

## Studija slučaja:

### **Učešće javnosti u postupku izmjene i dopune Zakona o osnovama bezbjednosti u saobraćaju na putevima Bosne i Hercegovine („Službeni glasnik BiH“, broj: 48/10)**

Ovaj slučaj je dosta specifičan jer se odnosi na lobiranje u izmjenama i dopunama zakona, tačnije, na podsticanje građana da uzmu učešće u samom procesu njegovog donošenja. Naime, osnovni razlog iz kojeg smo se mi uključili u ovaj proces jeste taj što je član 102. Zakona o osnovama bezbjednosti u saobraćaju na putevima Bosne i Hercegovine („Službeni glasnik BiH“, broj: 06/06) iz 2006. godine predviđao da je vozač bicikla obavezan prilikom vožnje na nošenje kacige. Ono što smo prvo uradili jeste slanje dopisa inicijative za izmjenu i dopunu ovog Zakona Ministarstvu prometa i komunikacija BiH. Nakon toga, započeli smo sa nizom akcija u cilju lobiranja što boljeg definisanja spornog člana. Neposredno nakon slanja inicijative u toku 2011. godine, uzeli smo učešće u radionici organizovanoj od strane Ministarstva komunikacija i prometa BiH, gdje smo u vidu prezentacije iznijeli problematiku vezanu za kacige. Zatim, u prostorijama Centra za životnu sredinu smo organizovali okrugli sto na temu „Sigurnost biciklista u saobraćaju“, gdje su bili pozvani i stručnjaci iz Evropske federacije biciklista. U međuvremenu, naš koordinator programa za Transport, je održao i sastanak sa pripadnicima Centra javne bezbjednosti Banja Luka, s ciljem apelovanja na smanjenje kažnjavanja biciklista zbog nenošenja kacige, jer su izmjene ovog člana trenutno u proceduri. Ono što je dalje uslijedilo jeste, višegodišnja e-mail prepiska sa pomoćnikom ministra prometa i komunikacija, koja je trajala od 2012.-te pa do 2016.-te godine, u kojoj smo pokušali da damo odedene sugestije i mišljenja. Pored toga, kroz različita saopštenja za medije pozvali smo i same građane da daju svoje sugestije, na šta su se oni odazvali, te su i sami slali komentare pomoćniku ministra. 2012. godine uputili smo prijedlog izmjena i dopuna opet ovog gore navedenog člana, i to tako da se kacige izbace iz obavezne upotrebe prilikom vožnje, a da se pored svjetlodbojnih prsluka mogu koristiti i odgovarajuća retroreflektirajuća oprema koja osigurava adekvatnu uočljivost vozača bicikla. Ovdje smo se, recimo, našli na pola puta sa nadležnim organima, jer smo dodatno predložili i da se kacige stave eventualno kao preporuka, što su oni i prihvatili.



Tek 2015. godine, tačnije, 24. decembra 2015., se ušlo u skupštinsku proceduru. Ono što je od ključne važnosti za ovaj slučaj, jeste to da smo uspjeli dobiti podršku i od međunarodne organizacije, tj. Evropske federacije biciklista, koja je zajedno sa nama pratila čitav ovaj proces, te je iz tog razloga poslala pismo podrške našem prijedlogu izmjena člana 102., i uputila ga Parlamentarnoj skupštini BiH. Nakon nešto manje od godinu dana, 6. oktobra 2016. održana je javna rasprava u Parlamentarnoj skupštini, na kojoj smo dali svoja mišljenja i sugestije u vidu komentara. Nakon završene javne rasprave, sve komentare smo pisanim putem prosljedili kao informaciju predsjedavajućima Komisije za saobraćaj i komunikacije, te Komisiji za vanjsku i trgovinsku politiku, carine, saobraćaj i komunikacije Doma naroda. Pošto je ovaj Prijedlog trenutno u proceduri, mi ćemo nastaviti i dalje da pratimo sve vezano za njega, do njegovog konačnog usvajanja.

Autorka: Biljana Rakić, stažistkinja u Centru za životnu sredinu



## Case Study:

### **Public participation in the process of amendments to the Law on basics of traffic safety on the roads of Bosnia and Herzegovina (“Official Gazette”, No. 48/10)**

This case is specific as it refers to lobbying in the amendments to the law, namely, to encourage citizens to participate in the process of its adoption. The main reason we got involved in this process is the Article 102 of the Law on basics of traffic safety on the roads of Bosnia and Herzegovina (“Official Gazette of BiH”, No. 06/06) from 2006 that argued that it is mandatory for cyclists to wear helmets while driving. First, we have sent a letter of initiative to amend this law to the Ministry of Transport and Communications of Bosnia and Herzegovina (BiH). Afterwards, we began with a series of lobbying actions in order to improve the defining of the disputed article. Immediately after submitting initiative in 2011, we took part in the workshop organized by the Ministry of Communications and Transport BiH, where we presented problems related to the use of helmet. Then, in the premises of the Centre for Environment, we organized a round table on “Safety of cyclists in traffic”, where we invited experts from the European Cyclist Federation. Meanwhile, our program coordinator for Transport, held a meeting with the members of the Public Security Centre Banja Luka, with the aim to appeal for a reduction of punishments for cyclists for not wearing helmets, as the amendments of the related Article were in the process. What followed next was a perennial e-mail correspondence with the Deputy Minister of Transport and Communications that lasted from 2012 to 2016 in which we tried to offer certain suggestions and opinions. In addition, through various press releases we have invited citizens to give their own suggestions, to which they responded by directly sending comments to the Deputy Minister. In the year 2012 we sent a proposal to amend the Article mentioned above in a way that wearing helmets while driving is not mandatory, and that in addition to reflective vests, corresponding reflective accessories for cyclists and bicycles that provide adequate visibility of the cyclist can also be used. Here we have met halfway with the competent authorities, as we have additionally suggested that helmets should be put as recommendations, which they accepted.

It was not until 2015, more accurately 24 December 2015 that the case was carried over to the Parliament. What is crucial to this case is that we have managed to get support from international organization - European Cyclist Federation, that has monitored together with us the whole process. For this reason they sent a Letter of support for our proposed amendment of Article 102 to the Parliamentary Assembly of BiH. In less than a year, on October 6, 2016 a public debate was held in the Parliamentary Assembly, where we gave our opinions and suggestions in the form of comments. After the completion of the public hearing, all of the mentioned comments were forwarded in writing as information to the Chairpersons of the Commission for Transport and Communications and the Commission for Foreign and Trade Policy, Customs, Transport and Communications of the House of Peoples. Since this proposal is currently in the procedure, we will continue to keep track of everything related to it, to its final approval.

Author: Biljana Rakic, intern in the Center for Environment



## Studija slučaja:

### **Eksploatacija mrkog uglja na površinskom kopu „Maslovare“, opština Kotor Varoš**



Predmet ove studije slučaja je eksploatacija mrkog uglja na površinskom kopu Maslovare, gdje smo utvrdili veliki broj nepravilnosti i kršenja zakona, gdje je vlasnik koncesije svoj rad obavljao bez potrebnih dozvola zbog čega je i nadležni inspektor izlazio na teren i obustavljao radove.

Prije svega sam površinski kop je smješten u neposrednoj blizini individualnih stambenih objekata i osnovne škole, a kako nema pristupnog puta sav transport iskopanog uglja se obavlja na lokalnom putu koji je širine oko tri metra. Ako uzmemo u obzir da navedeni put ne može podnijeti ni veću frekventnost kretanja manjih motornih vozila jer se tim putem kreću i mještani, a posebno učenici onda je logično da lokalni put nije namjenjen velikim kamionima čija težina seže i do nekoliko desetina tona i da je nemoguće tuda vršiti transport iskopanog uglja. Pored toga veliki kamioni i mašine stvaraju nesnošljivu buku i vibracije koje su takvog intenziteta da stvaraju oštećenja na objektima, a sam život mještana čine neuslovnim. U Centru za životnu sredinu smatramo, kao što smo i naveli u komentarima na Nacrt studije uticaja na životnu sredinu, da ne postoji način na koji je moguće smanjiti buku na adekvatan način u ovakvom tipu postrojenja koji se nalazi u neposrednoj blizini stambenih objekata, a da se ne naruši značajno kvalitet života lokalnog stanovništva. Takođe, ugroženost vodosnabdijevanja lokalnog stanovništva je velika, jer su na obodu površinskog kopa smještena dva bazena za snabdijevanje mještana vodom za piće, a ni pitanje odvoda oborinskih

voda nije riješeno, a posebno onih koji se slivaju sa deponije jalovine koje završavaju u dvorištima kuća koje su udaljene 40-50 metara od deponije.

Dakle, pored osporavanja kvaliteta Nacrta studije uticaja na životnu sredinu gdje smo naveli niz nepravilnosti koje je ista sadržavala, svoj rad smo usmjerili na preispitivanje poštovanja zakonske regulative u postupku donošenja pojedinih akata. Da bi došli u posjed dokumentima, tj. da bili pravovremeno informisani o ovom slučaju uputili smo veliki broj zahtjeva za pristup informacijama ministarstvima, opštinama ali i drugim organima uprave i na taj način pokazali važnost učešća javnosti u procesu donošenja odluka o životnoj sredini. Podnošenje ovih pisanih zahtjeva omogućilo nam je uvid u informacije važne za dalji tok postupka, jer pravo na pristup informacijama kao takvo je direktno povezano sa transparentnošću javne administracije i omogućava svakom zainteresovanom licu da dobije podatke vezane za životnu sredinu koje su pod kontrolom javnih institucija.

Naravno mi nastavljamo da prikupljamo podatke i kroz ovaj slučaj želimo da skrenemo pažnju javnim organima i široj javnosti na probleme sa kojima se suočavaju mještani Maslovara, ali i da podstaknemo druge organizacije i građane da kroz naš primjer djeluju u sličnim situacijama, a sve u cilju očuvanja prirode od ovakvih negativnih projekata.

Autor: Igor Dančić, stažist u Centru za životnu sredinu



## Case Study:

### The exploitation of the brown coal from the surface mine “Maslovare”, Kotor Varos municipality

This case study is concerned with the exploitation of the brown coal from the surface mine Maslovare, where we determined a large number of irregularities and violations of the law. The owner of the concession carried out the work without the necessary permits which is why the competent inspector went out to the field and suspended the work.

First of all, the open pit mine itself is located in the immediate vicinity of individual dwellings and a primary school, and as there is no access road, all the transport of mined coal is done on the local road, which is about three meters wide. If we take into consideration the fact that this road cannot endure a greater frequency of movement of smaller vehicles, because it is also used by the locals, especially students, it is logical that this road is not intended for heavy trucks, whose weight reaches up to several tens of tons and that it should not be used for the transport of the mined coal. In addition, large trucks and machines create unbearable noise and vibrations of such intensity that they cause damage to the buildings and make the life of the locals inadequate. Center for Environment considers, as we noted in the comments on the Draft Study of the Environmental Assessment that there is no appropriate way to reduce the noise in this type of plant, located near residential buildings, and not significantly violate the quality of life of the local people. Also, there is a large problem with the endangerment of the water supply of the local population, because there are two pools for supplying residents with drinking water on circumference of the open pit, along with the unresolved problem regarding the rainwater drainage, especially the

rainwater interflowing from tailings that end up in the yards of houses that are 40–50 meters away from the dump.

Hence in addition to challenging the quality of the Draft Study of Environmental Assessment, in which we identified a number of irregularities, we have focused our work on the review of the compliance with the legislation in the processes of adoption of certain acts. To come into possession of the documents we needed in order to be timely informed about this case we sent a large number of Requests for information to ministries, municipalities as well as other government authorities and thus showed the importance of public participation in decision-making process regarding environment. Submitting these written requests gave us access to information important for the further course of the proceedings, since the right of access to information as such is directly related to the transparency of the work of public administration. It allows any interested individual to obtain information related to the environment which is under the control of the public institutions.

Certainly, we will continue to collect data as through this case we wish to draw the attention of public authorities and the general public to the problems facing the locals of Maslovara, but also to encourage other organizations and citizens to act in similar situations, with the aim of preserving nature of such negative projects.

Author: Igor Dancic, intern in the Centre for Environment



## Studija slučaja:

### Studija slučaja: Primjena „Konvencije za zaštitu evropskih divljih vrsta i prirodnih staništa u Republici Srpskoj/Federaciji Bosne i Hercegovine“.



Konvencije za zaštitu evropskih divljih vrsta i prirodnih staništa, poznatija kao Bernska konvencija je obavezujući pravni instrument u području zaštite prirode i ima za cilj da se očuvaju divlja flora i fauna i njihova prirodna staništa na evropskom kontinentu i nekim državama Afrike. Usvojena je 19.9.1972. godine, a ratifikovana od strane Bosne i Hercegovine 17.11.2008. godine.

Očuvanje prirode zahtjeva saradnju između država, a Bernska konvencija to i podstiče sa posebnim naglaskom na ugrožene i osjetljive migratorne vrste.

U skladu sa Zakonom o slobodi pristupa informacijama Bosne i Hercegovine te odredbama Arhuske konvencije, upućeni su Zahtjevi za pristup informacijama na nadležna ministarstva Republike Srpske (RS) i Federacije BiH (FBiH) koji su sadržavali gotovo identična pitanja.

#### Pitanja su bila sljedeća:

1. Da li je RS/FBiH prilikom ratifikacije Konvencije o zaštiti evropskih divljih vrsta i

prirodnih staništa, stavila jednu ili više rezervi za pojedine vrste određene u Aneksima 1 do 3 i/ili, za pojedine vrste navedene u rezervi ili rezervama, u pogledu nekih sredstava ili metoda ubijanja, hvatanja i drugog iskorišćavanja potpisano u Aneksu 4?

2. Koliko je održano sastanaka Stalnog odbora od trenutka ratifikacije Konvencije od strane BiH, ko su predstavnici RS/FBiH u Stalnom odboru i na koliko sastanaka je RS/FBiH imala delegata/e?

3. Da li je RS/FBiH vršila određena istraživanja u svrhu ove Konvencije i na tom polju saradivala na primjeni Konvencije sa drugim zemljama potpisnicama?

4. Da li je RS/FBiH učinila određene izuzetke od članova 4, 5, 6, 7 te od zabrane upotrebe sredstava pomenutih u članu 8? Da li je o tome izvještavala Stalni odbor?



Obična gatalinka *Hyla arborea*, nalazi se na Dodatku II Bernske konvencije, strogo zaštićena životinjska vrsta (foto: Goran Šukalo)

5. Da li je RS/FBiH preduzela bezbjednosne mjere koje će osigurati da su lovostaj i/ili drugi postupci, koji regulišu iskorišćavanje, ustanovljene u stavu 3, člana 7, dovoljne i primjerene potrebama migratornih vrsta navedenih u Aneksu 3?

6. Da li po Vašem mišljenju RS/FBiH ima prepreke i poteškoće u ratifikaciji Konvencije o zaštiti evropskih divljih vrsta i prirodnih staništa i koje, te koji su po Vama razlozi za to?

Cilj preduzetih radnji je prikupljanje informacija i ukazivanje na nepoznavanje i nepoštivanje odredbi Bernske konvencije od strane entitetskih i zajedničkih institucija BiH, nedostatak komunikacije i saradnje između njih na polju zaštite prirode.

Odgovori koji su pristigli kretali su se od neodgovaranja na postavljena pitanja (ćutnja administracije), do pisanja opšte poznatih stvari o Konvenciji do ćutih i dovoljno nerazumljivih odgovora.

#### Naredni koraci koji će se poduzeti su:

- saopštenje za medije u cilju informisanja javnosti
- pokretanje žalbenog postupka pred Ombudsmanom BiH zbog ćutnje administracije.

Autor: Mile Aljetic, stažista u Centru za životnu sredinu



Češnjarka *Pelobates fuscus*, nalazi se na Dodatku II Bernske konvencije, strogo zaštićena životinjska vrsta (foto: Goran Šukalo)

## Case Study:

### Implementation of the “Convention for the Conservation of European Wildlife and Natural Habitats in the Republic of Srpska / Federation of Bosnia and Herzegovina”

Convention for the Conservation of European Wildlife and Natural Habitats, known as the Bern Convention, is a binding legal instrument in the field of nature conservation and aims to conserve wild flora and fauna and their natural habitats on the European continent and in some African countries. It was adopted on the 19th of September 1972 and ratified by Bosnia and Herzegovina on the 17th of November 2008.

Nature conservation requires cooperation between countries and the Bern Convention encourages this kind of cooperation with a special emphasis on endangered and vulnerable migratory species.

In accordance with the Law on Free Access to Information of Bosnia and Herzegovina and the provisions of the Aarhus Convention, we have sent Requests for information to the relevant ministries of Republic of Srpska (RS) and Federation of Bosnia and Herzegovina (FBiH) containing almost identical questions.

#### The questions were as follows:

1. Has RS / FBiH, upon ratification of the Convention on the Conservation of European Wildlife and Natural Habitats, placed one or more reserves for certain species specified in Annexes 1 to 3 and / or, for certain species mentioned in the reserve or reserves, regarding some means or methods of killing, capturing and other exploitation signed in Annex 4?
2. How many meetings of the Standing Committee have been held since the ratification of the Convention by Bosnia and Herzegovina, who are representatives of RS / FBiH in Standing Committee and on how many meetings RS / FBiH had delegates?
3. Has RS / FBiH conducted specific research for the purpose of this Convention and cooperated in this field on the implementation of the Convention with other Contracting Parties?
4. Has RS / FBiH made some exceptions to the Articles 4, 5, 6, 7 and from the prohibition of the use of means referred to in the Article 8? Was the Standing Committee informed on this?
5. Has RS / FBiH has taken security measures to ensure that the closed season and / or other procedures regulating

the exploitation, established under paragraph 3 of Article 7, are adequate and appropriate to the needs of migratory species listed in Annex 3?

6. In your opinion, does RS / FBiH have obstacles and difficulties in the ratification of the Convention on the Conservation of European Wildlife and Natural Habitats and which, and what could be the reasons for this?

The aim of these actions was to collect information and to point out the ignorance and disregard of the provisions of the Bern Convention by the entity and the joint institutions of Bosnia and Herzegovina, the lack of communication and cooperation between them in the field of nature protection.

Responses that were received ranged from not answered questions (silence of the administration), to answering commonly known facts about the Convention and to scarce and insufficiently comprehensive answers.

#### The next steps to be taken are:

- Sending the press release to inform the public
- Initiating the appeal proceedings before the Ombudsperson of Bosnia and Herzegovina due to the silence of the administration.

Author: Mile Aljetic, intern in the Centre for Environment



Barska kornjača *Emys orbicularis*, nalazi se na Dodatku II Bernske konvencije, strogo zaštićena životinjska vrsta (foto: Goran Šukalo)



## Studija slučaja:

### Studija slučaja: Učešće javnosti u postupku Izmjene i USVAJANJE GMO AMANDMANA NA ARHUSKU KONVENCIJU U BIH



Centar za životnu sredinu iz Banjaluke (CZZS) je početkom januara 2016. počeo sa kampanjom za ratifikaciju GMO amandmana na Arhusku konvenciju u BiH. Kao pripremu, CZZS je sastavio listu institucija i organizacija koji bi mogli biti zainteresovani u sprovođenju ove kampanje. Oni koji su izrazili dobru volju da učestvuju u ovoj kampanji i budućim aktivnostima su i dostavili svoje kontakt osobe sa kojima se uspostavila komunikacija zbog budućih aktivnosti. Između ostalih, održan je sastanak sa predstavnicima Udruženja za zaštitu prava potrošača RS koji nije rezultovao nastavkom saradnje. Međutim, saradnja je uspostavljena sa Udruženjima za zaštitu prava potrošača iz Tuzle i Sarajeva. Kao jedan od glavnih problema jeste neusklađenost zakona o GMO na državnom i entitetskom nivou, a CZZS je dobio i odgovor od Ministarstva za poljoprivredu, šumarstvo i vodoprivredu RS da još uvijek nije pokrenut postupak za izmjenu zakona. CZZS je inicirao održavanje okruglog stola na ovu temu, a partnera u ovome je pronašao u Savjetu za GMO koji je pristao na održavanje ovog okruglog stola i da se on održi na jednom od budućih sjednica Savjeta. Okrugli sto je održan 18.5.2016. godine na Veterinarskom fakultetu Univerziteta u Sarajevu. Na ovom sastanku su bili predstavnici i drugih institucija i organizacija i postignut je generalan stav da BiH treba da ide u pravcu usvajanja GMO amandmana. CZZS je poslao i molbe za pismo podrške na adresu nekoliko institucija koje bi predali zajedno sa pismom inicijative. Federalno ministarstvo okoliša i turizma i Savjet za GMO su dostavili svoje pismo podrške kao i od 23 NVO koje se bave životnom sredinom koje su podržali inicijativu. 1.8.2016. podneseno je i službeno pismo inicijative za ratifikaciju GMO amandmana Ministarstvu vanjske trgovine i ekonomskih odnosa BiH.

CZZS je organizovao i akciju „Znamo li šta jedemo?“ 16.10.2016. godine povodom Svjetskog dana hrane na Trgu Krajine. Ova akcija je odobrena od Gradske uprave, a obaviješteno je i Ministarstvo unutrašnjih poslova RS. Takođe, CZZS je dostavio Ministarstvu vanjske trgovine i ekonomskih odnosa BiH potrebnu dokumentaciju za ratifikaciju GMO amandmana koja je sadržavala Obrazloženje za ratifikaciju, službeni prevod na jezike BiH i originalni tekst GMO amandmana na engleskom jeziku.

Kampanja za ratifikaciju GMO amandmana se nastavlja do konačnog donošenja akta o ratifikaciji.

Autor: Robert Vidović, stažista u Centru za životnu sredinu



## Case Study:

### Adoption of the GMO amendment to the Aarhus Convention in Bosnia and Herzegovina (BiH)

Centre for Environment from Banja Luka (CfE) began with the campaign for the ratification of the GMO amendment to the Aarhus Convention in BiH in early January 2016. As the preparation, CfE compiled a list of institutions and organizations that might be interested in the implementation of this campaign. Those who expressed their willingness to participate in this campaign and future activities have informed CfE on the contact person with whom the Center established communication for future activities.

Among others, a meeting that was held with the representatives of the Association for the Protection of Consumers' Rights of Republic of Srpska (RS) did not result in a continued cooperation. However, cooperation has been established with Associations for the Protection of Consumers' Rights from Tuzla and Sarajevo. One of the major problems is the incompatibility of the law on GMO at the state and entity level, and CfE received information from the Ministry of Agriculture, Forestry and Water Management RS that the process to amend the law has not started yet. Center for Environment initiated the organization of a round table on this subject, along with Council for GMO as a partner, which agreed with the organization of this event and for it to take place on one of the future sessions of the Council. The round table was held on the 18th of May 2016 at the Veterinary Faculty in Sarajevo. Representatives of the other institutions and organizations attended the event and a general view that has been reached is that BiH should move towards the adoption of the GMO amendment. Center for Environment has sent the requests for letters of support to several institutions, letters to be then submitted along with the Letter of the Initiative. The Federal Ministry of Environment and Tourism and the Council for GMO have delivered their letters of support, as well as 23 NGOs dealing with the environment, that have supported the initiative. The Official Letter of Initiative for ratification of the GMO amendment was filed to the Ministry of Foreign Trade and Economic Relations of BiH on 1st of August 2016.

Center for Environment organized action "Do we know what we eat?" on the 16th of October 2016, the World Food Day, on the main square in Banjaluka. This action was approved by the City Administration and the Ministry of Internal

Affairs of RS was also notified on this action. Likewise, CfE submitted to the Ministry of Foreign Trade and Economic Relations of BiH the necessary documents for ratification of the GMO amendment containing Rationale for the ratification, the original text of the GMO amendment in English and an official translation into the languages of Bosnia and Herzegovina.

The campaign for the ratification of the GMO amendment continues on to the final adoption of the Act of ratification.

Author: Robert Vidovic, intern in the Center for Environment





## Studija slučaja:

„Ostrvo na Vrbasu - TUK Stara Ada“

**Predmet slučaja je izgradnja „Turističko-ugostiteljskog kompleksa „Stara Ada“ - Ostrvo na Vrbasu“ u banjalučkom naselju Adi, a inicijator slučaja je Centar za životnu sredinu, Banja Luka.**

Slučaj je počeo tako što su narodni poslanici Narodne skupštine Republike Srpske, 14.04.2016. godine, glasali o donošenju Odluke o izradi zoning planu po skraćenom postupku za koji je neophodno da se u regularnoj proceduri uradi Strateška procjena na životnu sredinu (SPUOŽS). Strateška procjena je od izuzetne važnosti jer se kroz istu procjenjuje kako će planirane intervencije na određenoj lokaciji uticati na životnu sredinu, pa se postojanje mogućih posljedica može svesti na minimum. U ovom slučaju to je u potpunosti izostavljeno, čime su zaobidene redovne zakonske procedure, a usvajanje odluke o izradi zoning plana po skraćenom postupku je izvršeno pod izgovorom da se radi o javnom interesu, dok je u pitanju privatni interes kojim je narušena priroda.

Narodna skupština Republike Srpske nije ispoštovala odredbe Zakona o uređenju prostora i građenju Republike Srpske, a kao još jedan dokaz da se zakon ne poštuje služi činjenica da su radovi na turističko-ugostiteljskom kompleksu započeti 01.04.2016. godine, čak i prije nego što je održana sjednica Narodne skupštine Republike Srpske.

Centar za životnu sredinu je nakon Primjedbe na donošenje Odluke o izradi Zoning plana posebne namjene „Ada“ po skraćenom postupku upućene Zakonodavnom odboru Narodne skupštine Republike Srpske; poduzeo mnogobrojne pravne radnje od kojih su najvažnije:

- Pristup informacijama u posjedu lokalnih i entitetskih organa javne uprave, po osnovu čega su prikupljene neophodne informacije

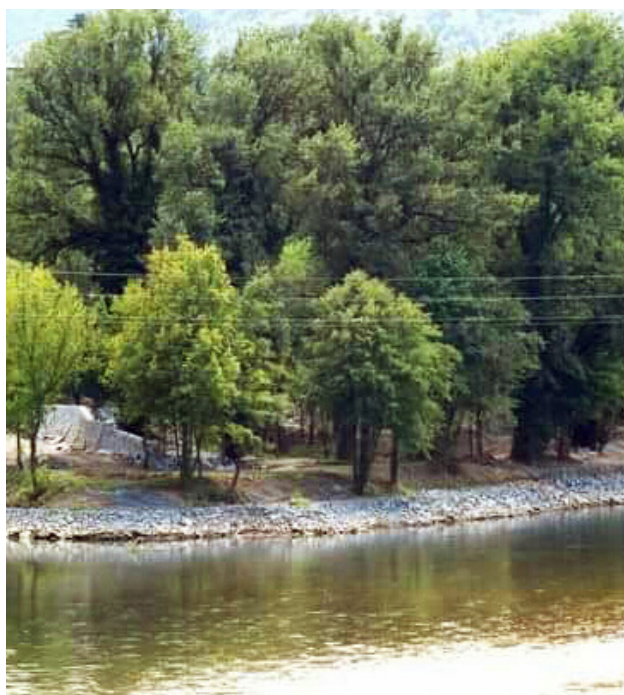
- Zahtjeva za pravnim tumačenjem donošenja odluka po skraćenom postupku i upozoravanja institucija i javnosti

- Zahtjeva za inspekcijskom kontrolom nad izvođenjem radova.

Odlučujući korak, učinjen je slanjem zahtjeva za inspekcijski nadzor Republičkoj upravi za inspekcijske poslove, Urbanističko-građevinskoj i ekološkoj inspekciji. Naime, 30.08.2016. godine i 31.08.2016. godine izvršena je vanredna kontrola na predmetnoj lokaciji i tom prilikom je utvrđena nepravilnost te rješenjem inspektora izrečena zabrana izvođenja građevinskih radova na predmetnom objektu do pribavljanja Odobrenja za građenje.

Dakle, možemo zaključiti da se u ovom slučaju očigledno krše zakonski propisi, kako od strane entitetskih i gradskih institucija, tako i od strane samog Investitora/Koncesionara „Stara Ada“ d.o.o. Banja Luka.

Autorka: Sabina Begić, stažistkinja u Centru za životnu sredinu



## Case Study:

**The subject of this case, that was initiated by the Center for Environment, is the construction of the Tourist-restaurant complex “Stara Ada “- Isle on Vrbas, located in Ada, an area in Banja Luka.**

The problem occurred on the 14th of April 2016 when the members of the National Assembly of the Republic of Srpska voted on the adoption of the Decision on drafting zoning plan in a shortened procedure. Under these circumstances, a Strategic environmental assessment should be done in the regular procedure. The Assessment is of great importance, as it estimates how will a planned intervention in a particular location affect the environment, in order to minimize the possible consequences. In this case it was completely omitted hence the regular legal procedure was overlooked. Adopting of the Decision on drafting zoning plan in a shortened procedure was carried out under the pretext that it was in public interest, but in fact it was in private interest at the expense of the nature.

The National Assembly of the Republic of Srpska failed to comply with the provisions of the Law on Spatial Planning and Construction of the Republic of Srpska. Additional evidence indicating the violation of the Law is that the works on the complex started on the 1st of April 2016, before the National Assembly of the Republic of Srpska even held the session.

After submitting the Comments to the Legislative Committee of the National Assembly of the Republic of Srpska regarding the Decision on the development of the Zoning plan of special purpose “Ada” in a shortened procedure, Center for Environment has taken numerous legal actions of which the most important are:

- Accessing information held by the local and entity public authorities, based on which Center managed to collect the necessary information,

- Requesting legal interpretation of the decision-making in a shortened procedure and alerting the institutions and the public,

- Requesting inspection controls of the construction works.

A decisive step was made by sending a Request for inspection control to the Republic Administration for Inspection Affairs, Urban Planning, Construction and Environmental inspection. Namely, on the 30th and 31st of August 2016 inspector made an unexpected visit to the location where he determined irregularity and banned the construction works on the complex until construction permit was obtained.

Therefore, we can conclude that this case clearly demonstrates violation of legislation by both the entity and municipal institutions, as well as by the Investor / Concessionaire “Stara Ada” Banja Luka.

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