



206/17

REPUBLIKA SRPSKA
VLADA
MINISTARSTVO ZA PROSTORNO UREĐENJE,
GRAĐEVINARSTVO I EKOLOGIJU

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Broj: 15.04-052-6106/17
Datum: 15.05.2018. godine



BOSNA I HERCEGOVINA
MINISTARSTVO VANJSKE TRGOVINE
I EKONOMSKIH ODNOSA
SARAJEVO

BOSNA I HERCEGOVINA
MINISTARSTVO SPOLJNE TRGOVINE I
EKONOMSKIH ODNOSA
71000 SARAJEVO
Musala 9

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DOLJEŠI: 18. 05. 2018			
Organizaciona jedinica	Klasifikaciona oznaka	Redni broj	Broj priloga
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**PREDMET: Odgovor na obrazloženo mišljenje, dostavlja se,-
(U vezi sa slučajem ECS-1/15 – TE Ugljevik 3)**

Dana 19.03.2018. godine, od strane Sekretarijata Energetske zajednice zaprimljena je Informacija da je Bosni i Hercegovini upućeno obrazloženo mišljenje u vezi neusaglašenosti sa zahtjevima Direktive o procjeni uticaja na životnu sredinu. U informaciji se navodi da je Sekretarijat zadržao stav da postupak procjene uticaja na životnu sredinu planirane termoelektrane „Ugljevik 3“ nije sproveden u skladu sa *acquis communautaire* energetske zajednice o životnoj sredini, te da procedura izdavanja dozvola nije u potpunosti uspjela da adresira potencijalne prekogranične uticaje kako to zahtijeva Direktiva o procjeni uticaja na životnu sredinu. S tim u vezi, u Informaciji je navedeno da dva odgovora (od 24.08.2017. godine i od 03.10.2017. godine), koja je pripremila Ministarstvo za prostorno uređenje, građevinarstvo i ekologiju, nisu bila dovoljna da se riješi zabrinutost koja je iznesena u Otvorenom pismu Sekretarijata Energetske zajednice. Postupajući po Informaciji, a kako obrazloženo mišljenje koje se u istoj navodi nije bilo dostupno ovom Ministarstvu, obratili smo se elektronskim putem Sekretarijatu Energetske zajednice (dana 24.04.2018. godine i 14.05.2018. godine) sa molbom da nam se omogući pristup obrazloženom mišljenju radi dostavljanja odgovora.

Kako nismo dobili povratnu informaciju na molbe iskazane u navedenim obraćanjima Sekretarijatu Energetske zajednice, ovim putem dostavljamo pojašnjenja u vezi materije koja se razmatra u sporu pred Enegetskom zajednicom, a odnosi se na sprovedeni postupak procjene uticaja na životnu sredinu za termoelektranu Ugljevik 3.

U dva odgovora Ministarstva za prostorno uređenje, građevinarstvo i ekologiju dostavljena Sekretarijatu Energetske zajednice, dostavljene su činjenične informacije u vezi postupka procjene uticaja na životnu sredinu za projekat TE Ugljevik 3 u kojima je do detalja objašnjen prethodno navedeni postupak procjene uticaja i navedeni razlozi zbog kojih nije sproveden postupak po odredbama Konvencije o procjeni uticaja na životnu sredinu preko državnih granica (Espoo Konvencija).

Međutim, u naknadnom vremenskom roku, izvršeno je obavještanje Ministarstva zaštite okoliša i prirode Republike Hrvatske, (akt označen kao: klasa 018-05/14-10/01 broj 517-06-2-1-1-14-2), na način da je od strane Ministarstva za prostorno uređenje, građevinarstvo i ekologiju, dana 19.12.2014. godine, dostavljeno obavještenje o statusu ovog projekta sa obrazloženjem spovedenog postupka procjene uticaja na životnu sredinu. Naknadnih otvorenih pitanja od strane Republike Hrvatske, nakon pripreme navedenog obavještenja, nije bilo.

Pored toga, u toku 2016. godine izvršeno je obavještanje Republike Srbije, putem Odbora za implementaciju u okviru Konvencije o procjeni uticaja na životnu sredinu u prekograničnom kontekstu (Espoo Konvencija) i njezinog Protokola o strateškoj procjeni uticaja (Veza: akt Odbora broj EIA/IC/INFO/16 od 20.12.2016. godine). Naime, Ministarstvo je dana 03.02.2017. godine sačinilo informaciju zahtijevanu od strane Odbora i istu zvaničnim putem uputilo nadležnom organu Republike Srbije, o čemu je obaviješten Odbor dostavljanjem informacije u cjelosti (broj akta 15.04-052-953/17 od 06.02.2017. godine). Naredno postupanje je uslijedilo dana 13.03.2017. godine, kada je nadležno ministarstvo Republike Srbije, elektronskim putem zatražilo dostavljanje obavještenja o predmetnom projektu. Na ovaj upit, takođe elektronskim putem, od strane Ministarstva sačinjen je odgovor i isti dostavljen u Ministarstvo poljoprivrede i zaštite životne sredine Republike Srbije, dana 15.03.2017. godine. Naknadnih otvorenih pitanja u vezi predmetnog projekta između nadležnih tijela BiH i Republike Srbije do današnjeg dana nije bilo.

Imajući u vidu naprijed navedeno, želimo da još jedanput naglasimo da Ministarstvo za prostorno uređenje, građevinarstvo i ekologiju, svojim postupanjem nije imalo namjeru da ugrozi postizanje ciljeva Ugovora o osnivanju energetske zajednice i svojim naknadnim postupcima čini sve da se u potpunosti omogući ispunjavanje obaveza koje proizilaze iz navedenog Ugovora. Iz tog razloga, i ovim odgovorom izražavamo spremnost za pružanje svih informacija i otvorenost za sporazumno rješavanje eventualno nerazjašnjenih pitanja u vezi prekogranične saradnje i pružiti garanciju da nema prostora za zabrinutost Energetske zajednice koja je navedena i u Otvorenom pismu Sekretarijata.

Slijedom navedenog, molimo Vas da se objektivno sagledate sve činjenice do sada dostavljane od strane ovog Ministarstva, uključujući i već navedene informacije o postupcima prema susjednim državama, bez otvaranja sporova po ovom projektu.

Imajući u vidu rok ostavljen za odgovor ovaj akt će biti dostavljen elektronskim putem na mail naznačen u informaciji, a od Ministarstva spoljne trgovine i ekonomskih odnosa tražimo da se isti zvanično dostavi u Sekretarijat energetske zajednice.



REPUBLIC OF SRPSKA

GOVERNMENT

Ministry of Spatial Planning, Civil Engineering and Ecology

Number: 15.04-052-6106/17

Date: 15th May 2018

BOSNIA AND HERZEGOVINA

MINISTRY OF FOREIGN TRADE AND ECONOMIC RELATIONS

71000 SARAJEVO

Musala 9

Subject: Response to the reasoned opinion, *shall be submitted*

(Concerning the Case ECS-1/15 - TPP Ugljevik 3)

On 19th March 2018, the information from the Energy Community Secretariat has been received stating that reasoned opinion regarding the non-compliance with the requirements of the Environmental Impact Assessment Directive was sent to Bosnia and Herzegovina. The information states that the Secretariat maintained its position that the procedure of the environmental impact assessment of the planned thermal power plant "Ugljevik 3" was not carried out in accordance with the Energy Community *acquis communautaire* on the environment and that the permitting procedure has not been able to fully address the potential cross-border impacts as required by the Environmental Impact Assessment Directive. In this respect, the information states that the two responses (from 24th August 2017 and from 03rd October 2017), prepared by the Ministry of Spatial Planning, Civil Engineering and Ecology, were not sufficient to resolve the concerns expressed in the Opening Letter of the Energy Community Secretariat. Acting on the Information, and because the reasoned opinion stated in the information was not available to this Ministry, we contacted the Energy Community Secretariat (on 24th April 2018 and 14th May 2018), by electronic means, with a request to allow us access to the reasoned opinion in order to provide an answer.

As we did not receive feedback on the requests made in these addresses to the Energy Community Secretariat, we provide clarification regarding the matter discussed in the dispute before the Energy Community and refers to the implemented environmental impact assessment procedure for the thermal power plant Ugljevik 3.

Two responses from the Ministry of Spatial Planning, Civil Engineering and Ecology were submitted to the Energy Community Secretariat, providing factual information regarding the environmental impact assessment procedure for TPP Ugljevik 3 project, detailing the above impact assessment procedure and the reasons why the procedure has not been carried out under the provisions of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention).

However, the Ministry of Environment and Nature of the Republic of Croatia has been notified in a subsequent period, (act designated as: class 018-05 / 14-10 / 01 number 517-06-2-1-1-14-2) by the Ministry of Spatial Planning, Civil Engineering and Ecology, on 19 December 2014, on the status of

this project with a reasoned environmental impact assessment procedure. Subsequent open issues by the Republic of Croatia, after the preparation of that notice, did not exist.

In addition, in the course of 2016, the Republic of Serbia has been notified through the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (link: Act of the Committee No. EIA / IC / INFO / 16 of 20th December 2016). Namely, the Ministry made the Information requested by the Committee on 03rd February 2017 and sent it officially to the competent authority of the Republic of Serbia, which was notified the Committee by submitting the Information in its entirety (number 15.04-052-953 / 17 of 6th February 2017). The next procedure followed on 13th March 2017 when the competent Ministry of the Republic of Serbia requested information on the project concerned electronically. The answer was made and sent by the Ministry, also electronically, and it was submitted to the Ministry of Agriculture and Environmental Protection of the Republic of Serbia on 15th March 2017. Subsequent open issues related to the project in question between the competent authorities of BiH and the Republic of Serbia has not existed until today.

Bearing in mind the foregoing, we would like to emphasize once again that the Ministry of Spatial Planning, Civil Engineering and Ecology has no intention of endangering the achievement of the Energy Community Treaty's objectives and through its subsequent procedures, it does everything to fully enable the fulfillment of the obligations arising from the said Treaty. For that reason, we express our readiness to provide all information and openness to agree on possible unresolved cross-border issues and to provide a guarantee that there is no need for the Energy Community's concern, as stated in the Opening Letter of the Secretariat.

Consequently, please consider all the facts so far provided by this Ministry, including the above-mentioned information on treatment of the neighboring countries, without opening any disputes related to this project.

Due to the deadline for this response, it will be delivered electronically to the mail indicated in the information and we request from the Ministry of Foreign Trade and Economic Relations to submit it officially to the Energy Community Secretariat.

Minister
Srebrenka Golić