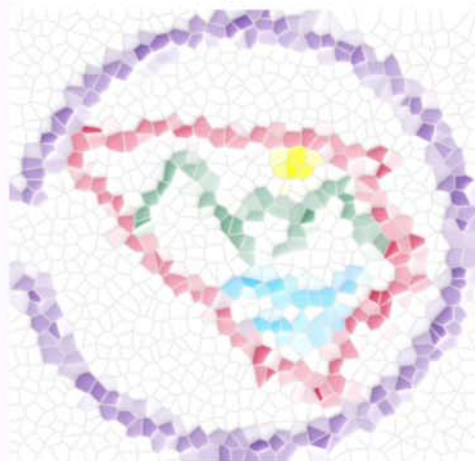


REReP 1.14 II Phase
«Preparation of Draft Framework Environmental Law for Bosnia and Herzegovina and Feasibility Study for Establishment of Environment Agency of Bosnia and Herzegovina»

COMPILATION OF EXPERT PROJECT TEAM WORKING RESULTS



Feasibility Study for Establishment of the Environment Agency of Bosnia and Herzegovina

project financed by
Italian Ministry for the Environment and Territory

through
Italian Trust Fund

implementation
**The Regional Environmental Center for Central and Eastern Europe
Country Office Bosnia and Herzegovina**

March 2005



*Ministero dell' Ambiente
e della Tutela del Territorio
della Repubblica Italiana*



THE REGIONAL ENVIRONMENTAL CENTER
for Central and Eastern Europe
COUNTRY OFFICE FOR BOSNIA AND HERZEGOVINA

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THE REGIONAL ENVIRONMENTAL CENTER
— for Central and Eastern Europe —
COUNTRY OFFICE FOR BOSNIA AND HERZEGOVINA

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INTRODUCTION

Within the Regional Environmental Reconstruction Programme - REReP under the Stability Pact, in 2002, a project under the name "Institutional strengthening of Ministry of Environment/Ecology RS and FBiH" was financed by the Italian Ministry for Environment and Territory through the Italian Trust Fond, and implemented by the Regional Environmental Center for Central and Eastern Europe (REC).

At the beginning of 2003, project was enlarged by supplementary activities, under the name II phase "Drafting of Framework Law for Environment of Bosnia and Herzegovina and Feasibility study for Establishment of Agency for Environment of Bosnia and Herzegovina" for the period of two years (2003. - 2004.).

There was a Project team of 21 expert from Bosnia and Herzegovina, established with the support of 3 experts from Italian Agency for Environmental Protection and Technical Assistance (Agenzia per la protezione dell'ambiente e per i servizi tecnici – APAT) and the two experts from Central and Eastern Europe, and advisory experts – representatives from ESC BiH and international organisations in BiH dealing with the environmental issues.

There were four working meetings of the project team and particular meetings of the working groups. Also, the study trip to the Italian Agency for environment was organised from 29th February – 06th March 2004. BiH delegation of 26 participants visited the Italian Agency for Environment and was introduced to the environmental situation in Italy and with the mode of work of this Agency.

During the Project implementation, success ful cooperation was established with the Entity Ministries of Environment; Entity Ministries of Agriculture, Water Management and forestry; Directorate for European Integrations; Ministry of Foreign Trade and Economic Relations (whose mandate is to draft Law on Environment for Bosnia and Herzegovina), and international organisations in BiH, and which are involved in the Project and have supported the Project itself (primarily CARDS projects of European Commission, and other current projects from the environmental sphere in BiH).

The Buletin of REC Office in Bosnia and Herzegovina (REC BiH) and the web page were beside the public release within the regular meetings, constant mode of information on the Project progress. Also, certain number of daily newspapers, and media houses followed-up and reported on events related to the project and its activities.

Written results of the second Project phase are the two documents, compilation of working materials prepared by the Project team:

- Working material for draft Law for Environment okolinu of Bosnia and Herzegovina and
- Feasibility study for establishment of the Agency for Environment of Bosnia and Herzegovina.

Constitutional basis for the Environmental Law of Bosnia and Herzegovina

Legal basis for the Environment Agency of Bosnia and Herzegovina

Constitutional basis for preparation of the Environmental Law

Article III 5a of the BiH Constitution (Annex 4 of the Dayton Peace Agreement) stipulates that:

«Bosnia and Herzegovina shall assume competencies in matters on which the Entities have reached an agreement». The Constitution permits the establishment of additional new institutions for the exercise of such competencies.

Art IV 4a of the BiH Constitution sets forth that the BiH Parliamentary Assembly is empowered to «pass on laws required for the implementation of decisions by the Presidency or for exercising the Assembly's functions.

Article V 4a of the BiH Constitutions sets forth the responsibilities of the Council of Ministers for the implementation of the decisions referred to in Article III 5a of the BiH Constitution.

Legal basis for the Environment Agency

The Framework Law on Environmental in Bosnia and Herzegovina.

Legal status of the Agency for Environment

- ∞ **Law on the Council of Ministers** (BiH Official Gazette, No. 30/03 of 10 Oct. 2003, hereinafter referred as ZoM)
- ∞ **Law on Administration** (BiH Official Gazette No. 32/02 of 7 Nov. 2002, hereinafter referred as ZoU)
- ∞ **Law on Ministries and Other Administrative Bodies in BiH** (BiH Official Gazette, No. 5/03 of 7 Mar. 2003)

Administrative Organisation (to perform administrative and professional work requiring specific organisation and independence in the performance of duties - Article I 5 of ZoM, Article 48 of ZoU)

Administrative Organisation (as an institution with public competencies, Article 5 of ZoM, Article 50 of ZoU)

Independent administrative organisation

- Responsible to the Council of Ministers BiH
- Financed from the budget

- Internal organisation is defined by **the Rules on Internal Organisation** (Article 52 of ZoU, Article 22 of ZoM)
- Working relations in accordance with the Law on civil service in the institutions of BiH

Summary

1. **Agency is established by Law** (full name is to be defined) which is in accordance with Articles 3 and 47 of ZoU and Articles 2 and 17 of ZoM.
2. **Agency is a legal entity** which is in accordance with Article 50 of ZoU and Article 5 of ZoM.
3. **Agency is established as an independent administrative organisation** which is in accordance with Article 50 of ZoU and Article 2 of ZoM.
4. **Management of administrative bodies defined by the Law on Administration**, (Chapter 5, Article 55 to 60 ZoU)
5. **Internal organisation of the Agency is defined by the Rulebook** (in accordance with Article 52 of ZoU and Article 22 of ZoM)
6. **Working relations of employees in an Agency defined by the Law on Civil Service in the Institutions of BiH** (Official gazette BiH, No. 12/02, 19/02, 35/03, 4/04, 17/04, 26/04, 37/04) in accordance with Article 54 ZoU).

II

Possible modalities of Tasks and Responsibilities of the Environment Agency of Bosnia and Herzegovina

Considered materials

For the preparation of the proposal of the working material the following documents were taken into account:

- Comments and suggestions of APAT (June 2004),
- The working material of the group «Responsibilities and tasks of Agency» presented at the 3rd meeting of the working groups in Tuzla (05.06.2004),
- Remarks and Recommendations of the EC-CARDS projects in BiH (S. Wright, K. Mac Donald, Z.Makuch, M.Houssiau, P. Kemppainen – June, July, August 2004),
- Remarks and suggestions of the working team members (M. Stanković, M. Vujatović – June 2004),
- Conclusions of the discussion lead in REC with team leaders and experts of EC- CARDS projects (30th July 2004),
- Considerations and conclusions from the workshop of CARDS project «Development of a National Environmental Monitoring System» Teslić, 7 - 8 August

Criteria and pre-assumptions

In this working material, the following criteria and assumptions have been taken into account for formulating the possible competences (responsibilities) and activities (working tasks) of the Agency:

- That the Agency will be an independent professional institution, established at the BiH state level;
- That the Agency is a government professional institution, established at the state level for the protection, management and monitoring of the environment in BiH, and for the international cooperation and implementation of the international obligations, but which will not overlap (duplicate) with the competences (responsibilities) of other State Authorities (above all, the current and future Ministries), in charge for the creation of an environmental policy, drafting and implementation of legal environmental legislation and for the coordination of the international relations on state level, as well as with the same activities of the Entities' structures and the Government the Brčko District;
- That some current activities and certain contents of the environmental protection issues and management of the natural heritage and resources in BiH, as well as the part of the international cooperation, currently in the domain of the state and entity institutions (Ministries and the Directorate for European Integration), will be transferred to the Agency, by a mutual agreement, during the process or after its establishment;
- That certain integration process will take place in BiH, with the aim to integrate under the Agency's umbrella the most important current professional institutions (currently dispersed – in the entity structures), which, according to their functioning nature do have the character of the state structures for the management of natural resources (waters) and environmental monitoring (hydro-meteorological institutes);
- That, with the support (technical, organisational and financial) of the International Community, the necessary preconditions for the establishment and work of the Agency for a certain period will be ensured.

Priority activities and responsibilities of the Agency, after the establishment

I DEVELOPMENT PHASE

1. ADVISORY-CONSULTING ACTIVITIES

1.1. Advisory – consulting assistance to related authorities of BiH, Entities and Brčko District with providing information for:

- creation and formulating of environmental policy,
- preparation and implementation of a Strategy for Sustainable Development of BiH, Entities and Brčko District,
- drafting of environmental laws and bylaws, and creation of methods for their implementation, and
- collection of information, harmonisation of preparation and implementation of programmes for protection of environment and natural resources of the Entities and Brčko District, as well as the joint projects in BiH.

1.2. Advisory – technical assistance to the Agencies for Privatisation of the Entities, Cantons and Brčko District, from the aspect of:

- environmental issues in the privatisation process of the strategic State owned enterprises in BiH,
- initiation of the process for modification of the current environmental regulations (expertise analysis and proposals), when the experiences from practice indicate the problems in the privatisation process.

2. COORDINATION, SURVEILLANCE AND CONTROL

2.1. Coordination of work and activities of management and professional bodies during the implementation of environmental policy, legal regulations, international obligations of BiH and implementation of environmental programmes and projects of:

- BiH systems for monitoring of environment (EIONET and IONET)
- Directorate for river basins management in BiH
- Ad-hoc established programme and project teams on the BiH level

2.2. Harmonisation of Entities' programmes and plans and plans of Brčko District on the State level in the fields:

- Management and waters protection on the level of river basins;
- Waste management
- Protection of air quality
- Protection of biodiversity and forests
- Protection of land from contamination

2.3. Evaluation of the work of the river basins management bodies and the work of water management companies from technical point of view.

- 2.4. Coordination of the preparation of the inter-entity plans and measures for protection from floods and coordination of the implementation of inter-entity and international programmes and projects for the protection from floods in BiH.
- 2.5. Supervision of introduction of the environmental standards and regulations, harmonised with the IPPC Directives in BiH in the field of non-ionising radiation and contamination of land, and control of implementation of these regulations, which are implemented by other authorities on state and/or entity level (Ministries of transport, health, natural resources and other bodies).
- 2.6. Coordination of the cooperation of governmental institutions with association of non-governmental organisations on state level, academic institutions, scientific and professional institutes and harmonisation of cooperation between governmental and non-governmental sector.

3. INTERNATIONAL COOPERATION AND INTERNATIONAL OBLIGATIONS OF BiH

- 3.1. Development of cooperation and relations of BiH with European Environmental Agency (EEA) and development of bilateral relations with other national environmental agencies, including representation of BiH, as the National Focal Point, for all relations and contacts with the EEA;
- 3.2. Representation of the BiH State in certain international organisations (forums and bodies), in the programmes and activities for protection of environment and natural and cultural heritage (Agencies of UN system, UN Economic Commission for Europe, Council of Europe, regional structures and networks, and other international professional organisations);
- 3.3. Coordination of the activities and works of the National Focal Points in BiH, responsible for implementation of certain multilateral (world and regional) environmental agreements (conventions and protocols) on protection and sustainable management of the natural resources and GEF programmes in BiH.

4. TECHNICAL ASSISTANCE AND EXPERTISE

- 4.1. Organisation and management of the preparation of the BiH strategic documents and programmes in the field of the environment protection and sustainable management of natural resources;
- 4.2. Initiation and drafting of studies, and preparation of analysis for entering to the international environmental agreements (by signing, accession or ratification);
- 4.3. Research on the field of the promotion and protection of environment, including collection of data on state of environment, or in cooperation with professional institutions and organisations from private sector and with independent local and foreign experts;
- 4.4. Evaluation (on State level), selection and operational monitoring for implementation of the environmental programmes and investment projects within the international multilateral and bilateral cooperation and assistance to BiH, for the implementation of the international environmental agreements and protection of environment and natural heritage;

5. ENVIRONMENTAL MONITORING, INFORMATION AND REPORTING

- 5.1. Monitoring of environmental pollution, establishment and development of information system and data base on emission, import / export, trade, use and consumption of polluting substances – chemicals, including those indicated in the international global environmental agreements (conventions and protocols), to which BiH became a party (protection of ozone layer, climate changes, POPs, trade in chemicals and other) and reporting to the domestic and international factors (institutions, bodies, public);
- 5.2. Development and implementation of the environmental monitoring system at the BiH level and monitoring of the quality of environment (water, air, soil, nature and waste), monitoring and management of BiH environmental information system (National information network on environment), through the National Reference Centres (NRCs) in certain sectors of environment and natural resources;
- 5.3. Management of the central data base / central information system, and reporting to domestic and international stakeholders on the state of environment in BiH (pollution of air and water, incident cases, etc.);
- 5.4. Ensuring access to information of environment in BiH for the relevant domestic institutions, organisations and wider public;

In principle, the Agency reports and provides information on BiH environment, to the following institutions, organisations and bodies:

A. Domestic institutions and bodies (reports for state authorities):

- Council of Ministers BiH,
- Parliamentary Assembly BiH (through the Council of Ministers),
- Entity Governments and Brčko District Government;

B. International bodies and institutions (international information and reports):

- European Environment Agency (EEA),
- Relevant bodies (Secretariats) of international environmental multilateral agreements (conventions and protocols),
- Council of Europe,
- UN Economic Commission for Europe;

C. Domestic and international public (public information):

- Issued periodic reports and information
 - in the Official Gazette of BiH, Entities and Brčko District,
 - on the Web-site of the Agency
 - in the informative publications of the Agency

II DEVELOPMENT PHASE

1. ADVISORY - CONSULTING ACTIVITIES

- 1.1. Advisory role for state, entity and cantonal / regional bodies and institutions in the management of the protection of environment and natural resources, including drafting of studies for issuing concessions for national natural resources use;
- 1.2. Advisory assistance to the State and Entities' bodies in the preparation and drafting of environmental legislation and regulations and their harmonisation with the European environmental legislation and with the obligations of the BiH State in the implementation of international environmental agreements and treaties;
- 1.3. Advisory assistance to associations / organisations from non-governmental sector on state level in the field of environmental protection

2. COORDINATION, SURVEILLANCE AND CONTROL

- 2.1. Management of chemicals in BiH (permanent organic pollutants - POPs, ozone depleting substances, hazardous substances and pesticides and etc.), including the issuing of licences for their import / export (licences and quotas) and their use in BiH;
- 2.2. Management of the Polluters Register, at state level, in cooperation with relevant institutions of Entities and Brčko District, who will collect data and information on polluters.

3. INTERNATIONAL COOPERATION AND INTERNATIONAL OBLIGATIONS OF BiH

- 3.1 Representation of Bosnia and Herzegovina (as a National Focal Point) in various international bodies who coordinate the implementation of the global and regional environmental agreements (conventions and protocols), to which BiH accessed (ratified) and preparation of state delegations for their participation in conferences and experts meetings.

4. TECHNICAL ASSISTANCE AND EXPERTISE

- 4.1. Establishment of environmental BH standards on the quality control of air, water, soil, disposal and movement of hazardous waste, noise and emission of pollutants and drafting of guidelines for their implementation in BiH;
- 4.2. Preparation of specific environmental analysis – studies and reports and on the environmental impact on the planning of sustainable development in BiH;

- 4.3. Technical support and assistance to business community in BiH in the process of the harmonisation of the implementation of environmental standards in the investment programmes / projects;
- 4.4. Responsibility / authority for certification of BiH experts from the entity, cantonal administrations and administration of Brčko District, who evaluate and issue certificates on environmental impact for the investment infrastructure and industrial projects;
- 4.5. Technical and logistic support to steering bodies established for environmental management and coordination of the implementation of international multilateral environmental agreements in BiH (Steering Committee for Environment and Sustainable Development BiH, its Sub-committees for certain conventions and other bodies on state level)

5. ENVIRONMENTAL MONITORING, INFORMATION AND REPORTING

- 5.1 Collection of data on environment and environmental pollution in BiH and drafting of reports in accordance to the obligations of BiH towards the international organisations and their bodies in charge for the implementation of international environmental agreements and contracts.

6. IMPLEMENTATION OF ENVIRONMENTAL LEGISLATION AND ENVIRONMENTAL LICENCING

- 6.1. Establishing the single criteria and procedures for environmental assessment and coordination of plans and their implementation in the Entities and Brčko District;
- 6.2. Issuing of environmental permits for projects, which have the inter-entity and trans-border impact on environment and ecosystems.

7. ENVIRONMENTAL EDUCATION AND PUBLIC AWARENESS

- 7.1. Organisation and implementation of out-door environmental education –training of staff in management, monitoring and environmental protection and organisation of trainings for professional staff in the BiH administration and business community for the implementation of environmental legal regulations in practice;
- 7.2. Preparation and implementation of BiH awareness rising strategy on environmental protection and sustainable use of natural resources and development of programmes for cooperation with public media in promoting the environmental protection and sustainable development of the country;
- 7.3. Preparation and publishing of the promotion materials on the protection of environment and natural heritage from domestic and international practice.

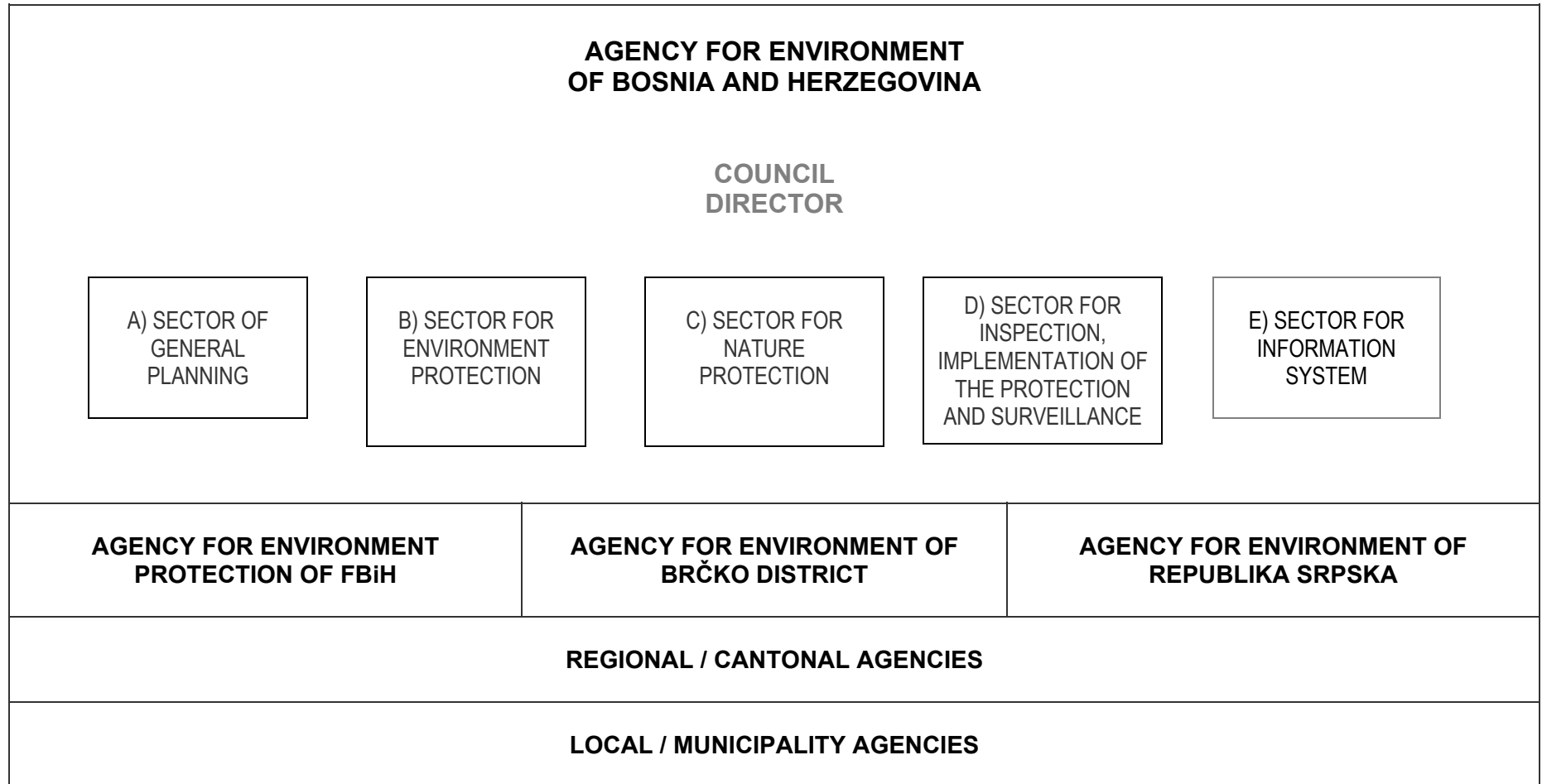
III

Structure of the Environment Agency of Bosnia and Herzegovina

PROPOSAL 1

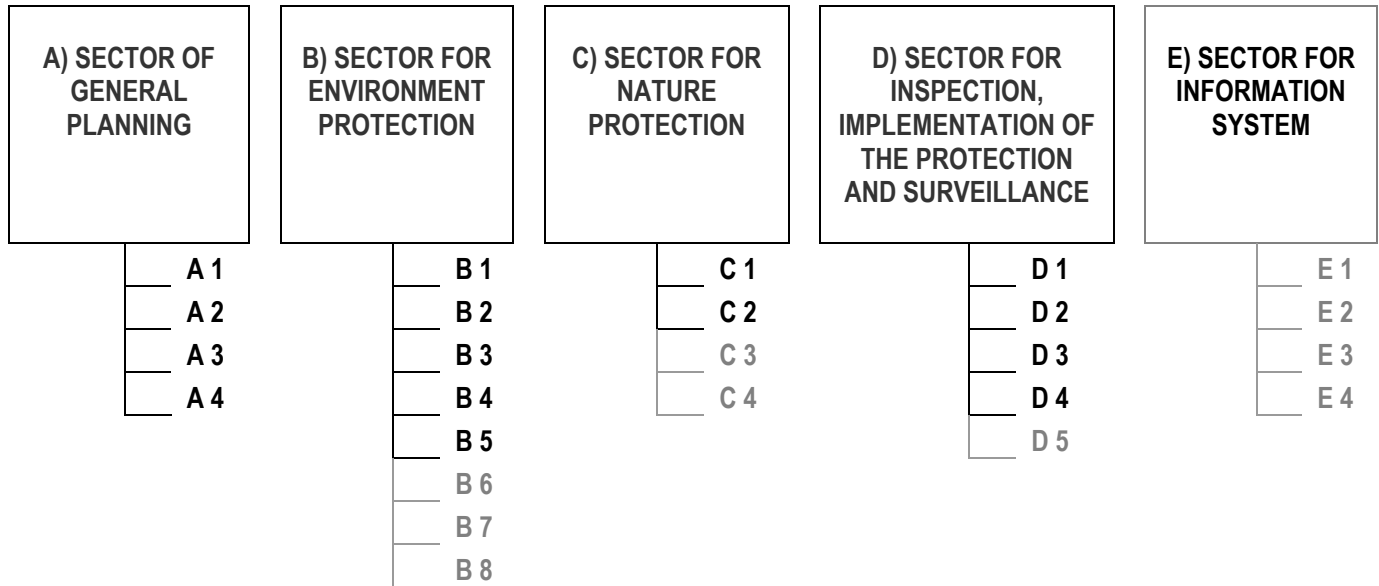
Structure Sheme

**BOSNA AND HERZEGOVINA
COUNCIL OF MINISTERS**



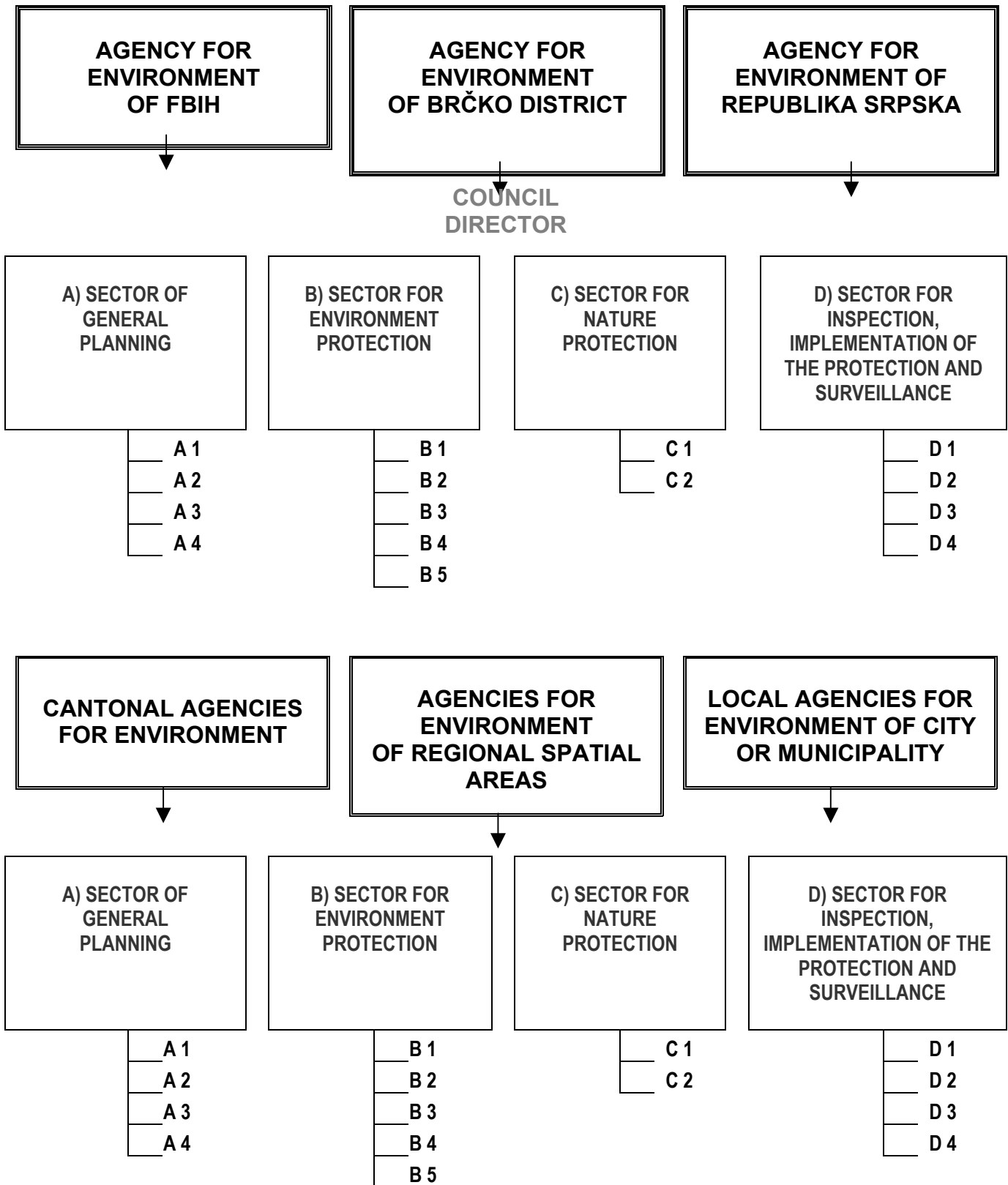
**AGENCY FOR ENVIRONMENT
BOSNIA AND HERZEGOVINA**

**COUNCIL
DIRECTOR**



Responsibilities of the Environment Agency of Bosnia and Herzegovina

- gathering of relevant data on pollution of certain environment components and available natural resources BiH;
- establishment of the data base on cataster of polluters, emissions i immisions of polluting elements, implementation of the quality control procedures and verification of national reports which are submitted abroad in accordance with the obligations of the ratified conventions and protocols;
- inspections and surveillane over implementation of national regal regulations and follow-up of the EU legislation;
- defining criteria for evaluation of quality of environment and enforcement of international standards and methodologies in environment protection;
- issuing of licences and permits in the case of transboundary effects;
- strategic planning in the area of environment protection, preparation of reports on state of environment of BiH and implementation of environmental policy, and successful measures of environment protection;
- cooperation with European Environment Agency and other international organisations with the aim of upreparation of national programs and projects;
- establishment and maintaing of information system for environment BiH, as integral part of European information network EIONET, coordinated by European Environment Agency;
- establishment of a national agencies network and access to data base;
- informing public and awareness rising on problems of environment protection and rational usage of natural resources.



Explanation to the structure scheme

A

- A 1 Department for analys, strategic planning and international activity
 - A 2 Department for finance and economic incentives
 - A 3 Department for education, public relations and public awareness rising
 - A 4 Department for general administration
-

B

- B 1 Department for environmental impact assessment
 - B 2 Department for waste
 - B 3 Department for waters and coast management
 - B 4 Department for air
 - B 5 Department for soil protection, pesticides and other poisonous elements
 - B 6 Department for standards and development of methodologies for environmental parameters
 - B 7 Department for programs and projects
 - B 8 Department for national reports
-

C

- C 1 Department for biodiversity and ecosystem protection
 - C 2 Department for protection of natural heritage and usage of natural resources
 - C 3 Department for GIS and spatial planning
 - C 4 Department for national reports, planning and program and project management
-

D

- D 1 Inspectorate for environment protection
 - D 2 Inspectorate for nature protection
 - D 3 Inspectorate for implementation of protection measures and surveillance
 - D 4 Advisory department for environment
 - D 5 Department for issuing of permits and licences
-

E

- E 1 Department for information support and functioning of national information system in EIONET
 - E 2 Department for quality control and management of data base
 - E 3 Department for issuing of data and reports public information
 - E 4 Library and archive
-

PROPOSAL 2

Introduction

In the preparing this Proposal the following materials-comments have been taken into account:

- Comments and suggestion of APAT (June 2004),
- The working material of the group «Responsibilities and tasks of Agency» presented at the 3rd meeting of the working groups in Tuzla (05.06.2004),
- Remarks and Recommendations of the EC-CARDS projects in BiH (S. Wright, K. Mac Donald, Z.Makuch, M.Houssiau, P. Kemppainen – June, July, August 2004),
- Conclusions of the discussion lead in REC with team leaders and experts of EC- CARDS projects (30th July 2004),
- Considerations and conclusions from the workshop of CARDS project «Development of a National Environmental Monitoring System» Teslić, 7 - 8 August 2004)

Criteria and preassumptions

In this working material, the following criteria and assumptions have been taken into account for formulating the structure of the Agency and the number of the employees:

- That the Agency is a government professional institution, established at the state level for the protection, management and monitoring of the environment in BiH, and for the international cooperation and implementation of the international obligations of the country,
- The Agency will not overlap with the responsibilities of other State Authorities in charge for the creation of an environmental policy, drafting and implementation of legal environmental legislation and for the coordination of the international relations on state level, as well as with the same activities of the Entities' structures and the Government the Brčko District;
- The Agency will perform cooperation tasks with EEA and organisation tasks related to the gathering and processing data in accordance with the EIONET requirements,
- Most of the regulatory tasks is performed at the level of the entity Ministries, and in the Federation at the cantonal level as well;
- The Agency offers professional assistance and guidelines for the harmonised policy development in the Entity ministries.

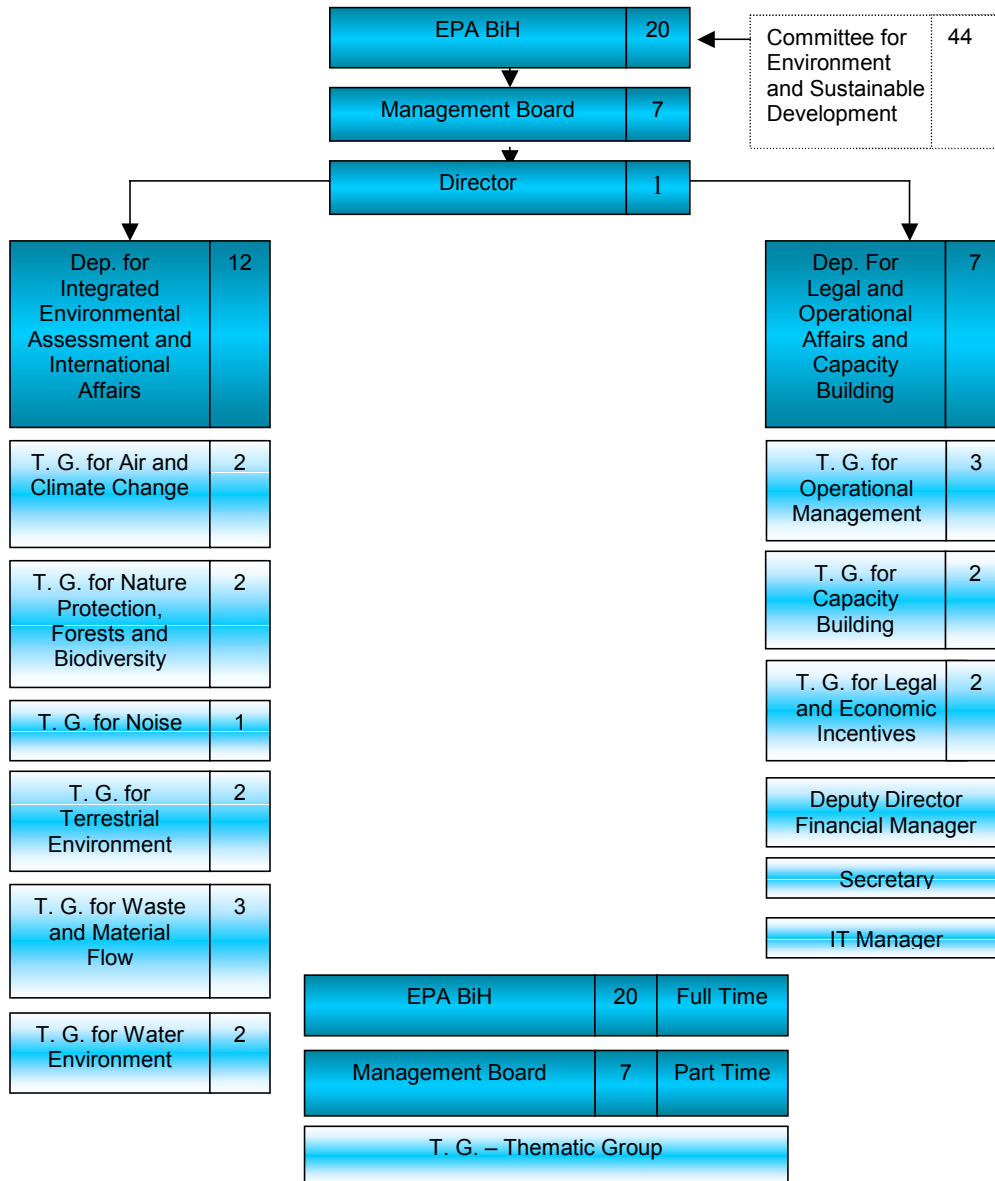
The working group drafted the new proposal of the organisation which is based on the previously mentioned assumptions and suggestions given by the foreign consultants, and which are mainly related to the critics of the structure previously proposed and its feasibility, related to the number of necessary employees.

Therefore, the Agency structure with the minimum number of the employees is as follows:

Sheme

The State Environmental Protection Agency should include the following sectors in accordance with assigned duties and responsibilities:

- Department for Integrated Environmental Assessment and International Affairs,
- Department for Legal and Operational Affairs and Capacity Building



Picture 1 Proposal of Agenc’s organisational structure including number of employees

The governing body of the EPA BiH shall be the Board of the Agency, which shall be responsible for the entire functioning of the Agency

Departments / Thematic Groups

DEPARTMENT FOR INTEGRATED ENVIRONMENTAL ASSESSMENT AND INTERNATIONAL AFFAIRS

The department should be organized in six offices corresponding to the thematic groups defined within EEA:

- Thematic group for Air and Climate Change,
- Thematic group for Nature Protection, Forests and Biodiversity,
- Thematic group for Noise
- Thematic group for Terrestrial Environment,
- Thematic group for Waste and Material Flow,
- Thematic group for Water Environment.

Persons employed in Thematic groups should be appointed as Primary Contact Points (PCPs) that are responsible at national level for coordinating requests or invitations coming from EEA or European Topic Centers (ETCs) for specific topics. Main task of this Department would be integration of data and information from entity and other sources with aim of integrated assessment of state of environment in BiH and preparation of thematic reports. Also, development of strategies and plans falls to responsibility of this department and its thematic groups. Duties of reporting, monitoring and development of plans according to the ratified conventions is given in Table 1.

The initial correspondence (email, fax or traditional mail) concerning requests and invitations must be sent to the PCP with a copy to the National Focal Point.

It could be later decided on a topic-by-topic basis whether the PCP is a National Reference Centre or the National Focal Point

Thematic Group for Climate Change

The Thematic group should be responsible for coordination of the activities on entity level in field of Air and Climate Change. The Thematic group will be responsible for implementation of all activities arising from international conventions in this field and for cooperation with EEA. According to the draft Law on Air, the agency will have obligation to prepare and publish each April a report on emission inventories for air pollutants (including biogenic pollutants) of the last year relating to Bosnia and Herzegovina. The Thematic group could act as NRC responsible for coordination of work of Main Component Elements in BiH in field of air and climate change.

Thematic Group for Nature, Forest and Biodiversity Protection

The Thematic group should have the following tasks:

- be PCP for Nature Protection, Forests and Biodiversity and be responsible for preparation of Biodiversity Convention implementation program,
- be advisory body to the competent ministries,
- create a "Red List for Bosnia and Herzegovina",

- create guidelines for the introduction of species into Bosnia and Herzegovina
- create a "Nature Protection strategy for Bosnia and Herzegovina",
- create guidelines for the co-ordination and co-operation concerning transboundary nature protection areas.

The Thematic group could act as NRC responsible for coordination of work of Main Component Elements in BiH in field of nature conservation.

Thematic Group for Noise

At this moment it is not possible to designate any specific task as the Law on noise protection is still not drafted for BiH.

Thematic Group for Terrestrial Environment

The Thematic group should be responsible for coordination of the activities on entity level in field of land cover, land use and soil protection. The Thematic group will be responsible for proper use and maintenance of CORINE LANDCOVER database. Although there is no new legal framework for soil protection, there is evident need for development of strategy national strategy for soil protection. Such strategy could be developed as part of National Environmental Strategy for BiH. The Thematic group could act as NRC responsible for coordination of work of Main Component Elements in BiH in field of terrestrial environment and should be responsible for reporting to EEA.

Thematic group for Water Environment

The main task of the Thematic group is to ensure that water protection policy is harmonized on the national level as well as with requirements of international conventions primarily with Barcelona, Danube and Helsinki Convention. The Thematic group will be responsible for preparation of national water protection strategy in cooperation with entity ministries and river basin authorities. The Thematic group for Water Environment should be responsible for the following:

- to introduce to involved institutions specific requirements, goals and objectives of each convention (See Table 1) to which BiH is contracting party, and to issue guidelines for preparation of the Plans
- to collect and exchange information on state of water environment, as the conventions and EEA (EUROWATERNET) require it.
- to issue guidelines on methodology on monitoring and data collection,
- to work on promotion of integrated coastal and river basin management.

Thematic group for Waste and Material Flow

Within a framework of Draft law on Waste both entities agreed to authorize the inter-entity/state consultative body to co-ordinate the entity level waste management strategic plans. Therefore, the co-ordination of entity waste management strategic plans shall be managed by the Agency through the following procedure:

- issue guidelines on the methodology of developing and content of waste management strategic plan(s) of the entity,
- the draft waste management strategic plan(s) may be sent to the EPA BiH for comments and opinion,
- the Agency BiH may call together a consultation with the respective entities in order to harmonize the draft plan(s)
- Defining generally waste management policy in BiH through preparation of guidelines and plans.

DEPARTMENT FOR LEGAL AND OPERATIONAL AFFAIRS, AND CAPACITY BUILDING

The following functions should fall into the Department responsibilities:

Thematic group for legal and economic incentives

- Introducing adequate economic instruments and monitoring of their efficiency,
- Initiation and participation in preparation of the preparation of laws and other regulations in the field of environment,
- Setting up quality standards for water, air, soil, noise, and other pollutions including the discharge of waste and hazardous and toxic substances
- Representing the state in relation to ESPO convention.

Thematic group for capacity building

- Provision of capacity building programs in environmental sector,
- Issuing of guidelines on environmental issues,
- Issuing of codes of practice,
- Encouraging environmental audits,
- Encouraging environmentally friendly products and services,
- Co-ordination of environmental research programs.

In order to ensure that training can be delivered effectively and consistently within the sector and that training proposals can be fully implemented, it is recommended that a EPA BiH Thematic group for Capacity building acts as National Training Unit. This is considered the most cost-effective way for the environmental sector to cater for long-term human resources development requirements.

The Thematic group could be mandated to develop a national-wide training program based on the detailed training needs identified by environmental entity ministries in coordination with ministries in charge for education (Framework Law on Environment, Art. 26. F BiH) . The Thematic group will act as a central repository for training needs from each environment, all sector organisation and will determine where and how that training can be provided. It will also have to develop a annual implementation plan with programs based on the training needs. According to the training plan a technical staff will be engaged to carry out training on an as-needed basis for each course from a register of suitable trainers. The Thematic group will

provide adequate training facilities, including lecture and demonstrations rooms, visual aids and computers with suitable software.

The thematic group would be responsible for the following:

- Establishment of detailed training objectives and training standards,
- Development of training materials,
- Organization of external training,
- Assist education and training institutions to target their courses and training program for the sector,
- Monitoring of training effectiveness,
- Establishment of a national certifications system for the water sector, which will encourage staff to achieve greater job skills and higher certifications levels.

A list of activities, which would be developed:

- Training courses on the Thematic group premises,
- Training courses on other premises (Faculties, Technical Institutes, etc),
- Information delivery and provision of training courses in institutions in BiH and out of BiH,
- Provision of student exchange programs with foreign universities,
- Management of grants for undergraduate and post-graduate students in foreign universities,
- Preparation of Study Tours,
- Trainings in Institutions/Companies of the environmental sector in other countries,
- Design, management and supervisions of training and Human Resources Development Plans in environmental sector Institutions/Companies (i.e. Water and waste Utilities, municipal offices, ministries)

Technical assistance will be required initially to set up the Office and for initial running costs. However, to make it sustainable as it expands its services the Office will establish course fees in order to cover administrative and operational costs.

Thematic group for operational management

This group manages general affairs of the EPA BIH, the international travel and visitors programs in addition to grants, contracts, interagency agreements, and cooperative agreements, budget and finances, human resources, information systems, and administrative operations. The Staff for information system and database management responsible for maintenance of EIONET database should be associated to this office.

Administering and Management of the Agency

Management Board

Management Board could govern the Agency, which could consist of seven (2+2+2+1) members representing entities, state and Brcko district and which could have its President and Vice-President. The Management Board could be appointed and dismissed by the Council of Ministers, after proposal of relevant entities and district government.

Imenovanjem Agencije i njezina Upravnog odbora nastavio bi se uspješan rad Koordinacionog odbora za okoliš u novoj formi i sa jasnim ovlaštenjima kada je u pitanju koordinacija ovih poslova na nivou BiH, kao i za zastupanje BiH na međunarodnom planu.

The Management Board would adopt:

- The Agency Statute and the other general bylaws,
- The Rules on Procedure of the Agency,
- The by-laws on internal organization of the Agency,
- The financial plan and the plan of activities of the Agency,
- The report on activities of the Agency,
- The Methodology and other general bylaws from the jurisdiction of the Agency in accordance with the Law,
- Perform other tasks in accordance with the Law and the Statute of the Agency.

Director

The Director would manage the Agency and would have a Deputy who would be appointed by the Council of Ministers. The Agency Director would:

- manage the Agency,
- represent the Agency,
- be responsible for the legality of work, appropriate and legal management of material and financial activities of the Agency,
- perform other activities determined by the Law, the Statute and other general acts and by-laws of the Agency.

Statute

Statute of the Agency would define the following:

- Basic elements of organization and operational methods of the Agency,
- Governing and management bodies of the Agency,
- Representation, presentation and signing on behalf of the Agency,
- Employees with special authorizations and responsibilities,
- Other organizational issues regarding the activities of the Agency.

The Management Board would, with the approval of the Council of Ministers, adopt the statute of the Agency.

Human resources needs

The estimation of the number of employees at the Agency is based on the assumption that the the Agency is to provide professional and coordinating services to the entity Ministries on the performance of their tasks. If the work of environmental administration on all levels is methodologically harmonized and coordinated, as it is proposed, huge work would be completed at the entity level and with human resources of entity administration. In that case the Agency should play a unifying role, particularly in case of data collection and reporting to the EEA and conventions.

Having in mind this assumptions and need for minimizing human resources capacities of administration, the proposed number of employees in Agency, at the first implementation phase could be in range of one to maximum two in each of the thematic groups, e.g. three in group for water environment. Since the minimal number of the required employees is **five** within a department, then within the Department for Integral Environmental Impact Assessment and international affairs, are proposed Thematic groups for certain thematic area.

In such a way we come to the minimal number of 20 employees needed in the Agency, with full working time, out of which, 12 employees would be in the Department for complete Environmental Impact Assesment and international relations, and 7 in the Department for legal and operational tasks and the capacity building.

IV

Establishment costs of Agency for environment Bosnia and Herzegovina

Establishment costs of Agency for Environment BiH

Introduction

During the preparation of the table survey of financial means necessary for establishment of Agency for environmental protection BiH, several assumptions were taken as the basis from received working material from previous meetings of working teams. Two proposals were considered – one of them being the proposal of Mr. Miroslav Vujatović presented at the meeting in Banja Luka, whose construction is more complex and maybe too ambitious (great number of people and departments) for this moment and the proposal of Working group defining the AGENCY STRUCTURE, which is more realistic and more close to first – establishment phase.

The second proposal was elaborated because it is not the moment to start creating very complicated structure and only through evolution functionally complex entities could be evolved from more simple organisational forms.

Assumptions

According to this option:

- there would be 20 professionals and seven members of the steering committee
- the equipment necessary for work must be bought while the premises rented; it is illusory that the premises could be bought or donated. The basic equipment must be supplied, i.e. bought because their renting would not be worthwhile in a longer period
- the financial means for supply of basic equipment will be received from donors. As it is obvious from tables, as basic values of all parameters in financial construction, are used the most convenient, lowest prices of all elements which are considered necessary for work.

Establishment costs

On the basis of that platform the following scenario of establishment costs was made:

- A** Costs are defined according to all items,
- B** Annual, total costs are defined,
- C** Lower values of all price categories are taken,
- D** Total costs of one year are defined to 863.000 KM what can be considered as relatively low cost for establishment of one such institution,
- E** One should emphasize that item equipment in the following year would occur only in potential additional supplies, if any and in depreciation of current basic means which are insignificantly small,
- F** The biggest item in plan is salary and social costs. These are defined under the assumption that there will be similar level of job complexity performed by employees having university education.

This plan is subject to corrections and one should take precisely and with tolerance +/- 10% for assumed value of inner parameters.

If the 1st organisational structure is used, the same model could be applied enlarged by the number of employees and organisational units and diametrically grows with the number of employees, but first of all it is necessary to define if that is realistic, and what is the number of people to work and on what tasks.

Costs tables

Establishment costs

No.	Type of fixed assets	Quantity	Price	Months	Total
1	COMPUTERS	20	2000		40000
2	PRINTERS	5	400		2000
3	COPY MACHINES	2	3000		6000
4	TELEPHONES	20	100		2000
5	FAX MACHINES	3	500		1500
6	UPS	5	200		1000
7	SCANNER	2	200		400
8	DESKS	25	500		12500
9	CHAIRS	35	150		5250
10	SHELVES	10	300		3000
11	CARS	2	20000		40000
12	OTHER	1	16350		16350
					130000

Operational costs

No.	Type of operational costs	Months	Value	Months	Annual
1	PREMISES RENTAL	1	2000	12	24000
2	PREMISES MAINTENANCE COSTS	1	300	12	3600
3	ELECTRICITY	1	600	12	7200
4	HEATING	1	300	12	3600
5	TELEPHONES	1	1000	12	12000
6	STATIONARY COSTS	1	1000	12	12000
7	OTHER STATIONARY COSTS	1	500	12	6000
8	FUEL COSTS	1	600	12	7200
9	CAR MAINTENANCE COSTS	1	200	12	2400
10	EQUIPMENT MAINTENANCE COSTS	1	200	12	2400
11	ADMINISTRATIVE COSTS, accounting, administration, representative	1	500	12	6000
12	RUNNING COSTS	1	4000	12	48000
13	CONTINGENCY	1	2300	12	27600
14	BUSINESS TRIP COSTS	1	2000	12	24000
TOTAL			15500		186000

COSTS PLAN FOR THE ESTABLISHMENT OF EA

Item Description / Opis sredstava				Costs per year	Costs per month	Resource of financing/	zvori finansiranj
				Godišnji troškovi	Mjesečni troškovi	Own resource/sopstveni izvori	Budget/ Budžet
Fixed Assets / Osnovna sredstva				24.000	2.000	0	0
Buildings / Zgrade, NAJAM				24.000	2.000	0	
Equipment / Oprema							
	Make / Izrada	Type / Vrsta		52.900	52.900	0	0
RACUNARI, STAMPAČI, SKENERI				42.400	42.400		
KOPIR APARATI				6.000	6.000		
TELEFONI				2.000	2.000		
TELEFAKSI				1.500	1.500		
UPS				1.000	1.000		
				37.100	37.100	0	0
STOLOVI				12.500	12.500		
STOLICE				5.250	5.250		
ORMARIĆI				3.000	3.000		
OSTALO				16.350	16.350		
Vehicles / Vozila				40.000	40.000	0	0
2 PUTNIČKA KOMBI VOZILA				40.000	40.000		
	ŠKODA	FABIA					
Sub-Total Fixed Assets / Ukupna osnovna				130.000	130.000	0	0
Working Capital and Start-Up Expenses (maxim. 12months)/Obrtna sredstva i pocetni troškovi				Amount/Iznos			
Salaries / Plate				294.000	24.500		
Social Cost / Socijalni troškovi				226.800	18.900		
Maintenance of offices/Troškovi održavanja prostorija				3.600	300		
Electricity/Struja				7.200	600		
Heating/Grijanje				3.600	300		
Phone/Telefon				12.000	1.000		
Office material/Kancelarijski potrošni materijal				12.000	1.000		
Other material/Ostali potrošni materijal				6.000	500		
Repairs and Maintenance of Machines and Equipment / Popravka i održavanja masina i opreme				2.400	200		
Transport Expenses, fuel / Troškovi transporta, fuel				7.200	600		
Maintenance of cars/Održavanje vozila				2.400	200		
Administrative costs/Administrativni troškovi				6.000	500		
Other operative costs/Operativni troškovi				48.000	4.000		
Unpredictable costs/Nepredviđeni troškovi				27.600	2.300		
Costs of business travel/Troškovi službenog puta				24.000	2.000		
Sub-Total Other costs / Ukupno ostali troškov				706.800	58.900	0	0
TOTAL / UKUPNO				836.800	188.900	0	0

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