

Law on Environmental Protection

I. General provisions

Article 1

The Objectives of the Act

This Act shall regulate:

- preservation, protection, restoration and improvement of the ecological quality and capacity of environment and of the quality of life;
- measures and conditions for managing, preserving and for rational use of natural resources;
- the framework for legal measures and institutions for the preservation, protection and improvement of environmental protection;
- financing environmental activities and for voluntary measures;
- Responsibilities and tasks and duties of public administration at different state levels.

In accordance with the principles of cooperation and shared responsibilities the Act creates an adequate framework for and promotes

- the reduction of the utilization, loading and pollution of the environment, the prevention of its impairment, and the improvement and restoration of the damaged environment;
- the protection of human health and the improvement of the environmental conditions of the quality of life;
- the preservation and conservation of natural resources, and their rational, economical management ensuring the renewal of the resources;
- the harmony of the other interests of the entities with the requirements of environmental protection;
- international co-operation in environmental protection;
- initiatives taken by the public and public participation in the activities aimed at the protection of the environment;
- the co-ordination of the functioning of the economy and the integration of social and economic development with environmental requirements;
- the establishment and development of the institutional background of environmental protection;

Article 2

The scope of the Act shall cover -

- all environmental media (air, water, soil, flora and fauna, landscape, built environment);

- all forms of activities which utilize, load, or pose hazard to or pollute the environment or have an impact on the environment (such as noise, vibration radiation - with the exception of nuclear radiation, waste, etc.).

The scope of the Act shall cover the rights and obligations of the natural and legal persons who/which perform activities defined in the present Act.

The scope of the Act shall cover the performance of environmental tasks arising from international conventions, if the provisions of an international convention does not stipulate otherwise.

Article 3

Right to Environment

The right to a healthy and ecologically sound environment for everyone is recognized as a basic constitutional right.

Every person has the right to live in an environment adequate to his or her health and well being both individually and in association with others, to protect and improve the environment for the benefit of present and future generations.

II. Definitions

Article 4

For the purposes of the present Act:

- "best available techniques": the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques (for providing emission limit values) to prevent and, where that is not practicable, generally to reduce emissions to the environment as a whole;
- "change in operation": a change in the nature or functioning, or an extension, of the installation which may have consequences for the environment;
- "dangerous substance": a substance, mixture or preparation, and present as a raw material, product, by-product, residue or intermediate, including those substances which can be reasonably, fulfilling the criteria supposed to be generated in the event of accident;
- "emission": the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into the air, water or land;
- "emission limit values": the mass, expressed in terms of specific parameters, concentration and/or level of emission, which may not be exceeded during one or more periods of time;
- "environment": the environmental components, the systems, processes, and structure thereof;

- "environmental component": land, air, water, the biosphere as well as the built (artificial) environment created by humans, furthermore, the constituents thereof;

- "environmental impact": change in the environment ensuing from the loading or the utilization of the environment;

- "environmental impact assessment": the identification, description and assessment in an appropriate manner, in the light of each individual case and in accordance with the provisions of the present proposal, the direct and indirect effects of a project on the following elements and factors:

- human beings, fauna and flora;
- soil, water, air, climate and the landscape;
- material assets and the cultural heritage;
- the interaction between the factors mentioned in the first, second and third bullet points.

- "environmental information": any information in written, visual, aural, electronic or any other material form on the state of environment (or its components) or on components of the environment;

- "environmental load": emitting a substance or energy into the environment;

- "environmental protection": all adequate activities and measures aimed at the prevention of posing hazard to, damaging or polluting the environment, the reduction or elimination of damage that has developed, and the restoration of state prior to the damaging activity;

- "environmental quality standard": the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as laid down in laws and regulations, e.g. on air or water quality;

- "hazard": the intrinsic property of a dangerous substance or physical situation, with a potential of creating damage to human health or the environment;

- "impact area": an area or a part of the space, where the environmental impact of a magnitude defined in a legal rule has occurred or may occur during the use of the environment;

- "installation": a site with a plant or one or more stationary technical units where activities are carried out that have or might have adverse impacts;

- "interested party/organ": natural or legal person or organization, who or which lives or operates in the impact area or in the area likely to be effected;

- "major accident": an occurrence such as a major emission, fire or explosion resulting from uncontrolled developments in the course of the operation of an installation and leading to serious danger to human health or the environment, immediate or delayed, inside or outside the installation, and involving one or more dangerous substances;

- "natural resource": the environmental components or certain constituents thereof that may be used for satisfying the needs of society, with the exception of the artificial environment;

- "non-governmental organizations promoting environmental protection": organizations that are on the list of Environmental NGOs held by the competent Ministry for environmental protection. Environmental NGOs which dedicate themselves to promoting Environmental Protection in their statutes and which have been active in the field of environmental protection for at least two years have the right to be put on the list;

- "operator": any natural or legal person who operates or controls the installation or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the installation has been delegated;
- "permit": a written decision granting authorization to construct and operate an installation;
- "pollution": the direct or indirect introduction, as a result of human activity, of substances, vibration, heat, odour or noise into the air, water or land which may be harmful to human health or well being or the quality of the environment;
- "public": one or more natural or legal persons, and, in accordance with entity legislation or practice, their associations, organizations or groups;
- "risk": the likelihood of a specific effect occurring within a specific period or in specific circumstances;
- "storage": the presence of a quantity of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock;
- "substantial change": a change in the operation of the installation which may have significant negative effects on human beings or the environment. Inter alia, any change to or extension of activities, where such a change or extension itself meets the criteria/thresholds set out in Annex X or Y shall be considered a substantial change;
- "use of the environment": an activity causing changes in the environment, making use of the environment or any of its components as natural resource or emitting a substance or energy into the environment or a component in frame of environmental regulation.
- "Responsible environment institutions"- institutions which has relevant environment data.

III. Principles of environmental protection

Article 5

The Principle of Sustainable Development

Environmental sustainability means

- maintaining the natural capital in a way that the rate at which we consume renewable material, water and energy resources does not exceed the rate at which the natural systems can replenish them, and that the rate at which we consume non-renewable resources does not exceed the rate at which sustainable renewable resources are replaced;
- that the rate of emitted pollutants does not exceed the capacity of the air, water, and soil to absorb and process them, and
- regular maintenance of biodiversity; human health; as well as air, water, and soil qualities at standards sufficient to sustain human life and well being, as well as animal and plant life, for all time.

Article 6

The Principle of Precaution and Prevention

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing the imposition of precaution and prevention measures to prevent environmental degradation.

The use of the environment shall be organized and performed in such a manner that

- it shall result in the lowest level of environmental loading and utilization of the environment;
- it shall prevent environmental pollution;
- it shall preclude the damaging of the environment.

The use of the environment shall be performed by observing the principle of precaution, by carefully managing and using economically the environmental components, furthermore, by decreasing the release of wastes and by striving for the recycling and the re-use of natural and manufactured materials.

In the interest of prevention, the best available techniques shall be applied during the use of the environment.

The user of the environment posing a hazard to or damaging the environment shall stop the hazardous or damaging activity immediately.

The user of the environment shall provide for the elimination of the environmental damage caused by his/her activity and the restoration of the damaged environment.

Article 7

Principle of Substitution

Every operation which might adversely affect the environment should be replaced by the operation which will imply substantially less risk or danger, even if the costs of such an operation are higher than the values to be protected.

When using the products, units, equipment and applying the production processes, environmental pollution should be limited at the source and also the same provision shall apply as in the above paragraph of this Article.

Article 8

The Principle of Integration

The requirements concerning a high level environmental protection and the improvement of the quality of the environment must be integrated into the policies and ensured in accordance with the principle of sustainable development.

The purpose of the principle of integration is to prevent or minimize the risk of harm to the environment taken as a whole.

This approach includes:

- consideration of the whole life cycle of substances and products;
- anticipation of the effects of substances and activities (both new and existing) on all environmental media
- minimization of the quantity and harmfulness of waste;
- the use of one common means, such as risk assessment, for estimating and comparing environmental problems, and
- the complementary use of effect- oriented measures, such as environmental quality objectives, and source - oriented measures, such as emissions.

Article 9

The Principle of Co-operation and Shared Responsibility

Since the ultimate goal of sustainable development can only be achieved by concerted action on the part of all the relevant actors in the protection of the environment on the basis of shared responsibility. The right and responsibility to co-operate shall extend to all phases of achieving the environmental objectives.

The enforcement of environmental interests shall also be encouraged through inter-entity co-operation, through bilateral or multilateral international agreements on environmental protection and other agreements on co-operation, and on the provision of information and assistance, related to environmental protection, in particular, in its relationship with neighboring countries.

Even in the absence of international agreements, the environmental interests of other countries, the abatement of the transboundary loading of, or posing hazard to, the environment and the prevention of polluting and damaging the environment shall be taken into consideration.

Article 10

Public Participation and Access to Information

Environmental issues are best handled with the participation of all citizens' concerned citizens at the relevant level. Each individual and organization shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes.

Regulatory bodies and public authorities shall facilitate and encourage public awareness and participation by making information widely available.

Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Article 11

The Polluter Pays Principle

This principle implies that in general it is for the polluter to meet the costs of pollution control and prevention measures, irrespective of whether those costs are incurred as a result of the imposition of some charge or pollution emission, or are debited through some other suitable economic mechanisms, or are in response to some direct regulation leading to some enforced reduction in pollution.

The user of the environment shall be liable for the environmental impacts of its activity as defined in this Act, and as regulated in this Act and other legal rules.

IV. Protection of environmental components

Article 12

The integrated protection of environmental components

Environmental components shall be protected on their own and in combination with the other environmental components, taking into consideration the interrelationships thereof. Their utilization and loading shall be regulated accordingly.

The protection of environmental components comprises the protection of the quality, quantity and stocks thereof as well as the proportions and processes within the components alike.

The comprehensive rules of special fields on the protection and conservation of the environmental components and the protection against impacts posing a hazard to the environment shall be established by separate Acts.

Article 13

Land Conservation

Land conservation shall cover the surface and subsurface strata of land, the soil, the rock formations and minerals, as well as the natural and transitional forms and processes thereof.

Land conservation shall include the conservation of the productivity, the structure, the balance between water and air, and the biota of the soil.

Such activities may be pursued on the land surface or underground and such materials may be deposited there that do not pollute or damage the quantity, quality and material processes of the land and the environmental components.

In the course of and prior to the implementation of projects (construction, mining, etc.), the adequate separation and protection of topsoil, and its use as agricultural soil, shall be secured.

The user of an area shall provide for the scheduled restoration or development of the area or for the conditions of the redevelopment thereof after the activities involving the utilization of land have been completed.

The user of an area shall provide for restoration or development of the area during the utilization where the conditions allow the redevelopment, if provided by a legal rule or a decision of an authority.

Article 14

Water Protection

Water protection shall cover surface and subsurface waters, the reserves, the quality and quantity thereof, the bed and banks or shores of surface waters, and aquifers.

The natural discharge, flow pattern, flow conditions, bed and banks or shores of waters may be altered only by preserving appropriate proportions of aquatic communities and ensuring the functioning thereof.

The conditions of the extraction and use of water shall be established for each type of water resources in accordance with the local conditions shall be regulated by the special regulations.

Waters may be utilized and loaded, as well as used water and sewage may be discharged into waters - following appropriate treatment - in a way that does not pose a hazard to the natural processes and to the renewal of the quantity and quality of waters.

The extraction and the returning of used water into water bodies as well as the transfer of waters shall be carried out in a way that does not change unfavorably the reserves, the quality and the biota in the supplying and recipient water body, and shall not pose a hazard to the self-purification thereof.

Article 15

Protection of the Air

The protection of the air shall cover the whole of the atmosphere and the processes and composition thereof, as well as the climate.

The air shall be protected from all artificial impacts, which load it or other environmental components through its transmission with radiating, liquid, gaseous or solid substances in a way that poses hazard to the quality of the air, or damages human health.

When activities and facilities are planned, implemented, performed as well as when products are manufactured and used, efforts shall be made to keep the emission level of air pollutants as low as possible.

Article 16

Conservation of the Biosphere

The conservation of the biosphere shall cover all living organisms and the communities and habitats thereof - by taking into consideration the preservation of the natural processes of, proportions in, and the provision of the sustainability of the ecosystem.

The biosphere may be utilized only in such a way that does not damage the natural processes and conditions of communities and biodiversity, and does not pose a hazard to the sustainability thereof.

Article 17

Conservation of the Built Environment

In the development plan, zones shall be designated within the area of the localities on the basis of the load ability of the environment and the designated purpose of the various parts of localities.

The activities that may be performed in the individual zones may be permitted in case a protective distance or area exists, as specified in a separate legal rule on the basis of the nature of the environmental loading, and in case the regulations on protection are observed.

In the area of the municipality, green space and shelter belts shall be established in accordance with a separate legal rule.

Article 18

Hazardous Substances and Technologies

The protection against the adverse impact of hazardous substances shall cover all natural and artificial substances that are used, produced or distributed by users of the environment in the course of its activities, and the quality or quantity of which is explosive, inflammable, radioactive, toxic, highly corrosive, infectious, eco toxic, mutagenic, carcinogenic, or irritant, or may bring about such impact if interacting with other substances.

When hazardous substances are handled or used - including the exploitation or extraction, storage, transport, production or manufacture and application thereof -, furthermore,

when hazardous technologies are applied, such protective and safety measures shall be taken that reduce the risk of hazards to the environment to a level specified in a special regulations or eliminate them.

When technologies involving hazards to the environment are applied, a protective area or distance adjusted to the nature of the source of the hazard shall be designated in order to reduce the level of hazard to the environment.

Article 19

Wastes

The protection against the impacts of wastes on the environment shall cover all substances, products - including also the packaging and wrapping materials thereof - that their holders discard or intend or are required to discard.

The holder shall ensure the proper management of wastes, in order to encourage and provide the basic circumstances for the recycling, processing and prevention of production of waste for re-use; the extraction of secondary raw materials and possible of energy there from; and safe disposal.

Article 20

Noise and Vibration

The protection against noise and vibration in the environment shall cover all artificially generated energy emissions, which cause an unpleasant, disturbing, endangering or impairing noise or vibration load.

Within the framework of the protection against noise and vibration, the following shall be resolved using technical and organizational methods:

- the abatement of the noise emission or vibration generation of sources of noise and vibration;
- the reduction or prevention of an increase in the noise or vibration load;
- the posterior protection of environments loaded above standard levels on a permanent basis.

Article 21

Radiation

The protection against the adverse impacts of radiation on the environment shall cover artificially generated and natural ionizing, non-ionizing and thermal radiations.

V. Environmental Information and Education

Article 22

Environmental Information System and Provision of Information

The Environmental Information System shall be established and operated by the Federal Minister for Physical Planning and Environment responsible for environmental protection (hereinafter: Federal Minister) for the monitoring of the state and use of the environment, and the measurement, collection, processing and registration of data on the use and loading thereof.

The Information System shall be organized and set up in such a manner and with such a territorial density that on the basis thereof

- the changes in the use and the state of the environment can be determined quantitatively and qualitatively and can be compared internationally - in a form that can also be evaluated together with social and economic data and from the aspect of the impact on the health of the population;
- the causes of the environmental impacts can be established with satisfactory accuracy (including also detailed breakdowns required for the establishment of the causal relationships of the damage);
- the hazards posed to the environment can be recognized as early as possible;
- the regulatory responsibilities can be met and the official measures can be taken by the authorities;
- it can be used for planning.

The regional tasks necessary for the operation of the Information System shall be fulfilled by the cantonal environmental protection ministry (hereinafter: Cantonal Ministry).

Article 23

Users of the environment shall measure the environmental loading damage and the use of the environment caused during their activities in a manner specified in special regulations or shall substantiate and register it with technological calculations, and shall make their records available and/or shall provide data to the authorities with jurisdiction and competence.

Article 24

Entry of Environmental Data into Other Records

The fact, extent and nature of permanent environmental damage stated by the decision of an authority or a court ruling shall be entered into the land registry as the provisional entry

The entry shall be requested by the Ministry responsible for environmental protection or - in case the liability is established by a court - shall be ordered ex officio by the court.

Any change in the fact, extent and nature of environmental pollution shall be established as a basis for the entry, at the request of the owner of the real property, by the competent Ministry or the court.

Article 25

Environmental Research and Technical Development

The fulfillment of responsibilities related to environmental protection shall also be promoted through the development of science and technology, the organization of scientific research and technical development, furthermore, through the dissemination as well as the practical application of the findings of domestic and international research.

Research aimed at exploring the state of the environment and at the development of environmental protection are research objectives that shall receive priority support by the competent bodies and institutions. The Minister shall be responsible, in co-operation with the minister in charge of scientific research, for the co-ordination, support and evaluation of such research and the provision for the attainment of the environmental research goals.

Article 26

Environmental Education, Training, Culture

All citizens shall have the right to acquire knowledge about the environment and to improve such knowledge.

The dissemination and improvement of knowledge about the environment shall be primarily the responsibilities of the BiH Federation, cantonal and the local governments.

The Minister shall co-operate with the minister in charge of education and other concerned ministers, in order to ensure professional education about knowledge concerning the environment.

Article 27

The federal, cantonal and local bodies shall fulfill the responsibilities indicated in Articles 25 and 26 of this Law through the institutions of instruction and public education, in co-operation with the environmental protection associations and the professional organizations of the public engaged in the protection of the environment. The BiH Federation, canton and local governments shall support the individual organizations with educational and training responsibilities, the churches, the scientific institutions, professional organizations and associations so that they perform their educational and training activities more effectively.

Article 28

Register of Installations and of Pollution

The Ministry responsible for environmental affairs shall keep a register of installations and of pollution.

In this register data on activities and installations which have or might have adverse effects on the environment shall be collected, in particular:

- name and address, and the site of the installation and the operator;
- a short description of the activity, technical process;
- relevant data on emissions, dangerous substances present at the installation, waste production, consumption of resources and energy;
- indication of permits granted, changes etc.;
- information on inspections, relevant results and measures taken.

For smaller installations data have to be gathered by Cantonal Ministry which has to submit annually a (summary) report on permits granted for installations and relevant data to the Federal Ministry.

The competent authorities having responsibilities in environmental protection have to provide the Ministry with the respective data.

Further details on the data, their communication and documentation will be specified by regulation of the competent Federal Minister.

The register is public and any person shall obtain access.

Every person that has some legal interest may request an insight and issuance of the copies of data from the register.

Article 29

Active dissemination of environmental information

The Federal Ministry shall disseminate the information in a continuous, transparent and effective way.

The Federal Ministry shall use publications in printed and electronic form, which is easily accessible to the public through public telecommunications, and also the tools of public notifications.

In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, the Federal Ministry shall immediately and without delay disseminate to members of the public who may be affected all information which is held by a public authority and which could enable the public to take measures to prevent or mitigate harm arising from the threat.

VI. Public participation and access to information in environmental matters

Article 30

Environmental information, in the implementation of the present chapter, means any information in written, visual, aural, electronic or any other material form on:

- The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmed, affecting or likely to affect the elements of the environment within the scope of aline 1 of this article and cost-benefit and other economic analyses and assumptions used in environmental decision-making;
- The state of human health and safety, conditions of human life, cultural sites and built structures, in as much as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in aline 2 of this article;
- The authorities and institutions responsible for environment.

The public concerned, for the purpose of this Law, means the public affected or likely to be affected by, or having an interest in, the environmental decision-making either because of the location of a project or because of a topic in the case of non-governmental organizations promoting environmental protection.

Article 31

Within the scope of the relevant provisions of this act, the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective center of its activities.

Each public authority shall ensure that persons exercising their rights in conformity with the provisions of this law shall not be penalized, persecuted or harassed in any way for their involvement in the procedures.

Any abuse of legal instruments (such as initiation of the libel suits, damage payment or initiation of other civil law cases, criminal, petty offence, labor law et al.) in order to penalize, persecute or harass a person due to his/her involvement in public participation shall be considered illegal.

Article 32

Education and Capacity Building

The Federal Ministry of Education in collaboration with the Federal Ministry shall prepare annual environmental educational plans aimed at promotion of environmental education and environmental awareness among the public in environmental field. Educational environmental plans shall be included into the curricular and extracurricular

activities. Besides the substantive environmental issues, the education plans shall also contain information on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters.

The Federal Ministry shall organize the training of the environmental NGOs.

Article 33

Access to environmental information

The Federal Ministry upon the request of the concerned person shall make available environmental information to the public.

The concerned person means the person having reasonable interest to request information.

The Federal Ministry shall, along with information, provide the copy of data on the basis of which the relevant information has been prepared. The information may be provided in other form as well, in that case the reasons shall be given for making it available in that form, or in the case that the information has been already publicly available in another form.

The environmental information referred to in Paragraph 1 of this Article shall be made available as soon as possible and at the latest within fifteen days after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to one month after the request. The applicant shall be informed of any extension and of the reasons justifying it.

Article 34

A request for environmental information may be refused if:

- no public authority holds the environmental information requested;
- the request is manifested unreasonable or formulated in too general a manner;
- the request concerns material in the course of completion or concerns internal communications of public authorities where such an exemption is provided for in entity law or customary practice, taking into account the public interest served by disclosure, or
- in case of mass interest amongst the members of the public, where the information was properly given to the representative of the NGOs, local communities and the press. In such cases the authority shall inform the applicant, where he/she can get the information form.

A request for environmental information may be refused if the disclosure would adversely affect:

- international relations, national defense or public security;
- the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary proceeding

- the confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for the protection of the environment shall not be disclosed;
- intellectual property rights;
- the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for in the law;
- the interests of a third party which has supplied the information requested without that party being under a legal obligation to do so, and where that party does not consent to the release of the material, or
- the environment to which the information relates, such as the breeding sites of rare species.

The aforementioned grounds for refusal of providing information established in Paragraph 2 of this Article shall be indicated.

Where a public authority does not hold the environmental information requested, this public authority shall, as promptly as possible transfer the request to the authority to which one can to apply for the information requested and inform the applicant accordingly. The deadline shall begin at the time when the applicant issues his/her application for the first time.

Each public authority shall, if information exempted from disclosure under Paragraphs 1 and 2 of this Article can be separated from the information that access has to be given to, make available the remaining environmental information that has been requested.

A refusal of a request shall be in writing if the request was in writing or the applicant so requests.

Article 35

Charges for supplying information

Public authorities may charge for supplying information. The charge for supplying existing information or documents shall not exceed the cost of copying them.

In the cases in which the authority has to undertake research or other activities it would not be obliged to do by law, the authority and the applicant shall agree on the charge according to the scale of charges.

Public authorities intending to charge for supplying information shall make available to applicants a scale of charges.

Article 36

Public participation in decisions on specific activities

The Federal Ministry and cantonal ministries shall ensure the public participation in:

- in procedures on Environmental Impact Assessment of projects
- in procedures on issuing environmental permits for installations within the scope of their responsibilities .

The provision established in Paragraph 1 of this Article shall also apply the provisions of this article to decisions on proposed activities not falling under Paragraph 1 of this Article, which may have a significant effect on the environment.

The competent Ministry may decide not to apply the provisions of this article to proposed activities serving national defense purposes.

The public concerned shall be informed, immediately after the administrative procedure started:

- The proposed activity and the application on which a decision will be taken;
- The nature of possible decisions or the draft decision;
- The public authority responsible for making the decision;
- The envisaged procedure, including, if available, information on :
 - a) The opportunities for the public to participate;
 - b) The time and venue of any envisaged public hearing;
 - c) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;
 - d) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the deadline for comments or questions; and
 - e) An indication of what environmental information relevant to the proposed activity is available, and
- The fact that the activity is subject to a entity or transboundary environmental impact assessment procedure
- Draft of environmental decision or permit.

The concerned public shall be notified before or at the latest, when the process of taking evidence starts. That facts and evidence concerning the case must be submitted within 30 days.

Each public authority should, where appropriate, encourage prospective applicants to animate the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a environmental permit.

Article 37

Information Available Upon Request

The involved public authorities shall give the public concerned access for examination upon request, free of charge and as soon as it becomes available, to all information relevant to the decision-making.

The relevant information shall include at least:

- A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;
- A description of the significant effects of the proposed activity on the environment;
- A description of the measures envisaged to prevent and/or reduce the effects, including emissions;
- A short and easy understandable (non-technical) summary of the above information;
- An outline of the main alternatives studied by the applicant, and
- The main reports and expert opinions issued to the public authority.

The concerned public can submit in writing any comments, information, analyses or opinions that it considers relevant to the proposed activity within 30 days from receiving the information of Par 1. In case of exceptionally complicated matters, upon the application of the members of the concerned public the public authority can extend this period up to 60 days. In the decision due account is taken of the outcome of the public participation.

Each public authority shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate rules of the administrative procedural law ("F BiH Official Gazette" No.2/98 and 48/99).

Article 38

Access to justice

The head of each public authority shall ensure that any person who considers that his or her request for information has been ignored, wrongfully refused, whether in part or in full, inadequately answered, or otherwise not dealt with access to a review procedure before the second level authority and before a court according to provisions of the Law on General Administrative Procedure.

Article 39

If they participated in the first instance procedure, the members of the public concerned have the right to appeal and to initiate a review procedure before the court to challenge the substantive and/or procedural legality of any decision, act or omission.

In addition and without prejudice to the review procedures referred to in Paragraph 1 of this Article, the Court may order:

- that the private persons undertake the necessary remedial actions, involving refraining from certain activities and/or paying the damages,
- impose an obligation for the private persons to pay a compensation to the Federal Environmental Fund plus all the expenses of the court proceeding, and
- temporary measures.
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VII. Competences

Article 40

Environmental Advisory Council of the Federation

In order to establish a wide social and scientific, professional basis for environmental protection there shall be an Environmental Advisory Council (hereinafter: Council) assisting the Federal Minister and the FBiH Government.

The Council having a more consultative and advisory role shall be composed of 13 members, representing stakeholders from environmental field.

The members of this Council shall be appointed from among the representatives of environmental associations, elected in a manner determined by themselves, organizations and institutions representing professional and economic interests and the scientific circles. The President of the Academy of Sciences shall appoint the representatives of the scientific circles. Environmental protection association shall appoint Regional Environmental Center- Country Office Bosnia and Herzegovina, based on written agreement of at least five non-government organization, registries in Federation of BiH

The Council shall participate in the evaluation of strategic environmental assessments and its drafts, serving as the basis of SEA.

The ministers shall send to the Council their environmental plans and programmes for comments.

The Council shall elect a chairman and co-chairman. The chairman shall be elected from among its members, and Co-chairman is the Federal Minister.

The Council shall adopt the Rules of Procedure on its activities.

Article 42

The Federal Ministry

In its competence, the Federal Ministry in charge of environmental protection (hereinafter: Ministry):

- shall analyse and shall evaluate the state of the environment and the state of affairs of the protection thereof, and the experience from the protection, use and development of the environment,
- shall set up and operate an environmental information system;
- shall issue the environmental permits in accordance with this Law and other regulations;
- shall specify the environmental classification system of substances, products and technologies and the licensing of the distribution or use thereof;
- Shall organize the tasks aimed at the prevention or minimization of adverse environmental consequences, and
- shall participate in the development of the programmes and plans on the use of the natural resources, also in the development and operation of a special environmental protection plan and qualification system;
- shall also act as the second instance authority for appeals against administrative decisions of the Cantonal Ministries based on federal Laws and other activities concerning environmental protection, which are in responsibility of Federation BiH.

Article 43

The following shall belong to the scope of public administration competence of the Cantonal Ministry:

- .
- shall analyze and shall evaluate the state of the environment and the state of affairs of the protection thereof, and the experience from the protection, use and development of the environment,
- the organization of tasks and obligations established by federal Laws and other federal regulations;
- within the scope of its responsibilities shall issue the environmental permits,
- shall set up and operate an environmental information system within the canton;
- shall organize the tasks aimed at the prevention or minimization of adverse environmental consequences.
- shall supervise the enforcement of the cantonal environmental laws and regulations

Article 44

The role of the prosecutor

In case a hazard is posed to the environment, the prosecutor is also entitled to file a lawsuit in order to impose a ban or limitation on the activity or to elicit compensation for the damage caused with the activity posing hazard to the environment.

VIII. Environmental planning

Article 45

The system of environmental planning

The system of environmental planning includes adoption of the following plans:

- inter-entity level environmental programme;
- Federal level environmental strategy and Environmental Action plan,
- Cantonal level environmental plan.

Article 46

Federal environmental strategy and Environmental Action plan are to be prepared in harmony with the inter-entity environmental programme.

Cantonal plans are to be prepared in harmony with the federal environmental strategy and Environmental Action plan.

The Competent Inter-Entity Body shall prepare the proposal of inter-entity level environmental plan.

The federal strategy, further environmental plans and programmes are binding policy documents.

Environmental planning shall be harmonised with the different social and economic development programmes, regional development programmes, and land use or physical plans.

Environmental Protection Plan shall adopt Government of Federation BiH, proposed by Federal Ministry. Environmental plans shall be developed for a five years period.

The Federal Ministry shall report on the implementation of the plan to the decision-making body in every second year for consideration and presentation to the FBiH Parliament.

Article 47

The main elements of environmental plans

Federal environmental strategy, plans and programmes, among others, shall include:

- the presentation of the given state of the environment, based on scientific experiences and information;
- the environmental goals and targets to be achieved in the planning period;
- principles and guidelines of environment protection;
- the tasks and duties to be performed in order to achieve the goals and targets, the order and deadline of the implementation;
- the means and methods for the achievement of the goals set, including an indication of the planned resources needed to meet the financial needs;
- the designation of areas in which special environmental instruments are required as well as the contents of such instruments.

Article 48

Federal Environmental Strategy

Federal Ministry shall prepare the proposal of federal environmental strategy.

Federal Environmental Strategy shall include:

- Federal Strategy for Water Protection,
- Federal Strategy for Nature Protection,
- Federal Strategy for Air Protection,
- Federal Strategy for Waste Management

The draft strategy shall be discussed with the Environmental Advisory Council and Cantonal ministries for comments and opinions and it shall be available to the public for the comments.

The draft strategy shall be given for comments to the competent inter-entity body, and to the government of the other entity.

Comments on the draft strategy shall be submitted within the period of three months from the date of reception.

The FBiH Parliament shall adopt the federal strategic plan for the period of ten years.

Article 49

Cantonal Environmental Plan

Cantons shall adopt a cantonal environmental plan harmonized with the federal environmental strategic plan.

The cantonal environmental plan shall be developed and drafted by the cantonal Ministry.

The draft plan shall be sent to the Federal Ministry, the Environmental Advisory Committee of the Federation and neighboring cantonal ministries for comments.

There shall be an access of the public to the draft and also comments will be invited.
There shall be 3 months for comments.

The Cantonal Assembly shall adopt the cantonal plan for the period of six years.

The Cantonal Ministry shall report on the implementation of the environmental plan to the Cantonal Assembly every second year.

The Cantonal Assembly may adopt the regulation on adoption of municipal environmental plans and their contents.

Article 50

Company environmental plans and programmes

Companies may develop environmental management programmes on a voluntarily basis.

In cases specified by legal regulation, companies shall be obliged to develop certain environmental plans or policies.

Article 51

Strategic environmental assessment

In the case that the plans involve detrimental regional impacts, the responsible body shall assess and evaluate the impacts and shall summarize them in a strategic environmental assessment (hereinafter: SEA).

In the developing procedure of SEA, the environmental components, the quality of the environment or human health in connection with the environment shall be taken into the consideration.

In the case of regulations aimed at the introduction of economic regulators related to environmental protection (regulations on customs, taxation, duties, etc.) and the significant modification thereof, SEA shall also be carried out.

Article 52

The SEA shall cover, in particular, the following:

- the extent to which the planned regulations and measures may influence or improve the state of the environment;
- in case the planned measures were not implemented, what could be the consequences for the environment or the population;
- the extent to which conditions are adequate for the introduction of the planned measures,
- the extent of the capacities of the competent bodies for implementation of the planned measures.

Prior to submitting the drafts of strategic plans and SEA to the FBiH Government for adoption they shall be sent to the Environmental Advisory Council for comments.

IX. Environmental Impact Assessment (EIA)

Article 53

The Objective of an EIA

An EIA should serve at the identification, description and assessment of the direct and indirect effects of a project on the following elements and factors:

- human beings, fauna and flora;
- soil, water, air, climate and the landscape;
- material assets and the cultural heritage;
- the interaction between the factors mentioned in the first, second and third alines of this paragraph.

Article 54

Competent authority shall not accept a request for issuing a building permit or other necessary consent for a project requiring an EIA unless the developer attaches to his application a copy of an approved environmental impact study (EIS – Environmental Impact Statement).

Article 55

Authorities in the EIA

The EIA procedure has to be run by the competent Ministry.

The Competent Authorities shall involve all authorities at the cantonal and federal levels.

Article 56

Projects subject to EIA

The plants and installations or significant changes of the existing installations listed in implementing regulation shall be subject to EIA in all cases.

The plants and installations or significant changes of the existing installations listed in implementing regulation shall be subject to EIA, if the competent ministry authority decides so.

Significant changes of installation and plants shall be considered as:

- Any modification of plants and installations;

- If the total of modifications exceeds 25 % growth in production, energy use, water consumption, territory use, emission or waste production,
- the (last) modification that leads to the excess of 25 % growth (within ten years) shall be considered as significant.

Decommissioning the operation of the projects and demolishing the sites in connection with such decommissioning is subject to EIA.

Article 57

The EIA may be carried out in two phases:

- prior environmental impact assessment EIA, and
- Environmental impact study EIS.

Article 58

Prior Impact Assessment

The request for Prior Impact Assessment shall be submitted to the competent ministry.

The request should be accompanied with the following documentation:

- a description of the project comprising information on the site, design and size of the project;
- a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
- the data required to identify and assess the main effects which the project is likely to have on the environment;
- an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects;
- the regional planning consent, and i
- a non-technical summary of the information mentioned in the previous indents.

The competent ministry shall send the request defined in Paragraph 1 of this Article and its attachments to the competent authorities and to the concerned subjects for comments.

The comments shall be received within the period of thirty days after reception of the request.

The decision on prior EIA shall be submitted to the applicant and the subjects defined in Paragraph 3 of this Article.

Article 59

EIS

The Competent Ministry shall decide on development of EIS on the basis of the prior EIA procedure within further 30 days from the deadline for sending comments.

After adoption of the decision established in Paragraph 1 of this Article, the competent ministry shall determine the following:

- the content of EIS taking into account the EIA-guidelines;
- contractor assigned to prepare the EIS; and
- fee for development of EIS.

The fee is a compound of the expenses of the preparation of the EIS, the compensation of the work of the Competent Authority's own legal and technical experts and any other expenses the authorities and the other participants of the EIA procedure reasonably have.

The fee mentioned in paragraph 3 shall be covered by the competent Ministry.

Special regulation shall cover conditions and criteria for competent body which should work on EIS development, as an fee mentioned in paragraph 3 of this Article.

Article 60

The process of EIA

The request for carrying out the EIS shall be submitted to the competent ministry within 30 days from receiving the decision on prior EIA.

Article 61

Public Hearing

The Competent Ministry shall inform publicity and organize public hearing through newspapers disseminated Federation-wide with a public notification on the draft EIS.

The written comments and opinions resulting from public hearing shall be sent to the Competent Ministry within 30 days from the public notification.

Article 62

The Competent Ministry shall organize a public hearing on the project –in the premises closest to the location of the project, notifying the public at least 15 days before the time of the hearing.

The Competent Ministry shall prepare the minutes of the public hearing within 3 days after the public hearing.

Article 63

Possibility of transboundary environmental effects

Rules on EIA in a transboundary context shall be used in all cases where

- the project is likely to have significant effects on the environment of the other Entity,
- where any international contract obliges the State to do that, or - on the basis of bilateral agreement, reciprocity or other considerations.

When the contracted expert becomes aware that a project is likely to have significant effects on the environment in the other Entity, the expert shall create a special chapter within the EIS, containing all possible information about the affects on the environment of the other entity.

Further details on the procedures concerning projects with possible Inter-Entity transboundary effects can be specified by agreement between the two Entities concluded with consultation of the competent environmental Inter-Entity body.

When the contracted expert becomes aware that a project is likely to have significant effects on the environment in another State, the expert shall create a special chapter within the EIS containing all information available about possible impacts to the environment of the respective State.

The Federal Minister shall send the public notification to the other Entity/ affected State, containing, inter alia:

- a description of the project, together with any available information on its possible transboundary impact;
- information on the nature of the decision which may be taken,
- a reasonable time in which to indicate whether the other Entity/ the affected State wishes to participate in the EIA procedure.

If the other Entity/ the State indicate that it intends to participate in the EIA procedure, the Federal Ministry shall send the special chapter of the EIS to the other Entity/ affected Member State and relevant information regarding the procedure.

The Federal Ministry shall provide to representatives of the other Entity/affected State regarding the potential transboundary effects of the project.

The Federal Ministry shall consult representatives of the other Entity/affected State regarding the potential transboundary effects of the project.

In the event of information about a project taking place in the other Entity or a foreign country but having significant environmental effect on the territory of the BiH Federation, the Federal Ministry shall make all the necessary steps in order to ensure that

the concerned authorities and the concerned public can take part in the assessment of the transboundary environmental impacts.

The Federal Ministry shall also make all the necessary effort in order to ensure that the opinion of the authorities and the public reach the competent authority of the other Entity / the State of origin of the transboundary environmental effects and consultations take place.

The expenses emerging in connection with Paragraphs (2)-(4) shall be borne by the developer.

Article 64

Approval of EIS

The Competent Authority shall approve the EIS within 30 days after delivery of the final EIS.

The approval of the EIS shall be refused if:

- there is a prediction of significant environmental pollution by the project or that the project will significantly endanger the environment;
- the project is not in harmony with the Environmental Protection Plans at state and entity level and Environmental Action Plans,
- the project is not in harmony with the international environmental legal responsibilities of the State.

The decision on refusing the approval shall be sent to the developer, and concerned subjects established in Article 58, paragraph 3 of this Law.

The decision has to be published in a way defined by this Law.

In case of transboundary effect, the Federal Ministry shall send the decision to the other entity/affected State.

Article 65

Participation of the Competent Ministry in the necessary permitting procedures

The Competent Ministry shall participate in any other permitting processes, such as land use permitting, construction permitting, usage permitting processes.

The Competent Ministry, in connection with the procedures established in Paragraph 1 of this Article shall check whether the circumstances in which the EIA procedure took place have changed and the conditions determined in the EIA permit are fulfilled.

Within three years after delivery of the final EIS all the necessary permits procedures established in Paragraph 1 of this Article have to be finalized. Upon the expiry of this deadline, the EIS is no longer valid as a basis for issuing the respective permits defined in Paragraph 1 of this Article.

If the delay in issuing necessary permits is not caused by the developer, the EIS is valid for further two years in this case the EIS has to be updated if necessary.

If the Competent Ministry can be made responsible for the delay, the costs for updating have to be borne by the respective Ministry.

X. Environmental Permitting and Major Accident Prevention

Article 66

Activities or installations, which endanger or could endanger the environment or which have or might have adverse impacts on the environment shall be subject to a control regime.

This control shall be performed by

- specific obligations and requirements for these activities or installations ;
- requirement of an environmental permit or registration/notification to the authority prior to construction or operation;
- documentation in a register of environmental pollution;
- regular inspections, and
- Remedial measures against pollution.

Article 67

Basic obligations of the operator

Installations have to be constructed and operated in a way that:

- The health of persons is not endangered or impaired and no unbearable/undue nuisance is caused to persons living in the impact area of the installation or to the environment by emissions of substances, noise, odour, vibration or heat and by traffic from and to the installation;
- All appropriate preventive measures are taken against pollution and no significant pollution is caused;
- Waste production is avoided; where waste is produced, it is minimized, recycled or recovered or, where that is technically and economically not feasible, it is disposed of while avoiding or reducing any impact on the environment;
- Energy and natural resources are used efficiently;

- necessary measures are taken to prevent accidents and limit their consequences;
- Necessary measures are taken upon cessation of activities to avoid any pollution risk and to return the site of operation to a satisfactory state. Satisfactory state shall mean that all environmental quality standards relevant for the site of the installation, especially those concerning protection of soil and water, are met.

The requirements set out in par. 1 of this Article are general obligations for the operator for the construction, operation or cessation of installations. These standards have to be applied when deciding on the environmental permit.

The plants installations for which the acquisition of the environmental is not required, the competent authority, while issuing the urbanistic consent, shall ensure that the requirements established in Paragraph 1 of this Article are met.

Article 68

Environmental Permit

The environmental permit shall aim at a high level of environmental protection.

Plants and installations listed in implementing regulation may only be constructed and operated after obtaining an environmental permit issued in accordance with the provisions of this Law and regulation on procedure.

If other permits, consents and preconditions for operating the installation are required under different laws, these permits, consents and preconditions shall be issued together/in co-ordination with the environmental permit.

The authorities responsible for issuance of other permits shall be involved in the environmental licensing procedure.

An environmental permit is also required for a substantial change of the installation.

The Competent Ministry has to update the environmental permit regularly, at least every five years.

Article 69

Application

The application for an environmental permit has to include:

- the name and address of the operator/Investor;

- the site of the installation, and a description of:
 - the plants and installations, and its activities (plan, technical description of the process etc.)
 - the raw and auxiliary materials, other substances and energy used in or generated by the plants and installations;
 - the sources of the emissions from the plants and installations
 - the conditions of the site of the installation
 - the nature and quantity of foreseeable emissions from the installation into each medium (air, water, soil) as well as identification of significant effects on the environment (impacts);
 - the proposed measures, technology and other techniques for preventing, or, where this is not possible, reducing emissions from the installation;
 - measures for the prevention and recovery of waste generated by the installation;
 - further measures to comply with the basic obligations of the operator, especially the measures after closure of the installation;
 - measures planned to monitor emissions into the environment and/or their impacts,
 - planned alternatives.
 - the copy of the application for acquisition of other permits which will be granted together with the environmental permit.
 - Non-technical summary

The application for environmental permit for the plants and installation for which the Competent Ministry has determined that the EIS is required, should be accompanied with EIS instead of information established in Paragraph 1 of this Article.

If the competent Ministry, based on application for environmental permit for the plants and installation determine that EIS is not required, information established in Paragraph 1 of this article will be considered as needed application.

Article 70

Transboundary Effects

Where the operation of an installation is likely to have significant negative effects on the environment of another State or the other Entity or where another State or the other Entity so requests, the application for the environmental permit shall be forwarded to the other Entity or via the competent body on State level to the other State.

Within the Framework of a permitting procedure carried out in another State or the other Entity, written documents are received by the Federal Ministry on a project that might have significant negative effects on the environment in the BiH Federation, the Federal Ministry shall inform the public of the area that might be affected by the project and allow the public to comment.

Citizens of the other Entity have the same rights of participation in the procedure as the citizens of the area where the installation should be constructed.

Further details on the procedures concerning projects with transboundary effects on another state shall be specified by bilateral agreements with other States. Further details on the procedures concerning projects with possible Inter-Entity transboundary effects can be specified by agreement between the two Entities. Such agreements shall be concluded in consultation with the competent Inter-Entity body.

Article 71

Granting of the Environmental Permit

Within 120 days after delivery of the application the Competent Ministry shall grant an environmental permit.

In the event that an EIA is required, the environmental permit shall be granted within the period of two months after delivery of EIS.

The environmental permit contains the following:

- emission limit values for pollutants;
- requirements for protection of air, soil, water, flora and fauna;
- measures concerning the management of waste generated by the plants and installations;
- measures for minimization of long-distance or transboundary pollution;
- self-monitoring system, specifying measurement methodology and frequency, and
- Measures relating to conditions other than normal operating conditions.

Emission limit values, equivalent parameters or technical measures are based on best available techniques taking into account the technical characteristics of the installation, its geographical location and the local conditions.

Where environmental quality standards require stricter conditions than those achievable by the use of the best available techniques, additional measures shall be required in the permit (e.g. limits to operation hours, less polluting fuels etc).

Article 72

Existing installations

Installations defined in implementing regulation, article 68 of this Law for which an environmental permit has been issued before the coming into force of this Act have to have an environmental permit by 2008, at the latest.

The Federal Minister has to set deadlines for the application for an environmental permit for specific types of installations defined in Paragraph 1 of this Article by implementing regulation.

Article 73

Information by the operator

The operator of an installation for which the environmental permit has been issued and the operator of the installations for which the environmental permit is not required have to regularly inform the Competent Ministry of the results of the monitoring of releases and without delay of any incident or accident significantly affecting the environment, and to provide all data and information necessary to fulfill national and international reporting requirements.

Article 74

Reconsideration and updating of permits

The Competent Ministry has to reconsider and update the environmental permit or, where such a permit is not required, the urban permit where:

- the pollution caused by the installation is of such significance that the existing conditions and emission limit values;
- substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs or
- operational safety of the process or activity requires other techniques to be used.

On request of a person living in the area that might be affected by the impacts of the installation and complaining that pollution caused by the installation endangers or impairs his/her health or causes undue nuisance, the Competent Ministry may, where necessary, update the environmental permit.

In cases where an improvement of the installation to comply with environmental requirements would lead to a fundamental change of the installation, the competent authority has to order the operator to submit to the competent authority an improvement programme for the installation with measures and timeframes for the improvement of the installation in order to comply with the basic obligations established by this Act.

Article 75

Major Accidents Prevention and Control

The operator of plants and installations shall undertake all necessary measures for prevention of major accidents and the limitation of their consequences to man and the environment.

The operator shall present to the Competent Ministry, at any time, the proof of undertaken measures.

Article 76

Information on Accidents

The operator has to inform the Competent Ministry of a major accident providing the following information as soon as it becomes available:

- the circumstances of the accident;
- the dangerous substances involved;
- the data available for assessing the effects of the accident on man and the environment,
- the emergency measures taken.

The operator shall inform the Competent Ministry of the steps envisaged to alleviate the effects of the accident and to prevent any recurrence of such an accident.

If further investigations reveal additional facts the information has to be updated.

Article 77

Major accident prevention plan

The operator has to draw up a document setting out his major accident prevention plan and to ensure implementation of a high level of protection for man and the environment by appropriate means, structures and management systems, esp. addressing the issues of organization and personnel, identification and evaluation of major hazards, operational control, planning of emergencies and monitoring performance.

The operator shall evaluate safety condition for new installations at least three months prior to the start of construction or operation.

Article 78

Safety Report

For installations where dangerous substances are present in quantities covered by implementing regulation, the operator has to produce a safety report demonstrating that:

- a major accident prevention plan and a safety management system for implementing it have been put into effect;

- major accident hazards have been identified and that the necessary measures have been taken to identify such accidents and to limit their consequences;
- adequate safety and reliability have been incorporated into the design, construction, operation and maintenance of the installation, and
- internal emergency plans have been drawn up and supplying information to enable the external plan to be drawn up

The report defined in Paragraph 1 of this Article must contain sufficient information that the Competent Ministry may identify locations for new activities in the vicinity of the existing plants and installations, along with the updated list of dangerous substances present in the plants and installations.

The operator shall periodically review the safety report, at least every five years.

If necessary, the report shall be updated at any other time upon the initiative of the operator or on request of the Competent Ministry, where justified by new facts or to take account of new knowledge about safety matters.

The safety report for existing installations has to be submitted to the Competent Ministry within two years from the entry into force of this Act.

The safety report has to be made available to the public.

Article 79

Changes to the installation

In the event of a change to the installation or the quantity of dangerous substances which could have significant repercussions on major accidents hazards, the operator has to review and where necessary revise the major accidents plan or the safety report.

Article 80

Information on safety measures

The operator has to provide information to Federal ministry, persons liable to be affected by a major accident originating from the installation on safety measures and on the requisite behavior in the event of an accident.

The information shall be reviewed every third year or, where necessary, repeated and updated, at least every fifth year or in case of a modification to the installation. It shall also be made available to the public.

Article 81

Obligations of the Competent Ministry

On the basis of the notifications submitted the Competent Ministry has to keep and update a register of installations as well as a register of major accidents reported.

The Competent Ministry shall prohibit the use or the putting into operation of an installation or parts of it where the measures taken by the operator for the prevention or mitigation of major accidents are seriously deficient or when the operator has not submitted the notification, or other required information within the specified period.

Article 82

Domino Effect

Upon the information on safety submitted, the Competent Ministry has to identify installations or groups of installations where the likelihood and the possibility or consequences of a major accident may be increased because of the location or proximity of such installations and their inventory of substances (Domino effect).

Should such installations be identified, the Competent Ministry has to ensure that suitable information is exchanged to enable the operators of these installations to take account of the nature and overall hazard of a major accident in their major accident prevention policies, safety management systems, safety reports and internal emergency plans.

The operators of installations identified according to par. 1 of this Article have to co-operate in informing the public and in supplying information to the Competent Ministry for the preparation of external emergency plans.

Article 83

Internal and external emergency plans

The operator has to draw up an internal emergency plan for the measures to be taken in case of a major accident and has to provide it to the authority in charge of emergency management to enable the latter to draw up an external emergency plan for measures to be taken outside the installation.

The emergency plans have to be established in order to:

- to control incidents so as to minimize the effects and to limit damage to man, the environment and property;
- to implement the measures necessary to protect man and the environment from the effects of major accidents;
- to communicate the necessary information to the public and the services and authorities concerned in the area, and
- to provide for the restoration and clean-up of the environment following a major accident.

The internal and external emergency plans have to be put into effect without delay in case of a major accident or any other uncontrolled event which could lead to a major accident.

They have to be reviewed, tested, and where necessary revised and updated by the operator or the Competent Ministry at suitable intervals of no longer than three years, taking into account changes occurring in the installation or the emergency services or new technical knowledge.

Article 84

The objectives of preventing major accidents and limiting the consequences of such accidents have to be taken into account in planning and decisions according to the Law on Physical Planning, especially in the siting/parceling of new installations, changes to existing installations and new developments in the vicinity of existing installations such as transport links, locations frequented by the public and residential areas.

Account has to be taken of the need to maintain proper distances between installations covered by this Section and residential areas, areas of public use and areas of particular natural sensitivity or interest.

With existing installations the operator and the competent authority have to consider additional technical measures to prevent increasing the risk to people or the environment.

Article 85

Competent Ministries

For installations requiring an environmental permit or falling under the major accidents provisions the competent authorities are as follows:

- For large and medium installations above the thresholds defined in implementing regulations and for installations falling under the major accidents provisions, the Federal Ministry in charge of environmental protection is the competent authority.
- For smaller installations, that is installations below the thresholds defined in implementing regulations and for very small installations with emissions not exceeding the emissions typically emitted by households and for which no special environmental permit is required, the Cantonal Ministries in charge of environmental protection are the competent authority,
- The competent Federal Minister shall define the content of the safety report, the content of information on safety measures, and the content of internal and external intervention plans in implementing regulations.

XI. Setting of Environmental Quality Standards, Inspection and Supervision

Article 86

The Federal Minister may issue implementing regulations to regulate:

- additional requirements for documents to be provided during the environmental permitting procedure;
- specifications for the environmental or other permits;
- the specification of best available techniques for sectors of installations, especially by setting emission limit values and other technical parameters or measures;
- other standards and requirements for installations and activities;
- measurements and reporting of emissions, a relevant methodology, documentation and communication to the relevant authorities;
- criteria for the qualification of experts for documents or self-monitoring;
- further provisions concerning the major accidents prevention;
- Environmental quality standards.

The regulations according to paragraph 1 of this Article may be based on recommendations of the competent Inter-Entity Body or on standards issued by the Institute of Standardization of BiH

Article 87

Environmental Quality Standards

The Federal Minister has to specify environmental quality standards for types of installations or activities according to the best available techniques and the state of science to prevent or minimize impacts of installations on the environment, especially by:

- setting emission-limits for pollutants;
- specify technological and operational requirements for installations, and
- specifying measurements, monitoring and reporting requirements.

The standards also apply to existing installations.

The implementing regulations referred to in Paragraph 1 of this Article have to set time-tables for the adoption and retrofitting of existing installations, thereby taking into account their pollution potential and the availability of technologies for existing installations and the possibility of a reduction-scheme for the installation to comply with the requirements of the regulation to achieve emission reductions.

Article 88

The Federal Minister in consultation with experts of other relevant authorities on the federal, cantonal level and scientific experts shall draft a proposal of a regulation established in Article 87, Paragraph 1, taking into account relevant international and EU standards and publications, comparable standards in other countries and scientific publications. The comments have to be reviewed by the Federal Minister and to be taken into consideration when finalizing the regulation.

Article 89

Obligations of the operator

The operator has to monitor the emissions and impacts of the installation.

If not otherwise specified in the permit or in relevant regulations, the operator has to have the installation checked on conformity with its legal requirements by qualified experts every three years.

If the checking of the installation reveals deficiencies they have to be remedied immediately. A report on the check and on remedial actions in case of deficiencies has to be submitted to the Competent Ministry.

The operator has to care for the proper maintenance of the installation and has to check the functioning of technical devices regularly. If incidents or accidents occur that lead to an exceeding of emission limit values the operator immediately has to take remedial actions to restore compliance. If the incident or accident may lead to a serious threat to human health or the environment the operator has to reduce or suspend the operation of the installation.

Article 90

Inspections

Supervision on implementation of this Law shall be carried out by Federal Ministry.

Federal and cantonal ministries shall, within the scope of their responsibilities, carry out the inspection tasks.

Environmental Inspector shall be person with university degree within related field, with a completion of a professional test of requisite knowledge in environmental field and at least five years of working experience.

The Competent Ministry, ex officio, or upon the request of concerned party, has to inspect compliance with requirements from the environmental permit or relevant laws or regulations/by-laws.

The Competent Ministry has to draw up an annual/biannual inspection programme to set a systematic framework for inspections and monitoring, setting priorities for types of installations and areas according to pending environmental problems.

Inspectors may enter all premises, working areas and buildings of the installation for site-inspection and may inspect all documents, data, devices and materials present at the installation and may take samples and measurements.

The operator and his staff have to enable and assist the inspection by providing all necessary information, data and documents.

The inspector has to prepare a report on the inspection including:

- name of the installation and location;
- date, duration of the inspection;
- description of the inspection performed and all relevant findings, especially technical data, samples;
- non-compliance detected and the reasons and explanations of the operator/staff.

The report shall be sent to the operator and to the public upon the request.

Article 91

The Competent Ministry has to establish a systematic inspection and control system for the installations using dangerous substances, including the storage, to be able to review the safety management system and implementation of the plan for major accident prevention.

The competent authority has to draw up a programme of inspections, which foresees at least one on-site inspection every year for installations covered by implementing regulations. If the installation has to undergo an EIA, inspections to be carried out by the EIA authorities shall be co-ordinate with inspections mentioned above.

Article 92

On the finding of non-compliance of an installation with its permits or relevant laws or regulations/by-laws, the inspector has to issue an order of compliance to the operator setting the following:

- the deadline for remedial actions;
- the necessary measures to be taken, including the shut down of the installation or parts, if the deficiencies have not been removed within the specified deadline, and
- remedial actions.

In cases of repeated non-compliance or in case of serious danger for human health and the environment which can not be overcome by other measures, the inspector shall request from the Competent Ministry to suspend the environmental permit.

XII. Voluntary approaches

Article 93 Eco-labelling System

An eco-label award scheme is established, in order to promote the design, production, marketing and use of products which have a reduced environmental impact during their entire life cycle, and provide consumers with better information on the environmental impact of products. The eco-label shall be awarded to products and services.

The eco-label is a logo defined in implementing regulations.

The environmental impacts shall be identified on the basis of examination of the interactions of products with the environment, including the use of energy and natural resources, during the life cycle of the product.

The scheme shall be in conformity with existing and emerging health, safety and environmental requirements.

Based on the provisions of the present act and of the implementing regulations related to eco-label award scheme the system shall be formulated in a way to allow the voluntary participation of interested natural or legal persons whose products and services meet the requirements of the scheme.

Article 94

The eco-label may be awarded to products available in the Federation, which comply with the essential environmental requirements, and the eco-label criteria that shall be determined by product group.

Product group means any goods or services, which serve similar purposes and are equivalent in terms of use and consumer perception.

In order to be included in this scheme, a product group must fulfill the following conditions:

- it shall represent a significant volume of sales and trade in the market;
- it shall involve, at one or more stages of the product's life, a significant environmental impact on a global or regional scale;
- it shall present a significant potential for effecting environmental improvements through consumer choice as well as an incentive for manufacturers or service

providers to seek a competitive advantage by offering products which qualify for the eco-label, and

- a significant part of its sales volume shall be sold for final consumption or use.

The eco-label may not be awarded to substances or preparations classified as very toxic, toxic, dangerous to the environment, carcinogenic, toxic for reproduction, or mutagenic nor to goods manufactured by processes which are likely to significantly harm human health and/or the environment, or in their normal application could be harmful to the consumer.

Concerning eco-label awards for food, drink, pharmaceuticals or medical devices, there shall be implementing regulations.

Article 95

Federal Ministry, according to implementing regulations, shall manage the eco-label scheme, from the selection of product groups and their ecological criteria till the award of the eco-label and the finalization of the contract covering the conditions of using the logo.

The selection of product groups and the ecological criteria of these groups shall be undertaken through consultation with the representatives of the interest groups of industry, commerce, consumer organizations, environmental organizations. The representatives of the interest groups shall be selected by themselves according to the product groups concerned.

The Federal Minister shall establish the rules of procedure settled in implementing regulations.

Article 96

The eco-label is awarded on the basis of voluntary application of manufacturers, importers, service providers, traders and retailers.

The decision to award the label shall be taken by the Federal Ministry receiving the application, after verifying that the product complies with the ecological criteria of product groups.

The label shall be awarded for three years.

The Federal Ministry shall conclude a contract with the applicant for an eco-label, covering the terms of use of the label, including provisions for withdrawing the authorization to use the label.

The costs of processing the application shall be borne by the applicant and there shall also be a fee for the use of the label, both regulated in implementing regulations established in Article 95, Paragraph 3 of this Law.

The eco-label may not be used, and references to the eco-label in advertising may not be made, until a label has been awarded and then only in relation to the specific product for which it has been awarded.

Article 97

Environmental Management System

Environmental management system shall mean that part of the overall management system of any organization (for example: company, research or educational institute public administration organization, etc.), which includes the organizational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the environmental policy.

The principal objectives of the system established in Paragraph 1 of this Article are to include the evaluation and improvement of the environmental performance of operational activities and the provision of the relevant information to the public, also the pursuit of continuous improvements in the environmental performance of operational activities.

The primary components of the system include:

- the establishment and implementation of environmental policies, programmes and management systems by organizations;
- the systematic, objective and periodic evaluation of the performance of such elements defined in aline 1 of this Article; and
- the provision of information on environmental performance to the public.

Article 98

An environmental management and audit system and register shall be set up by separate regulations.

The organizations who meet the requirements must be registered as such units who may participate in the scheme.

There shall be a competent authority who registers the given organization/ company on the basis of a validated environmental statement.

In order to be registered in the scheme the organization must fulfill the following requirements:

- adopt an environmental policy, which, in addition to providing for compliance with all relevant regulatory requirements regarding the environment, must include commitments aimed at the reasonable continuous improvement of environmental performance, with a view to reducing environmental impacts to levels not exceeding

those corresponding to the economically viable application of best available techniques as appropriate;

- conduct an environmental review;
- introduce an environmental programme and an environmental management system applicable to all activities at the site. The environmental programme will be aimed at achieving the commitments contained in the environmental policy towards continuous improvement of environmental performance;
- carry out, or commission environmental audits;
- set objectives at the highest appropriate management level, aimed at the continuous improvement of environmental performance in the light of the finding of the audit, and appropriately revise the environmental programme to enable the set objectives to be achieved at the site;
- prepare an environmental statement, which shall be made public;
- have the environmental policy, programme, management system, review or audit procedure and environmental statement or statements examined to verify that they meet the relevant requirements by independent verifiers;
- forward the validated environmental statement to the competent authority.

Article 99

Voluntary agreements

On the basis of detailed requirements set by separate regulations there shall be different possibilities to enter into a voluntary agreement between the interest groups of potential polluters or individual polluters and the competent authorities in order to meet environmental requirements in an environmentally effective and economically efficient way.

Article 100

In the voluntary agreement procedure, it is necessary to fulfill the following:

- the first step of concluding an agreement is to have a consultation process, in which interested parties - should have the opportunity to comment on the draft;
- the legal form of these agreements shall be a contract, binding for both parties and providing a clear framework, which may include sanctions in the case of non-compliance and are enforceable;
- the objectives of agreements have to be quantified in figures;
- in order to take a step-by-step approach, intermediate objectives should be set and a timetable has to be defined and objectives have to be quantified accordingly;
- the agreement has to stimulate how monitoring has to place;

The agreements must be transparent, therefore they have to be published in the Official Gazette of the BiH Federation.

XIII. Financing environmental protection

Article 101

Environmental Funds

The federal and cantonal environmental protection funds shall be established by the Law.

The Federation environmental protection fund is established for:

- the promotion of the development of an environmentally safe economic structure; the prevention of environmental damage; the remediation of environmental damage which has occurred; the conservation of nature protection areas; the motivation and promotion of the most efficient techniques and alternatives; the improvement of public environmental awareness, and environmental research.

Article 102

Establishment of the Federal Fund shall regulate, the following:

- Financial means from budget of Federation.
- Donations, credits, loans;
- Fees for activities in which will be used natural resources;
- Finance instruments which include fees defined in articles 103-108 of this Law.

XIV. Civil Liability for Environmental Damage

Article 103

In order to prevent damage to the environment and in order to ensure adequate compensation, the law provides for a comprehensive environmental liability system containing provisions regarding the establishment of a specific strict liability system for activities dangerous to the environment, the recovery of environmental damages, the burden of proof of the causal link, provisions providing for access to information with regard to liable persons, rules concerning the entitlement of non governmental organizations and the duty of the liable person to provide for financial security.

Article 104

Liability for activities dangerous to the environment

The operator of an activity dangerous to the environment is liable for the damage caused through this activity to persons, property or the environment, irrespective of fault.

Environmentally dangerous activities are activities that present a significant risk for persons, property or the environment. Environmentally dangerous activities are:

- the operation of sites that are dangerous to the environment;
- the release of genetically modified organisms, and
- micro-organisms, that present a significant danger for persons, property or the environment.

A site is dangerous to the environment, if it presents a significant risk for persons, property or the environment by the mode of operation or the materials used, the sites that are considered to be a danger to the environment are for instance mining sites, mineral oil and gas refineries, installations for gasification and liquefaction, thermal power stations, coke ovens, installations for the production and processing of metals and minerals, chemical installations, installations for the treatment, incineration, or storage of waste, waste water treatment plants, slaughterhouses, dye works and tanneries, paper fabrication installations, dams and oil or natural gas pipelines.

Organism refers to any biological entity capable of replication or of transferring genetic material.

Microorganism means any microbiological entity, cellular or non-cellular, capable of replication or of transferring genetic material.

Multiple operators of an activity are jointly liable.

With regard to closed sites liability lies with the last operator.

Article 105

Exemption from Liability

The operator is not liable if the damage was caused:

- by act of war or through an exceptional natural phenomenon;
- by a third party with the intent to cause damage, or
- due to a specific mandatory order or compulsory measure of a public authority that directly caused the damage.

Liability will only be excluded if the operator proves that he has exercised the necessary level of care demanded by the circumstances in order to prevent or mitigate the damage.

Article 106

Presumption of Causation

If an environmentally dangerous activity has the capacity to cause such damage due to the particular circumstances of the case, then it will be assumed that the damage was caused by this activity.

The damage causing capacity is judged by the mode of operation, the utilized facilities, the type and concentration of the employed or created substances, genetically modified organisms or micro-organisms, the meteorological conditions as well as by the time and place of the occurrence of the damage.

The presumption is rebutted, if the operator proves by a preponderance of the evidence that he has not caused the damage, or that the causation of damage through a different operator or a different circumstance is more probable.

Article 107

Entitlement to Information

Whoever can reliably claim that he has suffered damage by an activity dangerous to the environment can, at any time, demand information from the specific operator about those circumstances whose knowledge is necessary in order to prove the damage causing capacity of the activity.

Every operator, against whom a claim of damages has been brought, is entitled to information against any other operator according to Para. 1 of this Article.

Article 108

Financial Security

Every operator of an environmentally dangerous activity is required to take precautions in the form of sufficient insurance coverage or in other suitable ways, so that he can assume damages he is liable for.

Article 109

Damage to the Environment

If a dangerous activity causes damage to the environment, then the operator who is liable also has to compensate for the costs of the assessment of the damage and the costs for reasonable measures of reinstatement.

The compensation requirement also encompasses the costs of reasonable measures to prevent or mitigate damage to the environment as well as the costs of damage to persons and property that were caused by such measures.

Entitled to in para. 1 and 2 of this Article stated costs is the person who took these measures.

Article 110

Compensation for Environmental Damage

If damage to the environment cannot be restored through reasonable measures, then the responsible person is liable for the compensation of the value of the destroyed environmental assets.

The compensation amount orientates itself upon the economic and ecological value of the environmental assets. If the value cannot be determined or cannot be determined with reasonable economic effort, then the court should determine the amount of damages according to the principle of equity, applying this principle the necessary costs for the restoration, the risk of the activity to the environment, the extent of individual fault, and the benefits gained from the harmful activity are to be considered.

If the liable party has only acted slightly negligently, or if the total compensation of the damage is not economically viable for the liable person, the court can reduce the compensation amount to a reasonable level.

Entitlement lies with the BiH Federation, if as there is no other person who is entitled to the damages.

Article 111

With regard to all issues that are not specially regulated by this law the general rules of the Law of Obligations are to be applied.

XV. Inter-Entity Co-operation

Article 112

Competent Inter Entity Body

An Competent Inter Entity Environmental Body shall be set up by the joint decision of the BiH Federation Government and the Government of Republic Srpska.

The Competent inter-entity environmental body shall consist of eight members. Four members will be appointed by the Government of the Federation of Bosnia and Herzegovina and four members by the Government of Republic Srpska.

The Competent inter-entity environmental body shall meet regularly, at least six times a year and shall take decisions by consensus.

The details of organization and procedures of the competent inter-entity environmental body shall be decided in a joint decision of the Entity Governments.

Competent organs and other services of public administration, governmental agencies or other bodies from both Entities shall give administrative assistance to the Competent inter-entity environmental body or otherwise implement decisions of the Competent inter-entity environmental body according to the authorizations of the state legal regulations.

Article 113

The Competent inter-entity environmental body shall deal with all issues related to the environment which need harmonised approach of the Entities and which are referred by them to the Competent inter-entity environmental body in this act and other legal rules, including but not limited to:

- international treaties and programmes concerning environmental matters;
- cooperation with international organizations and foreign states;
- coordination and implementation of existing and future environmental legislation and regulation;
- coordination and monitoring of environmental standards and procedures;
- setting of environmental standards which may not be regulated solely entity level;
- coordination of environmental action programmes of the entities and of other programmes and planning which are relevant for on the environment;
- coordination of environmental monitoring and information systems, and
- information collection and exchange.

The Competent inter-entity environmental body shall issue guidelines and expert opinions to the relevant Ministries of the entities.

The Competent inter-entity body shall ensure that the interests of both Entities are taken into account in connection with the planning of projects, particularly when the interests of different kinds of use are weighed against one-another in the areas cut across by inter-entity boundary lines.

Article 114

Inter-entity Environmental Programme

The Competent Inter Entity Environmental Body shall adopt an inter-entity - environmental programme.

The inter-entity environmental programme shall cover all those issues, which require a harmonised approach of the entities, paying also special attention to international co-operation and international commitments.

The inter-entity environmental programme shall be prepared by a joint working group, set up by the representatives of the Entities, with equal representation of the entities, cantonal governments, professional and business organizations, environmental associations.

The Government of the BiH Federation is represented by 15 members of the joint working group, from among them five are representing the federal ministries, five the cantons and five the professional, business and environmental associations, proposed by the Federal Minister.

The joint working group shall be set up within 90 days after the entering into force of the present act. The working group shall develop the draft environmental programme within 6 months after the setting up of the group.

The draft environmental programme shall be presented to the entity Government, which - after hearing the opinion of the Environmental Advisory Council - shall give its opinion within 30 days from the date of submission.

Having been consulted with the entity governments, the joint working group shall formulate the final draft and present it to the Competent Inter Entity Environmental Body.

The environmental programme shall be published in "Official Gazette of BiH".

Article 115

International Co-operation

The entities, via the Competent inter-entity environmental body shall act in international cooperation in the environmental field through the responsible Ministry at state level of B&H.

XVI Penalties

Article 116

An administrative fine amounting from 1.000,00 KM to 10.000,00 KM shall be imposed to any legal entity for the following violations:

- breaches the requirements of Art. 67 of this Law;
- builds or operates installations or undertakes activities without the required permit or notification or contrary to such permit or regulation;
- does not comply with requirements or conditions set out in the permit or in relevant regulations;
- does not submit to the competent authority information, data or documents required by this act or respective regulations;
- does not prepare the major accident prevention plan and does not undertake preventive measures, and
- does not adopt the internal intervention plan and does not submit it to the authority defined in Article 83 of this Law.

An administrative fine in terms of such violations amounting from 500,00 KM to 2.000,00 KM shall be imposed to the authorised person within the legal entity.

XVII. Transitional and Closing Provisions

Article 117

The FBiH Parliament shall adopt the regulation defined in Article 48 of this Law within two years after entering into force of the present Act.

The FBiH Parliament shall adopt the regulation defined in Article 101, Paragraph 1 of this Law within three months after entering into force of the present Act.

The FBiH Government shall adopt the regulation defined in Article 46, Paragraph 7 of this Law within three years after entering into force of the present Act.

The Federal Minister shall adopt the regulations defined in Articles 28,35, 72 Paragraph 2, 85 Paragraph 2, 86, 87, 90 Paragraph 5, 93 Paragraph 2, and 95 Paragraph 3 of this Law within one year after entering into force of the present Act.

The Federal Minister shall adopt the regulations defined in Articles 56,59, and 78 of this Law within three months after entering into force of the present Act.

The Inter-entity environmental body shall adopt the regulation defined in Article 114 Paragraph 1 of this Law within six months after entering into force of the present Act.

The cantonal assembly shall adopt the regulation defined in Article 49 Paragraph 6 of this Law within three years after entering into force of the present Act.

Article 118

Regulation that were in force prior to entering into force of this Law shall be applied until their expiration date, provided they are no contradictory to this Law.

Article 119

This act shall enter into force eight days after publication in the Official Gazette of the Federation of Bosnia and Herzegovina, and shall be enforced after expiry of 90 days from entering into force.

UNOFFICIAL TRANSLATION BY EKOPAK