

FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT

The following report is submitted on behalf of Bosnia and Herzegovina in accordance with decision I/8 and II/10

IMPLEMENTATION REPORT

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| Party | Bosnia and Herzegovina |
| National Focal Point / Report Coordinator | |
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Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

In preparing this report, the authorities of Bosnia and Herzegovina (BiH) used the reporting procedure, adapting it to the circumstances in BiH. The preparation of the first National Implementation Report on Aarhus Convention in Bosnia and Herzegovina was supported by the OSCE Mission to Bosnia and Herzegovina, through a regional project in support of Aarhus Convention implementation in Serbia, Montenegro, Albania and BiH. In agreement with the Ministry of Foreign Trade and Economic Relations of BiH (MoFTER), 25 institutions at state, entity and Brčko District (BD) level, received a questionnaire containing questions related to their field of responsibility vis-à-vis the Aarhus Convention. The information submitted were used in the preparation of draft report, which was processed by an ad hoc working group, assisted by a consultant. It is important to emphasize that three representatives of non-governmental organizations participated directly in the preparation of the report, and all drafts were regularly delivered to all members of the working group, as well as to a larger number of NGOs that partake in E-coalition network. The report was also sent to governments of all cantons in the Federation of Bosnia and Herzegovina (FBiH), as well as associations of cities and municipalities of FBiH and Republika Srpska (RS), who distributed the report onwards to local government units. Four public meetings were held in four larger towns in BiH, inviting public authorities, NGOs and citizens to offer their comments on the draft. The draft report was also made available on web pages of the public authorities involved, and the public was invited to provide their comments also through e-mail or post.

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

The Constitution of BiH organizes the state into administratively divided entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). In addition to the entities, there exists also the Brčko District of BiH (BD), as a local self-government unit, with its own institutions, laws, regulations, competencies and statute. According to the Constitution of BiH, state level authorities are not responsible in matters of environmental protection. However, the Law on Ministries and other

Administrative Bodies of BiH (Official Gazette of BiH 50/03, 45/06), designates the Ministry of Foreign Trade and Economic Relations of BiH (MoFTER) as the responsible state level public authority to conduct activities and tasks related to the definition of policy, basic principles, coordination of actions and harmonization of plans of entity authorities and representation at the international level. At entity level, several ministries possess competencies of relevance to the implementation of the Aarhus Convention in BiH. It is important to stress that, when it comes to the Federation of BiH, the Constitution of FBiH envisages that the Federation Government and cantons share responsibilities in environmental protection. Concerning Brcko District, it has responsibility over all fields which are not the responsibility of the state. Accordingly, the Government of Brcko District has responsibilities that are entrusted to entities, municipalities (and cantons in FBiH) when it comes to environmental protection.

Although Bosnia and Herzegovina ratified the Aarhus Convention only recently, in September 2008, it can be stated that the Convention's provisions were incorporated to a significant degree in the domestic legislation, with a considerable rate of practical implementation. Although the implementation of the Convention and its principles is only beginning in BiH, considerable efforts are invested to improve its implementation, given the lack of qualified staff in public institutions, finances and the need to raise awareness of the civil servants and the public on the importance of the Convention.

Article 3.

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

- Law on Freedom of Access to Information of BiH (Official Gazette of BiH 28/00, 45/06, 102/09) (LoFAI BiH),
- Law on Protection of Environment of FBiH (Official Gazette of FBiH 33/03, 38/09) (LoPE FBiH),
- Law on Freedom of Access to Information of FBiH (Official Gazette of FBiH 32/01) (LoFAI FBiH),
- Law on Protection of Nature of FBiH (Official Gazette of FBiH 33/03) (LoPN FBiH),
- Law on Civil Service in FBiH (Official Gazette of FBiH 29/03, 23/04, 39/04, 54/04, 67/05, 8/06) (LoCS FBiH),
- Law on Waters of FBiH (Official Gazette of FBiH 70/06) (LoW FBiH),
- Law on Protection of Environment of RS (Official Gazette of RS 28/07, 41/08, 29/10) (LoPE RS),
- Law on Freedom of Access to Information of RS (Official Gazette of RS 20/01) (LoFAI RS),
- Law on Protection of Nature of RS (Official Gazette of RS 50/02, 34/08) (LoPN RS),
- Law on Waters of RS (Official Gazette of RS 50/06) (LoW RS),
- Law on Civil Service in Administrative Bodies of BD (Official Gazette of BD 28/06, 29/06, 19/07, 2/08, 9/08, 44/08, 25/09, 26/09) (LoCS BD),
- Law on Protection of Environment of BD (Official Gazette of BD 24/04, 1/05, 19/07, 9/09) (LoPE BD),
- Law on Protection of Waters of BD (Official Gazette of BD 25/04, 1/05, 19/07) (LoPW BD) and
- Law on Protection of Nature of BD (Official Gazette of BD 24/04, 1/05, 19/07, 9/09) (LoPN BD).

Explain how these paragraphs have been implemented. In particular, describe:

- (a) ***With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;***

On the entire territory of BiH, according to article 18 LoFAI, public authorities take all necessary measures to assist any natural or legal persons seeking to exercise their rights on access to information. Also, in accordance with 20 LoFAI, any public authority is obliged to issue a free guide, enabling every individual access to information under control of a public authority. This guide is to include, among others, important elements in the request for information, important elements in the procedure of submission of request information on legal remedies. Further, a public authority is to make available an index register, containing all information under control of a public authority, the

format in which this information is available as well as where this information can be accessed. According to article 19 LoFAI, a significant number of institutions has appointed a public relations officer, who processes requests for information.

A certain number of institutions informs the public on their web pages on how can be accessed. The Ministry of Foreign Trade and Economic Relations of BiH (MoFTER) does so through their web page: http://www.mvteo.gov.ba/org_struktura/sektor_prirodni_resursi/odjel_zastita_okolisa/Konvencije_i_sporazumi/Aarhuska_konvencija/Pristup_info/Default.aspx?id=2292

According to article 17(4) LoCS FBiH, civil servant who work on public relations positions in FBiH are also to assist interested parties and public authorities with requested information. In Brcko District, article 9(e) LoCS BD prescribes that a servant or appointed officials is obliged to provide to the public all necessary information about affairs conducted in compliance with the regulations on access to information, as well as provide information on all procedures and decisions made during the performance of his/her duties.

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

In BiH, every citizen is entitled to acquire and advance his/her knowledge about the environment. According to articles 26 and 27, LoPE FBiH/26 and 27, LoPE RS/26 and 27 LoPE BD, public authorities are to cooperate with environmental NGOs and professional organizations, which involve the public, and disseminate and advance knowledge about the environment.

The Council of Ministers of BiH decided on marking four environmental days in BiH. These are Earth Day, Water Day, Environment Day and Ozone Day.

In FBiH, a campaign titled "Environmental permit – friend of the environment" was initiated to promote environmental awareness by involving all available forces in environmental policy and its implementation. In RS, a campaign called "Nicer Srpska" has been underway for some time. It is the most extensive and comprehensive environmental campaign in RS. Since 2006, a number of activities were implemented within the campaign, all serving to promote public environmental awareness.

According to article 32(1) LoPE FBiH/31(1) LoPE RS/31(1) LoPE BD, competent ministries/departments of health and environment are obliged to prepare annual education programs on environmental protection to educate and raise environmental awareness. This content will be part of regular classes and extra-curricular activities. These education programs also contain information about the procedure to ensure access to information. For example, in RS, a curricula for nine-year elementary education was prepared, covering ecology and environmental protection. Articles 13 LoPN FBiH/11 LoPN RS/11 LoPN BD are also relevant.

As part of the preparation of National Action Plan in BiH for the Mediterranean Area for Reduction of Pollution Caused by Land-based Activities, a film was made on the natural values, degradation and pollution of the environment in the Mediterranean area of BiH. This film was distributed to schools in the Mediterranean area of BiH. There are also other activities, including the marking of the International Day for the Preservation of the Ozone Layer.

In FBiH, eco-projects and eco-schools serve to promote environmental awareness. In elementary schools in Republika Srpska, NGOs and public authorities work together to implement joint projects aiming to raise awareness about the environment. The course *Ecology and protection of environment* is studied in secondary schools as well, and incorporated in the following curricula for the following fields: textile industry, leather processing, hotel industry, tourism, geodetics and civil engineering, traffic, hair styling and photography, geology, mining and metallurgy. This course is studied in schools following the EU VET (EU Vocational Education Training) curricula, including, economics, law and trade, and hotel industry and tourism. At grammar schools and other study programs and occupations at secondary school level where this course is not studied separately, content in the field of ecology is taught at biology classes. There are study programs on ecology and environmental protection at university level in Republika Srpska. There, students can obtain the degree of engineer of ecology or a master of science. The Department of Education in Brcko District promoted education and awareness on environmental protection through a number of projects, including a school competition in the *ecology* course. This department has introduced a new orientation in the secondary agricultural and medical school, that of ecological technician, thus contributing to further education in the field of environment.

The Federation Ministry of Agriculture, Water Management and Forestry organizes and participates in expert conferences and meetings on environmental management and water management. In accordance with 156(1)(12) LoW FBiH/178(1)(z) LoW RS, responsible agencies for waters also work on raising awareness on sustainable water use, protection of water and protection of aquatic ecosystems. Agencies for waters cooperate with other agencies to mark the International Water Day, which includes numerous promotional activities.

The ministries of health also work on promoting awareness on the influence of environment on health, through the campaign "We change the health system, you change your habits", implemented in FBiH, and "Healthy schools" implemented in RS. When the National Action Plan on Health and Environment of RS was drafted, the Institute recommended that all schools (primary, secondary, universities) introduce a separate course dedicated to ecology and improvement of public health, so that students may acquire skills and knowledge to contribute to the promotion and protection of the environment and health.

In Brcko District, the Department for Water Protection, cooperates with local NGOs to promote awareness on the harmful effects of throwing plastic bottles and bags in nature. Further, the Environment Day is appropriately marked each year in Brcko District.

Next to the aforementioned institutions, many others work to promote education and awareness about the environment. For example, the Food Safety Agency (FSA) BiH prepared promotional and educational leaflets and brochures, guides, organizes and participates in educational seminars, scientific and expert events. The information available to the Agency is used for scientific and research purposes. Also, the RS Hydrometeorological Institute organizes practical showcasing and educational activities for schools, through study visits and field classes, as well as through research (term papers, master and doctoral thesis).

The Regional Environment Centre (REC) is implementing, among other things, a program *Education for Sustainable Development in Western Balkans*, including the following activities:

- Education of teachers in 10 elementary schools and local communities of both entities in BiH, dealing with sustainable development and the need for education;
- Preparation of curricula, including extra-curricular activities and preparation of education material;
- Awareness-raising campaigns on education for environment and sustainable development, and
- Improving networking and cooperation, aiming to exchange experience and identify good practices and approaches related to education for environment and sustainability.

Further, this organization is working with Toyota company to implement a program aiming to educate about the environment and sustainable development. This project 'Green Pack' is also implemented in BiH, including a series of training courses for teachers that will use Green Pack in their classes.

The OSCE Mission in BiH, together with REC, implemented a project to support implementation of Aarhus Convention in BiH. In that project, a two-day workshop was organized. The Centres of Civic Initiatives (CCI) also initiated several countrywide campaigns, while the E-coalition network (gather 39 NGOs) organized several street campaigns. It is important to mention the activities of the BELLS Movement (Balkan Environmental Life Leadership Standard), which also include memoranda of understanding with several municipalities in BiH. The environmental NGOs promote education and awareness of environment through their web pages. One of the web pages containing such information is www.ekologija.ba. There are many other campaigns and activities implemented at lower levels of government, but cannot be incorporated in this report due to reporting format requirements.

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

Relevant are articles 27 LoPE FBiH/27 LoPE RS/27 LoPE BD. Further, according to articles 41 LoPE FBiH/41 LoPE RS/40 LoPE BD, the representatives of environmental NGOs participate in the Advisory Council on Environment in BiH/RS/BD. Unfortunately, this council was not established in Brcko District. In accordance with articles 32(2) LoPE/31(2) LoPE RS/31(2) BD, the Federation

Ministry of Environment and Tourism (FMET)/Ministry of Spatial Planning, Civil Engineering and Ecology of RS (MSPCEE)/Department of Spatial Planning and Property-Legal Relations in Brcko District Government (DSPPLR) organize trainings for non-governmental organizations working in the environmental protection field. The NGOs are involved in the work of Advisory Councils of agencies for waters in BiH, according to articles 164/184 LoW FBiH/RS. The advisory councils participate in the preparation of plans and strategies, in accordance with articles 165 LoW FBiH/185 LoW RS. Funding is allocated to support the advisory councils' work. For example, 50,000 KM was allocated to support the councils' work in 2009 and 2010 in the Federation.

The Ministry of Civil Affairs of BiH, through its support program for non-profit organizations and individuals, awarded 5,000 KM to the "Gorsko oko" association from Konjic.

Since 2006 to today, the Ministry of Environment and Tourism of FBiH has awarded 18,5 million KM from the FBiH budget for advancement of tourism and environmental protection in the Federation. It is estimated that 50% of this funding was awarded to the non-governmental sector, sector of private and public companies to support environmental projects (raising eco-awareness, protecting waters, nature, managing waste, etc. The project "Joint sustainable management of solid waste in the border area of river Neretva" is an example of such supported projects. The Ministry of Agriculture, Forestry and Water Management of FBiH and other agencies in FBiH have established cooperation with a number of institutions engaged in the field of environmental protection, both at international and national level, among them the Regional Environment Centre Country Office in BiH, Centre for Development and Support – Tuzla, Fondoko – Sarajevo, and projects with international funding.

A number of implemented projects, with participation of the RS Ministry of Spatial Planning, Civil Engineering and Ecology (MSPCEE), aimed to strengthen the NGO sector and train staff in this sector. A significant result was achieved in the project "Establishing electronic networks of environmental NGOs in Southeast Europe." In 2009, MSPCEE provided financial support to citizen associations and non-governmental organizations, which implemented activities to protect the environment. For example, initiatives to clean the accumulation at Vrbas river near hydropower plant Boćac, cleaning the bed of river Vrbas.

The Ministry of Agriculture, Forestry and Water Management of RS ensured funding in the budget of agencies for waters in the RS, to support organizations, associations or groups promoting the protection of environment. The Agency for Waters in the Area of Sava River Basin allocated 19,700 KM to various initiatives. The Ministry of Health of RS participates with environmental NGOs in the marking of International Day of Health.

Department of Spatial Planning and Property-Legal Affairs of Brcko District participates in environmental protection projects. The Government of Brcko District, its Department for Expert and Administrative Affairs, allocates each year funding to NGOs promoting environmental protection. Last year, 7,000 KM were allocated to the Association "World for Balkans in Europe", and their project "Ecology for Children" which aimed to raise environmental awareness and promote recycling among children living in Brcko District. The BELLS Movement (Balkan Environmental Life Leadership Standard) awards also the title "Ambassador of Environment" to individuals and organizations.

The review FONDEKO, traditionally awards the Fondoko Seal award to companies, organizations, as well as industrial and technological systems for their achievements in preservation of nature.

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

According to article 63 LoPE FBiH/75 LoPE RS/60 LoPE BD, relating to the environmental impact assessment in the context of cross-border impact, these provisions apply in circumstances of international commitments, bilateral agreements or other reasons. According to article 70 LoPE FBiH/84 LoPE RS/70 LoPE BD, in case the operation of a plant or project may cause negative implications on the territory of another state, the environmental permit request shall be submitted to the country concerned. Further, if in the procedure to issue an environmental permit in another country, the FBiH MET, RS MSPCEE and BD DSPPLR receives documentation showing that the plant in question may have adverse impact on the environment in FBiH/RS/BD, the population living in the concerned area shall be informed and provided opportunity to give their opinion. The law provides that detailed information about cross-border impact of plants on another country, should be determined through bilateral agreements.

In practice, NGO representatives participate in international delegations of Bosnia and Herzegovina. The last such example was the participation of NGO representative in the BiH delegation at the negotiations on UN Framework Convention on Climate Change in Copenhagen. It is also important to note that university representatives are involved in international representation of BiH. An example is the participation of the University of Sarajevo representative at the Cop 10 of the Convention on Biodiversity in Japan. It is important to continue supporting such efforts.

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

Articles 31 LoPE FBiH/30 LoPE RS/30 LoPE BD are relevant.

Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

NGO sector representatives have stressed that a large number of institutions have not issued the free guide which enables every individual access to information under control of a public authority. This guide should contain the important elements in a request for information as well as information on legal remedies as well as index register containing all information in control of a public authority. NGOs also object to the selection of NGO representatives in the Advisory Council on Environment, the frequency of their meetings and information about the Council's work. Given the objections from NGOs on the transparency in allocation of funding from FBiH budget to support the environmental projects, the public authorities will invest efforts to improve the award procedure in terms of public accessibility, timely information and process and criteria of selection. Also, NGO representatives often find they are not informed on time about meetings they should attend, leaving them little time to prepare.

One of obstacles to a more meaningful participation of NGOs in BiH delegations abroad, or at events in BiH, is the lack of sufficient financial resources.

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

From April through December 2010, the Environmental Protection Fund of FBiH, together with non-governmental organizations, is implementing a project to clean the banks of watercourses in FBiH. The value of this project is 1.200.000 KM. Also, during 2009 and 2010, a project called "From public participation to sustainable development" was implemented, aiming to strengthen and network NGO representatives so that, with their assistance, we would enhance public participation in taking decisions that may affect the environment. The RS Environmental Protection Fund awarded about 630,000 KM to non-governmental organizations and citizen associations. The support to associations that promote environmental protection also stems from international funding for projects with international participation. For example, with the assistance of international donors and organizations such as UNESCO, UNEP, GTZ, IUCN, SNV, WWF, UNDP, USAID, projects of cross-border cooperation were initiated for protected areas of nature, involving NGOs from BiH: *Lipa naša* from Čapljina and NGO EKO-Leonardo, Priboj. Grants from JICA and UCODEP were also contributing to strengthen capacities of the NGO sector, aiming to develop eco-tourism in the valleys of river Drina, Neretva and Una, establishing two NGOs, EKO Velež and EKO Pliva, which work to support sustainable development of eco-tourism.

Give relevant web site addresses, if available:

Ministry of Foreign Trade and Economic Relations of BiH – <http://mvteo.gov.ba>
Ministry of Security of BiH - <http://www.msb.gov.ba/>
Ministry of Civil Affairs of BiH - <http://www.mcp.gov.ba/>
Ministry of Justice of BiH - <http://www.mpr.gov.ba/>
High Judicial and Prosecutorial Council of BiH - <http://www.hjpc.ba/>
Agency for Statistics of BiH - <http://www.bhas.ba/>
Food Safety Agency of BiH - <http://www.fsa.gov.ba/>
Government of District Brčko – <http://www.bdcentral.net>
Ministry of Environment and Tourism of FBiH - <http://www.fmoit.gov.ba/>
Ministry of Spatial Planning of FBiH <http://www.fmpu.gov.ba/>

Ministry of Agriculture, Forestry and Water Management of FBiH <http://www.fmpvs.gov.ba/>
Ministry of Spatial Planning, Civil Engineering and Ecology of RS <http://www.vladars.net/>
Ministry of Agriculture, Forestry and Water Management of RS <http://www.vladars.net/>
Hydrometeorological Institute of FBiH <http://www.fhmzbih.gov.ba/>
Hydrometeorological Institute of RS <http://www.meteo-rs.com/>
Directorate of Inspection Affairs of RS, RS Inspectorate <http://www.inspektorat.vladars.net/>
Federation Directorate of Inspection Affairs of FBiH, competent inspectorates
<http://www.fbihvlada.gov.ba/>
Institute of Statistics of FBiH <http://www.fzs.ba/>
Institute of Statistics of RS <http://www.rzs.rs.ba/>
Ministry of Justice of FBiH <http://www.fmp.gov.ba/>
Ministry of Justice of RS <http://www.vladars.net/>
Ministry of Education and Science of FBiH <http://www.fmon.gov.ba/>
Ministry of Education and Culture of RS <http://www.vladars.net/>
Agency for Waters in the Area of Sava River Basin (FBiH) - <http://www.voda.ba/>
Agency for Waters in the Adriatic Sea Area (FBiH) - <http://www.jadran.ba/>
Agency for Waters in the Area of Sava River Basin (RS) - <http://www.voders.org/>
Agency for Waters in the Area of Trebišnjica River Basin (RS) - <http://vodeherc.org/>
Environment Protection Fund of RS – www.ekofondrs.org
Environment Protection Fund of FBiH – www.fzofbih.org.ba
Centre for Ecology and Energy – www.ekologija.ba
Regional Centre for Environment in Central and Eastern Europe (BiH) - <http://www.rec.org.ba/>
Centres of Civic Initiatives - <http://www.cci.ba/>

Article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Relevant are the laws on administrative procedure, statistics, as well as the laws on free access to information at entity and District level, and laws on protection of the environment at entity and District level.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Articles 3 of LoFAI of BiH, FBiH and RS contain a broader definition than the one envisaged in article 2(2)(2), including a general definition of information. In FBiH, the important definitions of article 2 of the Convention were transposed in article 4(9)(16)(11)(23)(30) of LoPE FBiH, while in the RS, they were transposed in article 4(6)(7)(11)(12)(16) LoPE RS, and in BD with article 4(6)(11)(12)(15) of LoPE BD. As it relates to non-discrimination requirements from article 3(9), article 31 of LoPE FBiH, and articles 30 LoPE RS and 30 LoPE BD are relevant. Furthermore, articles 4 of LoFAI FBiH/LoFAI RS provide all natural and legal persons access to information under control of a public authority, except in cases that relate to all without discrimination.

Also, and in particular, describe:

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

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

Pursuant to article 14(2) LoFAI BiH/FBiH/RS, the applicant is provided access to information either in the premises of public authority or s/he is allowed to make copies of the document, or given a copy of the information requested. Further, articles 33 LoPE FBiH, 32 LoPE RS and 32 LoPE BD are relevant. The Institution of Ombudsman in BiH is tasked with overseeing the implementation of LoFAI and reporting about the implementation, according to article 22 LoFAI BiH. Article 11 of LoFAI contains the elements that should be contained in a request for access to information. All documents are stored in the sectoral archives, established in accordance with the rules on office management in

administrative bodies. Unfortunately, the BiH legislation does not envisage a register of requests for information and such registers are inexistent.

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

Relevant provisions of the Convention dictate that information about the environment are to be made available as soon as possible, at the latest one month after submission of a request, unless the volume and complexity of information does not justify extension of this deadline to two months following the submission of request. In BiH, the deadline for answering on a request for information is 15 days from submission of the request, according to article 14, para 4 LoFAI. According to articles 33 LoPE FBiH/32 LoPE RS/32 LoPE BD, a 15-day deadline is envisaged, except in those cases when the content and complexity of information justifies the extension of this deadline to one month. In that case, the applicant is to be informed of the deadline's extension as well as the underlying reasons. In case of silence, a complaint may be filed, i.e. administrative proceeding initiated.

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

- (i) Provide for exemptions from requests;***
- (ii) Ensure that the public interest test at the end of paragraph 4 is applied;***

Articles 5 - 9 LoFAI and articles 34 LoPE FBiH/33 LoPE RS/33 LoPE BD are relevant. For example, relevant is also article 23(1) of the Law on Statistics of BiH (Official Gazette of BiH 26/04) (LoS BiH), prescribing that data collected, processed and stored for the purpose of statistics production of BiH are considered confidential if statistical units may be identified directly or indirectly through those data, thus unveiling individual data.

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

Article 13 LoFAI and articles 34 LoPE FBiH/33 LoPE RS/33 LoPE BD are relevant. If a public authority, which has received the request for information, does not possess the requested information and refers the request to a competent public authority, the deadline for delivery of requested information shall start from the day the competent public authority has received the request for information.

(di) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;

Relevant is article 10 LoFAI as well as articles 34 LoPE FBiH/33 LoPE RS/33 LoPE BD.

(dii) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

Relevant is article 14(3)(4) LoFAI BiH/FBiH/RS. Articles 11(3) LoAP FBiH/12(3) LoGAP RS/11(2) LoAP BD prescribe that the party is entitled to complain even when the public authority has not decided on the party's request within the certain deadline. Relevant are also articles 34 LoPE FBiH/33 LoPE RS/33 LoPE BD.

(diii) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

According to article 16 LoFAI BiH/FBiH/RS, prices are set only for copying services, except for the copying of the first 10 pages, which are not charged. Relevant is also article 35 LoPE/34 LoPE RS/BD. Still, competent public authority provide information for free, except for the Agency for Statistics of BiH (BHAS) which charges for provision of information if additional processing of information is necessary. The Institute of Statistics of RS (RIS) and Institute of Statistics of FBiH (FIS) do not charge for additional information.

Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.

The competent public authorities did not prescribe a charge list for provision of information, envisaged in articles 35 LoPE FBiH/34 LoPE RS/34 LoPE BD.

Provide further information on the practical application of the provisions on access to information in article 4, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

The competent public authorities claim that they never refuse requests. On the other hand, NGOs stress that obtaining information from competent public authorities is very difficult due to silence of the administration and incomplete information delivered in answers to requests. Statistics on the number of requests do not exist, but are available in the overall records of outgoing correspondence in the institutions. Many questions are answered electronically.

Article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Important definitions from article 2 and non-discrimination requirements from article 3(9) are listed in the answer for article 4.

In addition to by-laws mentioned in answers to specific questions, relevant are also:

- Law on Food of BiH (Official Gazette of BiH 50/04) (LoF BiH)
- Law on Genetically Modified Organisms of BiH (Official Gazette of BiH 23/09) (LoGMO BiH)
- LoPE FBiH,
- LoPE RS,
- LoPE BD,
- LoW FBiH,
- LoW RS,
- LoPW BD,
- LoPN FBiH,
- LoPN RS,
- LoPN BD,
- LoPA FBiH,
- LoFAI BiH
- LoFAI FBiH
- LoFAI RS,
- Law on Statistics of FBiH (Official Gazette of FBiH 63/03) (LoS FBiH),
- Law on Statistics of RS (Official Gazette of RS 85/03) (LoS RS).

Also, and in particular, describe:

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

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

Relevant are articles 6 and 10 LoF BiH. In FBiH, the Federation Ministry of Environment and Tourism (FMET) is the responsible authority to collect information on the state of environment, through other ministries, professional institutions and institutes (Federation Hydrometeorological Institute - FHMI), Federation Institute of Statistics (FIS) etc. In RS, the Ministry of Spatial Planning, Civil Engineering and Ecology (MSPCEE) is the responsible authority, collecting information through other ministries

and different institutions, such as the Hydrometeorological Institute and the Institute of Statistics. Relevant are articles 28, 29, 75, 76, 80 and 81 LoPE FBiH/28, 29, 86, 87, 90 and 91 LoPE RS/28, 29, 72, 73, 76 and 77 LoPE BD. Also, relevant are articles 22 and 23 LoPE FBiH/22 and 23 LoPE RS/22 and 23 LoPE BD, relating to the system of information on the environment. Further, relevant are also the Rulebook on Register of Polluters and Pollutants (Official Gazette of FBiH 82/07) and Rulebook on Methodology and Method of Keeping the Register of Installations and Polluters (Official Gazette of RS 92/07).

In accordance with articles 98–106 LoW FBiH/110-119 LoW RS, an Information System for Waters was established, managed by the responsible agencies for waters. Unfortunately, this system is still unavailable in Brcko District.

In FBiH/RS, relevant are articles 39 LoPE FBiH/14 and 14a LoPE RS, envisaging the establishment of an information system for the protection of nature, collecting, registering and analyzing data, facts and other relevant information about the state and use of nature, as well as measures taken by the public authorities, companies and other organizations. Article 14 LoPE BD envisages the same. These provisions resulted in the adoption of Rulebook on Establishment and Management of Information System for Protection of Nature and Monitoring (Official Gazette of FBiH 46/06) and Rulebook on Method of Establishment and Management of Information System for Protection of Environment and Monitoring System (Official Gazette of RS 85/05). Based on these rulebooks, established was a system for the protection of nature, collecting, registering and analyzing data, facts and other relevant information about the state and use of nature, as well as measures taken by the public authorities, companies and other organizations.

In FBiH, relevant are articles 15 and 32 LoPA FBiH. Relevant are also the following provisions in these implementing regulations:

- article 2 Rulebook on Monitoring Air Quality (Official Gazette of FBiH 12/05)
- article 24 Rulebook on Monitoring Emissions of Pollutants in the Air (Official Gazette of FBiH 12/05)
- articles 2 and 9 Rulebook on Contents of Report on State of Security, Content of Information and Security Measures and Content of Internal and External Intervention Plans (Official Gazette of FBiH 68/05),
- article 6 Rulebook on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of FBiH 39/05),
- article 9 Rulebook on Limiting Values of Dangerous and Harmful Substances for Waters which are Released after Filtration from Public Sewage System into Natural Receptor (Official Gazette of FBiH 50/07),
- article 12 Rulebook on Limiting Values of Dangerous and Harmful Substances for Technological Waster Waters before their Release into Public Sewage System or Another Receptor (Official Gazette of FBiH 50/07),
- Decree on Obligation to Submit Annual Report on Fulfilment of Requirements in Waste Management License (Official Gazette of FBiH 31/06).

In RS, these are:

- article 2 Rulebook on Monitoring Air Quality (Official Gazette of RS 39/05)
- article 24 Rulebook on Monitoring Emissions of Pollutants in the Air
- article 6 Decree on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of RS 94/05)
- Program of mandatory statistical research in health (Official Gazette of RS, number 46/05) dictates monitoring and reporting, and follows the pollution and measures taken to protect the air, water and soil from ionizing radiation and other harmful substances that threaten the life and health of people, number of analyzed samples of food staples and articles of general use, as well as number of analyzed samples of drinking water (daily collection, annual analysis and processing).

In Brcko District, these are:

- article 2 Rulebook on Monitoring Air Quality (Official Gazette of BD 30/06)
- article 21 Rulebook on Monitoring Emissions of Pollutants in the Air (Official Gazette of BD 30/06)

- article 6 Rulebook on Gradual Exclusion of Substances Harmful to Ozone Layer (Official Gazette of BD: number 30/06).

Based on the provisions noted above, the inflow of information on the state of environment is ensured. It is also ensured that information are distributed immediately in emergencies.

In cases of immediate danger to public health or the environment, the responsible ministers shall deliver immediately to the public all information in possession of the public authority and which may enable the public to take measures to prevent or mitigate damage that may occur from a given danger, according to articles 29(3) LoPE FBiH/29(2) LoPE RS/29(2) LoPE BD. The public is informed on cases such as interventions in incidental pollutions. The information is provided through the media, web page as well as through direct contacts and meetings. According to article 9 para 2 of the Rulebook on Air Quality Monitoring of FBiH, RS and BD, the interested public is informed about the quality of air in real time, if the concentrations exceed the warning and critical values of air quality, and the station's technical characteristics provide for real-time information. If there is grounded suspicion that food may be a risk to public health, the FSA BiH informs the public of such risk immediately.

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

Relevant are articles 20 LoFAI BiH/FBiH/RS. Relevant are the institutions with legal obligation to adopt a guide on access to information, in accordance with LoFAI. Relevant are also articles 28, 29, 35 and 37 LoPE FBiH/28, 29, 34 and 36 LoPE RS/28, 29, 34 and 36 LoPE BD. Relevant public authorities provide certain information about the type and scope of information about the environment, available also through their web pages. Many institutions also publish the contact details of their public relations officer, as is the case with RS MSPCEE and MAFWM, or other means of communication with that institution. Some institutions, such as RS MSPCEE keep an index of information, available on their web page.

- (c) ***With respect to paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;***

Relevant reports, plans and legislation are available on the web pages of Softer and FSA of BiH. Article 2 Rulebook on Register of Installations and Polluters of FBiH/2 Rulebook on Method of Keeping the Register of Installations and Polluters of RS envisage making the register available to the public via the internet. In practice, these registers are not available via the internet. LoPE BD also envisage the establishment of Register of Installations and Polluters. The adoption of the necessary rulebook in BD is envisaged in the last stages of an ongoing project in BiH, which aims to improve the current system of registers in BiH.

The Environment Protection Strategy of FBiH is available through the internet via the following web page: <http://www.okolis.ba/>. The Water Management Strategy of FBiH is available at the following link: <http://www.voda.ba/loc/default.wbsp?p=4>. The Water Management Plan is published in electronic form, according to article 40, para 4 LoW. The relevant legislation is available through the web pages MoET FBiH and MoAFWM RS and agencies for water. In RS, the Nature Protection Strategy is available at: <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/PAO/Documents/STRAT.OBJEDINJENO.pdf>. Water-related plans in the RS are available at: http://www.voders.org/index.php?option=com_content&view=category&layout=blog&id=18&Itemid=17&lang=sr_YU. The relevant legislation is available via the web page of MSPCEE and the agencies for waters. The relevant legislation is also available through the Brcko District Government web site.

MoET FBiH, MSPCEE RS, BiH Statistics Agency, entity environment protection funds, MoAWMF FBiH, agencies for Sava River district in FBiH and RS, agencies for water of Adriatic Sea district, entity statistics institutes, the Hydrometeorological Institute of FBiH and Department of Spatial Planning and Property-Legal Affairs of BD, make certain information available electronically on their respective web pages.

The assessment of risk for BiH from natural and other disasters is currently being made. This is coordinated by the Ministry of Security of BiH. This assessment will define how natural and other disasters may directly or indirectly affect the environment in BiH.

(a) With respect to paragraph 4, measures taken to publish and disseminate national reports on the state of the environment;

Preparation of BiH State of the Environment Report is under way; this Report will be presented at the UN Conference on Sustainable Development, scheduled for 2012 in Rio de Janeiro. The Report, just like other reports related to the state of environment in BiH, will be accessible on the website of the Ministry of Foreign Trade and Economic Relations of BiH (MOFTER).

FMET has made its report on the state of environment in FBiH as part of the Environmental Protection Strategy of FBiH.

BiH State of the Environment Report was prepared by the Green Vision NGO in 2008. This Report was presented in some local communities (Foča, Konjic), and distributed to associations dealing with environmental protection.

Article 39 of LPE FBiH/14, LPE RS/14 LPE BD envisages the establishment of information system for the protection of environment on the basis of which competent ministers, or the competent department, in the case of BD BiH, is obliged to submit to the government annual reports on basic information and the state of environment, however, these reports are not made public.

(b) Measures taken to disseminate the information referred to in paragraph 5

International agreements and conventions in the area of environment that are ratified by BiH are accessible on the webpage of MOFTER BiH. However, all reports on the implementation of these international documents are not publicly accessible, and this issue is being actively addressed. Relevant legislation is accessible on the web pages of relevant ministries and water management agencies, as well as on the web pages of the Government of BD and other relevant institutions. The FBiH Water Management Plans are published in the Official Gazette of FBiH, pursuant to Article 40(1) of the LoW FBiH, while, in RS, water management plans in river catchment areas are published in the Official Gazette of RS, in accordance with Article 33(4) of LoW RS. Plans for the protection of the river catchment areas in BD are published in the Official Gazette of BD, in accordance with Article 16(4) of LoPW BD. NGOs receive all the information of relevance from those NGOs that are represented in the relevant advisory boards.

(c) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

Relevant articles: 73 LPE FBiH/84 LPE RS/72 LPE BD. However, the public at large is not directly informed. There is an obligation to provide information only to FMET/MSPCE/OSPPLR, while they provide public information in accordance with the aforementioned legal provisions. Other relevant articles are: 93–97 LPE FBiH/103–107 PE RS/89–93 LPE BD. Public has access to the list of registered legal entities that store or use hazardous chemicals and the list of chemicals with relevant data on the threat they pose via the web page of the Ministry of Health of RS. Both RS and FBiH have adopted Rulebooks on Eco Marks.

(d) Measures taken to publish and provide information as required in paragraph 7;

BHAS has published a Manual for the Implementation of Regulation 2150/2002/EC on Waste Statistics and the Statistical Classification of Waste that was distributed to all relevant users in the country, NGOs included. This Manual is also accessible on BHAS web page. Furthermore, in December 2010, in the framework of thematic conventions organised to educate users of statistical data with the aim of boosting confidence in the official statistics, there is a plan to organise a thematic conference on environmental protection and energy.

FMET has issued printed and electronic versions of the State of Environment in FBiH Report, and as the “Challenges of Environmental Permit” Manual (edition 2007, and an amended edition in 2010). This Ministry provides support to periodicals dealing with the issues of environment, e.g. Fondeko and similar periodicals. FMET invests efforts into raising awareness among the public at large about

environment-related issues. Furthermore, UNDP has published a handbook „How to Become Socially Responsible Company”, which contains, inter alia, the information on environment that can help companies to achieve the satisfactory level of social responsibility.

The UNECE Overview of the State of Environment 2 is under way; this report will be accessible on MOFTER web page.

(e) With respect to paragraph 8, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

Relevant provisions are Articles 93 and 94 LPE FBiH/103/ Article 104 LPE RS/89/Article 90 LPE BD, as well as the Rulebooks on Eco Marks of FBiH and RS. Article 52 LGMO BIH is also relevant in this respect.

(f) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers;

BiH does not have a national system of registers, nor does it have pollution cadastres, i.e. the PRTR System. BiH has signed but has not ratified yet the Kiev Protocol. However, in accordance with the process of approximation with EU legislation, FBiH and RS have introduced entity systems of pollution cadastres, but this system currently does not function in FBiH. BD has not adopted necessary legislation for the establishment of this system. Currently, the project of improvement of the existing systems of pollution cadastres is under way in all the three legal units of BiH, within which there is a plan to establish a single system of pollution cadastres that would be linked to the entity cadastres and the future BD cadastre. The completion of this project is planned for 2012.

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

Although it is provided for in the country's legislation, the competent institutes do not have technical possibilities to issue timely information to public about the quality of air, except in several major urban centres of BiH. The representatives of NGOs have repeatedly pointed out the problems of public information on instances such as interventions in incidents with pollution, using the public information media, web pages, as well as direct contacts and gatherings. The representatives of NGOs believe that data published by BHAS are incomplete, hard to access and that it is difficult to understand their format. They have also pointed at the lack of coordination between different databases containing environment-related information. BD does not have any environmental protection information system.

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

In addition to FMET and MSPCE that receive and distribute a significant amount of environment-related information on a daily basis, FSA BiH received and distributed, in the overall correspondence in the first six months of 2010, the total of 3,268 documents. In its correspondence with interested parties in this period, FSA BiH responded to various queries 48 times. In communication with the media in the first six months of 2010, there were 45 requests for participation in radio and TV programs; answers were provided to 121 different queries by way of interviews, statements and written queries made by the media. Due to their low capacities, the competent institutions are not able to keep their own statistics on the environment-related information gathering and distribution.

Give relevant web site addresses, if available:

The same as those referred to in the answer to the same question related to Article 3 of the Convention.

Article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Relevant definitions referred to in Article 2 and conditions of non-discrimination referred to in Article 3(9) are given in the answer for Article 4.

These laws are relevant:

- LoW FBiH,
- LoW RS,
- LPoW BD,
- Law on Spatial Planning and Land Use of FBiH (Official Gazette of FBiH 55/02) (LoSP FBiH),
- Rulebook on Installations and Facilities that Require Mandatory Environment Impact Assessment and Installations and Facilities that Can Be Built and Become Operational with Environment Permit Only (Official Gazette of FBiH 19/04) (IFL FBiH),
- Regulation on Projects that Require Mandatory Environment Impact Assessment and on Criteria for Decision on Obligation to Conduct and the Scope of Environment Impact Assessment (Official Gazette of RS 7/06) (REIA RS), Rulebook on Installations and Facilities that Require Mandatory Environment Impact Assessment and on Installations and Facilities that Can be Built and Become Operational with Environment Permit Only (Official Gazette of RS 7/06) (IR RS),
- Rulebook on Installations and Facilities that Require Mandatory Environment Impact Assessment and on Installations and Facilities that Can be Built and Become Operational with Environment Permit Only (Official Gazette of BD 30/06) (IFL BD).
- Rulebook on the Content, Form, Terms and Manner of Issuance and the Maintenance of Water Permits of FBiH (Official Gazette of FBiH 6/08),
- Regulation on the Manner of Public Participation in the Water Management of RS (Official Gazette of RS 35/07).

Also, and in particular, describe:

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

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

Activities referred to in Annex I of the Convention are contained in IFL FBiH/REIA RS/IR RS/IFL BD. For permits to carry out these activities, the procedure of environment impact assessment is conducted, followed by the procedure of issuance of environmental permit. In the course of both procedures the relevant provisions of LPE FBiH/LPE RS/LPE BD, and subsidiary APL FBiH/APL RS/APL BD, are applied.

(ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

IFL FBiH/REIA RS/IR RS/IFL BD contains a spectrum of activities out of those that are provided for in Annex I. The relevant articles are: 36 LPE FBiH/35 LPE RS/BD. Also, pursuant to Article 56 of LoSP FBiH, the competent Ministry is obliged to summon the parties in the procedure so that they can get an insight into master projects and express their opinion about it. Article 1 HPL FBiH/3 LoWP RS/BD, as well as Article 37 NPL RS/BD is relevant as well.

(iii) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2;

The relevant articles are: Articles 10 and 29 LPE FBiH/LPE RS/BD, and in particular Articles 36, 61 and 62 LPE FBiH/35, 64 – 66, 80 and 81 LPE RS/35, 59 and 66 LPE BD. Other relevant articles are: 126 LoW FBiH/ 130 LoW and Articles 8, 9 and 10 of the Rulebook on the Content, Form, Terms and Manner of Issuance and Maintenance of the Water Permits of FBiH/4, Articles 14 and 15 of the Regulation on the Manner of Public Participation in the Water Management of RS.

(b) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of paragraph 3;

In FBiH and RS, the public is informed about public hearings 15 days prior to the day these hearings are to be held and has the possibility to make proposals and objections to the competent Ministry 30 days after the date of information about a public hearing (FBiH)/the date public hearing is held (RS). In RS, the public can, within a 30-day deadline from the date of information about submitted applications for issuance or for the modification of environmental permit, submit its opinion to the competent body, while in FBiH, this deadline to make a statement relating previous water permit cannot be less than 5, nor more than 30 days from the date of information about submitted application. In BD, the public can make objections and proposals 30 days from the date of information and the invitations to public hearing on environmental impact assessment study.

(iv) With respect to paragraph 4, measures taken to ensure that there is early public participation;

Pursuant to Articles 35 LPE FBiH/36 LPE RS/36 LPE BD, the public is informed about applicants' initiation of administrative procedure. The public participates in the procedure of environment impact assessment.

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

there are no special measures to stimulate potential candidates to find out whether there is public interest, whether public would take part in discussions, as well as to provide information related to the objectives of their application prior to its submission.

(c) With respect to paragraph 6, measures taken to ensure that:

- (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;**
- (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;**

Relevant provisions are: Articles 36 and 54a LPE FBiH/35, 59, 64 and 80 LPE RS/35 LPE BD. Also, for the procedure of issuance of Water Use Permit, Article 9 of the Rulebook on the Content, Form, Terms and Method of Issuance and the Maintenance of Water Permits in FBiH is relevant, while, in RS, the relevant provision is that of Article 15 of the Regulation on the Manner of Participation of Public in the Water Management of RS. Given that, in BD, relevant provisions for participation of public in the procedure of issuance of water protection permit are those contained in LPE BD, Article 35 of this Law is applied in this procedure as well.

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

Pursuant to Article 36 LPE FBiH/35 LPE RS, interested public can participate in the evidence procedure. Likewise, it can submit evidence and facts that have an impact on the proposed activity. Pursuant to Article 66 LPE RS/59 LPE BD, individuals who attend public hearings on environment impact assessment study can make objections during the hearing and submit them later and within legally binding deadline. Pursuant to Article 80 LPE RS/60 LPE BD, the public can submit opinion relating applications for issuance of environment permit in writing.

In FBiH, public does have a say relating the applications for issuance of water use permits in writing, while, pursuant to Article 9 of the Rulebook on the Content, Form, Terms and Manner of Issuance and the Maintenance of Water Permits of FBiH, there is a possibility of public hearings when competent agency or body deems it necessary.

(vii) With respect to paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

LPE FBiH/LPE RS/BD contains no provisions stipulating that proposals and objections made by public should be taken into account when environment permits are issued. However, in practice, these proposals and objections are taken into account. Furthermore, LPE FBiH/LPE BD contains no mandatory incorporation of proposals and objections made by public when environment impact assessment study is approved, while, pursuant to Article 66 LPE RS, the competent ministry is obliged to forward to the project holder its assessment of objections made by interested public, its own position vis-à-vis those, and is obliged, if necessary, to order to the project holder to modify or amend his/her study. Finally, pursuant to Article 68 LPE RS, explicatory notes accompanying decisions on approval of studies it need state that the objections made by interested parties and public have been taken into account. In RS, decision on application for issuance of water use permit must contain explanation with description of actions undertaken to establish whether the application is founded or not, with effects and conclusions reached after the consultation with public done in accordance with Article 21(1) of the Regulation on the Manner of Public Participation in the Water Management of RS.

(vii) With respect to paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

Pursuant to Articles 37 LPE FBiH/36 LPE RS/36 LPE BD, the competent administrative body informs the public about its decisions immediately after they are taken. In RS and BD, the competent administrative body is obliged to publish the text of decisions with the reasoning behind their decisions. In RS, Article 81 LPE RS is also relevant in this context. In BD, there is an obligation to publish decisions on environment impact assessment studies, pursuant to Article 61 LPE BD. Article 126 of LoW in FBiH prescribes the obligation to provide the issued water permits to interested parties and public, but only at their request. In RS, Article 21(2) of Regulation on the Manner of Public Participation in Water Management of RS is also relevant here.

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

The relevant provisions are those contained in Articles 56, 68 and 74 LPE FBiH/58, 79, 80 and 82 LPE RS/54, 65 and 68 LPE BD. Furthermore, the relevant provisions are also those in Articles 117, 118, 124, 129 and 130 LoW FBiH/130, 147, 149 and 150 LoW RS/46 LoWP BD. The procedure of issuance of water use permits is also applied in the procedure of modification of water use permits in FBiH and RS. The correlation between the procedure of extension and revision of water use permit and of the procedure relating the participation of public in the process has not been defined. Pursuant to Article 61 LoWP BD, the provisions relevant for public participation in the procedure of issuance of water protection permits in BD are those contained in LPE BD.

(ix) With respect to paragraph 11, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment;

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

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

Although legislation in both entities provides for public participation, the NGO representatives have repeatedly point out the problems they encounter when a project has an impact on the citizen of the other entity. Thus, according to the representatives of the NGO sector, in some cases registered in practice, they are not invited to public hearings, or else, public hearings are not held in their vicinity, although consequences are felt in their environment. This non-existence of legal obligation to incorporate proposals and objections made by public when environment impact assessment studies

are approved, i.e. this denial of detailed explications in the decisions taken by governmental institutions does not motivate public to try to participate actively in these processes.

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

There are no statistical data on public participation in decision-making on certain activities or when certain decisions are made.

Give relevant web site addresses, if available:

The same as referred to in the answer to the same question related to Article 3 of the Convention.

Article 6 bis

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

Relevant provisions are those contained in LoGMO BiH. In cooperation with experts from BiH, FSA BiH developed an educational brochure ("Genetically Modified Organisms and Bio-safety") that has contributed significantly to the increase of public awareness. Based on the Law on GMO, the Council of Ministers of BiH appointed the GMO Council in 2009). To date, the GMO Council held six sessions, and the process of drafting by-laws regulating this area is under way.

It is worth mentioning that the data on procedure of issuance of approvals by competent bodies in accordance to LoGMO are public, as it is stipulated in Article 17(1) of this Law.

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

(ii) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis:

Pursuant to Article 17 LoGMO BiH, in the permit issuance procedure for deliberate discharge of GMO in environment, the competent body gives a 30-day deadline to study the application and enables the public to express opinions and make objections relating:

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

The LoGMO contains no provisions on deadlines related to participation of public in relation to market placement of GMOs, except for the fact that public hearing needs to be conducted prior to drafting reports on assessment whether the market placement of a GMO or its products is appropriate (Article 44 LoGMO BiH) and prior to the issuance of market placement of GMO permit (Article 47 LoGMO BiH). The by-laws that would regulate this area more precisely are in the process of drafting.

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

Pursuant to Article 17 LoGMO BiH, the public is involved in every permit issuance procedure for deliberate discharge of GMOs into environment. Furthermore, pursuant to Articles 44 and 47 of LoGMO BiH, there should be public hearings in relation to every application for market placement of GMOs as products or product components.

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

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

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

Public call that indicates the place and time when the aforementioned documents can be seen and the procedure of stating opinions and objections is published in the public information media and on the FSA BiH web page. The deadline for the competent body to make documents available and to receive opinions and objections is 30 days. Unfortunately, the Law contains no provisions that provide a more detailed description of the procedure of issuance of market placement of GMO permits. A by-law that will be more detailed in prescribing this procedure is currently in the process of drafting.

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

Pursuant to Article 8, paragraph 2, the public authority decides on the procedural information that will be considered as confidential and informs the applicant accordingly. Also, paragraph 3 of this Article stipulates that the following information cannot be considered as confidential:

- Name and family name, company and its principal place of business;
- Intended use of GMOs and products composed of, containing or originating from GMOs, conditions under which the products can be placed on the market and conditions under which they can be used;
- Characteristics of GMOs and products thereof, i.e. their components;
- Scope and group of hazards from GMO contained use;
- Monitoring plan for placing GMOs on the market, their use and measures in case of contingent risks during the placing of GMOs and products composed of, containing or originating from GMOs on the market;
- Information on possible harmful or other impact on human health, biodiversity or the environment;
- Risk assessment.

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

- 1. The nature of possible decisions;***
- 2. The public authority responsible for making the decision;***
- 3. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;***
- 4. An indication of the public authority from which relevant information can be obtained;***
- 5. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments.***

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

question or placing GMOs on the market. The LoGMO BiH unfortunately contains no provisions that would stipulate into more detail the permit issuance procedure for placing GMOs on the market. The by-laws that would regulate this area more precisely are in the process of drafting.

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

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

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

Pursuant to Articles 44 and 47 LoGMO BiH, the public authority is obliged to organise a public hearing prior to issuing the permit for placing GMOs on the market. Also, pursuant to Article 17, paragraph 4 LoGMO BiH, the public authority is obliged to address the opinions and comments of the public in the “reasoning” part of the decision.

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

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

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

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

Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

LoGMO BiH was adopted in 2009, however, the implementing regulations foreseen by this Law and aimed at regulating more precisely specific aspects of the permit issuance procedures for deliberate discharge of GMO in the environment and for the placing of GMOs on the market have still not been adopted.

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

So far, four laboratories in BiH have been authorised and activities to authorise additional laboratories are continuing. The GMO Council has been successfully established and the drafting of by-laws has started. It is important to stress that the Law on GMOs that covers the subject-matter was adopted only recently, therefore there are still initial problems regarding its full implementation.

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

The same as referred to in the answer to the same question related to Article 3 of the Convention.

Article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

The relevant definitions in Article 2 and non-discrimination requirement in Article 3, paragraph 9, are referred to in the answer to the question related to Article 4.

The relevant laws are the following:

Law on Air Protection FBiH (Official Gazette of FBiH 33/03) (LoAP FBiH)
Law on Waste Management FBiH (Official Gazette FBiH 33/03, 72/09) (LoWM FBiH)
Law on Air Protection RS (Official Gazette RS 53/02) (LoAP RS)
Law on Waste Management RS (Official Gazette RS 53/02, 65/08) (LoWM RS)
Law on Air Protection BD (Official Gazette BD 25/05, 1/05, 19/07, 9/09) (LoAP BD)
Law on Waste Management BD (Official Gazette BD 25/05, 1/05, 19/07, 2/08, 2/09) (LoWM BD)

The relevant Articles are Article 1 LoAP FBiH, Article 3 LoAP RS, and Article 3 LoAP BD, pursuant to which the public participates in the preparation of plans and programmes and approval procedure relating to air protection. Also, in the RS, municipalities and cities adopt Action Plans for the protection of air quality in areas where air quality limit values have been exceeded for one or more pollutants, which have to be publicly available for comments (Article 40 LoAP RS).

The public participates in the preparation of plans for water basin management pursuant to Articles 25 and 26 LoW FBiH, Articles 25 and 26 LoW RS, and Article 15 LoPW BD. Also, documents used for the preparation of management plans are made publicly available. Pursuant to Article 41 LoW FBiH, public participation is also provided by detailed water management plans and programmes.

Public participation during the preparation of documents related to the protection of natural resources, protected area management plans, as well as other regulations is provided by public access to these documents for a period of 30 days (Article 14, paragraph a, LoPN RS), and to draft document to proclaim a protected area (Article 33, paragraph b, LoPN RS).

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment.

Pursuant to Article 1 LoAP FBiH, Article 3 LoAP RS, and Article 3 LoAP BD, the public participates in the process of preparing air protection policy. Environmental Advisory Councils in all three jurisdictional entities, which always include representatives of environmental protection associations, take positions and provide opinions on environmental protection programmes. A proposed strategy has to be publicly available for suggestions and comments.

Environmental protection associations participate in the preparation of Waste Management Strategy / Solid Waste Management Strategy (Article 8, paragraph 3, subparagraph 4 LoWM FBiH; Article 8, paragraph 1, subparagraph 3 LoWM RS; Article 8, paragraph 1, subparagraph 2 LoWM BD), cantonal waste management plans (Article 9, paragraph 5 LoWM FBiH) and municipal waste management plans /local solid waste management plans (Article 10, paragraph 3 LoWM FBiH; Article 10, paragraph 2 LoWM RS).

The public participates in the preparation and drafting of the Water Strategy (Article 24, paragraph 4 LoW FBiH) which defines the water management policy.

Describe any obstacles encountered in the implementation of article 7.

The representatives of NGOs question the effectiveness of public participation via Advisory Councils, given the inadequate representation (one member) of environmental protection associations in these councils.

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

The public participated in the preparation of development strategies and of the National Environmental Action Plan (NEAP). The public also took part in the preparation of the National Action Plan to Address Pollution in the Mediterranean from Land-based Activities and Local Environmental Action Plans (LEAP). A number of LEAPs were developed as part of UNDP programme for the environment and climate change. Procedures for public participation are described into detail by legislative provisions, as well as in the UNDP Integrated Local Development Programme. The public participated in the preparation of the Environmental Protection Strategy of FBiH where most of the comments by the environmental protection associations were accepted. Also, the public has been successfully involved in the process of preparing and approving the Water Management Strategy in FBiH. The project „Support to Water Policy in BiH“ included the preparation of the Strategy for Public Participation for the Implementation of EU Water Framework Directive in BiH.

Give relevant web site addresses, if available:

The same as referred to in the answer to the same question related to Article 3 of the Convention.

Article 8

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

The relevant definitions in Article 2 and non-discrimination requirement in Article 3, paragraph 9, are referred to in the answer to the question related to Article 4.

Article 208 of the RS People's Assembly Rules of Procedure (Official Gazette RS 79/07) and Article 173 of the FBiH Parliament House of Representatives Rules of Procedure (Official Gazette FBiH 69/07), and Article 129 of the BD Assembly Rules of Procedure (Official Gazette BD 17/08) specify that, following the completed consideration of a bill, the house of representatives may decide to hold a public hearing on the proposed bill, in case the respective piece of legislation regulates issues of special public interest. The public provide specific proposals, suggestions, and comments either at public hearings or submit them by e-mails or often by mail. Inclusion of public opinions in the final act is not binding, however reasons for non-inclusion have to be stated. The public is entitled to institute an administrative dispute in case their opinion is not accepted. Also, the environmental protection associations take part in the activities of the Environmental Advisory Council, thus contributing to the preparation of generally accepted and legally binding rules.

Public participation in the preparation of regulations and other legally binding rules is promoted, *inter alia*, through calls to participate in public hearings.

Guidelines for the RS administrative bodies on public participation and consultation in relation to the legislative drafting process (Official Gazette RS 123/08) provide that the legislation that is included in the proponent's work programme and identified as being of public interest, should be posted on the website, while the period for submitting comments and suggestions is eight days following the date of publishing the legislation on the website.

Describe any obstacles encountered in the implementation of article 8.

The representatives of NGOs believe that draft laws are seldom available on the Internet.

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Associations of citizens have participated in workshops during the process of drafting a set of environmental legislation in BiH.

Give relevant web site addresses, if available:

The same as referred to in the answer to the same question related to Article 3 of the Convention.

Article 9

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

Pursuant to Article II of the Constitution of BiH, the European Convention on Human Rights is applied directly and has priority over all other law. The Aarhus Convention is not directly applied in BiH. Therefore, the courts in BiH apply the Aarhus Convention through the provisions transposed into BiH legislation.

The relevant laws are the following:

- LoPE FBiH,
- LoPE RS,
- LoPE BD
- Law on Administrative Disputes BiH (Official Gazette BiH 19/02, 19/02, 88/07, 83/08, 74/10) (LoAD BiH),
- Law on Administrative Disputes FBiH (Official Gazette FBiH 09/05) (LoAD FBiH),
- Law on Administrative Disputes RS (Official Gazette RS 109/05) (LoAD RS),
- Law on Administrative Disputes BD (Official Gazette BD 4/00, 1/01) (LoAD BD),
- Law on Courts FBiH (Official Gazette FBiH 38/05) (LoC FBiH)
- Law on Courts RS (Official Gazette RS 111/04, 109/05, 37/06, 119/08) (LoC RS), and
- Law on Courts BD (Official Gazette BD 19/07) (LoC BD).

Also, and in particular, describe:

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

- (ii) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;**

Pursuant to Article 23 LOFAI BiH, each applicant is entitled to lodge an appeal in administrative procedure against a decision on the request for access to information with the head of the public authority that issued the decision. Pursuant to Article 38 LoPE FBiH, Article 37 LoPE RS, and Article 37 LoPE BD, the applicant whose request has not been considered, or has been unduly refused, or inadequately responded to in full or partly, is entitled to initiate a review procedure before a second-instance body, pursuant to the provisions of LoAP FBiH, LoGAP RS and LoAP BD. Article 15, paragraph 3 LoAP BiH; Article 11, paragraph 3 LoAP FBiH; Article 12, paragraph 3 LoGAP RS, and Article 11, paragraph 2 LoAP BD stipulate that a party is entitled to appeal if the body has failed to issue a decision on the party's request within a certain time period. Also relevant are Articles 213, 214 and 234 LoAP BiH/221; Articles 222 and 243 LoAP FBiH; Articles 211, 212 and 231 LoGAP RS/208; and Articles 209 and 227 LoAP BD. The decision on the appeal is made by the second-instance administrative body. The applicant is also entitled to have the issue reviewed by a court of law. Article 20 LOFAI BiH stipulates that administrative bodies are required to issue guidelines containing, *inter alia*, information on legal remedies.

- (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;**

Prior to initiating an administrative dispute, when the law provides so, an appeal to a second-instance administrative body is allowed. Article 11 LoAP BiH; Article 14 LoAP FBiH; Article 14 LoGAP RS, and Article 14 LoAP BD stipulate that administrative procedure has to be expeditious and as inexpensive for the party as possible, while obtaining all that is necessary to properly establish the facts and render a lawful and proper decision. Also relevant are Articles 31 and 39 LoPE FBiH; Articles 30 and 38 LoPE RS, and Article 30 LoPE BD. Pursuant to Article 37 LoPE RS, the procedure on appeal before a second-instance body or under a lawsuit before a court of law is considered to be emergency procedure.

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

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

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

The relevant Articles are the following: Article 15, paragraph 3 LoAP BiH; Article 11, paragraph 3 LoAP FBiH; Article 12, paragraph 3 LoGAP RS, and Article 11, paragraph 2 LoAP BD. Also relevant are Article 39 LoPE FBiH and Article 38 LoPE RS.

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

Pursuant to Article 213 LoAP BiH; Article 221 LoAP FBiH; Article 211 LoGAP RS, and Article 208 LoAP BD; parties, plaintiff, public defender and other bodies may appeal against a decision in administrative procedure which contravenes the law in favour of a physical or a legal person to the detriment of the public interest. Article 2 LoAD BiH; Article 2 LoAD FBiH; Article 2 LoGAD RS, and Article 2 LoAD BD, stipulate that a physical or a legal person is entitled to initiate an administrative dispute if their rights or direct personal interest based on the law have been violated. Also relevant are Articles 39 and 107 LoPE FBiH, Articles 38 and 117 LoPE RS, and Article 103 LoPE BD.

(b) With respect to paragraph 4, measures taken to ensure that:

i. The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

Article 14, paragraph 3, subparagraph b LOFAl is relevant, as well as Articles 15 and 201 LoAP BiH; Articles 11 and 208 LoAP FBiH; Articles 12 and 198 LoGAP RS, and Articles 11 and 195 LoAP BD. In addition, relevant articles are the following: Articles 8 and 9 LoAD BiH; Articles 8, 9 and 10 LoAD FBiH; Articles 7 and 8 LoAD RS, and Articles 6, 7 and 8 LoAD BD, as well as Articles 10 and 39 LoPE FBiH; Articles 10 and 38 LoPE RS, and Article 10 LoPE BD. Also relevant are Articles 108, paragraph 1, subparagraph 8, and 126, paragraph 3 LoW FBiH, and Articles 133 and 135 LoW RS.

ii. Such procedures otherwise meet the requirements of this paragraph;

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

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

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

Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

In most cases, the responsible institutions have not issued the guidelines specified by Article 20 LOFAI. NGO sector regard that the present procedure is too complex and complicated, and find the costs of retaining lawyers to work on these cases too high to afford. Currently, there are no judges or prosecutors in BiH specialised in the environmental law, but there are plans to organise training in this field. For example, the 2010 programme of the Judicial and Prosecutorial Training Centre of FBiH covers the topic „International conventions in the fields of labour law, family law and protection of the environment“. In addition, the fact that there are expert witnesses available for the field of the environment facilitates the work of judges. Mechanisms for assistance to remove or reduce financial and other barriers to access to justice have not been considered.

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

In FBiH, nine judicial proceedings have been initiated with respect to the application of the provisions on access to justice based on the decisions of the FMET. The MSPCE does not keep records on the number of appeals or on environmental law. In BD a judicial proceeding has been initiated with respect to the application of the provisions on access to justice based on the decisions of the BD Government in the field of the environment.

Give relevant web site addresses, if available:

The same as referred to in the answer to the same question related to Article 3 of the Convention.

Articles 10-22 are not for national implementation.

GENERAL COMMENTS ON THE CONVENTION'S OBJECTIVE:

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

Through public access to information related to the environment, their participation in the decision-making process involving the environment, and access to judicial procedures in case their rights are violated, the members of the public have influence on the activities of the relevant institutions and thus contribute to the protection of the rights of present and future generations to live in an adequate environment.