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Sent: Tuesday, March 21, 2023 2:58 PM  
To: ECE-Aarhus-Compliance <[aarhus.compliance@un.org](mailto:aarhus.compliance@un.org)>  
Cc: Stjepan Matic <[REDACTED]>; info <[REDACTED]>; Redzib Skomorac <[REDACTED]>; Administrator, Aarhus centar u BiH <[REDACTED]>; nina kresevljakovic <[REDACTED]>; Ella Behlyarova <[REDACTED]>; Fiona Marshall <[REDACTED]>; Dijana Vasić <[REDACTED]>  
Subject: RE: ACCC/C/2021/189 (Bosnia and Herzegovina) - overdue response to communication  
Importance: High

Dear All,

First of all, we sincerely apologize for the delay.

In connection with the submission to the Committee for Compliance with the Aarhus Convention regarding compliance with access to the judiciary of Bosnia and Herzegovina in relation to environmental permits, the case ACCC/C/2021/189 from 16th December 2021, we inform you as follows:

1. Respondent, Federal Ministry of Environment and Tourism, Hamdije Čemerlića 2, 71 000 Sarajevo (entity Federation of Bosnia and Herzegovina) issued a decision on environmental permit number: UPI 05/2-23-22-55/17 from 14th Mart 2018 for construction of a SHPP "Dindo" (3,74 MW), on Ljuta river, Municipality of Konjic, Federation of Bosnia and Herzegovina, Bosnia and Herzegovina.
2. Plaintiff, Association Center for Environment, Miše Stupara 5, 78 000 Banja Luka (entity Republic of Srpska), on 15 June 2021 initiated an administrative dispute with the Sarajevo Cantonal Court, in order to annul the decision (environmental permit) of the Federal Ministry of Environment and Tourism, number: UPI 05/ 2-23-22-55/17.
3. Acting on an administrative dispute the Cantonal Court in Sarajevo issued a decision number: 09 0 U 031325 18 U dated 24 September, 2021, which reads **"The lawsuit is dismissed."**
4. After that, the plaintiff submitted a request to the Supreme Court of the Federation of Bosnia and Herzegovina for an extraordinary review of the court decision of the Cantonal Court in Sarajevo number: 09 0 U 031325 18 U.
5. On September 6, 2022, the Supreme Court of the Federation of Bosnia and Herzegovina passed judgment number 09 0 U 031325 21 Uvp, which reads: "The request for an extraordinary review of the court decision is accepted, the decision of the Cantonal Court in Sarajevo, number 09 0 U 031325 dated September 24, 2021, is revoked and the case is returned for a new decision."
6. In the repeated proceedings, the Cantonal Court in Sarajevo, on the basis of the evidence presented in the case files, and on the basis of the reasons given in the

explanation of the contested decision and the allegations of the lawsuit, assessed that the disputed decision was made in a proper and legal manner, that it was based on:

- Properly and completely established factual situation in accordance with the provisions of Art. 7 and 133 of the Law on Administrative Procedure

("Official Gazette of the Federation of Bosnia and Herzegovina", number: 2/98 and 48/99) and

- Proper application of substantive law.

7. Acting on the judgment of the Supreme Court of the Federation of Bosnia and Herzegovina, the Cantonal Court in Sarajevo once again assessed that the lawsuit was not founded and that the law was not violated to the plaintiff's detriment, and issued judgment number 09 0 U 031325 22 U 2 dated 17 February 2023 which reads: ***"The lawsuit is rejected."***

8. Judgment of the Cantonal Court in Sarajevo 09 0 U 031325 22 U 2 delivered to the Federal Ministry of Environment and Tourism on 24 February 2023.

9. In this way, all domestic legal remedies have been exhausted.

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*We would like to note that the Federal Ministry of Environment and Tourism, as an executive authority, does not comment on court rulings, but executes them.*

*We would also like to emphasize that the **new Law on Environmental Protection ("Official Gazette of the Federation of Bosnia and Herzegovina", 15/21) entered into force from 4. Mart 2021.** In Article 4 of this Law, the definition of "interested party" reads: "interested party shall be considered to be the public that is affected or may be affected by environmental decision-making or has an interest in environmental decision-making; citizens' associations that operate in the field of environmental protection and meet all conditions in accordance with this law, will be considered interested", which completely eliminates the possibility of any discrimination regarding environmental protection and enables full implementation of the Aarhus Convention.*

*(In the previous Law on Environmental Protection (Official Gazette of the Federation of Bosnia and Herzegovina No. 33/03 and 38/09) in accordance with which the decision that is the subject of ACCC/C/2021/189 was adopted, the definition of "interested person/authority " reads: "interested person/authority - a natural or legal person or organization that lives or works in the impact zone or the area that is likely to be affected".)*

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Once again, please accept our apologies that the Federal Department for the Environment and Tourism was unable to comment earlier on access to justice in relation to environmental permits in the case ACCC/C/2021/189 from 16th December 2021.

Best regards,

Suada Numić, Federal ministry of Environment and Tourism

*Attachment:*

- 1. Judgment of the Supreme Court of the Federation of Bosnia and Herzegovina number 09 0 U 031325 21 Uvp from 6th September 2022 (local language, copy)*
- 2. Judgment of the Cantonal Court in Sarajevo 09 0 U 031325 22 U 2 from 17 February 2023 (local language, copy)*