

ENVIRONMENTAL PROTECTION IN B&H - A COMPLEX BUT ESSENTIAL PROCESS

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Abstract: *The present state of the environmental problematic in Federation of B&H is presented in this paper. The information regards a donation to a private steel works given by the German Government served as an example of the importance of adopting a set of environmental laws in 2003. These laws were a basis for making of other legislative and technical regulations from this field. The distinction between environmental treatment of the old and new plants and facilities are presented too.*

Key words: *environment, legislation, Bosnia and Herzegovina*

1. INTRODUCTION

Albert Einstein gave one of the best definitions of „Environment“ (surroundings, physical and social environment). According to him, environment is „everything that's not us“. Unfortunately, a common perception of the environment, more precisely, its protection (preservation) ends right there. We all have different perceptions of what environmental protection is. Our perspective depends on our age, level of education, interests, region in which we live, our standard of living. It also depends on whether we, or our family members are employed. If we are employed, is it a company that significantly pollutes the environment, etc? All these factors form us as a person, and our opinion of this increasingly current topic, which is not political in its origin („no politics in my pub!“), but essentially influences the lives of all, and which, without good policy (environmental) can not be adequately solved.

At the very beginning we tend to make a division between „us“ and „them“. We are „against“, they are „in favor“. We are „against“:

- Large scale pollutants (heavy industry, light industry, breweries, food industry);
- Landfills and waste disposals;
- Thermal power plants, hydroelectric power plants, nuclear power plants;
- Motorways, major roads, regional roads (in our immediate surroundings);
- Quarries, asphalt plants, batching plants;
- Wastewater and sludge purification filters (in our immediate surroundings);
- Noise emission sources (coffee shops, discos, shopping centers);
- Crude oil and gas storages and petrol stations;
- Gas pipelines, oil pipelines;
- tankers;

To mention only some of the things we are „against“. Still, even when we are against all of the above mentioned, we are „in favor“ or demand:

- clean air, water, soil,
- low noise emission,
- cities, towns and villages clean of solid and other for of waste,
- healthy forests;
- full employment;
- high standard of living.

2. AN EXPAMPLE FROM GERMANY

As all in life, this area of living is also based on numerous compromises. We can not have everything, especially not all at once. Information issued by the „Federal Ministry of Environment, Nature Conservation and Nuclear Safety“, of FR Germany can serve as an example.

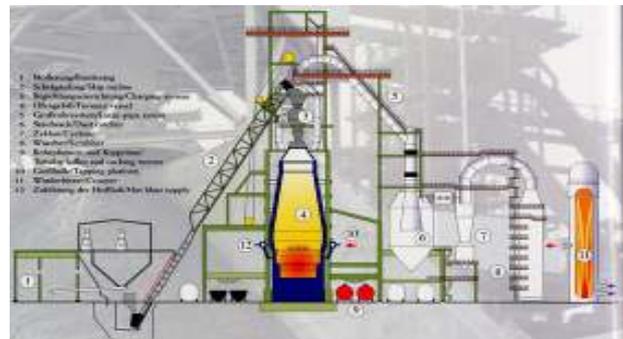


Fig. 1. Blast furnace diagram

The information regards a 30,000,000 Euro donation to a private steel works ArcelorMittal Eisenhüttenstadt GmbH, given by the German Government. The funds shall be used to modernize the production process in a blast furnace, which will greatly reduce the CO₂ emission (greenhouse gases). If the process proves successful, and if applied to all steel works and ironworks in Germany, the emission of CO₂ shall be reduced by 6,9 million tons per year. The overall steel production shall remain at the same level and the most important factor in the whole project is that all employees shall be kept.

3. IMPORTANCE OF ADOPTING OF ENVIRONMENTAL LAWS

How important is this information for us, citizens of Bosnia and Herzegovina (B&H)? Does it create the need to talk about it, or is everything already „clear“?

Of course, we can again divide into groups „in favor“ and „against“, followed by comments: „It's easy for the Germans to invest large sums in environmental protection when Germany is a rich country. How can we measure up to them?“ „Those on the opposite side would immediately like to have „western standards“. Opinions and wishes of both sides are understandable (honestly speaking, we all find ourselves on both sides every day).

As always, the truth is somewhere in between. No society can survive without development, new jobs or production. Our society as well. Development can not be planned at the expense of a healthy and preserved environment. Dirty technologies are not the ticket to a „better future“. However, we have to be aware of the fact that something can only be demolished overnight. To build something, we need time to plan, control, supervise and only then to build.

B&H is going in the right direction regarding this problem. We are learning from negative experience of others and trying to avoid the same mistakes. Since we all seek membership (declared) in the EU, it is only logical to adopt their positive

experiences and same goals in the area of environmental protection.

A very important link in the whole environmental protection chain is the legislation of this domain. Things have to be set up with clear rules of the game. A set of environmental acts, adopted in 2003 in the Federation of B&H (in 2002 in the Republika Srpska) were the basis for adoption of other by-laws and preparation of technical regulations in the field of environmental protection. The following EU Directives have been incorporated into the „Law on Environmental Protection“:

- IPPC Directive 96/61/EU (IPPC – Integrated Pollution Prevention and Control);
- EIA Directive 85/337/EEC, Amended by Directive 97/11/EC (Assessment of the Effects of large industrial and infrastructure project on the environment);
- Seveso II Directive (on the control of major-accident hazards involving dangerous substances);
- Convention on the Environmental Impact Assessment in a Transboundary Context (ESPOO Convention, Adopted in Espoo, Finland, 25.01.1991);
- Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus, 1998, Denmark);
- ISO/BA Standards (Series 14000 and other).

A very important factor, regulated by this Law, is the distinction between old and new plants and facilities. Old plants are all those that existed and were legally operational before adoption of the „Law on Environmental Protection“ (Official Gazette of the Federation of B&H, No 33/03), i.e. before the year 2003.

These old plants, established in a certain area, operational, productive, that employ a certain number of workers, pay taxes and contributions shall have a facilitating procedure to obtain their Environmental Permits. New plants, depending on their size and planned capacities shall have an Environmental Impact Assessment, i.e. an Environmental Impact Study.

Although the whole situation is very complex, we will try and explain it in short. There are no radical solutions. It is impossible to close down all plants that do not satisfy high EU Standards regarding the environment, and immediately open new plants that satisfy the set requirements, or their limiting values. It's also impossible to go into the other extreme and allow everyone to pollute the environment without any limitations. A transitional stage must be set, but a stage that will be open to the public eye, controlled and supervised by State Institutions, a stage that shall not impose such burdens on the economic agents which would prevent them from working.

Surely it is impossible to implement overnight all environmental impact reduction measures to the existing plants (air, water, soil, noise, waste). Therefore the following decision was adopted. Every existing plant or facility shall prepare their own *Plan of activities*. This Plan shall cover a period of five years. In reality, it is an Adjustment Plan, not a permanent document, but one defining a transitional period. It shall include the overall „inventory“ of the plant or facility: input of raw materials and energy and output of products and waste material (solid, liquid or gas). Likewise, measures for gradual decrease of existing pollutants shall also be proposed which the owner must undertake in this transitional period in order to decrease negative influence on the environment. All this has been set down in the „Regulation for environmental permit application requirements for the existing facilities and plants, i.e. those already owning a permit prior to the adoption of the Law on Environmental Protection“ (Official Gazette of F B&H, No. 68/05, 29/08). Another important factor must be mentioned. Environmental Permits are issued for a period of 5 years. During this period the owner of the plant or facility must keep to his own Plan of activities (according to need amended by the respective Ministry), and follow it in all aspects. The owner shall implement all defined monitoring procedures and submit the results to the respective authorized Ministry (Federal

or Cantonal). If the owner during this period fails to implement environmental protection activities as set down in the Plan, the authorized Ministry shall revoke the issued Environmental Permit. Also, all operators (plant or facility owners) must request a new Environmental Permit after the period of 5 years has elapsed.

This approach has several benefits:

- Economic operators are given a chance to continue working, to expand, maintain jobs and fulfill their obligations toward the wider social community;
- Economic operators can plan and implement worldwide acknowledged environmental protection measures during a transitional period of 5 years, with supervision of implementation procedures by the respective authorized Ministries and Inspection;
- The public can have an insight into the operation of these facilities and their influence on the environment, as defined by the *Law on Environmental Protection*;
- Negative influence on the environment is decreased and goals are set to the level of protection as defined in the EU Directives and Guidelines.

Every solution to a certain problem can surely create new problems in the course of its implementation. The above given solutions channel these possible problems, enable their monitoring and a timely reaction. The condition of plants and facilities has been inspected and an Environmental Permit issued to those that fulfilled the legal requirements.

It must be understood that the Environmental Permit is not just a piece of paper saying: „This facility can work“, and that the problem is permanently solved. No, it is a document that can have numerous pages of text precisely stating what the Operator (owner) must undertake in the period to come. For instance, he must construct an oil and grease separator, install furnace filters, collect waste material, implement monitoring etc. All the given measures are binding. That is why we call the permit an „Integrated“ or „Unified“ Environmental permit. Transfer of problems from one to the other environmental sector is not possible.

4. CONCLUSION

According to the data given by the Federal Ministry up to and including the year 2008, a total of 519 Environmental Permits have been issued in the Federation of B&H. This shows that the companies in question have not only fulfilled their legal obligations, but have an awareness of the necessity to preserve and protect the environment, i.e. to go back to the beginning of this text, to „protect everything that is not us“. It is a praiseworthy beginning, one that generates preconditions where we will, in the not so far future, read good news about government investments into environmental protection from the beginning of this text, which will not come from Germany, but from B&H.

5. REFERENCES

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- ***Law on Environmental Protection (Official Gazette of the Federation of B&H, No 33/03, 39/09)
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- Regulation on conditions for application for licencing of Environmental Permit for Plants and Facilities which have Environmental Permit before adopting of the Law on Environmental Protection (Official Gazette of the Federation of B&H, No 68/05, 29/08)