

www.esiasee.eu

ESIASEE EIA Reports





ENVIRONMENT SOCIAL IMPACT ASSESSMENT
SOUTH EAST EUROPE SUSTAINABLE RESPONSIBILITY

WWW.ESIASEE.EU

EIA Framework Republika Srpska/Bosnia

*Environment Impact Assessment
South East Europe
Monitoring Platform
www.esiasee.eu*



TPP & Coal Mine Ugljevik, Republika Srpska, Bosnia

EIA ESIA Legal framework Bosnia/Republika Srpska IFI projects appraisal cycle www.esiasee.eu



EIA –ESIA framework in Bosnia/ Republika Srpska (international finan- cial institutions IFIs appraisal process)

An Environmental Impact Assessment (EIA) of certain projects is required to be carried out in Republika Srpska in accordance with the Law on the Environment (Official Gazette of RS no. 71/2012) and associated secondary legislation. This law and the associated secondary legislation sets out the requirements for undertaking

environmental assessments of potential environmental impacts of public and private projects which are likely to have a significant impact on the environment before development consent / construction permit is granted in the form of an approval for project implementation. Impacts on the environment can include: impacts on human beings and biological diversity; soil, water, air and other natural resources and climate; historical and cultural heritage as well as the interaction between these ele-

ments. Hence, it is required that before development consent is granted for certain types of projects, an EIA has to be carried out. The EIA process is meant to anticipate potential environmental harm and to avoid or mitigate such harm while balancing environmental, social and economic objectives.

The whole EIA process includes two main phases:

1. Preceding EIA procedure, which includes:

- 'screening' (i.e., the stage of determining whether an EIA is required)

- 'scoping' (i.e., the stage of determining the scope or extent of the environmental impact assessment), and

2. Actual EIA procedure, including

- preparation of an EIA Report (Study)

- public involvement and public hearing(s)

- 'review' (i.e., the stage of reviewing the EIA study to see if it has been undertaken to an acceptable standard and in accordance with the legal requirements).

The Ministry of Physical Planning, Construction and Environment of Republika Srpska is the administrative competent authority for the EIA process for projects for which the project development consent (e.g. construction permit) is issued by a state authority.

The types of projects that require an EIA are determined in the "Ordinance on determining of projects and criteria upon which the need for an environmental impact assessment and its scope is established" - EIA Ordinance (Official Gazette of RS no. 124/2012) In addition, this law regulates the procedure for issuing ecological permits for specific types of installations and facilities which are determined in the "Ordinance on installations which require ecological permits" (Official Gazette of the RS no. 124/2012). All projects which are subject to an EIA are to be regulated with ecological permits as well.

Key legislation in the implementation of ESIA EIA directive

- Law on the Environment (Official Gazette of RS no. 71/2012)

This law represents a horizontal legal framework and fully transposes key EU environmental legislation. It regulates: the principles for environmental protection and

sustainable development, planning aspects and documents for environmental protection, subjects and instruments for environmental protection, environmental monitoring and information system, public involvement in environmental matters, environmental labeling, financing issues and supervision aspects. The main instruments for environmental protection identified in the law include: (i) environmental monitoring and information system and access to environmental data; (ii) strategic environmental assessment (SEA); (iii) environmental impact assessment (EIA); (iv) environmental permits; (v) prevention and control of major accidents involving hazardous substances, (vi) eco-labeling, (vi) economic instruments and (vii) liabilities for environmental damages.

- Law on Protection against Non-Ionizing Radiation (Official Gazette of the RS no. 2/2005)

This law regulates the conditions and measures for protection of human health and environment from harmful impact of non-ionizing radiation (electric and magnetic fields – EMF) generated due to utilization of various radiation sources. Other main relevant legal instruments in the area of EMF are following:

- o Ordinance on Protection against electromagnetic fields up to 300 GHz (Official Gazette of the RS no. 112/2005 and 40/2007).
- o Ordinance on Sources of Non-Ionizing Radiation of Special Interest (Official Gazette of the RS no. 112/2005).
- o Ordinance on Conditions which have to be satisfied by Authorized Legal Bodies which Perform Measurements of Levels of Non-Ionizing Radiation (Official Gazette of the RS no. 112/2005).
- Law on Nature Protection (Official Gazette of RS no. 113/2008 and 20/2014)

This law regulates nature conservation and promotion via the protection of the biological and landscape diversity as well as the natural heritage. It identifies principles for nature protection, inter alia: principle for sustainability, precautionary principle, prevention principle and user-pays principle and sets the legal basis for the protection of habitats, ecosystems and species. In addition, the law regulates the legal basis for the establishment of a coherent ecological network, including the European Natura 2000 Network. The law also forms the legal basis for protected areas (establishment, categorization, management) – natural reserves, national parks, natural monu-

ments, nature parks as well as the legal basis for protected species.

- Law on National Parks (Official Gazette of RS no. 75/2010)

This law regulates the protection, development, promotion, management, financing and sustainable use of the national parks in the territory of the Republika Srpska.

- Law on Forests (Official Gazette of RS no. 66/2003, 75/2008 and 30/2010)

This law regulates the management protection, conservation and promotion of forests, planning aspects, forest and forest land cadastre and information system and manner and conditions for sustainable use of forests and forest land.

- Law on the Air Protection (Official Gazette of RS no. 124/2011)

This law regulates air quality monitoring, air protection measures, air quality assessment, planning documents for air quality management, inspection and supervision.

- Law on Waters (Official Gazette of RS no. 50/2006, 92/2009 and 121/2012)

This law regulates the legal status and mechanisms for integrated water management, water protection, water infrastruc-

ture, conditions and manner for water economy.

- Law on Waste Management (Official Gazette of RS no. 53/2002 and 65/2008)

This law regulates the types and classification of waste, waste management planning, rights, obligations and responsibilities of legal bodies and physical persons, conditions for issuing waste licences, inspection and supervision, etc.

Other key relevant legislation:

- Law on Energy (Official Gazette of RS no. 49/2009)
- Law on Spatial Planning and Construction (Official Gazette of R Sno. 40/2013)
- Law on Cultural Goods (Official Gazette of RS no.11/1995 and 49/2008)

Other relevant documents:

- Spatial Plan of Republika Srpska until 2015; 2008
- Strategy for Development of Energy Production of Republika Srpska until 2030; 2010
- Action Plan for Development of Energy Production of Republika Srpska; 2010

Appraisal decision making process by IFI (international financial institutions, eg banks)

Almost all energy-mining-infrastructure-production facilities related project requires a full environmental assessment process in compliance with the national EIA legislation and development of an EIA study.

ESIA report is to serve as the main input to the environmental and social appraisal by the international financial institutions IAI (banks EBRD, EIB, WB IFC) for funding decisions.

Through its environmental and social appraisal and monitoring processes the EBRD seeks to ensure that the projects it finances:

- are socially and environmentally sustainable
- respect the rights of affected workers and communities, and
- are designed and operated in compliance with applicable regulatory requirements and good international practice.

In order to translate this objective into successful practical outcomes, the EBRD has adopted a comprehensive set of specific Performance Requirements (PR) that cli-

ents are expected to meet, covering key areas of environmental and social impacts and issues.

EBRD's 2008 document "Environment and Social Policy" (the Policy) and related Performance Requirements (PR) detail the commitments of the Bank to promote in the full range of its activities, environmentally sound and sustainable development.

Projects categorized by IAI/EBRD as "A" require special formalised and participatory assessment processes.

Such projects has to meet the following EBRD's PRs:

- PR 1: Environmental and Social Appraisal and Management
- PR 2: Labour and Working Conditions
- PR 3: Pollution Prevention and Abatement
- PR 4: Community Health, Safety and Security
- PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement
- PR 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources

- PR 8: Cultural Heritage
- PR 10: Information Disclosure and Stakeholder Engagement