact area means the area or the part of the area where a degree of environmental impact occurred or might occur as the result of the environmental use;

Facility means the area where the installation is placed or one or more technical units where the activities are carried out which are likely to have negative effects on the environment or with the presence of hazardous activities;

Interested party/body means a natural or legal person or an organization which lives and operates in the impact area or the area likely to be under the impact;

Large-scale accident means large scale emission, fire or explosion as the result of uncontrolled changes in the facility operation constituting a threat to human health or environment, direct or delayed, inside or outside the facilities involving one or more hazardous substances

Natural resources mean a component of the natural environment or a constituent part of the environment which may be used to satisfy the needs of society, excluding the artificial environment;

Non-governmental organizations that promote the environmental protection mean the organizations that are registered in the territory of Brčko District;

Operator means a legal or natural person which manages or controls the installation, or, in cases determined by the law, a person who was transferred a public authorization;

Permit means a written decision granting the construction and operation of certain facility and installation or carrying out the activities;

Pollution means any direct or indirect introduction of substances, vibrations, heat, odor or noise caused by human activity into the air, water or soil which might have adverse effect on human health or property or on the living quality;

Public means all natural and legal persons and their associations, organizations or groups;
Risk means the possibility of occurrence of certain effect in a certain period or certain circumstances;

Storing means the presence of a quantity of hazardous substances for the purpose of storing at safe place or filling a stock;

Significant changes mean the changes in the facility's operation which might have adverse effects on humans and environment. Significant changes also include any change or expansion of the facility which is within the criteria/thresholds mentioned in the implementing regulations;

Use of the environment means an activity which causes changes in the environment by way of using the environment in its entirety or some of its components as natural resources or by discharging substances or energy into the environment or environmental component in line with the environmental protection regulations;

Relevant environmental institutions mean institutions that have available the data relevant to the environment.

III – PRINCIPLES OF ENVIRONMENTAL PROTECTION

Article 5

Sustainable Development Principle

Sustainable development in the environment shall include:

- Conservation of natural treasure, taking into account that the level of consumption of renewable materials, water and energy resources does not exceed the framework in which the natural systems can compensate that, and that the level of consumption of non-renewable resources does not exceed the framework in which the renewable resources are renewed.
- Sustainable development in the environment means that the level of pollutants emitted does not exceed the capacity of air, water and soil to absorb and process them.
- Sustainable development in the environment means the permanent conservation of biological diversity, human health, and quality of air, water and soil according to standards that are always sufficient for life and welfare of humans, flora and fauna.

Article 6

Precaution and Prevention Principle

Lack of scientific certainty is no reason to postpone actions to avoid potentially significant or irreversible harm to the environment and prevent further environmental degradation.

Using of the environment is organized and implemented so to:

- Result in the lowest possible degree of environmental load and utilization,
- Prevent the environmental pollution and
- Prevent the environmental damage.

When using the environment, the precautionary principle must be applied so that the environmental components are managed cautiously and rationally and the generation of waste is minimized by way of recycling the produced waste or re-using the natural and artificial materials.

With a view to prevent the environmental degradation, the best available technologies shall be applied.

The user of the environment who poses threat or incurs damage to the environment shall bring the risk of damage to the level within allowed limit values.

In case the damage occurs as the result of the previous activities of the user, the user shall remove and repair the incurred environmental damage.

Article 7

Substitution Principle

Any activity which might have adverse effects on the environment must be substituted with another activity which poses a significantly lower risk. The activities shall be substituted also in case the cost such activities are higher than the value which should be protected.

The provision of Paragraph 1 of this Article shall be applied when using the products, parts of plants, equipment and product processes along with mandatory limitation of environmental pollution at the source.

Article 8

Integral Approach Principle

Requirements for a high level of environmental protection and enhancement of environment quality are integral part of all environmental development policies, and are provided for in line with the sustainable development principle.

The purpose of integral approach principle is to prevent the risk of damage to the environment as a whole or to reduce that damage to the lowest possible level.

The integral approach principle includes:

- Taking into consideration the entire life cycle of substances and products;
- Anticipating the consequences in all environmental components as results of substances and activities effects (both new ones and existing);
- Reducing the waste generation and detrimental effect of waste to a minimum;
- Applying general methods for assessment and comparison of problems in the environment and
- Complementary application of measures in relation to consequences, such as qualitative goals of environmental protection and measures directed at sources of emission.

Article 9

Cooperation and Distribution of Responsibility Principle

Sustainable development is achieved through cooperation and joint action of all subjects with a view to protect the environment, each within its own competence and responsibility.

Implementation of goals related to the environment is encouraged by inter-entity cooperation, bilateral or multilateral international agreements relative to the environmental protection and other agreements on cooperation, and by rendering the information and support in relation to the environmental protection and particularly by relations with neighboring countries.

In lack of international treaties, the objectives of environmental protection of other states that are taken into account shall be the reduction of transboundary pollution or risk to the environment, as well as the prevention of pollution and damage to the environment.

Article 10

Public Participation and Access to Information

The issues of environmental protection are realized by way of the public participation. Every individual and organization must have an adequate access to environmental information held by administration bodies and administration organizations, including the information on hazardous substances and activities in their communities and possibility for their participation in the decision-making process.

Regulations-enacting bodies and authorities in charge of environmental protection shall help and develop the public awareness and encourage the citizens' participation in the decision-making process, by making the information available to broader public.

The public shall be entitled to participation in the proceedings conducted at the request of the operator in line with this Law or other regulations.

With a view to achieve the compensation or legal protection, every interested person is entitled to the protection in administrative and court proceedings.

Article 11

Polluter Pays Principle

The polluter shall pay the costs of supervision and prevention of pollution, and shall pay the compensation for the incurred damage, be it the costs incurred by responsibility for pollution emission, compensations determined by adequate financial instruments or obligations determined in the regulations for the reduction of environmental pollution.

The polluter referred to in Paragraph (1) shall be responsible for all activities that have an impact on the environment in line with this Law and other regulations.

IV PROTECTION OF ENVIRONMENTAL COMPONENTS

Article 12

Environmental Components Integrated Protection

Environmental components shall be protected from pollution both individually and in conjunction with other environmental components, taking into account their mutual interrelations and effects. The manner of loading and using of the environmental components shall be determined accordingly.

Environmental components protection includes the protection of quality, quantity and stockpile of components and conservation of processes within components and their natural balance.

Special regulations shall prescribe separate areas of protection and conservation of environmental components and protection from the impacts that pose threat to the environment.

Article 13

Soil Conservation

The soil conservation includes the surface and underground layers of soil, rock and mineral formations and their natural and transitional forms and processes.

Soil preservation includes the preservation of productivity, structure, balance of water and air and biota of soil.

Types of activities and disposal of substances can be done at the soil surface and below the surface if they do not pollute or damage the quantity above the prescribed limit values, quality, material processes of soil and environmental components.

Before and during the projects implementation (construction, ore exploitation etc.), an adequate separation, depositing and protection of soil surface layer must be ensured, as well as the protection and use of agricultural land.

Following the completion of activities which include the use of land, the user shall ensure the renewal of that area according to the determined plan.

The user shall provide for renewal and re-development of the area during the use of environment when possible and when determined by special regulations or decision of the relevant authority.

Article 14

Waters Protection

Protection of waters shall include the preservation of surface and underground waters, stockpiles of water, regulation of water quantity and quality, protection of riverbeds, coastal areas of land waters and aquifers.

The natural flow, structure of flow, conditions of flow, riverbed, and coastal areas can be changed only if the conservation of natural balance of ecosystems and their functioning is ensured.

Waters may be used and loaded, and wastewater and sewerage may be released into the water with the application of adequate treatment – in the manner that does not pose threat to natural processes or renewal of water quality or quantity.

Extraction and recovery of wastewaters into the water and the transfer of waters shall be conducted in the manner which does not have adverse effects on the reserves, quality and biota of waters which are used for supply or recovery and does not pose threat to their self-purification.

Article 15

Air Protection

Protection of air shall include the preservation of atmosphere in its entirety with all processes, conservation of its structure and climate characteristics.

Air must be protected from the load of any artificial impact on the air or on the other environmental components by way of transmission of radioactive, liquid, gas or solid substances if there is a risk of adverse effect on the air quality or human health.

When planning a plant establishment and introduction of activities and during the production process or using of products, measures should be taken to reduce the level of pollutants to the lowest possible level.

Article 16

Conservation of Biosphere

Conservation of biosphere shall include the protection of living organisms, their communities and habitats taking into account the conservation of natural processes within their habitats and balance within the ecosystem, ensuring their sustainability.

Biosphere shall not be used in a way which violates natural processes and biodiversity and poses threat to its sustainability.

Article 17

Conservation of Built Environment

The development plan shall set the zones of construction at certain sites depending on the degree to which the environment is loaded and determine the intended use of constructions within certain parts of specific sites.

Activities in certain zones, which include the areas with different levels of protection, shall be conducted in line with special regulations adequate to the nature of load on the environment and in accordance with this Law.

Green areas within local self-governance units shall be developed in the manner prescribed under special regulations.

Article 18

Hazardous Substances and Technologies

Protection against adverse effects of hazardous substances shall include the use of all natural and artificial substances used, produced or distributed by environment users in the course of their activities, the quantity and quality of which determines them as: explosive, inflammable, radioactive, toxic, susceptible to corrosion, infectious, eco-toxic, mutagenic, cancerogenic, irritating or causing such effects when in touch with other substances.

When handling hazardous substances or during the use and exploitation, extraction, storing, transporting, producing, developing and applying them or when applying dangerous technologies, all protection and safety measures shall be taken to reduce the risk of environmental threat to the lowest possible level or to eliminate such risk in line with special regulations.

When applying the technologies which might pose threat to the environment, a safe zone or distance shall be determined in line with the nature of a threat source in order to reduce the risk of environmental threat.

Article 19

Waste

Protection against adverse effects of waste shall include all types of substances and products, as well as their packages and packing materials or all types of products that are disposed of or planned to be disposed.

A waste holder shall undertake adequate measures of waste management and shall also provide for basic measures for the purpose of preventing the waste generation, recycling or treating the waste for reuse, and possible use of waste for the generation of energy, and safe disposal.

Article 20

Noise and Vibration

Protection against noise and vibration in the environment shall include all types of artificially generated emissions of energies that cause burden by unwanted, unpleasant noise that might endanger health or have adverse effects on the health.

For the purpose of protection against noise, technical and organizational methods shall be used in order to stimulate:

- Reduction of noise or vibrations, that is, sources that generate noise or vibrations;
- Reduction of load, that is, prevention of the increase in the load of noise and vibrations;
- Subsequent protection in those areas that are under constant load which exceeds the set standards.

All issues related to the protection against noise shall be defined in a special law.

Article 21

Radiation

Protection against radiation impact shall include the protection against artificially generated and natural ionization, non-ionizing radiation and thermal radiation of all types.

V INFORMIRATION AND TRAINING IN THE FIELD OF ENVIRONMENT

Article 22

System of Environmental Information Sharing and Gathering of Information

The FBIH Ministry of Environment and Tourism (hereinafter: the Federation Ministry) shall put in place a system of environmental information dissemination and provide for the monitoring of the state of environment, measurement activities, collection, processing and making records of the environmental data, and make sure that all the collected data are available.

The system of information sharing shall be in place and organized per population density in territories and the intensity of environmental use, in the form of a periodical report on the state of environment, so to:

- Determine quantity and quality changes in the environment which resulted from the use at the international level at the same time evaluating social and economic data from the impact on human health point of view;
- Determine the causes of impact on the environment including the detailed overview of causal-consequential relations with in relation to the damage;
- Anticipate the risk to the environment;
- Propose necessary measures with a view to protect the environment;
- Use it for the purpose of planning.

The Federation bodies responsible for the field of water management, meteorology, paedology, geology, nature protection, statistics and other administrative organizations shall ensure the collection, processing and keeping the records of adequate data and information, especially those related to the use and loads to the environment, each within its own competence, and shall submit the data to the Federation Ministry and to other relevant state-level bodies and international institutions.

The Cantonal Ministry in charge of environment (hereinafter: the Cantonal Ministry) shall submit the information necessary for the operation of the information sharing system.

Article 23

Environment users shall measure the load and use of the environment that result from their activities in the manner prescribed by special regulations, and shall confirm them, make records of them and enable the relevant bodies to access those data.

Article 24

Entry of Environmental Data in Other Registers

A determined state of facts, scope and nature of constant damage to the environment determined by a decision of a relevant body or court shall be entered in land books as a temporary entry and in the real estate cadastre.

The Federation/Cantonal Ministry (hereinafter: the relevant Ministry) shall ex officio demand the data to be entered when the responsibility was determined by a court.

Alterations in the state of facts and degree and nature of environmental pollution shall set the ground for entry of the data upon a request of the real estate owner, relevant ministry or court.

Article 25

Environmental Research and Technical Development

Environmental protection responsibility shall be enhanced by the development of science and technology, scientific research and technical development, publishing of findings and practical use of national and international research papers.

The study focused on the environmental research and environment protection development has a priority support of relevant bodies and institutions. The FBIH Minister and Cantonal Minister in charge of environmental protection (hereinafter: the relevant Minister) shall

cooperate with the Minister in charge of education and science and coordinate the support and assessment of environmental scientific researches.

Article 26

Environmental Education, Training and Culture

Every citizen has the right to acquire and enhance knowledge of the environment.

Distributing and enhancing the environmental information shall be the primary responsibility of the Federation of Bosnia and Herzegovina (hereinafter: the Federation), cantons and local authorities.

The relevant Minister shall cooperate with other Ministries in striving to ensure professional training on the environment.

Article 27

Federation/Cantonal administration bodies and municipal services shall execute the obligations referred to in Articles 25 and 26 of this Law through institutions in charge of advising and educating the public in cooperation with environmental protection associations and expert organizations. The Federation, cantonal and municipal administrations and services shall extend support to educational institutions, religious communities, scientific institutions, expert organizations and associations to more efficiently conduct education and training activities in the field of environmental protection.

Article 28

Register of Polluter and Pollutions

The relevant Ministry shall keep the Register of plants, facilities and pollution.

The register shall contain the data on installations and facilities, in the federation/cantonal competence, that endanger or might endanger the environment and particularly:

- Name and address of the operator and location of the installation and facility;
- Type of business activity, brief description of activities and technological processes;
- Relevant data on the emissions, hazardous substances in the installation and facility, waste generation and use of energy and other resources;
- Data on permits issued, alterations in the work etc. and
- Data on inspection controls, relevant activities and undertaken measures.

The Cantonal Ministry shall prepare an annual report on permits issued to installations and facilities and send it along with the data referred to in Paragraph 2 of this Article to the Federation Ministry.

The relevant environmental institutions shall submit the available data to the relevant Ministry.

The Federation Ministry shall prescribe the manner of the data submission.

The register on installations and pollutions shall be available to the public-

Any person with a legal interest may request an access to the register and may ask for a copy of the data from the register.

Article 29

Active Distribution of Information on Environmental Protection

The Federation Ministry shall give the information on the environment in a transparent and effective way.

The Federation Ministry shall use the print and electronic publications as tools for sharing information with the public.

In case of a direct threat to human health or environment, the Federation Minister shall immediately share all available information with the representatives of the public which could allow the public to undertake measures in order to prevent or abate the damage from possible threat.

VI PARTICIPATION OF THE PUBLIC AND ACCESS TO INFORMATION RELATIVE TO ENVIRONMENT

Article 30

For purposes of this Law, the environmental information shall include any information in a written, visual, audio, electronic or any other material form relative to:

- The state of environmental components such as air and atmosphere, water, soil, landscapes, natural sites, biological diversity and its components, including genetically modified organisms and interrelation of the said elements;
- Substances, energy, noise, radiation, business operations and measures, including administrative measures, agreements on environmental protection, policies, legislation, plans and programs which pertain to the environmental components referred to in line 1 of this Article, analysis of cost-efficiency and other economic analyses and requirements used in the decision-making relative to the environment;
- The state of human health and safety, living conditions, cultural estates and constructions in as much as they are or could possibly be under the impact of environmental components or through the components under the impact of factors, business operations or measures referred to in line 2 of this Paragraph;
- Bodies and institutions responsible for the environment.

For purposes of this Law, the interested public shall mean the public which has the interest in the environmental decision-making either because of the project site or nature of the given activity, the public which is under the impact or is likely to be under the impact of the planned activity in the environment and non-governmental organizations which promote the environmental protection.

Article 31

In accordance with this Law, the public has an access to information, possibility to participate in the decision-making process and access to justice relative to environment protection issues without being discriminated on grounds of citizenship, ethnicity or place of residence, and in case of legal entities- without being discriminated on grounds of the place of registration or center of activities.

The body in which the proceedings were instituted shall make sure that persons who exercise their rights in line with this Law are not punished, persecuted or disturbed otherwise because of their participation in the process.

Abuse of legal remedies (civil, criminal, minor offense proceedings or employment related proceedings) instituted for the purpose of punishing, processing or disturbing persons who used their right to public participation shall be considered illegal.

Article 32

Education and professional training

The Federation Ministry of Education and Science in cooperation with the federation Ministry shall develop annual education programs relative to the environmental protection and raising of public awareness in the field of environment. Environmental protection education programs shall be included within curricula and extracurricular programs. In addition to the important environmental protection issues, the curricula shall contain the data as to how to access the information, how to take part in the decision-making process and how to access justice for the matters of environmental protection.

The Federation Ministry shall organize regular trainings for non-governmental organizations dealing with the environmental protection issues.

Article 33

Access to Environmental Information

Upon a request of the interested party, the Federation Ministry shall make sure that the information is available to the public.

The interested party shall be the person with a justified interest in seeking the information.

The Federation Ministry shall submit the information along with the copy of the documentation based on which the information is compiled. The information may be given in another form, stating the reasons for such form or with an explanation that the information is already available to the public in another form.

Article 34

The request for information on the environment may be refused if:

- any administration body does not have the required information on the environment;
- Request is illegible or too general;
- Request is about the material which is being prepared or is about internal communication of the administration body where an exception to free access of information is prescribed by another law considering that sharing of information would violate a general interest, or
- The information is already submitted to representatives of non-governmental organizations, interested population in the given area, and to the press because of collective public interest. In that case, the relevant body shall instruct the applicant as to where he can get the necessary information.

The request for information on the environment may be refused if sharing of such information would have a detrimental effect on:

- International relations, defense or general safety;
- Justice, right of the person to a fair trial and possibility of the administration body to conduct criminal or disciplinary proceedings;
- Confidentiality of information relative to trade and industry and information on emissions important for the environmental protection if it is determined by special regulations in order to protect economic interest;
- The intellectual property rights;
- Confidentiality of personal details and/or documents about natural persons when those persons did not give their approval to publish the information, if so determined by special regulation;
- Interest of third persons who ensured the requested information without being obligated to do so and if that person does not give an approval for publishing or
- The environment pertinent to the information such as places of rare species breeding.

The decision refusing the access to information referred to in Paragraph 2 of this Article shall be rendered with the reasoning.

If the administration body does not have the requested information, it shall forward the request as soon as possible to the administration body which is considered to have such information and inform the applicant thereof.

The administration body shall grant the access to environmental information if such information can be singled out of the information that is exempted from free access as laid down in Paragraphs 1 and 2 of this Article.

The response refusing the request shall be given in writing if the request was submitted in writing or the applicant requires so.

Article 35

Fee for Delivery of Information

The relevant Ministry shall set a fee for the delivery of information in a form of a decision. The fee for distribution of the existing information or documents shall not exceed the costs of making copies of such information or document. In cases when the relevant Ministry needs to conduct a research or some other activities that it is not obligated under the Law, it shall set a special amount of the fee.

The relevant Ministry that intends to introduce the fees for information provision shall inform the applicant of the price-list with the amount of fees that might be introduced.

Article 36

Public participation in decisions on special activities

The relevant Ministry shall provide for the public participation in:

- The procedures of issuing environmental permits for facilities that exceed thresholds prescribed by bylaws.

Paragraph 1 of this Article shall pertain to the decisions on activities that are not stated in Paragraph 1 of this Article and can have a significant impact on the environment.

The provisions of this Article shall not be applied in case the decision-making would have an adverse effect on the defense of the state.

Upon instituting the administrative proceedings, the interested public shall be informed about the following:

- proposed activities of the applicant and request for the environmental permit;
- the relevant administration bodies responsible for rendering of the decision, or environmental permit;
- the course of the procedure, including the available information on:

a) possibilities for the public participation,

b) time and place of the planned public debate,

c) the relevant administration bodies which can give important information and where the public may have free access to the documentation;

d) the relevant administration body or any other body which receives remarks and questions and the deadline for submission of remarks and questions,

f) the state of the environment relevant for the proposed activities:

- the fact of the given activity that belongs to the Entity(ies) or that it is about a transboundary procedure of environmental impact assessment;
- draft decision or environmental permit.

The interested public shall be notified about the beginning of the presentation of evidence. The notification shall also contain the warning that the evidence and facts of the given case must be presented within 30 days from the notification.

The relevant Ministry shall, where possible, stimulate the applicants to participate in debates prior to the submission of the request.

Article 37

Information Provided Upon Request

Upon a request of the interested public, the relevant Ministry shall, as soon as possible, make available free access to all information relevant to the decision-making process.

The access shall pertain to:

- Description of the site, physical and technical characteristics of the proposed activity including the estimated residuals/depositions and emissions;
- Description of significant impacts that the proposed activity would have on the environment;

- Description of measures proposed for prevention and/or abatement of those impacts, emissions included;
- Non-technical summary;
- Overview of basic alternative solutions researched by the applicant and
- Reports and expert opinions prepared by the administration bodies.

The interested public may submit written remarks, information, analyses or opinions which it deems relevant to the given activities within 30 days from receiving the information referred to in Paragraph 2 of this Article. In case of extremely complex issues, the administration body may extend the deadline to 60 days upon the request of the interested public. The results of public participation shall be taken into account during the decision-making.

Pursuant to Article on Administrative Procedure (Official Gazette of the Federation of BiH, No. 2/98 and 48/99) the relevant Ministry shall inform the public about the reached decision.

Article 38

Right of Appeal

The applicant for access to information whose application was not processed, or was refused or was incompletely or partly responded, shall be entitled to initiate the second-instance procedure in line with the provisions of the Law on Administrative Procedure.

Article 39

The representatives of interested public that participated in the first-instance procedure shall have the right to file an appeal from the decision or part of the decision.

In addition to the right to participate in permit issuance procedures and environmental impact assessment, the representatives of interested public, shall be entitled to initiate the procedure for protection of their rights before a relevant court if someone acts in violation of environmental principles of the environmental laws.

Following the procedure referred to in Paragraph 2 of this Article, the Court may:

- Order the legal and natural persons to undertake all necessary restoration measures, including the suspension of certain activities and/or compensation of damage;
- Impose on legal and natural persons the obligation to pay the reimbursement of damage;
- Order temporary measures.

VII COMPETENCE

Article 40

The Federation and Cantonal Ministries shall, each within their competence, be responsible for:

- Environmental protection, prevention and elimination of danger and damage to the environment, restoration and gradual enhancement of the state of environment;
- Defining of priority tasks in the environmental protection;
- Establishing legal, economic and technical measures in the interest of environmental protection;

- Developing, maintaining and operating the system which serves as the foundation for obtaining and processing the data on measurement, monitoring, control, assessment of the state of environment, and disseminating the information on possible environmental impacts;
- Enacting financial regulations in the field of environmental protection; and
- Cooperating with another entity.

Article 41

Environmental Advisory Council

The Environmental Advisory Council (hereinafter: Advisory Council) shall be established in order to extend scientific and expert support to the Federation Minister and the Federation of Bosnia and Herzegovina Government (hereinafter: FBiH Government) in the field of environment.

The Advisory Council shall have a consultative and advisory role, and will be made of 13 representatives of representatives of the interested parties in the field of environmental protection.

Ten members of the Advisory Council shall be opposed by the relevant Cantonal Ministries of environmental protection from the organizations and institutions representing expert and economic interests and science. One representative shall be nominated by the President of the Science and Arts Academy of BiH. One representative shall be nominated by the Regional Center of Environmental Protection – Office in Bosnia and Herzegovina based on a written consent of at least five non-governmental associations registered in the territory of the Federation of BiH.

The Advisory Council members shall be appointed by the FBiH Government to a 4-year mandate.

The Advisory Council shall participate in the evaluation of the strategic environmental impact assessments and drafts that serve as the foundation for the Strategic environmental assessment.

The relevant ministers shall submit to the Advisory Council the plans in the field of environment for the purpose of taking a position and giving an opinion.

The Advisory Council shall select the chair and co-chair from amongst the members of the Advisory Council.

The Advisory Council shall enact its rules of procedure.

Article 42

The Federation Ministry shall:

- Analyze and assess the state of environment and environmental protection activities, as well as experiences in the field of environmental protection, and the use and development of the environment;
- Establish and manage the system of information distribution on the environment in the Federation of BiH;
- Issue environmental permits within its competence in line with this Law and other regulations;
- Determine the environmental classification system of substances, products and technologies and give opinion relative to their distribution and use;

- Organize activities aimed at preventing or reducing adverse effects on the environment;
- Participate along with other relevant bodies in the development of plans and programs of the natural resources use, development and realization of a special plan and qualification system;
- Decide upon appeals filed from the decisions of cantonal ministries rendered in line with the FBIH law and regulations and perform other tasks and activities of environmental protection within the competence of FBIH.

Article 43

The Cantonal Ministry shall:

- Analyze and assess the state of environment and environmental protection activities, as well as experiences in the field of environmental protection, and the use and development of the environment;
- Carry out the tasks and duties determined by the Federation of BIH Law and other Federation regulations;
- Establish and manage the system of information distribution on the environment in the Federation of BIH;
- Issue environmental permits within its competence;
- Organize activities aimed at preventing or reducing adverse effects on the environment;
- Supervise the implementation of cantonal laws and other cantonal regulations in the field of environmental protection.

Article 44

In the case of incurred damage or existent threat of damage to the environment, the relevant Prosecutor shall be entitled to file a motion for the prohibition or restriction of the activity and compensation of damage that was inflicted by that activity.

VIII - PLANNING OF ENVIRONMENTAL PROTECTION

Article 45

Environmental Planning System

The key planning and program documents in the field of environmental protection in the Federation of BIH shall include:

- Inter-entity environmental protection program;
- FBIH Environmental Protection Strategy and Action Plan of Environmental Protection;
- and
- Cantonal Environmental Protection Plan.

Article 46

The Federation Strategy and Plan of environmental protection shall be harmonized with the inter-entity environmental protection program.

The Cantonal Plans of environmental protection shall be harmonized with the Federation Strategy and environmental protection action plan.

The inter-entity environmental authority shall prepare the draft inter-entity program of environmental protection.

The Federation strategy and plans for environmental protection shall be mandatory parts of the environmental planning system.

Environmental protection planning shall be harmonized with social and economic development programs, international development programs and spatial development documents.

The plan of environmental protection shall be enacted by the FBIH Government at the proposal of the Federation Minister. The plan of environmental protection shall be enacted for the period of at least five years.

The Federation Ministry shall submit to the FBIH Government the report on the plan implementation on a bi-annual basis for their review, adoption and forwarding to the Federation Parliament.

Article 47

Elements of Program Documents in Environmental Protection

The Federation strategy and plans shall include, among other things:

- Data on the current state of the environment based on the scientific experiences and information,
- Goals that must be achieved in the planned period,
- Principles and guidelines for environmental protection,
- Activities and tasks to be carried out in order to achieve the planned goals, order of planned activities and tasks with the determined deadlines,
- Means and methods for achieving the set goals with the designation of planned sources of financing,
- Designated areas which require environmental protection instruments and the contents of those instruments.

Article 48

Federation Environmental Protection Strategy

The Federation Ministry shall prepare a draft Federation environmental protection strategy.

The integral parts of the Federation environmental protection strategy shall be:

- Federation Water Management Strategy
- Federation Nature Protection Strategy
- Federation Air Protection Strategy
- Federation Waste Management Strategy.

The proposal of the Federation environmental protection strategy shall be submitted to cantonal ministries and Advisory Council to obtain their opinions; it shall also be available to the public to obtain their suggestions and remarks.

The proposal of the Federation environmental protection strategy shall be submitted to the inter-entity environmental authority and Republika Srpska Government to obtain their opinions.

Remarks and suggestions to the proposal of the Federation environmental protection strategy shall be submitted within 3 months from the day the proposal is received.

The Federation Parliament shall enact the Federation environmental protection strategy to the period of at least ten (10) years.

Article 49

Cantonal Environmental Protection Plan

Cantons shall enact the Cantonal environmental protection plan which is harmonized with the Federation environmental protection strategy.

The Cantonal Ministry shall prepare the proposal of the environmental protection plan.

The draft cantonal environmental protection plan shall be submitted to the Federation Ministry, Advisory Council and neighboring cantonal ministries to obtain their suggestions and remarks.

Draft Cantonal plan of environmental protection shall be available to the public for the purpose of suggestions and remarks.

Suggestions and remarks to the proposal Cantonal environmental protection plan shall be submitted within three months from the day the proposal is received.

The Cantonal Assembly shall enact the Cantonal environmental protection plan to the period of at least five years.

The Cantonal Ministry shall submit to the Cantonal Assembly a report on the implementation of the Cantonal environmental protection plan on a bi-annual basis.

The Cantonal Assembly may enact the regulation to regulate the enactment of municipal environmental protection plans and the contents thereof.

Article 50

Plans and Programs of Businesses in the field of Environmental Protection

The businesses may develop programs of environmental protection on a voluntary basis.

The businesses shall be obligated to develop the plans of environmental protection if so prescribed by a special law.

Article 51

Strategic Environmental Assessment

The bodies in charge of developing the spatial development documents and bodies in charge of developing strategies, plans and programs in the following fields: agriculture, forestry,

fisheries, hunting, energy, mining and industry, transport, waste management, water management and documents the contents of which is likely to have negative effects on the environment shall be under the obligation to develop a strategic environment assessment.

When developing the Strategic environmental assessment, the environmental components, quality of the environment and impact on human health shall be taken into account.

The strategic environmental assessment shall also be developed when enacting economic regulations which might have environmental impacts (regulations on customs, taxes, obligations etc.).

Article 52

Strategic environmental assessment shall contain:

- Assessment of the state of environment
- Identification of development goals by setting priorities from the point of view of environment/sustainable development;
- Discussion of development alternatives for goals and priorities in the implementation;
- Draft of the proposal of environmental assessment;
- Defining environmental indicators for the monitoring of environmental impacts and changes in the state of environment;
- Integration of planned measures into the final document of plans, programs and strategies.

Draft documents of spatial development, strategies, plans or programs within the competence of the Federation of BIH shall be submitted to the Federation Ministry in charge of environment and health.

Strategy environmental assessment within the competence of the Federation of BIH shall be enacted by the FBIH Government.

Strategy cantonal assessment within the competence of the canton shall be enacted by the Cantonal Government.

IX ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL PERMIT

Article 53

The environmental impact assessment shall include the identification, description, assessment, direct and indirect impact of the plant and facility on:

- Humans, flora and fauna;
- soil, water, air, climate and landscapes;
- material estates and cultural heritage;
- Interrelated impact of factors referred to in lines 1, 2 and 3 of this Paragraph.

Article 54

The relevant body shall not issue an urban development approval or some other approval to the projects which require the environmental impact assessment failed to submit the environmental permit along with the request.

The Investor shall submit the Environmental impact assessment study to the relevant Ministry for review within 6 months from the day a conclusion in the study development is reached in the case when the impact assessment is made based on the assessment of the Federation Ministry.

Article 55

Competence for Environmental Impact Assessment

The relevant Ministry shall conduct the procedure of environmental impact assessment.

The relevant bodies at municipal, cantonal and federation level shall get involved in the procedure of environmental impact assessment.

Article 56

Installations and Facilities Subject to Mandatory Environmental Impact Assessment

The implementing regulation shall determine the installations and facilities or significant changes in the existing installations and facilities that are subject to mandatory environmental impact assessment, and the installations and facilities or significant changes in the installations and facilities in relation to which the relevant Ministry shall decide if the environmental impact assessment shall be needed.

Significant changes in installations and facilities shall be:

- a) an increase in the production, use of energy, use of water, use of space, emissions or waste generation by more than 25%;
- b) an increase by more than 25% in the past ten years in the increase in the production, use of energy, use of water, use of space, emissions or waste generation.

With regard to the termination of operations and demolition of installations and facilities which require the environmental permit shall require the environmental impact assessment and the decision on issuance of environmental permit.

Article 57

The preliminary environmental impact assessment shall be done in two phases:

- preliminary environmental impact assessment and
- environmental impact study.

In case it is determined based on the request for issuance of the environmental permit and attached evidence that the environmental impact assessment is not needed, the relevant Ministry shall enact the decision on issuance of the environmental permit based on a preliminary environmental impact assessment.

Article 58

Preliminary Environmental Impact Assessment

With regard to installations and facilities that are subject to the preliminary environmental impact assessment, the relevant Ministry shall send a request for issuance of the environmental permit along with the attachments to the relevant bodies and interested subjects in order to get their opinion and suggestions.

The deadline for submission of opinions and suggestions is fifteen days from the receipt of the request.

Article 59

Environmental Impact Study

Based on the preliminary environmental impact assessment, the relevant Ministry shall render a conclusion on the development of the environmental impact assessment study within fifteen days from the expiry of the deadline for submission of opinions and suggestions.

By the conclusion referred to in Paragraph 1 of this Article, the relevant Ministry shall determine:

- the contents of the environmental impact assessment study taking into account the instructions for environmental impact assessment

The environmental impact assessment study shall be evaluated by the expert commission appointed by the Minister.

The relevant Minister shall enact an implementing regulation to prescribe the composition of, reimbursements and other issues pertaining to the work of the Commission.

The fee for the evaluation of the environmental impact assessment study shall include the reimbursement of legal and technical experts from the relevant body and all other costs that could be possibly incurred on the relevant bodies or other participants to the procedure of environmental impact assessment.

The fee and other costs referred to in Paragraph 3 of this Article shall be borne by the applicant.

The said implementing regulations shall prescribe the requirements and criteria that must be met by the study developers and the list of the study developers, and it shall also prescribe the amount of fee and costs referred to in Paragraph 5 of this Article.

Article 60

The applicant shall submit the environmental impact assessment study to the relevant Ministry within 30 days after he receives the study from the study developer.

Article 61

Public Debate

In the course of evaluation of the environmental impact assessment study, the relevant Ministry shall inform and invite the public to join the debate on the study via print press available in the territory of the Federation.

Suggestions and remarks of the public shall be submitted to the relevant Ministry within 30 days from the day of notification.

Article 62

The relevant Ministry shall organize a public debate on the project at the venue closest to the site of the project and shall inform the public thereof at least 15 days prior to the debate.

The relevant Ministry shall make the records of the public debate within seven days from the debate.

Article 63

Probability of Transboundary Environmental Impact

The Rules that pertain to the environmental impact assessment in the transboundary context shall also be applied:

- When there is likelihood that the project will have a significant impact on the environment of another entity,
- when it is mandatory according to international treaties, bilateral agreements or other reasons.

Once the developer of study learns that the project will likely have a significant impact on the environment of another entity, he shall draft a special chapter in the study containing the data of possible impacts on the environment of another entity.

The details of the procedure of study development for projects which are likely to have an inter-entity impact can be laid down in the agreement between the entities which shall be concluded in consultations with the relevant inter-entity environmental protection authority.

Once the study developer learns that the project will likely have a significant impact on the environment of another state, it shall draft a special chapter in the study containing the data of possible impacts on the environment of another state.

The Federation Ministry shall send a notification to the entity/state referred to in Paragraphs 2 and 3 of this Article with the following:

- description of the project with available information on possible transboundary impact,
- information on the decision which is possible to be rendered,
- deadline in which the state/entity shall state its determination to participate in the procedure of environmental impact assessment.

In case the notified state/environment expresses its intention to take part in the environmental impact assessment procedure, the Federation Ministry shall submit to it a special chapter of the study of environmental impact assessment and important data relevant to the given procedure.

The Federation Ministry shall provide for the participation of the public from another state/entity that is likely to be affected by the project.

The Federation Ministry shall have consultations with the representatives of the state/entity which is likely to be affected by the project.

In case of learning information about a project in another state/entity which might have significant effects on the environment in the territory of Federation, the Federation Ministry shall undertake activities to get the relevant bodies and the public involved in the transboundary environmental impact assessment.

The Federation Ministry shall submit suggestions and remarks of the administration bodies and the public to the relevant bodies of the state/entity which is the source of transboundary environmental impact and shall have consultations with the representatives of the state/entity which is the source of environmental impact.

The costs incurred by the development of special chapters of the environmental impact assessment study referred to in Paragraphs 2 and 4 of this Article shall be borne by the applicant.

Article 64

Approving of Study of Environmental Impact Assessment

Pursuant to the evaluation of the environmental impact assessment study, the relevant Ministry shall issue a decision on the environmental permit within 30 days from the receipt of the evaluation.

The environmental permit shall not be issued if the results of the environmental impact assessment show that:

- the project might cause significant environmental pollution or significantly endanger the environment,
- the project is not in accordance with the inter-entity environmental protection program and Federation strategy and Action Plan of environmental protection, and
- the project is not in accordance with international obligations of the state relevant to the environmental protection.

The decision on the environmental permit shall be delivered to the applicant and interested subjects referred to in Article 58(1) of this Law.

The Decision referred to in Paragraph 3 of this Article shall be delivered in the manner prescribed by the Law on Administrative Procedure.

In case of a transboundary impact, the Federation Ministry shall forward the decision to another entity/state on which the project may have an impact.

X – ISSUANCE OF ENVIRONMENTAL PERMITS AND PREVENTION OF LARGE-SCALE ACCIDENTS

Article 65

The installations or facilities which endanger or are likely to endanger the environment or which have or are likely to have a negative impact on the environment shall be under a special regime of the control.

The control shall be made by:

- determining if special obligations and requirements prescribed for these activities or facilities have been met,
- determining if requirements prescribed for obtaining of the environmental permit have been met,

- informing the relevant Ministry on the safety status and plan of prevention of large-scale accidents before the construction or before the operation of the installation or facility,
- keeping the register of the environmental pollution,
- regular inspection control, and
- restoration measures for the prevention of pollution.

Article 66

Basic Obligations of Operator

The installations and facilities shall be constructed and they shall operate so as they:

- Do not endanger human health, do not pose an unbearable/excessive nuisance to people living in the area affected by the facility or to the environment due to the emission of substances, noise, odor, vibrations or heat from or towards the facility;
- Undertake necessary prevention measures to prevent pollution and not to cause significant pollution above the emission limit values;
- Avoid the generation of waste, to reduce the volume of waste to the lowest possible level, to recycle the generated waste, or to dispose of waste in a way to avoid or reduce any negative impact on the environment;
- Efficiently use energy and natural resources;
- Undertake necessary measures to prevent accidents and limit their consequences and
- Undertake necessary measures after the termination of the installation's work to avoid any risk of pollution and to bring back the state of the environment to the satisfactory level. The satisfactory level which means that all standards of environmental quality have been met which are relevant to the site of facility particularly those that pertain to the protection of land and water.

The requirements referred to in Paragraph 1 of this Article shall constitute general obligations of the operator which must be met during the construction, operation and cessation of the installation and facility. These standards must be applied in the course of the environmental permit issuance.

In terms of installations and facilities which do not require mandatory environmental permit, the relevant authority shall take into account the satisfaction of the requirements referred to in Paragraph 1 of this Article when issuing the urban development permit.

Article 67

Environmental Permit

The goal of the environmental permit is to provide a high degree of environmental protection.

The implementing regulations shall prescribe the installations and facilities that can be built and operate only if they have an environmental permit issued pursuant to this Law and the Law on Administrative Procedure.

If special regulations prescribe the need of other permits for the installations and facilities, these permits shall be issued along with the environmental permit.

The bodies in charge of issuing other permits shall get involved on the procedure of issuance of the ecological permit.

The ecological permit shall also be issued for significant changes in the operation of the installation/facility.

The relevant Ministry shall issue ecological permits for the period of five years.

Article 68 Transboundary Impacts

In case the operations of the installation/facility are likely to have significant negative impact on the territory of another state/entity or if another state/entity requires so, the request for issuance of the ecological permit shall be submitted to another entity or to another state through the relevant body at the state level.

If in the course of permit issuance in another state or entity, the Federation Ministry receives evidence that the installation/facility is likely to have a significant negative impact on the Federation environment; it shall inform the citizens living in that area and give them an opportunity to make comments.

The citizens living in the area of another entity shall have the same rights to participate in the procedure in the capacity of a party same as persons living in the area where the facility is planned to be built.

The detailed information on transboundary impact of the installation/facility on another state shall be determined in bilateral agreements concluded with other states. The detailed information on inter-entity transboundary impact of the installation/facility may be determined by agreements. These agreements shall be enacted in consultation with the inter-entity environmental authority.

Article 69

Issuance of Environmental Permit

The relevant Ministry shall render the decision issuing the environmental permit within no longer than 120 days from the receipt of the request.

In cases where the environmental impact assessment is mandatory, the environmental permit shall be issued within 60 days from the submission of the environmental impact assessment study.

The environmental permit shall contain:

- Limit values of emissions for pollutants;
- Measures for the protection of air, soil, water, flora and fauna;
- Measures for the management of waste generated by the installation and facility;
- Measures for minimization of transboundary pollution;
- System of self-monitoring along with the methodology and frequency of measurement;
- Measures related to the conditions of operation in case of emergencies.

Emission limit values and equivalent parameters and technical measures shall be grounded on the best available technologies taking into account technical properties of the installation/facility, their geographical position and other requirements.

In case the quality standards require the measures stricter than the ones applicable under the best available technologies, the environmental permit shall also include additional or stricter measures (such as limitation of working hours, less polluting fuels etc.)

Article 70

Existing Installations and Plants

The installations and facilities determined in the implementing regulation referred to in Article 67 of this Law which received the permits prior to the effective date of this Law shall obtain the ecological permit not later than 31 December 2011.

The request for issuance of the environmental permit for the existing installations and facilities shall contain plans of activities.

The deadline for issuance of the environmental permit shall be 60 days from the evaluation of the Plan of activities.

Article 71

Data Submitted by Operator

The operator in the installation/facility to which the ecological permit was issued and the operator in the installation/facility which do not require the environmental permit shall inform the relevant Ministry and inspector on a regular basis about the results of monitoring of emissions in line with the environmental permit and implementing regulations, and without delay report any accidental or unforeseen accident which have significant impact on the environment and shall submit all data and information needed to meet the requirements prescribed for reporting at the state and inter-state level.

Article 72

Reconsideration and Changes to Environmental Permit)

The relevant Ministry shall reconsider and change the environmental permit if:

- Pollution generated by the installation and facility exceeds the limit values determined in the environmental permit;
- Significant changes to the best available technologies took place, and provide for significant reduction of emissions without major costs or
- Safety of operation and activities requires the use of other technologies.

At the request of the relevant inspection and interested parties who live in the area of the plant and facility which can have adverse effects and endanger or pose threat to the environment and human health, the relevant Ministry may reconsider the environmental permit.

If changes to installations and facilities for the sake of adjustment to the environmental protection requirements would cause major alterations, the relevant Ministry shall order the operator to make an adjustment plan in conformity with the measures and deadlines prescribed in this Law.

Article 73

Prevention and Control of Large-Scale Accidents

The operator in the installation/facility shall undertake necessary prevention measures to prevent large-scale accidents and restrict their impact on humans and environment.

The operator shall at any time present to the relevant Ministry and relevant inspection authority the evidence of undertaken measures.

Article 74

Dissemination of Information on Large-Scale Accidents

The operator in the installation/facility shall inform the relevant Ministry and relevant inspector about a large-scale accident and send, as soon as available, the data on:

- Circumstances of the accident;
- Present hazardous substances;
- Data necessary for accident impact assessment on humans and environment,
- Urgent measures which are undertaken.

The operator shall inform the relevant ministry on taken measures to abate the accident consequences and to prevent new accidents.

In case a further investigation reveals additional facts, the operator shall submit them to the relevant Ministry.

Article 75

Plan for Prevention of Large-Scale Accidents

The operator shall make the plan for prevention of large-scale accidents to achieve a high level of protection for humans and environment by way of appropriate means, structures, and management systems, organization and personnel, identification and assessment of a danger, supervision of operations, plans for intervention measures and implementation of monitoring.

The operator shall make a safety status assessment for new installations and facilities within at least three months prior to the beginning of construction or operation of the installation/facility.

Article 76

Report on Safety Status

In relation to installations and facilities which contain hazardous substances in the quantities mentioned in the implementing regulation, the operator shall make a report on safety status showing that:

- The implementation of the plan of prevention of large-scale accidents and safety management system started;
- Risks of large-scale accidents identified and necessary measures undertaken to identify accidents and limit their consequences;
- Adequate safety and reliability included in project design, construction, operation and maintenance of installations and facilities and

- Internal intervention plans made providing the information necessary for the enactment of the external plan.

The report referred to in Paragraph 1 of this Article shall contain sufficient information so that the relevant Ministry can determine the sites for new activities in the vicinity of the existing installations and facilities and revised list of hazardous substances present in a given installation and facility.

The operator shall revise the report on safety status at least on a five year basis.

At the request of the relevant Ministry or at its own initiative, the operator shall alter the report on safety status with an explanation of new state of facts and new technologies in relation to safety issues.

The report on safety status for the existing installations and facilities shall be submitted to the relevant Ministry within two years from the effective date of this Law.

The report on the installation and facility safety status shall be available to the public.

Article 77

Changes in Operations of Facilities

In case of changes in operations of installations and facilities or in the quantity of hazardous substances which may result in a large-scale accident, the operator shall reexamine the Plan, and, if necessary, change the Plan for prevention of large-scale accidents or the report on safety status.

Article 78

Information on Safety Measures

The operator shall submit the information on safety measures to the Federation Ministry, legal and natural persons which are likely to be affected by a large-scale accident caused by the installation and facility, and on an adequate conduct in case of an accident.

The report on safety measures shall be reviewed on a three year basis or, if needed, it shall be repeated or revised in case of changes to the installation/facility operations at least every five years.

The information shall be available to the public.

Article 79

Based on the submitted report, the relevant Ministry shall keep and revise the register of installations and facilities and the register of reported large-scale accidents.

The relevant Ministry shall ban the use or operation of installations and facilities or parts thereof in the case of serious flaws in measures taken by the operator to prevent or abate accidents or in case the operator failed to submit the information on safety status or some other requested information in the given deadline.

Article 80

Domino-effect

Based on the safety status information, the relevant Ministry shall identify installations and facilities or groups of installations and facilities which due to their site or proximity have a greater likelihood or possibility of consequences of large-scale accidents and shall identify the substances (domino effect).

The relevant Ministry shall ensure the exchange of information relative to the identification of installations and facilities enabling the operators of these installations and facilities to take into account the overall risk of large-scale accidents in the course of development of the plan of prevention of large-scale accidents, management of safety systems, development of the report on safety status and internal intervention plans for emergency situations.

Installations and facilities operators referred to in Paragraph 1 of this Article shall cooperate in providing the information to the public and submitting the information to the relevant Ministry for the preparation of external intervention plans.

Article 81

Internal and External Intervention Plans

The operator shall develop the internal intervention plan with measures to be undertaken in case of large-scale accidents and submit it to the body in charge of emergency situations for the purpose of developing the external intervention plans for measures to be undertaken outside installations and facilities.

The intervention plans are developed in order to:

- Control accidents so that their consequences are reduced to the least possible level and to limit their adverse effect on humans, environment and property;
- Implement measures needed to protect humans and environment against the impact of large-scale accidents;
- Convey necessary information to the public and relevant services and bodies located in the pertinent area and
- Enable revitalization and cleaning of the environment after large-scale accidents.

Internal and external intervention plans must be applied without delay in case of large-scale accidents or in case of uncontrolled incidents which might lead to large-scale accidents.

The plans shall be reviewed, checked, and if necessary, changed and revised by the operator or relevant ministry at time intervals not longer than three years, taking into account the changes to the operations of installations and facilities, intervention plans or in new technological information.

Article 82

When developing and enacting the spatial development plans, the goals of prevention of large-scale accidents and restriction of their consequences shall be taken into account in line with the Law on Spatial Development, particularly when setting the sites for new installations and facilities and changes that will occur in the existing facilities and new structures (roads, public places, residential areas) in the vicinity of residential areas.

The distances shall be taken into account between the installations/facilities and residential areas, public places and especially sensitive areas of a special interest.

In order to avoid the increase of the risk to humans and environment, the owner of the existing installation/facility and relevant authority shall take into account the need to apply additional technical measures of protection.

Article 83

Relevant Ministries

Installations and facilities which require the environment permit or installations and facilities with the risk of large-scale accidents shall fall under the competence of:

- The Federation Ministry for large and medium installations and facilities above the thresholds determined in the implementing document and for installations and facilities which are designated in the implementing document as risky in terms of large-scale accidents,
- The Cantonal Ministry for small installations and facilities below the thresholds determined in the implementing document or those that are not mentioned in the implementing document and very small installations and facilities with emissions not exceeding the usual household emissions which do not require the environmental permit.

The Federation Ministry shall issue an implementing document defining the contents of safety status report, contents of safety measures information and contents of internal and external intervention plans.

XI ESTABLISHMENT OF ENVIRONMENTAL QUALITY STANDARDS

Article 84

The Federation Minister shall determine by the implementing documents:

- Additional requirements for the documents submitted in the environmental permit issuance procedure;
- Specification of requirements for the environmental and other permits;
- Specification of the best available technologies for certain types of installations especially by setting the limit values of emissions and other technical parameters and measures;
- Other standards and conditions for installations and businesses;
- Measurement and reporting on emissions, relevant methods, documentation and conveying of data to relevant bodies;
- Criteria for qualifications of experts who prepare documents and conduct self-monitoring;
- Additional provisions for prevention of large-scale accidents and
- Environmental quality standards.

Regulations referred to in Paragraph 1 of this Article shall be enacted based on recommendations of the Inter-entity environment authority and based on standards set by BIH Institute for standards, measuring and intellectual ownership.

Article 85

Environmental quality standards

The Federation Minister shall set the environmental quality standards for installations and facilities or activities in line with the best available technologies and modern scientific achievements so that negative impacts of plants, facilities or activities on environment are prevented or reduced to the least possible level, and particularly:

- Establishing the limit values for polluting substances,

- Setting technological and operative requirements for installations and facilities and
- Setting the requirements of measurement, monitoring and reporting.

The standards shall be applied to the existing installations and facilities as well.

The implementing documents referred to in Paragraph 1 of this Article set the deadlines for adjustment and equipping of the existing installations and facilities taking into account the pollution potential and technologies available to the plant and facility and the possibility to use schemes for decreasing pollution to installations and facilities.

Article 86

When developing the regulations referred to in Article 87 (1) of this Law, the Federation Minister shall consult with competent bodies at the Federation and Cantonal levels, scientific workers, other interest groups taking into account international standards and European Union standards and publications, comparative standards of other countries and scientific publications.

The Federation Minister shall review suggestions and remarks of subjects referred to in Paragraph 1 of this Article and take them into consideration when developing the final version of regulations.

Article 87

Operator's obligations

The operator shall conduct self-monitoring of emissions and impacts of the installation and facility.

The operator shall make sure that expert institutions check whether the installation and facility operation is in line with statutory requirements at least on a three-year basis if not otherwise specified by the environmental permit or special regulation.

Flaws determined during the check shall be repaired immediately. A report on the check of the installation and facility, and in case of a determined flaw, a report will include the repair measures as well, and shall be submitted to the relevant Ministry.

The operator shall ensure adequate maintenance of installations and regular control of technical appliances. In case of accidents which exceed the limit value of emissions, the operator shall undertake repair measures in order to achieve harmonization with the regulations. In case of accidents which might pose a serious threat to human health or environment, the operator shall reduce or temporarily suspend the plant operation.

XII SUPERVISION

Article 88

Supervision of the implementation of this Law and regulations enacted based on the law shall be conducted by the Federation Ministry.

Inspection supervision shall be conducted by the environmental protection inspector.

The relevant Ministry shall enact an annual/semi-annual inspection program that will set the systematic framework of inspection and monitoring, setting priorities for certain types of installations and facilities and areas according to the existing problems in the field of environmental protection.

The environmental protection inspectors shall have a free access to all rooms, working areas and facilities in order to conduct the control on the spot and may control all documents,

appliances and materials in the facilities, take samples and order measurements, or conduct the control of all places which are likely to endanger the environment.

The operator and persons who work in the facility shall enable the inspector an access to all necessary information, data and documents.

The inspector shall make the records of the conducted inspection which includes the following:

- Name of the operator and site
- Date and duration of the inspection
- Description of conducted inspection and all relevant findings, especially technical data and samples and
- Identified violation of regulations, reasons and explanation provided by the operator/personnel.

The records shall be submitted to the operator and the public, if so requested.

Article 89

The relevant Ministry shall establish the system of control for installations and facilities that use hazardous substances including the storing of hazardous substances for the purpose of managing the security system and implementation of the Plan for prevention of large-scale accidents.

Controlling of installations and facilities referred to in Paragraph 1 of this Article shall be conducted by an expert commission established by the Minister for the period of one year.

The composition, manner of operation, reimbursement and other issues related to the Commission shall be prescribed by the Minister in a form of an implementing document.

The relevant Ministry shall develop the program of control which foresees at least one control per year on the spot of installations referred to in implementing regulations. If the installation must undergo the environmental impact assessment procedure, the operation of the body in charge of environmental impact assessment shall be harmonized with the work if the environmental protection inspector.

Article 90

Following the inspection oversight, the environmental protection inspector shall render the decision ordering the following:

- The deadline for removal of irregularities,
- Implementation of necessary measures including the closure of installations and facilities in case the irregularities are not removed in the given deadline, and
- Undertaking of restoration measures.

In case of a repeated violation of regulations or in case of serious threat to human health and environment which cannot be resolved by other measures, the environmental protection inspector shall ask the relevant Ministry to annul the issued environmental permit.

XIII VOLUNTARY ACCESS

Article 91

Ecolabelling System

Ecolabelling system shall be put in place in order to promote making, production, marketing and use of products with decreased impact on the environment in relation to the overall duration period of that product and for the purpose of growing awareness of consumers relative to the impact the products have on the environment. Ecolabels shall be awarded to products and services.

The ecolabel is an emblem which shall be determined by implementing regulations.

Impacts on the environment shall be determined based on the examination of interrelation of the product and the environment, including the use of energy and natural resources in relation to the overall life cycle of the product.

Ecolabelling system shall be in line with the existing and new health, safety and environmental requirements.

The system of awarding ecolabels shall be done in the manner which provides for a voluntary participation of legal and natural persons whose products and services satisfy the requirements of this system in accordance with the provisions of this Law and implementing regulations.

Article 92

The ecolabel can be awarded to the products that are in line with ecological requirements and ecolabelling criteria established towards a group of products.

The group of products shall refer to any type of products or services which have similar intended use and as such are taken as identical in terms of use and observation by consumers.

In order to be included in this type of labelling, the group of products shall meet the following requirements:

- That it is significantly represented in the market sale and turnover,
- That during one or more phases of the total life cycle of products, it has a significant impact on the environment at the global or regional level,
- That it represents a large possibility of impact on the environment in terms of environmental improvement by way of consumers' choice and stimulate the producers or service-providers to find competitive advantages by offering products which are in ecolabelling system, and
- That a significant share of the selling quantity of products from that group is on sale for the final consumption and use.

Ecolabels shall not be placed on substances or preparations that are designated as highly toxic and hazardous to the environment, those that are cancerous, toxic for reproduction, or mutagenic, nor shall they be placed on products produced in the processes likely to be hazardous to humans and environment or the usual application of which is likely to be hazardous to consumers.

Implementing regulations shall regulate the awarding of ecolabels to food, drinks, pharmaceuticals or medical appliances.

Article 93

Pursuant to the implementing regulations, the Federation Ministry shall manage the ecolabelling system, from the selection of groups of products and their ecological criteria, to the award of ecolabels and conclusion of contracts which pertain to the conditions in which the labels will be used.

The selection of groups of products and ecological criteria of those groups shall be determined after consultations with representatives of interested groups in the field of industry, trade, consumer organizations, and environmental protection organizations. Interested groups shall on their own select their representatives depending on the groups of products.

The Federation Minister shall determine the rules of procedure laid down in the implementing regulations.

Article 94

The ecolabel shall be awarded pursuant to the voluntary request of a producer, importer, supplier and trader, retailers.

The decision awarding the ecolabel shall be rendered by the Federation Ministry after verifying whether the ecological criteria of the group of products have been met.

The decision shall be rendered for the period of three years.

The Federation Ministry shall conclude a contract with the applicant laying down the conditions for the ecolabel use. This contract shall also contain the provisions on revoking of the authorization for the use of label.

The implementing regulations referred to in Article 95(3) shall prescribe the costs of the award procedure and fee for the use of the label.

The ecolabel shall not be used, nor shall it be referred to in advertising, before the label is awarded; and after the label is awarded it shall be used only for the product to which it was awarded.

Article 95

System of Environmental Management

The system of environmental management is an integral part of the entire system of any organization (such as: companies, research or education institutes, administrative organizations, etc.) and shall include the organizational structure, obligations, procedures and resources of any organization for the determination and implementation of systemic measures of environmental protection.

The objective of the system referred to in Paragraph 1 of this Article is to evaluate and enhance the operational activities within the environmental protection, to share adequate information with the public, and to continue an ongoing enhancement of operational activities of organizations within the environmental protection.

The basic elements of this system shall be:

- Establishment and implementation of systemic measures of environmental protection, programs and systems of management in organizations;
- Systematic, objective and periodical assessment of the eco-management system;
- Collecting the information on enhancement in the field of environmental protection

Article 96

The implementing regulations shall lay down the system of environmental management and control, the requirements for participation in that system and the procedure of registration in the Register.

Organizations that meet the requirements for the inclusion in the system shall be registered as units which can participate in the system.

The relevant authority shall register the given organizations based on the ecological statement requires by that document.

In order to be registered in the system, the organization/company shall meet the following conditions:

- Adopt the systemic measures of environmental protection which must be in line with statutory requirements concerning environmental protection but also must include obligations for an ongoing enhancement in the field of environmental protection in terms of reducing harmful effects on the environments to the level which is acceptable to ecologically sound application of the best available technologies;
- Conduct ecological oversights;
- Introduce the program for environmental protection and system of environmental management applicable to all activities at one place; the program of environmental protection shall aim at executing the obligations pertaining to systemic measures of environmental protection and enhancement, and the improvement of work in that field;
- Carry out a control and contribute to the control in terms of environmental protection;
- Set the goals at the highest level of appropriate management system directed at ongoing enhancement of work in the field of environmental protection, in terms of determining the control, revising the programs of environmental protection in order to provide for the achievement of the goals;
- Prepare the ecological statement which shall be published;
- Have systematic measures of environmental protection, program, management system, review or control of the environmental statement and verify if the environmental statement matches the requirements of independent verifiers;
- Submit a valid environmental statement to the relevant body.

Article 97

Bodies representing certain interests of the groups of possible polluters or certain polluters, may conclude an agreement with the relevant authority according to special regulations for the purpose of satisfying the ecological requirements in an eco-friendly and cost-efficient manner.

Article 98

When concluding a voluntary agreement, the following guidelines and requirements shall be taken into account:

- Establishment of the consultation process where the interested groups would be able to make their suggestions on the draft agreement,
- The agreement is binding to both parties and prescribes a clear framework, also including sanctions that are applied in case of failure to abide by the agreement,
- The objectives of the agreement presented in numbers,
- Setting a provisional goals and defining the deadline for realizing a gradual approach, and
- Defining the monitoring.

Agreements shall be published in the Official Gazette of the Federation of BIH.

XIV FINANCING ENVIRONMENTAL PROTECTION

Article 99

Environmental Protection Fund

The Federation Environmental Fund shall be established in line with a special law with a view to improve the growth of environment-friendly economic structure; prevent environmental damage; implement the measures to remove the damage that occurred in the environment; preserve the protected areas in nature, motivate and enhance the best available technologies and alternatives, enhance and develop ecological awareness and environmental research.

Article 100

The finances of the Environmental Protection Fund shall be made of:

- Funds from the budget of the Federation
- Donations, loans and credits
- Reimbursement for the activity carried out by the use of resources and
- Financial instruments which include the reimbursements referred to in Article 103 to 109 of this Law.

The regulation referred to in Article 101 of this Law shall determine the amount and manner of calculation and distribution of funds referred to in Paragraph 1 of this Article.

Article 101

In order to prevent the damage to the environment and to ensure adequate compensations, this Law prescribes that the responsibility for activities hazardous to the environment, restoration of the incurred damage, burden of proof, access to information on responsible persons, rules for giving rights to non-governmental organizations and duty of responsible persons to compensate the damage.

Article 102

Responsibility for Environmentally-Hazardous Activities

The operator which performs the activity hazardous to the environment shall bear the responsibility for the damage to humans, property and environment, regardless of the guilt.

The activity hazardous to the environment which poses significant threat to people, property or environment such as:

- management of sites hazardous to the environment,
- discharge of genetically modified organisms and
- discharge of microorganisms.

Installations and facilities such as mines, mineral oil deposits or refineries, gas supply and metal smelting facilities, thermal plants, coke oven, metal and mineral production and processing facilities, chemical facilities, waste treatment, incineration and storing facilities, wastewaters treatment facilities, slaughterhouses, paint and leather factories, paper production plants, dams and hydroenergy infrastructure, gas pipelines or oil gaslines, warehouses of liquid atmospheric gases constitute a threat to the environment due to the way in which they are managed, materials they use or activities carried out in them.

Organisms shall be biological units capable of reproduction or transfer of genetic material.

Microorganisms are any microbiological units, with without cells, capable of replication or transfer of genetic material.

In case several operators jointly perform hazardous activity, they will jointly bear the responsibility.

The last operator shall bear the responsibility for the remediation of sites when installations and facilities cease their operations or permanently terminate their activities.

Article 103

Exemptions from Responsibility

The operator shall not be responsible for the damage caused by:

- War or some special natural occurrence;
- Third person who incurred damage on purpose or
- Execution of special orders and measures issued by relevant authorities which directly caused the damaged.

The operator shall be relieved from the responsibility for the damage if he proves that he applied adequate protection measures in order to prevent or abate the damage.

Article 104

Assumption of Causality

In case the activity is hazardous to the environment due to specific circumstances of the case and is likely to cause harm, it shall be assumed that the damage was incurred by that activity.

Activities which cause damage shall be evaluated based on the manner of work, used facilities, type and concentration of substances used or generated by that activity, genetically modified organisms, meteorological conditions, time and place of the damage occurrence.

Assumptions shall be rejected if the responsible person proves that he did not cause the damage or if he proves that it is more likely that the damage was caused by the conduct of some other activity.

Article 105

Right to Information

Any legal or natural person who claims to have suffered damage caused by the environmentally-hazardous activity may at any time request the data about the circumstances relevant for proving that the activity caused the damage.

The legal entity against whom the appeal was filed for compensation of damage shall have the right to receive the information from another legal person in line with Paragraph 1 of this Article.

Article 106

Financial Guarantees

The operator who carries out the business activity which is hazardous to the environment shall ensure the funds for possible environmental damage compensation by way of insurance or otherwise.

Article 107

Damage Incurred to Environment

In case the hazardous activity incurs damage to the environment, the operator shall compensate the costs of damage assessment and costs of measures undertaken to reinstate to the condition as it was before the damage.

The request for compensation of damage includes the costs of measures for prevention or abatement of the environmental damage and the amount of the damage incurred to humans and property as the result of hazardous activity.

The costs referred to in Paragraph 1 of this Article shall be borne by the operator whose activity caused the damage.

Article 108

Compensation for Environmental Damage

In case the damage incurred to the environment cannot be repaired by appropriate measures, the person who caused the damage shall bear responsibility for reimbursement in the amount adequate to the value of destroyed estate.

The amount of compensation should be approximate to economic and ecological value of the destroyed estate. In case the value cannot be determined by usual economic methods, the Court shall determine the amount of damage per principle of equality taking into account the necessary costs of restoration, degree of individual responsibility and benefit obtained by infliction of the damage.

In case the legal person caused the damage inadvertently or accidentally or if paying the compensation would lead him to poverty, the Court may reduce the amount to a reasonable level.

The Federation reserves the right to damage compensation in case there are no other persons with such right.

Article 109

The issues of responsibility for environmental damage that are not regulated under this Law shall be considered under the general rules of the Law on Obligations and other special regulations.

XVI INTER-ENTITY COOPERATION AND INTER-ENTITY RELATIONS

Article 110

The inter-entity environmental authority shall be established by the decisions of the FBiH Government and Republika Srpska Government.

The inter-entity environmental authority shall comprise of eight members. Four members shall be appointed by the FBiH Government and four by the Republika Srpska Government.

For purposes of coordination and cooperation, the Ministry of Foreign Trade and Foreign Affairs of Bosnia and Herzegovina shall be regularly notified of the meetings of the inter-entity environmental authority.

The inter-entity environmental authority shall regularly meet at least six times a year and reach decisions by consensus.

Organization and manner of operation of the inter-entity environmental authority shall be determined by the decisions of entities' governments.

The relevant body and other administration services, administrative organizations from both entities shall extend administrative support to the inter-entity environmental authority; implement decisions of the inter-entity environmental authority in accordance with determined entities' regulations.

Article 111

The inter-entity environmental authority shall deal with all issues in the field of environment which require a harmonized approach of the entities, as well as other issues which the entities transferred to the inter-entity environmental authority under this Law, entities' and other regulations, and particularly the issues of:

- International agreements and programs in the field of environment;
- Cooperation with international organizations and other states;
- Coordination of the implementation and enactment of laws and regulations;
- Coordination of monitoring the implementation of environmental standards at the entities' level;
- Making recommendations for the establishment of harmonized environment quality standards at the entities' levels;
- Coordination of entities' action plans and other programs and plans in the field of environment;
- Coordination of monitoring and information system and
- Gathering and exchanging of information.

The inter-entity environmental authority shall extend expert help to the relevant entities' ministries.

The inter-entity environmental authority shall make sure that interests of Entities, Brčko District of BIH and State of BIH are taken into account in the course of project planning and implementation of projects that might have mutual impact on the environment in Bosnia and Herzegovina, or between the Entities and Brčko District of BIH, and in transboundary context.

Article 112

Inter-entity Environmental Protection Program

The inter-entity environmental protection authority shall enact the inter-entity environmental protection program.

The inter-entity environmental protection program shall cover the issues which require a harmonized approach by the entities, with a special focus on cooperation at the international level and international obligations.

The draft inter-entity environmental protection program shall be drafted by a joint working group which will consist of representatives of the entities, equally represented members of entities, cantons, expert and business organizations and environmental associations.

The FBIH Government shall appoint 15 representatives to the working group, five of which shall be representatives of the Federation Ministries, Cantons and expert, business organizations and environmental associations at the proposal of the Federation Minister.

A joint working group shall be established within 90 days from the day this Law becomes effective. The working group shall prepare a draft inter-entity environmental protection program within six months from the day of its establishment.

The draft inter-entity environmental protection program shall be submitted to the Advisory Council and governments of the entities in order to obtain their opinion within 30 days from the submission.

Following the consultations, the joint working group shall make a final draft of the inter-entity environmental protection program and submit it to the inter-entity environmental authority.

The inter-entity environmental protection program shall be published in the Official Gazette of BIH.

Article 113

International Cooperation

The Entities shall, with mediation of the inter-entity environmental authority, participate in international cooperation in the field of environment through the relevant Ministry of Bosnia and Herzegovina.

XVII PENALTY PROVISIONS

Article 114

The fine in the amount span from BAM 3,000.00 to 15,000.00 shall be imposed on any legal entity if it:

- Violates requirements of Article 66 of this Law;
- Builds or manages installations and facilities or conducts activities without obtained environmental permit or in violation of the environmental permit or regulations;
- Fails to meet the requirements set in the environmental permit or regulations;
- Fails to submit to the relevant bodies the information, data or documents needed according to this Law or other regulations;
- Fails to develop a prevention measures plan for prevention of large-scale accidents and fails to undertake preventive measures;
- Fails to develop an internal intervention plan and fails to submit it to the body referred to in Article 81 of this Law.

The natural person and responsible person in the legal entity shall be fined in the amount from BAM 300.00 to 1,500.00 for the breaches referred to in Paragraph 1 of this Article.

XVIII TRANSITIONAL AND FINAL PROVISIONS

Article 115

The Federation Parliament shall enact the regulations referred to in Article 20 and 48 of this Law within two years from the effective date of this Law.

The Federation Parliament shall enact the regulations referred to in Article 99 of this Law within three months from the effective date of this Law.

The Federation Government shall enact the plan referred to in Article 46(6) of this Law within three years from the effective date of this Law.

The Federation Minister shall enact the regulations referred to in Articles 28, 35, 70(2), 86(2), 84, 85, 88(5), 91(2) and 93(3) of this Law within one year from the effective date of this Law.

The Federation Minister shall enact the regulations referred to in Articles 56, 59 and 76 of this Law within three months from the effective date of this Law.

The Inter-entity environmental authority shall enact the regulations referred to in Article 112(1) of this Law within six months from the effective date of this Law.

Cantonal Assemblies shall enact the regulations referred to in Articles 49(1) of this Law within three years from the effective date of this Law.

Article 116

Provisions of special laws and implementing regulations which regulate the environmental protection issues which are not contrary to this Law shall continue to apply.

Article 117

This Law shall become effective eight days after it is published in the Official Gazette of the Federation of BiH.

Official Gazette of the Federation of BiH No. 33/03 and 38/09
