

LAW ON WATER PROTECTION

I. BASIC PROVISIONS

Article 1

This Act shall govern the protection of waters, watersides and water lands: water protection planning and programming, organization, supervision, financing and penalties for each legal and natural person.

Protection of waters, watersides and water lands shall comprise the preservation and adjustment of water quantities, the maintenance of waters, watersides and water lands, and the adoption of decisions on the use and loading of waters.

Article 2

Objective

The objective of the Water Protection Act is to ensure the sustainable use of waters in order to preserve and improve their quality, to ensure the preservation of natural processes and the natural balance of waters, aquatic and semi-aquatic ecosystems and the landscape properties of waters, and – in cooperation with the bodies responsible for water management – to preserve and adjust water quantities for various types of use in order to realise their economic, social and ecological functions.

Article 3

Principles of Water Protection

Subject to the observation of the fundamental principles of environmental and water protection, the protection of waters, watersides and water lands shall be based on:

- integrity of river basins, taking into account the dynamics of waters and natural processes, and the coherence and interdependency of aquatic and semi-aquatic ecosystems in accordance with the river basin approach;
- sustainable use of waters based on ensuring the functionality of natural processes and maintaining the natural balance of aquatic and semi-aquatic ecosystems, and on the long-term protection and rational use of available water resources;
- Prevention of the excessive load on waters and promotion of sustainable use or utilization of waters and waterside and water land;
- Economic evaluation of waters and exercise of the principle of compensation of costs for water use and water pollution;
- Public participation;
- Observation of the best available techniques and new scientific findings on ecology,
- precautionary principle, i. e. where there are threats of serious or irreversible damage, lack of

full scientific certainty shall not be used as a reason to postpone measures aimed at preventing environmental degradation.

Article 4

Territorial base

To ensure integrated and consistent water protection and management, while taking into account hydrographic properties and the uniformity and coherence of the water regime, the Danube river basin district and the Adriatic Sea river basin district shall be regarded as the main river basin districts in the territory of Bosnia and Herzegovina.

Article 5

Sub-river basins

The river basin districts referred to in Article 4 of this Law shall be divided into the sub-river basins of Una, Sana, Sava, Vrbas, Bosna, Drina, Trebisnjica, Neretva, Cetina and Krka. The sub-river basins referred to in the preceding paragraph may be divided into parts of sub-river basins.

The river basin districts, sub-river basins and parts of sub-river basins shall serve as territorial bases for programming and planning the water protection. The the river basin districts, sub-river basins and parts of sub-river basins with their pertaining ground waters shall be determined by the FB&H Government of Federation of Bosnia on the proposal by the federal Minister.

Article 6

Responsibilities

Water protection activities in responsibility of Federation of Bosnia and Herzegovina shall fall within Federal Ministry of Physical Planning and Environment (hereinafter: Federal Ministry). In order of protection of waters, watersides and water lands within Federal Ministry will be established Federal District Bodies of river basin area (hereinafter: federal administration):

- Federal District Body of Danube basin
- Federal District Body of Adriatic see basin

Article 7

Authorization for the use and utilization and pollution of waters, waterside and water land and other types of land

The loading, use, utilization and pollution of waters, waterside and water land, and land located in protected areas and risk areas must be programmed, planned and implemented in such a way as to ensure the preservation of natural processes, the natural balance of aquatic and semi-aquatic ecosystems, natural values and areas protected pursuant to the regulations on nature

conservation, landscape properties of waters, and protection against adverse effects of water. Every individual shall be obliged to protect the quality and quantity of waters, and to use them in such a way as to affect as little as possible the balance of aquatic and semi-aquatic ecosystems in accordance with the conditions set out in this Act and other regulations. The Federal Minister of the Physical Planning and Environment (hereinafter: Federal Minister) shall ensure that for each river basin district or for the portion of an international river basin falling within the territory of the Federation of Bosnia and Herzegovina (hereinafter: the B&H Federation) a by-law is passed describing the human activities that have a negative impact on the status of surface waters and groundwater.

Article 8

Fees for loading of waters

Law on fond for water protection shall decree water fees, for any, except general use, utilization or pollution of water, marine assets, and alluvium, as well as for the acquisition of rights to use water.

II. DEFINITIONS

Article 9

For the purposes of this Act:

1. Waters refers to all natural and artificial surface and ground waters.
2. Surface waters refer to see inland waters except groundwater.
3. Ground waters refers to
 - a/ ground waters which run freely in an area saturated with porous rocks
 - b/ underground waters as ground waters in surface water conveyors
 - c/ water sources as natural discharges of ground waters
 - d/ mineral, thermal and thermo-mineral waters.
4. Inland waters refers to running waters and still waters on the surface of the land and all groundwater on the landward side of the baseline from which the breadth of territorial waters is measured.
5. Running waters refers to natural watercourses such as torrents, streams and rivers, with permanent or periodical flow and water courses which are formed as a result of a transfer of a natural watercourse or its geography.
6. Still waters refers to natural lakes including intermittent lakes, fishponds, waterholes and other water collectors which have permanent or periodical inflow or outflow of running and ground waters. Still waters also refer to water collectors formed as a result of damming of running waters or of other utilization of physical space.
7. Water lands refers to lands occupied by inland water permanently or periodically, thus creating special hydrological, geo-morphological and biological conditions which define aquatic and semi-aquatic ecosystems and which reaches the boundaries of a bank. Water lands mean also abandoned riverbeds and gravel sites periodically flooded by water, while the land of intermittent lakes shall not mean water land.
8. Water regime refers to a complex of natural or manmade hydrological, chemical and

biological properties referring to surface and ground waters in a specific area over a specific period of time.

9. River basin refers to the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta.

10. Sub-basin refers to the area of land from which all surface run-off flows through a series of streams, rivers and, possibly, lakes to a particular point in water course (normally a lake or a river confluence).

11. River basin district refers to the area of land and sea, made up of one or more neighboring river basins together with their associated ground waters and coastal waters.

12. Inter-state waters refer to surface or ground waters which flow along the border line between two or more states, or which flow across or along the border line.

13. Drinking water refers to water which fulfils the prescribed quality standards and which can be used for drinking and for the production and preparation of food and provision.

14. Mineral water refers to ground water which fulfils the prescribed criteria for drinking and is drawn from a well, water source or catchments area.

15. Thermal water refers to ground waters from a well, water source or catchments area that fulfils the prescribed criteria.

16. Thermo-mineral water is thermal water with the properties of mineral water.

17. Ecological state of surface waters is defined by the quality of the water ecosystem with respect to its structure and operation.

18. Chemical state of water is defined by the concentration of substances and other water phenomena.

19 Quantitative status is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions.

20. Research into ground waters refers to the determination of the geological structure and hydrodynamic parameters of water conveyors, implementation of measures and taking of water samples for analysing the chemical, physical-chemical and microbiological properties of water.

21. Eutrophic area is an area in which it is possible to determine or to expect a saturation of waters with nutrients, especially nitrogen and phosphorous compounds, which accelerate particularly the growth of algae and higher forms of water plants to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned.

22. Wash refers to solid mineral particles washed from wash sources by the sea or inland running waters and carried along beds of watercourses; or floating along with the water current.

23. Flotage refers to organic and other floating material (trunks, branches, leaves, waste and the like).

24. Bathing water refers to water in which bathing is permitted on the basis of a legal act issued by the competent authority, or water in which bathing is not prohibited and in which a larger number of people normally bathe.

25. Adverse effects of water refer to those effects of water which pose a threat to people's lives or their property as well as to the environment in general and to human health.

26. Water right refers to the right to special use or utilisation of water or marine assets.

27. Loads on water refer to emitting a substance or energy into the water.

28. Hazardous substances refer to substances or groups of substances that are toxic, persistent and liable to bio-accumulate, and other substances or groups of substances which give rise to an equivalent level of concern.

29. Pollutant is any substance liable to cause pollution.
30. Direct discharge to groundwater refers to discharge of pollutants into groundwater without percolation throughout the soil or subsoil.
31. Pollution is the direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land, which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems; which result in damage to material property; or which impair or interfere with amenities and other legitimate uses of the environment.
32. Environmental quality standard is defined as the concentration of a particular pollutant or group of pollutants in water, sediment or biota which should not be exceeded in order to protect human health and the environment.
33. Best available techniques is defined as the most effective and advanced stage in the development of activities and their methods of operation that indicate the practical suitability of particular techniques to provide the basis for emission limit values designed to prevent and, if feasible, to generally reduce emissions and adverse effects on the environment as a whole.
34. General use of water refers to the use of water on which no specific prohibitions introduced by this law apply, for instance bathing and irrigating a private garden.
35. Use or utilization of water is defined as an activity causing changes to the water, making use of water as natural resource or emitting a substance or energy into the water.
36. Water monitoring is observation system on water impacts, water status and water management effects.
37. Accident is occurrence of unexpected or prohibit incident.

III. WATER PROTECTION PLANNING AND PROGRAMMING

Article 10

Strategy and Plans

To ensure water protection, the FB&H Water Protection Strategy (hereinafter: Federal Strategy) as a part of FB&H Environmental Protection Strategy shall be adopted.

To implement the strategy referred to in the paragraph 1, the river basin districts, sub-river basin and parts of sub-river basin plan of protection shall be adopted.

In addition to the plans referred to in paragraph 2 of this Article, supplementary programs may be adopted which shall refer to individual issues related to water protection.

Article 11

FB&H Water Protection Strategy

The FB&H Water Protection Strategy shall provide a water protection policy. The FB&H Water Protection Strategy shall particularly be based on:

1. Properties of river basin districts in the territory of the FB&H;
2. Objectives and guidelines for:
 - The protection of waters against load and the improvement of their quality;
 - The preservation and adjustment of water quantities for the preservation or establishment of

natural balance, aquatic and semi-aquatic eco-systems, biotic diversity and landscape properties;

- The preservation and adjustment of water quantities to ensure the supply of drinking water and other forms of use of waters;
- The economic evaluation of the protection and use of waters;
- The implementation of water-related international obligations of the state.
- Co-ordination mechanisms for river basin districts and sub-river basins with shared competences of the FB&H and RS,
- Principles to establish co-ordination mechanisms for river basin districts and sub-river basins shared with other states.

3. A definition of priorities to achieve the objectives of water protection;

4. An estimation of funds required to implement the Strategy.

Article 12

The FB&H Water Protection Strategy shall be adopted by the FB&H-Parliament (hereinafter: FB&H Parliament) on the proposal of the FB&H Government for a minimum period of ten years.

The Strategy referred to in paragraph 1 of this Article may be part of the Federal Environmental Protection Strategy.

Article 13

A river basin district protection plan shall contain:

1. A description of the state of the river basin district and its constituent parts, and in particular:
 - Its administrative, demographic and socio-economic properties;
 - The properties of surface and pertaining ground waters, including bordering waters;
 - The effects and loads of surface and ground waters resulting from human activity, including an assessment and analysis of the measures carried out;
 - A designation of sensitive, non sensitive areas, vulnerable zones and protected areas pursuant to this Act, protected areas and conservation areas pursuant to the regulations governing nature conservation for which the water regime and water quality are important;
 - A description of the network of monitoring of the state of surface and ground waters, and protected, risk and conservation areas;
 - A specification of existing plans which refer to the area;
 - A list of institutions responsible for individual issues regarding water management;
2. Economic evaluation of water protection, regulation of drainage conditions and of the use of water or marine assets;
3. Objectives of water protection in individual river basin districts;
4. Programme of measures, including the development of the financial basis to achieve the objectives referred to in item 3 of this paragraph;
5. Description of activities and conclusions in relation to public participation, including local community monitoring, in the preparation of the plan;
6. Determination of restrictions of and conditions for the use and utilization of water and marine assets.

The provisions of the paragraph 1 of this Article shall apply mutatis mutandis to the preparation of plans for sub-river basins and parts of sub-river basins. The FB&H Government shall prescribe a more detailed content of the plans referred to in this Article.

Article 14

Participation of the public in the planning process

The designer of the plans referred to in Article 15 of this Act shall notify the public of the commencement of the design of individual plans and shall ensure public participation in the preparation and adoption of the relevant plan. Prior to the commencement of the preparation of individual plans, the designers of the plan shall submit invitations for cooperation to competent federal, cantonal and local community bodies, public service providers pursuant to this and other acts, non-governmental and other organizations, water right holders and other persons who are owners of waterside or water land in the area covered by the plan and who have permanent residences or head offices in this area. Designer shall present to subjects mentioned in paragraph 2 the provisional content and schedule of the design and adoption of the plan, and notify the wider public of this via the public media. In accordance with the schedule referred to in the preceding paragraph, the designer of the plan shall also ensure cooperation of the public during the preparative procedure of the plan. The designer of the plan must publish the draft plan at least one year prior to the commencement of the period to which it refers. The persons referred to in the second paragraph of this Article may submit written comments on the draft plan to the designer of the plan within six months following its publication. At their request, the designer of the plan must provide the persons referred to in the second paragraph of this Article with access to the documents on the basis of which the plan was designed.

Article 15

Protection plans for river basin district shall be adopted by the FB&H Government, on proposal of Federal Ministry; Protection plans for river basins shall be designed by the River Basin District Body. The river basin district water protection plans must be in compliance with the FB&H Water Protection Strategy.

The plans referred to in the preceding paragraph of this Article shall be examined every five years and, if necessary, changes or additions.

The changes or additions shall be made to them in accordance with the same procedure that was used for their adoption.

The plans shall be published in the "Official Gazette of the Federation of Bosnia and Herzegovina".

The public access shall be provided by newspapers, the internet and other effective means.

Article 16

Supplementary plan

For individual issues regarding the protection of waters, regulation of drainage conditions and use of water and marine assets, as well as for parts of sub-river basins, supplementary plans of water protection may be adopted. The plans referred to in the preceding paragraph of this Article must be in compliance with the FBiH Water Protection Strategy and with the river basin district protection plan. The supplementary plans, referred to in the preceding paragraph of this Article, shall be adopted by the way defined in Article 15 paragraph 1 of this Law.

Article 17

Connection of water protection plans with spatial acts and physical planning acts

As a compulsory basis, the formulators of spatial and physical planning acts must take into account the restrictions and conditions referred to in the water protection plans.

IV. PROTECTION OF WATER AND WATER ECOSYSTEMS

Article 18

The protection of water and water ecosystems shall comprise the classification of surface waters and ground waters, prohibitions and restrictions regarding loads to water, specification of prohibitions and restrictions in protected areas, including monitoring and water protection information services.

Article 19

Quality objectives for surface and groundwater

Quality objectives to safeguard public health, to satisfy multifarious user requirements, and to guarantee good environmental status shall be stipulated by this Law.

Article 20

Surface waters and groundwater shall reach good environmental status. Good environmental status of surface waters implies a good ecological and chemical status. A good ecological status will be provided if the conditions at a specific site do only slightly deviate from the type-specific pristine condition. Those type-specific pristine conditions shall be defined and classified according to abiotic criteria such as height, discharge, flow regime, etc., based on selected reference sites. Good chemical status will be provided if the chemical substances in the water body, sediments and biota do not interfere with public health, the multifarious user requirements and the good ecological status established in paragraph 3 of this Article. A good environmental status of groundwater implies a good quantitative and chemical status. A good quantitative status implies a constant groundwater level over a longer period of time in order to prevent adverse effects on dependent surface waters and terrestrial ecosystems. A good chemical status refers to a chemical water quality that safeguards public health, satisfies

the multifarious user requirements and has no adverse effects on the quality of the dependent surface water ecosystem. The limit values of the chemical, physical-chemical and biological parameters for bathing waters and waters intended for drinking-water supply as well as for mineral, thermal and thermo-mineral waters shall be specified by the regulation of the FB&H Government.

Article 21

The Federal Minister, in accordance with Article 20 of this Law, shall set up a water classification scheme. The river basin district bodies shall categorize their territories in harmony with the classification scheme set up in paragraph 1 of this Article. The river basin district protection plans shall ensure that the quality objectives stipulated in article 20 of this Law will be reached within a given time period. This time period shall be part of the river basin district protection plan. The classification scheme and the categorization of waters referred to in the previous paragraphs of this article shall be compulsory elements of water protection plans.

Article 22

Discharge of wastewater

Discharge of wastewater, emission of heat into surface waters, and absorption of heat from surface waters shall be permitted exclusively by means of the method and under the conditions specified in this Act, as well as according to the regulations governing environmental protection. Direct discharge of wastewater into ground waters shall be prohibited. Indirect discharge of wastewater, emission of heat into ground waters, and absorption of heat from ground waters shall be permitted exclusively by means of the method and under the conditions set out in this Act, as well as in implementing regulations adopted in accordance with this Act.

Discharge of wastewater into natural lakes, fishponds, waterholes and other natural water collectors with permanent or periodical inflow or outflow of inland waters, into water collectors resulting from the extraction or utilization of raw minerals, and similar utilizations shall be prohibited.

In natural lakes, fishponds, waterholes and other natural water collectors with permanent or periodical inflow or outflow of inland or ground waters, and the use or utilization of waters which would downgrade their ecological or chemical status shall be prohibited.

Article 23

Restriction on the use of fertilizers and agents for plant protection

Fertilization or the use of agents for plant protection in waterside land shall be prohibited within the ground width of ten meters from the boundary of the bank of inland waters. Zones where groundwater is polluted by nitrate or plant protection agents and where pollution is likely to occur if no measures are taken shall be defined as vulnerable zones by the Federal

Minister.

In these zones the river basin district bodies may limit, regulate or even prohibit the use of artificial fertilizers, natural manure and agents for plant protection. The competent Federal Minister in collaboration with the Minister of Agriculture shall establish a code of good agricultural practice in order to reduce water pollution by nitrates and plant protection agents. The implementation of good agricultural practice is obligatory in vulnerable zones.

Special emphasis should be put on water monitoring in vulnerable zones.

Article 24

Navigation practices applying to water pollution

The carriage of cargo by and navigation of vessels run by oil (fuel) shall be prohibited on inland waters, except for the provision of public services pursuant to this Act, the protection of water, the rescue of people, animals and property, for police task enforcement, and for military defense. Notwithstanding the provision of the preceding paragraph of this Article, the FB&H Government may determine individual inland waters and parts where the carriage of cargo and use of vessels referred to in the preceding paragraph of this Article shall be permitted, and take into account the provision of general use of water, the protection of these waters against pollution, and the preservation of natural balance in aquatic and semi-aquatic ecosystems. The protection of maritime waters against pollution caused by vessels shall be regulated pursuant to the regulations governing the sphere of maritime transportation. Wastewater generated by vessels shall be prohibited from draining into waters directly from the vessels, except for unpolluted cooling water.

Article 25

Prohibition of washing of the vehicles

The washing of all vehicles and other machines and devices in surface waters, on the waterside and on water land shall be prohibited.

Article 26

Depositing or disposal of substances or objects

The following shall be prohibited from being discharged, deposited or disposed of into waters in terms of substances or objects which, due to their form, physical, chemical or biological properties, quantity or other features, may endanger the life or health of people, aquatic and semi-aquatic organisms, hamper the flow of waters or threaten water installations and devices. Depositing or reloading of hazardous substances in solid, liquid or gaseous form, depositing or disposal of extracted or waste materials and similar substances, disposal of waste shall be prohibited on the waterside and on water land.

Article 27

Construction for the transportation, reloading and storage of hazardous substances

The construction of installations and devices intended for production processes involving hazardous substances, the construction of installations and devices used for the handling and storage of hazardous substances, and the construction of installations and devices for waste disposal shall be prohibited on water land. Notwithstanding the provisions of the preceding paragraph of this Article, the construction of installations and devices shall be permitted for the needs of port activities and military defense. The Federal Minister may prescribe special conditions for the construction of installations and devices pursuant to paragraphs 1 and 2 of this Article. Transportation of hazardous substances on and reloading them into inland rivers and the sea shall be regulated in accordance with the regulations governing the carriage of hazardous goods and maritime transportation, in order to exclude or reduce uncontrolled discharges into waters to a minimum level.

Article 28

Accidents

Persons who cause or witness discharge, disposal or depositing of hazardous or harmful substances into waters, on the waterside, on water land or land located in protected areas and a threat to the environment as a result thereof must immediately report to the competent authority or the competent river basin district body in accordance with the special regulations governing protection against natural and other disasters and do whatever is in their power to reduce to a minimum the adverse effects on the environment. Upon the instructions of the river basin district body, in charge of the area concerned is obliged to take all necessary measures to eliminate the danger or adverse effects of pollution immediately after being informed. The costs of elimination of the consequences of pollution shall be paid by the perpetrator. The perpetrator shall also bear the costs of the implementation of measures and activities pursuant to the second paragraph of this Article. Further details on the measures to be taken in cases of accidents shall be issued by implementing regulation by the Federal Minister.

Article 29

Restriction of loads to water to provide for the protection of aquatic and semi-aquatic organisms

Upon any load on surface waters, waterside or water land, the following must be observed to provide for the protection of aquatic and semi-aquatic organisms and their habitats:

- To maintain the conditions for reproduction of aquatic and semi-aquatic organisms;
- To maintain appropriate conditions of winter shelters for aquatic and semi-aquatic organisms;
- To maintain other conditions that are important for the existence and development of aquatic and semi-aquatic organisms, including substitution and enrichment, and
- To safeguard the achievement of the quality objectives given in Art. 19 of the Act.

The obligations referred to in the preceding paragraph of this Article shall be set out in the water consent.

For individual types of load on waters, waterside or water land, the Federal Minister may, in harmony with the nature conservation rules, prescribe a more detailed methods and conditions of protection in accordance with the preceding paragraph. The regulation referred to in the paragraph 3 of this Article may for individual loads on surface waters set out the obligation of ensuring passage for aquatic and semi-aquatic organisms.

Article 30

Preservation of drainage conditions

Environmental loads must be regulated in such a way as to preserve the state of waters, aquatic and semi-aquatic ecosystems to the greatest possible extent and not to deteriorate the state of downstream flow, especially that of drainage conditions.

Article 31

Ecologically acceptable flow

In the case of reduced flow of running waters as a result of water use and water utilization processes an ecologically acceptable flow (hereinafter referred to as Qes) must be ensured throughout the whole year unless the natural flow is lower than the specified Qes. Qes is defined as the smallest quantity of water ensuring the preservation of the natural balance of aquatic and semi-aquatic ecosystems and the landscape features of the watercourse. Qes shall be determined in the decision on the granting of the water use and utilization on the basis of the professional opinion. The Federal Minister shall prescribe the types of utilization of water referred to in the first paragraph of this Article and the rate of the compensation for preparation of the professional opinion mentioned in paragraph 3 of this article. The professional opinion shall be at the expense of the investor.

Article 32

Removal of Material

The removal of material such as gravel, sand, etc. shall only be permitted to such an extent and in such a way that natural processes are not significantly changed, that the natural balance of aquatic and semi-aquatic ecosystems is not destroyed and that adverse effects of water are not accelerated.

The Federal Minister shall provide a detailed prescription of conditions and methods to remove such material, as well as the criteria to specify the quantity of the material removed. The Federal Minister may also prescribe the obligation and methods of returning such removed material to inland waters.

Article 33

Protected Water Areas

In order to protect a water conveyor or part of a water conveyor from which ground water flows towards a catchments area used for public drinking water supply or for the production of beverages from mineral, thermal, thermo-mineral and other ground water against pollution and other types of load which could affect the health suitability and quantity of such water, and in order to protect the area above the water conveyor from which surface waters draw or from which area water flow into the water conveyor, a protected water area shall be specified by the River Basin District Body.

For the purpose of establishing different levels of protection, a protected water area shall be classified into different water protection belts: one direct protection belt of the catchments area or pumping site, and two belts of lower level protection. The river basin district bodies shall protect the areas giving instructions on the respective activities to be carried out by the public companies and other natural and legal persons located in protected water area.

The FB&H Government shall determine detailed rules of protection these rules have to be in harmony with the present law and shall cover the following in particular:

- The measures, prohibitions and restrictions in force in the protected water area and individual water protection belts (hereinafter referred to as water protection regime);
- The financing method of the protection and maintenance of the area;
- Supervision of the implementation of the prescribed regime.

Article 34

Obligations of the Cantonal Assemblies

The Cantonal Assembly in a local territorial community whose territory has been specified as protected area from which drinking water is drawn for drinking water supply to another local community, must adopt spatial acts to ensure the construction of installations and devices needed for drinking water supply in another municipality.

The Cantonal Assembly shall ensure that a local community in which a sensitive area has been specified must adopt an action program to ensure the construction of installations and devices needed for wastewater treatment according to the requirements of the water management plan.

The Cantonal Assembly shall ensure that, if the local community fails to adopt the spatial act or the action program referred to in paragraph 2 of this Article, the construction of installations or devices shall be ensured by the Canton at the expense of the local community.

Article 35

Temporary Protection

If a water source is discovered that may be used for drinking water supply, or a source of mineral, thermal, thermo-mineral or other ground water that may be used for the production of beverages, the river basin district body may bring a decision on temporary protection of the area in which that source is located.

The act on temporary protection referred to in the preceding paragraph of this Article shall

- particularly cover:
- The boundaries of the protected water area;
 - The temporary water protection regime in the protected water area and individual water protection belts;
 - The financing methods of the protection and maintenance of the area, and
 - The supervision of the implementation of the prescribed regime.

The decision referred to in paragraph 2 of this Article may only be effective until the entry into force of the act on protection referred to in Article 33 of this Act. The River Basin District Body shall protect the area referred to in the preceding paragraphs pursuant to Article 33, Paragraph (3) of this Act.

Article 36

Water Protection Regime

In water protection area activities that might pose a threat to the quantitative and qualitative state of the water sources may be restricted or even prohibited. The owners or other proprietors of land in such water protection areas may be placed under an obligation to carry out or allow the implementation of measures aimed at protecting the quantity and quality of the water sources. The restrictions referred to in the preceding paragraphs 1 and 2 of this Article shall apply to:

- The prohibition or specification of special conditions for the utilization of physical space;
- The prohibition or restriction of the performance of activities;
- the prohibition or restriction of the transportation of goods or people.

A property right on land which is located in a water protection area for the supply of drinking water may be revoked or restricted pursuant to the special regulations on expropriation if it is not possible to achieve protection of the quantity and quality of water sources on the basis of the restrictions and prohibitions referred to in the preceding paragraph 2 of this Article.

Article 37

Areas of Protected Ground Water Reserves

The river basin district body of Federation may establish areas of protected ground water reserves.

The areas referred to in the preceding paragraph of this article shall be established on the basis of the determined reserves of ground water which, with respect to their chemical, physical-chemical and microbiological properties, are classified into the highest order. In the areas referred to in paragraph 2 of this Article loads to physical spaces and activities that might threaten the chemical and quantitative states of ground water may be restricted or even prohibited.

Article 38

Sensitive Water Areas

The Federal Minister shall prescribe the methodology to establish sensitive and less sensitive water areas:

Sensitive areas shall be designated as:

- Natural freshwater lakes, other freshwaters, estuaries and coastal waters that are found to be eutrophic or that might become eutrophic in the near future unless protective action is taken;
- surface freshwaters intended for the extraction for drinking water that could contain a nitrate concentration higher than that laid down by the Law, and;
- Areas where further treatment will be necessary in order to reach water quality as required by law.

Less sensitive areas shall be designated as marine waters or areas where discharge of waste water does not adversely affect the environment or where it is not likely that such an effect will occur in the future as a result of morphology, hydrology or specific hydraulic conditions existing in that area, taking into account the risk that the discharged load may be transferred to adjacent areas where it can cause detrimental environmental effects.

The Federal Minister by its decision shall designate sensitive and less sensitive areas according to paragraphs 2 and 3 of this Article.

The Federal Minister shall stipulate obligations for the establishment and equipment of waste water treatment plants (including minimum values for purification and limit values for effluents) taking into account the number of population equivalents and the designation as sensitive or less sensitive areas. In sensitive areas more stringent criteria may be applied.

The decision of the river basin district licensing unit shall ensure that municipal wastewater may be discharged into a sensitive or non-sensitive area only if it has been purified to the respective limit values specified.

Special emphasis should be placed on water monitoring in sensitive areas.

Article 39

Bathing Water Area

A bathing water area shall be specified in the river basin district protection plan. The area referred to in the preceding paragraph of this Act may be intended for organized bathing in a municipal spatial act. In the area referred to in paragraph 2 of this Article it shall not be permitted to erect permanent or temporary installations or other obstacles that would prevent the free passage along water or marine assets.

The areas referred to in paragraph 1 of this Article must be protected against pollution and against other forms of utilization or phenomena that could affect the suitability of bathing water. For reasons of protection against pollution, the activities that might endanger the health or lives of bathers may be restricted or prohibited in bathing water areas. The prohibitions and restrictions applied to bathing water areas to provide for the protection against pollution and other phenomena that might endanger the health or lives of bathers shall be

prescribed by the competent river district basin body in accordance with this Act and with the regulations governing environmental protection.

Article 40

Land marking of Protected Water Areas

Protected water areas and bathing water areas must be land marked. Protected water areas shall be land marked by the provider of the compulsory local public service for drinking water supply. For protected water areas for the utilization of mineral, thermal, thermo-mineral, or other ground water for the production of beverages, in which case this shall be the obligation of the holder of the water use and utilization. The Cantonal administration shall ensure that the local community ensures land marking of bathing water areas. The Federal Minister shall prescribe the method of land marking of the areas.

Article 41

Re-naturalization of Surface Waters

To improve the damaged natural balance of aquatic and semi-aquatic ecosystems of surface waters, the river basin district body shall initiate the implementation of their re-naturalization. The extent and method of re-naturalization shall be set out in the management of the Water Protection River Basin District Plan, the Water Protection Sub-systems Plan or Plan for Water Protection of the Parts of Sub-systems. Re-naturalization shall be classified as emergency, necessary and recommended re-naturalization by the plan referred to in paragraph 2 of this Article. Re-naturalization shall be carried out on the basis of a programme prepared by the River Basin District Body in conjunction with the organization responsible for nature conservation. The Federal Ministry shall approve the programme. The Federal Minister shall prescribe the classification criteria, referred to in the third paragraph of this Article.

Article 42

Compensation

The owners of land located in a water protection area may require an exchange of this land for an equivalent plot of land from the Canton or, if the restrictions and prohibitions specified in Articles 33- 41 of this Act substantially prevent them from using their land and if the use of the land is permanently restricted, they may ask the Canton to purchase it. If the Canton cannot offer an equivalent plot of land and if it is not interested in purchasing the land, however, the owner of the land may require compensation at market value proportional to his limitation of land use from the Canton. The Canton shall ensure that the expenses of carrying out the exchange, purchase or

compensation referred to in the preceding paragraph shall be carried by the local community supplied with drinking water from the protected water area. If the protected water area has been chosen for the utilization of thermal, mineral, thermo-mineral or other ground water to produce beverages, the entity obliged to carry out exchange, purchase or payment of compensation shall be the holder of the water use and utilization. Compensation shall be determined pursuant to the regulations governing expropriation, in harmony with the stipulations of the present law.

Article 43

Water Protection Consent

Water protection consent must be obtained from the competent Licensing Unit of the River Basin District Body for the direct use or utilization of water or marine assets for:

- private drinking water supply or the supply of drinking water provided as a public commercial service;

- Technological purposes;
- Bathing sites;
- Heat production;
- Irrigation of agricultural land and other areas;
- Production of electricity in hydroelectric power plants of a gross potential of less than 5 MW;
- propelling water mills, saws and similar devices;
- Cultivation of water organisms;
- Construction of a port;
- Consent must be obtained for wastewater drainage and emission of heat into waters, pursuant to the regulations governing environmental protection;
- Other loads on water or marine assets exceeding general use, pursuant to this Act for which a concession is required.

In addition, the water protection consent shall be issued for the use and utilization of water for technological purposes, if the water is used from the plants and installations that are intended for water supply of drinking water. The Federal Minister shall provide a list of cases and activities in connection with direct use or utilization of water or marine assets that do not require the water protection consent. Should any direct use or utilization of water or marine assets not be listed in the regulation of the Minister in accordance with Paragraph 3 of this Article the activity shall be considered subject to water protection consent.

In the event of fire fighting protection, which calls for immediate and sanitary measures, waters can be used for collection without water protection consent. Water protection consent must be obtained prior to the acquisition of a permit for loading physical space in accordance with the regulations for physical planning and building construction.

The water protection consent must also be obtained prior to the acquisition of environmental permits and other permits envisaged by special laws. The provisions of Law on Administrative Proceeding will be applied in the issuing procedure of a water protection consent ("Official Gazette of FBiH", No: 2/98 and 48/99).

The Federal Minister shall provide a more detailed prescription of the process for obtaining and granting a water protection consent, especially with regard to conditions and file-keeping.

Article 44

Application for obtaining the water protection consent

The applicant shall be the investor or the beneficiary of the water use and utilization. The application for obtaining the water protection consent must contain in particular:

- Data on the applicant;
- Data on the water or marine asset the applicant intends to use;
- Data on the intended use;
- a detailed description of the type, scope and purpose of the use and utilization;
- The envisaged duration of the water protection consent.

Article 45

Issuing and extension of the water protection consent

Water protection consent shall be issued by the river basin district body licensing unit if:

- The intended use is in accordance with the water protection plan;
- The intended use does not downgrade, restrict or disable the exercise of existing water rights vested in other holders.

The water protection consent shall be issued for a maximum period of time of fifteen years. The water protection consent may be extended at the holder's request if all prescribed conditions are fulfilled upon expiry of the protection consent.

Article 46

Content of water protection consent

The water protection consent must contain in particular:

- Data on the holder of the water use and utilization;
- a detailed description of the type, scope and purpose of the water use and utilization;
- Time of duration;
- The method of water use and the conditions which the holder of the water use and utilization must observe during his exercise of the water use and utilization, including monitoring obligations;
- a specification of the water right payment and water compensation;
- the measures which the holder of the water use and utilization shall be obliged to carry out once the water right expires;
- other obligations which the holder of the water use and utilization must fulfill pursuant to this Act and implementing regulations issued on the basis thereof.

Article 47

River basin district water protection database and monitoring

The river basin district bodies are responsible for developing and maintaining the water protection information system on their territory. The river basin district water protection information system is particularly based on:

- Continuous monitoring of the quality and quantity of waters;
- Information gathered from permitting and consent processes;
- Data obtained from monitoring by water users and
- Public monitoring.

The monitoring system run by the river basin district body shall at least contain:

- with regard to surface waters, the volume and level or rate of flow to an extent that is relevant for the ecological and chemical status and the ecological potential of the waters, and the ecological and chemical status and ecological potential of the waters;
- with regard to ground waters, the chemical and quantitative status of the waters,;
- with regard to protected areas, in addition to the elements of points 1 and 2 of this paragraph, those specifications laid down in the legislation under which the individual protected areas were established.

The water protection database shall be handled in computerized Geographic Information System (GIS) arrangements and be available for everybody on the Internet. The Federal Minister shall regulate the uniform content and methodology of the river basin district water protection databases, especially the density of monitoring sites, the frequency and methodology of sampling, the list of mandatory parameters, analyzing methods and evaluation algorithms, and the range of installations obliged to run self-monitoring or otherwise producing water protection-related data.

V. ORGANISATION OF WATER PROTECTION

Article 48

River Basin District Steering Committee

Within the Federal Ministry shall be established for each river basin district at entity level:

- Federal District Bodies of Danube basin
- Federal District Bodies of Adriatic see basin

The head of the river basin district body shall be director of the river basin district body. Director shall be appointed and dismissed by the FB&H Government, based on proposal of Federal Ministry.

Article 49

The first instance administrative, organizational and related professional and developmental tasks shall be established at least two Organizational Units:

- Licensing Unit of the River Basin District and
- Inspection Unit of the River Basin District.

The Federal Ministry shall be the Second Instance Body and shall act as an appellate body for first instance decisions of the bodies referred to in paragraph 1 of this Article. Federal ministry shall resolve on appealing against first instance decision, as an second instance body.

There is no further appealing against the second instance decision, but a suit can be instituted with the Supreme Court of the B&H Federation.

VI. SUPERVISION

Article 50

The Federal Ministry shall carry out inspection of the implementation of the provisions of this Act and implementing regulations.

Article 51

Inspections

The river basin district body through the Inspection Units of the River Basin District Body shall exercise inspections.

Article 52

The rights and responsibilities of Inspectors

The rights and responsibilities of the inspectors shall be:

- Supervision of the state of water and water regime;
- Supervision of the implementation of emission standards and prohibitions;
- Determination of the actual state of water in the event of violations of the prohibitions specified in this Act, implementing regulations issued on the basis thereof, as well as other regulations on environmental protection that apply to the loading of waters and regulations on the notification of inspection bodies.

If the violations of the provisions of this Act or of the provisions of regulations issued on the basis thereof have been determined, the inspector shall order the following:

- prohibiting or restricting the exercise of a right if it is exercised without or in contravention of a water protection permit or concession;
- stopping a construction or other utilization on physical space if these are carried out without or in contravention of a water consent;
- ordering the temporary suspension of activities;
- prohibiting the use of a facility or device if these are used without or in contravention of a water protection permit;
- prohibiting or restricting the discharge or drainage of substances into waters if these are carried out in contravention of the provisions of this Act, and ordering restoration of the previous state;
- prohibiting the removal of alluvium from surface waters;

- ordering rectification of damage and restoration of the previous state;
- If it is necessary to eliminate the sources and consequences of excessive loading to waters, the inspector may order rehabilitation measures or propose to the competent river basin district body the preparation and implementation of a rehabilitation programme pursuant to the regulations governing environmental protection;
- ordering other necessary measures in accordance with the present Act and with implementing regulations issued on the basis thereof.

An appeal against the decision by the competent inspector shall be lodged with the Federal Ministry.

An appeal against the decision by the competent inspector shall not delay its execution.

Article 53

Verbal Decision

The competent inspector may issue a verbal decision and order the immediate execution of his decision:

- if there is imminent danger of pollution of drinking water of surface waters and ground waters;
- if drought emerges, or if shortage of water or difficulties in drinking water supply emerge for other reasons;
- if there is imminent danger of floods, torrents, landslides, rockfalls and avalanches;
- to ensure the general use and provision of public services pursuant to this Act, if the owner or any other proprietor of a waterside or water land oppose the passage across their land or the implementation of works related to the provision of public services;
- to ensure the implementation of works related to research into ground water in accordance with the provisions of this Act;
- In all other cases as determined by law.

The existence of natural disasters as mentioned under align 2 and 3 of this article shall be determined by the competent body in accordance with the special regulations.

Article 54

Water protection inspectors shall have the right:

- to unrestricted access to the waterside and water land;
 - to enter water installations or devices intended for special use or utilization of water and marine assets;
 - to require from and be provided with access to identification documents of persons and acts on acquired water use and utilization by owners, other users or managers of water installations and devices; and to document any violations of the provisions of this Act and implementing regulations adopted on the basis thereof.
- If the necessary steps exceed the scope of the measures that can be taken by water protection inspectors they must immediately notify the competent body.
If there is a suspicion that a criminal offence has been committed for which the perpetrator will

be prosecuted ex officio, the water protection inspectors must immediately notify the police. Water protection inspectors shall have the right to require collect a monetary fine from, or issue a payment order to persons they discover committing any offence specified in this Act.

Article 55

Conditions for water protection inspectors

The requirements for the position of the water protection inspector shall be university degree, with a completion of a professional test of requisite knowledge in environmental field, and with at least five years of working experience. The water protection inspectors shall carry an official label and an identity card. The Federal Minister shall also make more detailed provisions on the official label and identity card of water protection supervisors, and, in agreement with the minister responsible for internal affairs.

VII. PUBLIC PARTICIPATION

Article 56

Public Participation

Public Participation shall be applied to decision-making processes in water protection in accordance with the Framework Law on Environmental Protection. River basin district bodies shall employ an officer responsible for dissemination of information and encouraging public monitoring for the purpose of active participation of citizens in water protection.

VIII. FINANCING

Article 57

Financing of the water protection administration

Financing of the activities prescribed by this law shall be provided by the Federal Environmental Fund in accordance with Law on Environmental Protection Fund.

IX. PENALTIES

Article 58

The fine in the amount of 1.000,00 KM to 10.000,00 KM shall be determined for each legal person that:

- the general use of water in an area where this use of water is prohibited or restricted, or the use of water in contravention of regulations;
- failing to allow temporary use of their land;

- not providing free passage across their land to water or marine assets, or not allowing the general use of water or marine assets;
 - erecting permanent or temporary barriers on the waterside or on water land that would prevent free passage to water or marine assets;
 - failing to provide public service providers with free access to the waterside or water land;
 - failing to allow the installation and operation of measuring devices for research, excavation and drilling work, test pumping, taking of soil samples, and other works related to monitoring tests and the spread of substances;
 - draining wastewater directly into ground waters;
 - draining waste indirectly, emitting heat into ground water, and absorbing heat from ground waters in contravention of the provisions of this Law;
 - draining wastewater into manmade lakes, fishponds, waterholes and other natural water collectors which have a permanent or temporary inflow or outflow of inland or ground waters and of water collectors which have emerged as the result of extraction or utilization of mineral raw materials and similar utilizations;
 - using or utilizing water from manmade lakes, fishponds, waterholes and other natural water collectors which have a permanent or temporary inflow or outflow of inland or ground waters in such a way as to downgrade their ecological and chemical states;
 - fertilizing or using plant protection agents on waterside land in contravention of the provisions of this Law;
 - carrying cargo and navigating vessels run by oil (fuel) on inland waters in contravention of the provisions of this Law;
 - draining wastewater generated by vessels directly from the vessels into the waters;
 - washing vehicles and other machines and devices in surface waters or on water land;
 - discharging, depositing or disposing into waters substances or wastewater, or items that may endanger the lives and health of people, aquatic and semi-aquatic ecosystems, hamper the flow of waters, or threaten water installations and devices;
 - depositing or reloading hazardous substances in their solid, liquid or gaseous forms;
 - depositing or disposing of extracted or waste materials and similar substances;
 - carrying out utilizations or activities on natural water retainers, including wetlands, which may threaten their water regimes or natural features;
 - removing alluvium in contravention of the specified conditions, methods and criteria;
- violating the obligation or method of returning alluvium to inland waters;
- acting in contravention of the provisions of this Law in an eutrophic area;
 - carrying out utilizations which deteriorate the drainage regime on the waterside and on water land;
 - failing to establish a new balance to prevent adverse effects of water on surfaces which have been damaged or modified in the course of construction works;
 - Carrying out activities or utilizations on physical space in a risk area in contravention of the conditions specified in the river basin district management plan.

For the violations established in paragraph 1 of this article, the fine in the amount of 100,00 KM to 500,00 KM shall be determined on the account of the each natural person. For the violations established in paragraph 1 of this article, the fine in the amount of 500,00 KM to 2.000,00 KM shall be determined on the account of the authorized person with the legal entity.

X. TRANSITIONAL AND FINAL PROVISIONS

Article 59

The FB&H Government shall pass regulations established in article 5, Paragraph (4), Article 13, Paragraph (3), Article 15, Paragraph (1), Article 20, Paragraph (8) Article 24, Paragraph (2),, Article 33, Paragraph (4), at the latest one year from the date of entering into force of this Law. The Federal Minister shall pass regulations established in Article 7, Paragraphs (3), Article 21, Paragraph (1), Article 23, Paragraphs (2) and (4), Article 27, Paragraph (3), Article 28, Paragraph (4), Article 29, Paragraph (3), Article 31, Paragraph (4), Article 32, paragraphs (2) and (3), Article 38, paragraphs (1), (4) and (5), Article 40, Paragraph (5), Article 41, Paragraph (5), Article 43, Paragraphs (3) and (10), Article 47 Paragraph (5), at the latest one year from the date of entering into force of this Law.

Article 60

On the date when this Law enters into force, the provisions of the special regulations on water protection shall cease to be valid.

Article 61

This Law shall come into force on the eighth day after publication in the “Official Gazette of the B&H Federation”, and it shall be applicable at least one year after entering into force new Law on water.