



# Implementation of SEA Directive in Bosnia and Herzegovina

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# Obligation to implement SEA Directive

- Bosnia and Herzegovina (BiH) is not a MS, nor a candidate country;
- BiH signed and ratified Stabilisation and Association Agreement (SAA) in 2008;
- **Article 108 of the SAA** states the following:  
*‘The Parties shall (work on) [...] strengthening administrative structures and procedures to ensure [...] alignment of Bosnia and Herzegovina's legislation to the Community acquis [...] (including) strategic environmental assessment.’*
- **Article 70 of the SAA** states the following:  
*‘This approximation shall start on the date of signing of this Agreement, and shall gradually extend to all the elements of the Community acquis referred to in this Agreement by the end of the transitional period defined in Article 8 of this Agreement.’*
- BiH signed the SEA Protocol in 2003 but has not ratified it yet.



# BiH's Constitutional set-up



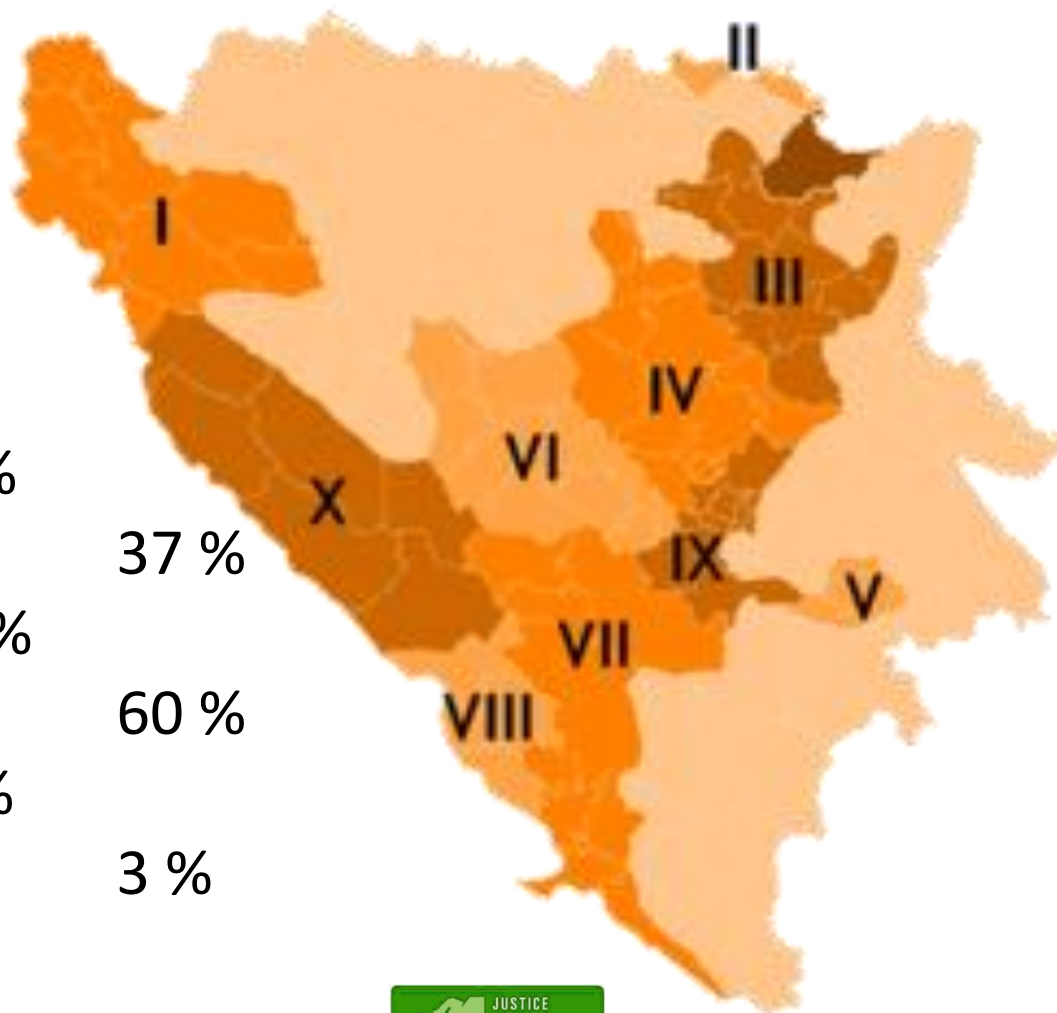
**Area: 51.197 km<sup>2</sup>**

**Population: 3.8 mil.**

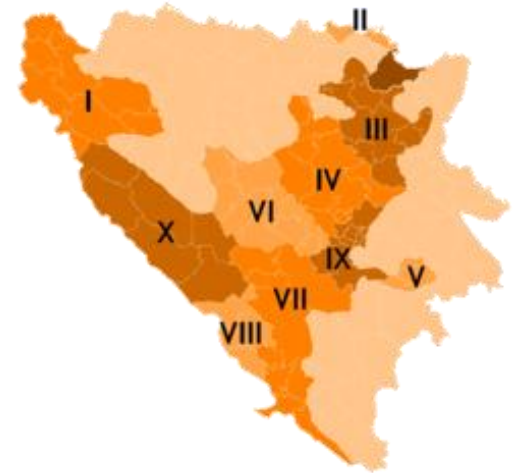
Republika Srpska: 48.5 %

Federation of BiH: 50.5 %

Brčko District of BiH: 1 %



# Republika Srpska



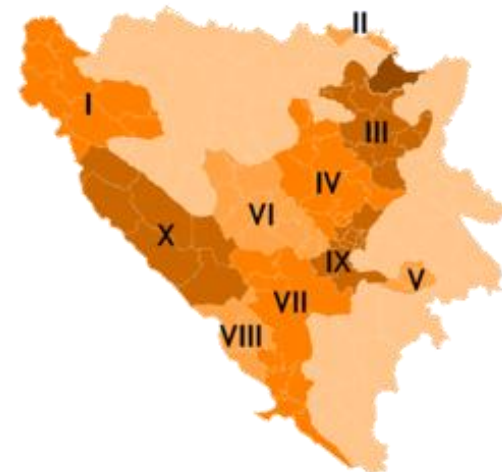
- Transposition of the SEA Directive – 3%
- Law on environmental protection of RS (O.G. 28/07, 41/08, and 29/10)

*‘When passing a decisions or regulation which may have a negative effect on quality of environment or one of its medias, the Government or municipal assembly must acquire SEA’*

- Physical Plan of Republika Srpska (2008 – 2015)
- Agriculture Development Strategy (2010 – 2015)



# Republika Srpska



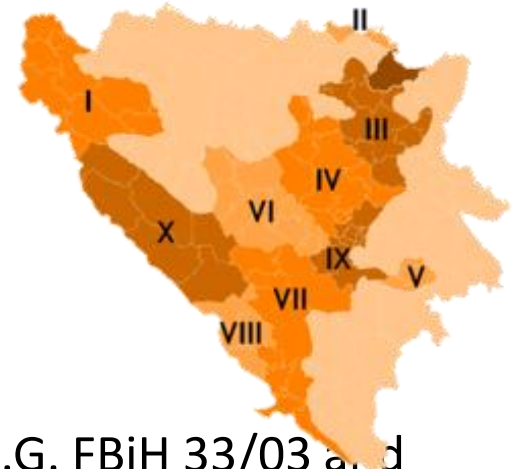
- Law on environmental protection of RS (O.G. 71/12)

*'SEA is carried out for plans and programmes in the area of physical planning or land use, agriculture, forestry, fisheries, energy, industry, transport, waste management, water, management, telecommunications, tourism, habitats, plant and wildlife protection and plans and programmes setting up frame for approval of future development projects falling under EIA.'*

- Report on environmental assessment
- Content of the Report
- Consultation process
- Public participation
- Transboundary issues
  - Annexes I and II remain to be transposed in Ministerial Regulation (deadline expires end of January 2013)



# Federation of BiH



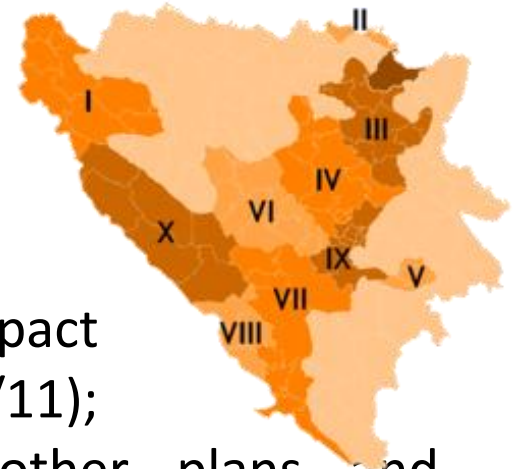
- Transposition of the SEA Directive – 3%
- Transposed in the Law on environmental protection (O.G. FBiH 33/03 and 38/09) – articles 51 and 52;

*‘Institutions responsible for physical planning document drafting as well as institutions responsible for drafting of the following plans, programmes, and strategies in the area of agriculture, fisheries, forestry, energy, mining and industry, transport, waste management, water management, whose content may have a negative impact on the environment, are obliged to draft SEA.’*

- Environmental Protection Strategy (2008 – 2018)
  - Waste Management Plan (2012 – 2017)
- Water Management Strategy (2010 – 2022)
- Physical Plan of FBiH (*drafting ongoing*)



# Sarajevo Canton



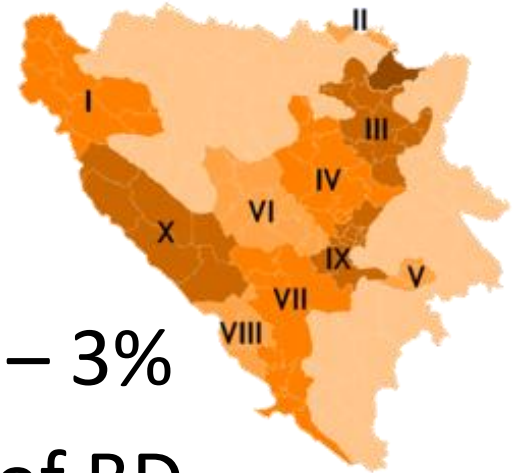
- Government Decree on strategic assesment of impact of plans and programmes on environ (O.G. SC 32/11);
- SEA is carried out for development and other plans and programmes falling under cantonal competences within physical planning (always), agriculture, fisheries, forestry, energy, mining and industry, transport, waste management and water management (decision on the basis of stipulated criteria) which may have a negative impact on the environment;

## Decree contains:

- Report on environmental assesment
- Content of the Report
- Consultation process
- Public participation
- Annexes I and II – content of the report and criteria
- Does not contain provisions on transboundary issues

## SEA carried out for Industrial Area ‘FAMOS’ – Regulation Plan

# Brčko District



- Transposition of the SEA Directive – 3%
- Law on environmental protection of BD (O.G. 25/04, 1/05, 19/07, and 9/09)

*‘When passing a decisions or regulation which may have a negative effect on quality of environment or one of its medias, the Government or BD Assembly must acquire SEA’*

- Physical Plan of BD 2007 - 2017





# State level

- **Should state level authorities in BiH adopt and implement legislation on SEA?**
- Bosnia and Herzegovina does not have constitutional competences in environmental matters;
- State level authorities are competent for certain aspects of EU environmental acquis (ozone, drinking water, content of sulphur in liquid fuels etc);
- MOFTER is competent for defining policies, general principles, coordinating activities and harmonising entity plans on international level in the areas of agriculture, energy, and environmental protection.
- Relevant strategies and plans do not exist at the moment
- Plans and strategy of transport (draft exists) prerequisite to access to some of IPA funds;
- Calls for drafting and adoption of Energy strategy, Agricultural strategy etc.;

# Thank you

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