

Answers to Questionnaire

1. What legislative or policy measures have taken in response to economic or financial crisis that have a direct or indirect impact on the water and sanitation sector?

ANSWER:

The Action Plan for Environmental Protection and Promotion of Sustainable Development in Bosnia and Herzegovina / hereafter: BiH/ is a National Action Plan for the Protection of the Environment in BiH - NEAP, which is adopted in 2003. The key objective of the National Action Plan for the Protection of the Environment in BiH is establishment of a comprehensive environmental protection system in BiH, based on the principles of sustainable development. In this Action Plan eight priority areas were determined for environmental management, including proposals for measures to improve the state of the environment. The NEAP develops and designs the entire process of environmental protection and provides guidelines for introduction of the new practice in the overall development of BiH. The short-term priorities defined in this document comprise drafting of the Law on the Environment at the BiH state level and establishment of the state level Environmental Agency. In addition, priority areas are defined, namely water resources (wastewaters), sustainable development and rural areas, environmental management (through information system, integrated planning and training), protection of biological and landscape diversity, waste management, sustainable economic development, public health and demining).

The medium-term priorities of the European Partnership are the following: to continue implementation of legislation for the purpose of environmental impact assessment, to ratify and start the implementation of relevant international conventions (including the Aarhus and Espoo Convention), and to ensure that the environmental requirements are included in the definition and implementation of other sectorial policies. There are no budgetary resources to implement any of the activities from the environmental field at the BiH level; therefore some activities are financed through funds of the international institutions (the European Union, GEF, bilateral cooperation, etc.).

Short-term and medium-term objectives and measures in the field of environmental protection across sectors in the Republika Srpska / hereafter: RS/ and Federation of Bosnia and Herzegovina /hereafter: FBiH/, together with the holders of activities and resources necessary for their implementation, are contained in the adopted strategies and associated action plans

The Action Plan of the FBiH Environmental Protection Strategy, developed for the ten-year period (2008-2018) includes short, medium to long-term projects and activities, with the calculation of the necessary financial resources and the planned sources of financing (budgets of FBiH and cantons; Environmental Protection Fund, EU funds, other bilateral sources, GEF, World Bank loans, etc.). One of the key elements of all the activities from the Action Plan of the FBiH Strategy involves harmonization with the EU *acquis*.

Concerning water sector, the FBiH Water Management Strategy was adopted, that contains the plan for implementation of measures to achieve short-term and medium-term objectives related to water management, estimation of funds necessary for their realization and a list of available sources these funds can be provided from, including budgets of municipalities, cantons and FBiH, as well as international financial institutions. The said plan includes activities for reaching objectives stemming from the EU water related *acquis*.

2.If there have been budget reductions, what budget cuts have most affected the water and sanitation sector both at national and local levels? Have investments in infrastructure been reduced? Have subsidy schemes been reduced? What other budgetary, monetary and fiscal measures have been adopted that have a direct or indirect impact on the water and sanitation sector?

ANSWER:

There are no statistics on environmental protection investments during and at the end of the manufacturing process, statistics on internal and external expenditures, nor on revenues from the activities related to environmental protection in the areas of economic activity i.e. Classification of activities BiH. In addition, there are no statistics on environmental protection expenditures in different areas of the environment under the Single European Statistical Classification of Environmental Protection Activities (CEPA).

Overview of financing of water sector¹ in BiH

According to the entity Laws on Water, in the water sector there are the following charges/fees:

- a. General water management fee, paid by all employees at the amount of 0,5% of net salary of employees (this fee exists only in the FB&H);
- b. Water abstraction fees, which include fees for:
 - 1) abstraction of water for public water supply, paid by water supply companies and then passed to the final consumers for payment (KM/m³);
 - 2) abstraction of water for producing bottled water and mineral water (KM/m³);
 - 3) water abstraction for irrigation (KM/m³);
 - 4) use of water for fish farming (KM/m³);
 - 5) water for industrial processes, including thermo power plants (KM/m³);
 - 6) water for other purposes (KM/m³).
- c. Special water fee for production of electricity using hydro energy (kWh/m³);
- d. Water protection fees:

¹ Source: UNDP GoAL-WaSH Program (June 2009): *SECTORAL ASSESSMENT OF BIH*

- 1) fee paid by owners of transport vehicles using oil and oil products;
- 2) fee for wastewater discharge based on PE (Population Equivalent);
- 3) fee for fish farming, paid in KM/kg of produces fish;
- 4) fee for using fertilizers and chemicals for crop protection;

e. Charges/fees for sand and gravel abstraction (KM/m³ of sand/gravel)

f. Charges/fees for protection from waters, paid by:

- 1) owners of agricultural, forest or construction land protected by water protection objects (KM/ha);
- 2) owners of residential, business and other facilities protected by water protection objects (KM/m²).

Amount of mentioned charges/fees are being established by the entity Governments.

In the FBiH, revenues collected from mentioned fees are distributed among the following institutions:

- 40% to the relevant Water Agency;
- 45% to the Canton; and
- 15% to the Environment Protection Fund.

In the RS, revenues collected from mentioned charges/fees, except for item d. charges 1), 2), 3), is as follows:

- 70% for special water purposes;
- 30% for local authorities.

Item d. charges 1), 2), 3), are divided as follows:

- 55% for special water purposes;
- 15% for environment protection in RS;
- 30% for local authorities.

3. If there is reduction on social expenditure (e.g. related to pensions, unemployment benefits, social security, wages); how does this impact on the affordability of water and sanitation services? Have measures been taken to mitigate these impacts in access to water for domestic and personal use?

ANSWER:

We have no information about these questions.

4. If there have been changes in the management of utilities, have water and/or sewage utilities assets and/or the operation and management of the water and sanitation services been opened to private sector participation? Are there any plans for private sector participation? Have there been changes in the tariff system or in the way disconnections are carried out as a result of these measures? Please explain

ANSWER:

, Both entities' Water laws are regulating obligations and responsibilities in relation to the public participation and free access to information. Already in the 'General Principles' chapter of the Water Laws it is stated that water resources shall be used and managed in a manner that ensures public participation in the preparation of water management plans. This is completely in line with the Water Framework Directive requirements where the active involvement of all concerned and interested parties in the preparation review and updating of river basin management plans is an essential step in the planning process.

Furthermore, specific Articles of the Water Laws are prescribing public participation:

- Article 38 FBiH Water Law / Article 29 RS Water Law: 'Public Consultation' specifies the way in which the Agencies for Waters shall inform the Consultative Council for Waters and local community about the beginning of water management plan preparation as well as about the public consultation process
- Article 124 FBiH Water Law / Article 130 RS Water Law: "Informing of the concerned parties and public" defines procedures during the issuance of prior water consent.
- Article 126 FBiH Water Law / Article 133 RS Water Law: 'Delivering of decision and informing' specifies the way the competent authority shall, before issuing the water act, inform the concerned parties and the public within the river basin.

The goals of EU accession and implementation of integrated water resources management (IWRM) are thus well-accepted by both entities. However, although the Water Framework Directive has been transposed in Bosnia and Herzegovina water legislation, not much is being done with regard to its implementation. In the Federation of Bosnia and Herzegovina, according to the Water Law (Official Gazette of FBiH no. 70/06 - Article 27) first water management plans must be enacted by 2012 and public consultation process should be started in 2009. However, the process has not yet started.

According to the entity Laws on Water, there is an obligation for each entity to produce their own Water Management Strategy, which is the first step towards creating River Basin Management Plans and ensuring public participation in decision making related to water.

Other relevant legal framework for public participation and access to information in B&H is created by entity environmental laws (Law on Environment Protection, "Official Gazette of Federation BiH", No. 33/03 and Law on Environment Protection of RS, "Official Gazette of RS", No. 53/02), other special laws on certain environmental issues, and Laws on free access to information

Mentioned laws defines that "public has the right on access to information, the possibility to participate in the process of decision making and protection of these rights in court or administrative procedure, without any kind of discrimination regards citizenship, nationality or residence, or place of registration in case of legal bodies".

The entity Laws on environment (set of laws adopted in the RS in 2002, and in FBiH in 2003) stipulates an obligation of the competent institutions to ensure public participation in

- procedures on Environmental Impact Assessment of projects,

- procedures on issuing environmental permits for installations within the scope of their responsibilities .

This provision shall also be applied to all other activities that might have significant effect on the environment.

In practice, the level of implementation of environmental laws and provisions related to public participation and access to information differs. The Federal Ministry of Environment has achieved significant progress in implementation of the law since summer 2003 when it was adopted. It can be stated that they formally apply provisions related to public participation according to the law, especially those related to public hearing during permitting and EIA procedure. Information and documentation on EIA projects and environmental applications could be regularly found on the web site of the Federal Ministry. Wider public is informed on on-going procedures by call for public hearing published in daily magazines. It is open to all public to contribute to the public hearing procedure. In some cases greater interest is generated while in some cases, participation of civil society representatives is a lot less.

Unfortunately such kind of information could not be found on the web-site of the Government of RS. The site has been established during 2002 within the REReP 1.8 project "Establishment of environmental information system". Although the project aimed to build capacity of the ministries staff and to increase the level of information exchange between relevant intuitions with the final goal of access to EIONET structure, very little information about ministry and relevant legislation have been posted.

Municipalities, as the constitutive part of the cantons in FBiH, are responsible for their own water supply and wastewater collection and treatment, and are the founders of companies for water supply and sanitation. In the RS, where there are no cantons, municipalities have the jurisdiction over local water protection. Each municipality in the RS is responsible for its own water supply and wastewater collection and treatment, and provides the funds for water utilities. According to the Law on Public Companies ("Official Gazette of FBiH", No. 8/05; "Official Gazette of RS", No. 75/04), companies for communal activities have the following responsibilities at the local level:

- Abstraction and distribution of water;
- Wastewater treatment and drainage;
- Sanitary-technical activities and water quality control; and
- Management of public water supply and sewage.

The WFD is a specific piece of legislation, since it has an impact, to a greater or lesser extent, on a wide range of people and activities such as water consumers and recreational users, agriculture, industry and business activities. In order for this Directive to be successfully implemented, environmental, social and economic aspects must be taken into account. This Directive is also specific in terms of public participation. The WFD says that "the success of this Directive relies on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public, including users" (Preamble 14). In the case of B&H, it can be said that there is almost no tradition of involving non-governmental stakeholders, even though a large number of non-governmental organization as representatives of civil society is existing on the territory of

BiH. Communication aspects have been given low priority. A systematic involvement of non-governmental stakeholders does not exist. Therefore, beside legal regulation of this field, it is necessary to increase efforts in order to establish culture of communication and participation.

5.If applicable , have any of the above mentioned measures been taken as part of the terms of any debt relief of bailout agreement with international and/or regional institutions, as International Monetary Fund, the World Bank, the European Union, the European Central Bank, or regional development banks?

ANSWER:

The bellow presented tables indicate funds planned and implemented in the environment protection and utility infrastructure

EU IPA 2007	Support to Water Policy in BiH	1 000 000 EUR	complete
EU IPA 2007	Drainage System Construction in Živinice	1 500 000 EUR	complete
EU IPA – 2008	Reconstruction of WWTP Čitluk and Duct Collector	1 000 000 EUR	implementation started
EU IPA – 2009	Water Supply and Sewerage Construction in Banja Luka	1 000 000 EUR	in implementation
EU IPA-2009	Construction of Water Supply and Sewerage System in Bijeljina	3 500 000 EUR	in implementation
EU IPA – 2009	Rehabilitation and onstruction of water supply system and sanitation in FBiH	12 000 000 EUR	in implementation
EU IPA – 2010	Rehabilitation and construction of water supply system and sanitation in u RS	8 000 000 EUR	in implementation
EU IPA – 2010	Second phase of water supply 'Dubrave'	4 500 000 EUR	in the pipeline
EU IPA – 2010	Sewerage construction in Ljubuški	2 000 000 EUR	in the pipeline
EU IPA – 2010	Construction of waste water treatment plant in Sarajevo	10 500 000 EUR	in the pipeline
EU IPA – 2010	Construction of waste water treatment plant in Živinice	1 500 000 EUR	in the pipeline
EU IPA – 2010	Water Supply and Sewerage Construction in Banja Luka	1 500 000 EUR	in implementation
EU IPA – 2011	Regulating channel of the river Bosna in Sarajevo	3 400 000 EUR	in the pipeline
EU IPA – 2011	Construction of Waste Water Treatment Plant Sarajevo	2 500 000 EUR	in the pipeline
EU IPA – 2011	Rehabilitation and construction of of water	2 000 000 EUR	in the pipeline

	supply system and sanitation in RS		
EU IPA – 2011	Capacity building of water sector	2 000 000 EUR	in the pipeline

Through the national programme IPA 2007 – 2011, the EU has allocated to BiH 91.6 mil EUR financial assistance for implementation of institutional and infrastructure projects. All the activities on preparation, implementation and monitoring of projects were coordinated by the Ministry of Foreign Trade and Economic Relations of BiH.

National projects in BiH financed by GEF and MLF:

Rivers Neretva and Trebišnjica Management	21.273.000	in implementation
Water Quality Protection, GEF, SIDA, IPA	11,000.000, EUR	in implementation

9. What mechanisms are in place to ensure the maximum of available resources are devoted to protecting human rights in times of economic or financial constraints?

ANSWER:

Rules on the sanitary quality of drinking water (Official Gazette of BiH No. 40/10 and 30/12) prescribe the requirements and standards that must be met by drinking water, the maximum allowed value of sanitary quality parameters, methods for laboratory tests, and measures to monitor sanitary quality of drinking water. Objective of these Rules is to protect human health from adverse effects of any contamination of water intended for drinking through ensuring sanitary quality of water. BiH Food Safety Agency initiated, proposed and created these Rules in cooperation with the competent bodies of the Entities and BD BiH. They were harmonized with the Council Directive 98/83/EC of 3 November 1998.

BiH Food Safety Agency collects processes and analyzes data on the sanitary quality of drinking water, which are regularly submitted to laboratories for food control in BiH.

Based on the data collected from the questionnaires in 2011, about 81% of local municipalities have sewerage systems with different scope (average degree of connections is 36%), while 19% of municipalities have no sewerage system.

According to estimated data approximately 761,000 citizens or about 33% of the total population (2,327,512) are connected to public sewerage systems in the FBiH.

10. How have people participated in the decision-making processes related to any of the measures taken in response to financial and economic constraints?

ANSWER:

These issues, which include provisions of the Aarhus Convention (In September 2008, BiH ratified the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters²⁵⁵. ²⁵⁵Official Gazette of BiH, no. 8/08) and the Law on Free Access to Information in BiH, are defined by the Entities' and BD BiH legislation.

In order to ensure water management and equitable access to water to all natural and legal persons, Article 29 of the Law on Water provides for public consultation when developing strategies and plans. Articles 120 through 164 prescribe the conditions for the use of water and the exercise of rights to water by issuing of water law acts.

Also, in order to ensure water management and equitable access to water to all natural and legal persons, the Law on Waters (Articles 107 through 139) prescribes the conditions for the use of water and the exercise of rights to water by issuing of water law acts. Article 38 of the Law on Waters regulates the issue of public consultation when developing a Plan of the water management in the water areas (public notification of the beginning of the Plan development, deadlines for submission of proposals by legal and natural persons on matters related to the Plan, deadline for the presentation of periodic reports on the progress of the Plan development, obligations and deadline for publication of the draft Plan, the deadline for submission of comments on the draft Plan, the obligation and the deadline for a report which contains accepted or rejected comments with the explanation.

12. What mechanisms are in place to ensure that water and sanitation infrastructure (networked as well as on-site) is properly operated and maintained? What mechanisms are in place to make the necessary capital investments to replace aging infrastructure? What mechanisms are available to ensure adequate human resource capacity –building and adequate training?

ANSWER:

Successful water protection is realized in the framework of integrated water management system as one of the most important goals of large integrated development projects.

Integrity means that everyone in the basin, as well as outside of it, take their share of responsibility for protection of water - from choice of production technologies and distribution of industry, choice of disposition of sewerage systems, design of frontal reservoirs that will be used for water enrichment, regional planning system for collection and centralized wastewater treatment, to economic policy which accepts the principle that, beside

Polluters, all water consumers in a basin share the costs of protection. Integrated protection is implemented at the level of entire river basins through simultaneous application of three groups of measures: technological, water management and organizational-economic ones. Technological measures are part of a strategic approach to protect environment - removing effluent impact on actual sources of pollution.

There are no legal provisions governing the obligations of civil servants training specifically in the field of environment. However, the Law on Civil Service, Article 49, defines the issue of vocational education and training. Also, the training of employees, which is partially supported by international academic and professional institutions, opens a possibility of training and development for different areas of environment protection (JICA, SIDA, various programs of other countries, bilateral and multilateral TAIEX seminars, MTEC trainings, RESPA seminars, UNDP seminars, WBIF seminars, IPA Twinning seminars, etc. a significant part of the training of officers was conducted by way of EU IPA projects). Over the past decade, persons have been educated of specific (environmental) education profiles, who in future can give the right answer to environmental issues, and significantly contribute through various forms of training to changes in the overall environmental picture in BiH. Due to the insufficient space for their employment in administrative bodies in BiH, current situation is such that we rely on existing employees. In terms of provision of services for organizing training in BiH, it is not difficult to find adequate staff, and for this always available to us are representatives of the EU and all other European and non-European developed and economically strong countries. Most information on possible training is currently obtained through the Internet or through the BiH Civil Service Agency.