



Strasbourg, 19 August 2026

T-PVS/Files(2026)2022/07_gov

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
46th meeting
Strasbourg, 7-11 December 2026

3rd Bureau of the Standing Committee
22-24 September 2026
Strasbourg

Possible File: 2022/07

**Possible negative impact of mining activities in Trstionica
– Gornja Bukovica and Vareš (Bosnia & Herzegovina)**

- COMPLAINANT REPORT -

Document prepared by the Government of Bosnia and Herzegovina

Update for the Autumn Bureau Meeting**PROGRESS REPORT (03)
Bosnia and Herzegovina*****Report of Bosnia and Herzegovina for the Bureau meeting of 22 to 24 September 2026***
14th September 2026**Abstract**

Bosnia and Herzegovina submits this report further to the decision of the Bureau of 17 and 18 June 2026 and to the reports of the complainant of 13 February and 29 May 2026, supplementing its earlier submissions. No new report was submitted for the two preceding meetings because the correspondence did not reach the Federal Ministry of Environment and Tourism (FMOIT) in time. A fuller consolidated report will be submitted before the 46th meeting of the Standing Committee in December 2026.

The Bern Convention protects wild flora and fauna and their natural habitats. A complaint is examined according to whether it shows sufficient seriousness in relation to species or habitats of European importance and discloses a breach of the Convention.¹ The complainant's allegations concern mainly blood lead levels, metals in soil along the ore transport routes, air quality and domestic proceedings. Those matters are treated seriously under domestic law and are reported on below, but they are not as such the subject matter of the Convention and are material only in so far as they indicate an adverse effect on protected species or habitats. The complainant refers in that respect to the white-clawed crayfish and the brown trout, but relies on a provision that does not apply to them, and the available material neither establishes such an effect nor identifies its source.

The Government of the Federation of Bosnia and Herzegovina (the Federation Government) takes seriously the data on blood lead levels in part of the population of Vares, on metals in soil along the transport routes and on exceedances of air quality parameters. Those findings call for preventive measures, but do not yet allow a reliable distinction between historical, geological and present sources, according to the findings of expert institutions. The Federal Institute for Agropedology points to possible natural and anthropogenic influences and confines its conclusions to the sampled locations. A study of 2019, produced before the present works, linked elevated metal concentrations to earlier mining, unremediated tailings and natural erosion. Drinking water, raw milk and all but one food sample were within the prescribed limits.

FMOIT requested inspection oversight on 18 December 2025, the Federal Administration for Inspection Affairs (FUZIP) reported on 30 December 2025, corrective measures were ordered in February 2026 and control measurements in March 2026 disclosed no exceedance. On 9 April 2026 the Federation Government instructed five federal institutions to nominate members of a multidisciplinary expert team. The absence of baseline data justifies systematic monitoring and an independent assessment of species and habitats, but, according to the findings of expert institutions, the evidence presently available does not justify for a general suspension of the operator's activities. The Federation Government therefore proposes that the complaint remain a Possible File and offers to host a technical workshop.

1. Procedural status and the delay in reporting

No new report was submitted for the Bureau meetings of April and June 2026. The letter of the Bureau of 30 April 2026 was not forwarded to FMOIT in time. FMOIT received the letter of 15 July 2026 on 29 July 2026, through the Permanent Mission of Bosnia and Herzegovina to the Council of Europe² and the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina.³ There was consequently insufficient time before the deadline of 15 August 2026 to obtain statements from all the institutions concerned. Bosnia and Herzegovina regrets the delay. In order to avoid its recurrence, it is

¹ T-PVS/Inf(2022)27, Case-file system, paragraphs 3, 8 and 12

[Annex nr. 1 T-PVS_Inf\(2022\)27, Case-file system, paragraphs 3, 8 and 12.docx - Google Drive](#)

² Act of the Permanent Mission of Bosnia and Herzegovina to the Council of Europe no. 203-3-05-4-16241-2/26 of 16 July 2026.

[Annex nr. 2 Act of the Permanent Mission of Bosnia and Herzegovina to the Council of Europe no. 203-3-05-4-16241-2_26 of 16 July 2026.pdf - Google Drive](#)

³ Act of the Ministry of Foreign Trade and Economic Relations no. 10-3-21-1678-4/26 of 24 July 2026, received by FMOIT on 29 July 2026.

[Annex nr. 3 Act of the Ministry of Foreign Trade and Economic Relations no. 10-3-21-1678-4_26 of 24 July 2026, received by FMOIT on 29 July 2026.pdf - Google Drive](#)

proposed that future correspondence be sent at the same time to the National Focal Point and to FMOIT, which will designate a contact person and acknowledge receipt.

2. Competences, evidence and the legal test

The Party to the proceedings is Bosnia and Herzegovina. The activities in question take place in Vares and Kakanj, in Zenica-Doboj Canton, in the Federation of Bosnia and Herzegovina, and Republika Srpska has no competence in this field. FMOIT issues environmental permits and discharges nature protection functions. The Federal Ministry of Energy, Mining and Industry (FMERI) issues exploitation approvals. FUZIP carries out inspection oversight. Water matters are dealt with by the Sava River Watershed Agency (the Agency) and the competent cantonal ministry, soil testing by the Federal Institute for Agropedology (the Institute for Agropedology), and health matters by the Federal Ministry of Health, the cantonal ministry of health and the Institute for Health and Food Safety Zenica (the Institute Zenica). Forest land, concessions, spatial planning and local measures fall to other federal, cantonal and municipal institutions. Information supplied by the operator is identified as such and remains subject to verification.

This report distinguishes three questions. The first is whether a value was measured. The second is whether that value can be attributed to a particular source. The third is whether an adverse effect on a species or habitat protected by the Convention has been established. A measured value does not by itself answer the second and third questions. The absence of an answer to them is not, however, a reason to defer action, since Articles 2, 3 and 4 of the Convention and the domestic precautionary principle call for proportionate preventive measures while the source is still being examined.

3. Permits and regulatory status

The operator is DPMetals BH d.o.o. Vares, formerly Eastern Mining d.o.o. and Adriatic Metals BH d.o.o. The concession, the status of the forest land, the exploitation approval and the earlier permitting procedures are described in the reports of February 2024 and December 2025. On 27 March 2026 FMOIT renewed the environmental permit.⁴

By a decision of FMOIT of 28 March 2023 an increase in technological water use from 5.5 to 13 litres per second was approved, including four litres from the Vruci Potok. An increase in electricity use from 4.7 to 8 MW was also approved, together with a mining waste facility at Rupice of 3.9 hectares with ancillary installations.⁵ Following prior screening under Article 95 of the Law on Environmental Protection it was established that a fresh impact assessment was not required. The exploitation field, the capacity and the basic structure of the project were unchanged, while the water protection measures were strengthened. The facility was thus approved by a decision that has not been set aside, so the allegation of an unauthorised extension of a tailings dam is not borne out by the administrative acts available to FMOIT.

The complainant also relies on the judgment of the Cantonal Court in Mostar no. 07 0 U 019948 21 U of 31 December 2024. By that judgment, given on the application of the public utility Vodokom Kakanj, the decision of FMERI of 16 July 2021 was quashed and the case remitted for fresh consideration, with a direction to clarify the possible effect of extraction on the Bukovica source and the position of the exploitation field in relation to the water protection zones. Acting on the judgment, FMERI adopted a fresh decision on 14 January 2025 authorising underground extraction on a field of 103.90 hectares, valid until 12 March 2038.⁶ That decision requires continuous hydrological investigation and monitoring of the possible effect on watercourses in the catchment of the Borovica stream, as well as permanent monitoring of the Bukovica source. It also provides for the decision to be revoked should the operator fail to comply with Article 39 of the Law on Mining of the Federation of Bosnia and Herzegovina.

4. Public participation

FMOIT published the application for renewal of the environmental permit on 27 October 2025. The municipalities, local communities, the cantonal ministry and the relevant associations were notified in writing on 29 October 2025. Inspection reports for the years 2022 to 2025 were obtained in the course of the procedure. Comments received in December 2025 and those submitted after publication of the draft decision on 3 February 2026 were answered in writing. The final decision was served on fourteen addressees.

⁴ Decision on the renewed environmental permit no. UPI 05/2-02-19-5-184/25 of 27 March 2026

⁴ [Decision on the renewed environmental permit no. UPI 052-02-19-5-18425 of 27 March 2026..pdf - Google Drive](#)

⁵ Decision no. UPI 05/2-02-19-5-60-2/20 of 28 March 2023.

⁵ [Decision no. UPI 052-02-19-5-60-220 of 28 March 2023..pdf - Google Drive](#)

⁶ Decision of the Federal Ministry of Energy, Mining and Industry Up/I no. 06-14-1-334/21 of 14 January 2025, taken in the resumed proceedings following the judgment of the Cantonal Court in Mostar no. 07 0 U 019948 21 U of 31 December 2024.

⁶ [Decision of the F. Ministry of Energy, Mining and Industry UpI no. 06-14-1-33421 of 14 January 2025, taken in the resumed proceedings following the judgment of the Cantonal Cou.pdf - Google Drive](#)

The case file does not bear out the allegation that comments from the local community were disregarded. The amendments made by the decision of 21 October 2024 were adopted after the comments received during public inspection had been considered.⁷ In the procedure for renewal of the environmental permit for the plant and installations for the processing of lead, zinc and silver ore at the Tisovci and Veovaca II locations, completed in 2025, the reasoning of the decision contains individual replies to the comments submitted, and the complainant's organisation is named among the parties on whom the decision was served.⁸

5. Soil

The Federation Government does not contest the results of the Institute for Agropedology of 23 March 2026.⁹ In February 2026 elevated values of lead and zinc were recorded at Dastansko, of lead and nickel on built-up land at Vares, and of lead and zinc at Borovica. At certain agricultural locations the values for lead, nickel, zinc or sulphur in sulphate form were exceeded. No corresponding limit values are prescribed for forest and built-up land, so those results could not be formally classified. At Kota, away from the transport routes, there was no exceedance. The Institute for Agropedology points to possible natural and anthropogenic influences and recommends targeted identification of sources.

The complainant attributes these results to the present operation of the mine, but the available data do not support that conclusion to the exclusion of others. The 2019 study of the Geological Survey of Slovenia recorded 438.32 hectares degraded by earlier mining and linked elevated values to long-term extraction, abandoned tailings, particle transport and natural erosion.¹⁰ The environmental impact study of 2019 recorded 3,419 milligrams of lead per kilogram at one location before the present extraction began. These data do not exclude an effect of present activities, but they call for careful distinction between sources.

In its report of 30 December 2025 FUZIP stated that soil samples taken in August and December 2025 did not meet the applied values at several locations, among them two points within the exploitation field. At Rupice sjever 1.211 milligrams of mercury per kilogram were measured, and at Rupice istok 1.684 milligrams of mercury, 72.5 of copper, 162 of lead and 66.1 of nickel.¹¹ Those locations are not agricultural land, so it remains to be confirmed which limit values apply. FUZIP also drew attention to the absence of a baseline soil report and to elevated values outside the exploitation field. The sampling by the Institute for Agropedology in February 2026 and the operator's regular testing were carried out at different points, so a direct comparison requires methodological verification. Sampling should be repeated at the same locations and the sources independently examined.

6. Blood lead levels and the public health response

The complainant alleges mass lead poisoning in the local communities of Przici, Dastansko and Mir caused by the present operation of the mine. The official findings confirm elevated values in some of the persons tested. They do not, however, permit a conclusion as to the population as a whole, nor do they identify the source of exposure. Biomonitoring was proposed in 2020 at the request of the local communities of Przici and Dastansko, before the present extraction began, but baseline data were not collected at that time.

In November 2025 the Vares Health Centre took forty-four samples at Przici. Seventeen exceeded the laboratory reference value of 28 micrograms per litre, a statistical reference and not a health threshold, and three exceeded 5 micrograms per decilitre.¹² On 5 and 8 December 2025 the Institute Zenica

⁷ Decision no. UPI 05/2-23-11-195/19-3 of 21 October 2024, taken after comments received on 16 October 2024.

⁷ [Decision no. UPI 052-23-11-19519-3 of 21 October 2024, taken after comments received on 16 October 2024..pdf - Google Drive](#)

⁸ Decision on the renewed environmental permit for the processing plant no. UP-I 05/2-02-19-5-8/25 of 9 June 2025, with the public participation file.

⁸ [Decision on the renewed environmental permit for the processing plant no. UP-I 052-02-19-5-825 of 9 June 2025, with the public participation file..pdf - Google Drive](#)

⁹ Report of the Federal Institute for Agropedology no. 01/03-20-2-932-7/25 of 23 March 2026.

⁹ [Report of the Federal Institute for Agropedology no. 0103-20-2-932-725 of 23 March 2026..pdf - Google Drive](#)

¹⁰ Geological Survey of Slovenia, Application and improvement of soil spatial distribution mapping based on the example of Vares, 2019, cited in the reply of the Federal Ministry of Energy, Mining and Industry no. 06-02-4-532/26 of 1 April 2026.

¹⁰ [Geological Survey of Slovenia, Application and improvement of soil spatial distribution mapping based on the example of Vares, 2019, cited in the reply of the F. Ministry of Energy..pdf - Google Drive](#)

¹¹ Report of the Federal Administration for Inspection Affairs no. UP1-10-19-3-08073/2025-1008-2-P of 30 December 2025, with the inspection record no. UP1-10-19-3-00078/2025-1008-P-100-1-P of 24 December 2025.

¹¹ [Report of the F. Administration for Inspection Affairs no. UP1-10-19-3-080732025-1008-2-P of 30 December 2025, with the inspection record no. UP1-10-19-3-000782025-1008-P-100.pdf - Google Drive](#)

^{11.1} [Report of the Federal Administration for Inspection Affairs no. UP1-10-19-3-080732025-1008-2-P of 30 December 2025, with the inspection record no. UP1-10-19-3-000782025-1008-P-100.pdf - Google Drive](#)

^{11.2} [Inspection report 14 09 2026.pdf - Google Drive](#)

¹² Laboratory report no. 01-11-1745/25 of 28 November 2025, transmitted by act of the Vares Health Centre no. 01-20-1776/25 of 4 December 2025.

initiated expert and epidemiological procedures.¹³ By 13 January 2026 the family medicine teams of the Vares Health Centre had examined nineteen patients.¹⁴

The health institutions noted that the laboratory results and the guidance used different units of measurement, and the Health Centre sought an expert clarification and a conversion to be confirmed by an epidemiologist and a toxicologist.¹⁵ The Federal Ministry of Health referred the matter to cooperation with the cantonal ministry, the Institute Zenica and the institutes of occupational medicine, and provided the clinical guideline of the World Health Organization on the management of lead poisoning.¹⁶

On 10 February 2026 the Institute Zenica reported that, outside the town, eight of twenty-seven results exceeded 5 micrograms per decilitre and three exceeded 10 micrograms per decilitre. It considered the findings in the risk groups to indicate chronic environmental or occupational exposure and called for clinical assessment, toxicological follow-up and continued monitoring, without identifying a source.¹⁷ The median of all 238 results was 1.88 micrograms per decilitre, no child exceeded the paediatric reference value, and drinking water, raw milk and all food samples other than one pumpkin were within the prescribed limits.¹⁸

The municipal working group completed its mandate in April 2026. On 11 May 2026 the Municipality of Vares requested further action by the federal institutions and on 1 June 2026 the Municipal Council requested an expert team and free testing.¹⁹ The Federation Government had already, on 9 April 2026, instructed five federal institutions to nominate members of a joint multidisciplinary expert team.²⁰ Institutional action therefore began before those municipal requests.

7. Water, the Vruci Potok, the Trstionica and the Kakanj water supply

The complainant describes the Vruci Potok as an uncontrolled outlet for mining waste and refers to an abstraction of 28 litres per second. Discharges at Rupice are regulated by water permits, are measured at a control chamber and are analysed by authorised laboratories.²¹ On 4 June 2026 the Agency issued a separate water permit for the temporary flotation tailings facility in the Veovaca II open pit. The permit requires leachate to be collected and returned to processing, and sets time limits for technical acceptance, the perimeter channel, a protective grating at the inlet to the Jaglenac stream and remediation around the tank.²² Effluent monitoring results were submitted monthly during 2026. The renewed environmental permit further requires the operator, in addition to the monitoring plan, to construct an additional treatment line for technological waste water with a capacity of at least 50 cubic

¹² [Laboratory report no. 01-11-174525 of 28 November 2025, transmitted by act of the Vares Health Centre no. 01-20-177625 of 4 December 2025..pdf - Google Drive](#)

^{12.1} [Laboratory report no. 01-11-174525 of 28 November 2025, transmitted by act of the Vares Health Centre no. 01-20-177625 of 4 December 2025..pdf - Google Drive](#)

¹³ Act of the Institute for Health and Food Safety Zenica no. 02-4564/25 of 5 December 2025 and report no. 02-4608/25 of 8 December 2025.

^{13.1} [Act of the Institute for Health and Food Safety Zenica no. 02-4564/25 of 5 December 2025 and report no. 02-4608/25 of 8 December 2025..pdf - Google Drive](#)

¹⁴ Information of the Vares Health Centre no. 01-03-79/26 of 13 January 2026.

^{14.1} [Information of the Vares Health Centre no. 01-03-79/26 of 13 January 2026..pdf - Google Drive](#)

¹⁵ Act of the Vares Health Centre no. 01-20-1887/25 of 25 December 2025.

^{15.1} [Act of the Vares Health Centre no. 01-20-1887/25 of 25 December 2025..pdf - Google Drive](#)

¹⁶ Act of the Federal Ministry of Health no. 03-33-7356/25 of 11 December 2025.

^{16.1} [Act of the Federal Ministry of Health no. 03-33-7356/25 of 11 December 2025..pdf - Google Drive](#)

¹⁷ Guidance of the Institute for Health and Food Safety Zenica no. 02-527/26 of 10 February 2026.

^{17.1} [Guidance of the Institute for Health and Food Safety Zenica no. 02-527/26 of 10 February 2026..pdf - Google Drive](#)

¹⁸ Report of the Municipality of Vares on the results of the Action Plan for the health protection of the population of 27 April 2026.

^{18.1} [Report of the Municipality of Vares on the results of the Action Plan for the health protection of the population of 27 April 2026..pdf - Google Drive](#)

¹⁹ Request of the Municipality of Vares of 11 May 2026 and Conclusion of the Municipal Council of Vares no. 01-154/26 of 1 June 2026.

^{19.1} [Request of the Municipality of Vares of 11 May 2026 and Conclusion of the Municipal Council of Vares no. 01-154/26 of 1 June 2026..pdf - Google Drive](#)

^{19.1.1} [Request of the Municipality of Vares of 11 May 2026 and Conclusion of the Municipal Council of Vares no. 01-154/26 of 1 June 2026..pdf - Google Drive](#)

²⁰ Conclusion of the Government of the Federation of Bosnia and Herzegovina V. no. 596/2026 of 9 April 2026, transmitted by act of the Secretariat of the Government no. 03-02-493-1/2026 of 13 April 2026, with the acts nominating representatives, among them the act of the Sava River Watershed Agency no. 40-663-2/26 of 24 April 2026 and the act of the Federal Ministry of Energy, Mining and Industry no. 06-30-2-789/26 of 28 April 2026.

^{20.1} [Annex nr.20 Conclusion of the Government of the Federation of Bosnia and Herzegovina V. no. 596_2026 of 9 April 2026.pdf - Google Drive](#)

²¹ Water permit of the Sava River Watershed Agency no. UP-1/21-3-40-020-9/24 of 13 May 2025.

^{21.1} [Water permit of the Sava River Watershed Agency no. UP-121-3-40-020-924 of 13 May 2025..pdf - Google Drive](#)

²² Water permit of the Sava River Watershed Agency no. UP-1/21-3-40-022-9/26 of 4 June 2026, issued together with the water consent no. UP-1/2-40-345-10/25 of 9 January 2026.

^{22.1} [Water permit of the Sava River Watershed Agency no. UP-121-3-40-022-926 of 4 June 2026, issued together with the water consent no. UP-12-40-345-1025 of 9 January 2026.pdf - Google Drive](#)

metres per hour, within a fixed time limit.²³ The operator states a designed maximum of 13 litres per second and an average of six to seven litres, and verification of those figures has been sought from the Agency.

In 2021 FMOIT relocated the planned tailings facility away from Veovaca I to protect a brown trout spawning ground, removed two planned water intakes and required a closed technological water system.²⁴ The Kakanj municipal water intake is on the Bukovica and has an authorised capacity of 130 litres per second. Mining is prohibited in the second sanitary protection zone and is permitted in the third only where it does not endanger the quality of surface water.

In the fresh proceedings following the judgment of the Cantonal Court in Mostar, consideration was given to hydrogeological investigations carried out between 2018 and 2022, to a tracer test of the underground flow, to a study reviewed in 2022, to a study by the Institute of Hydro-engineering Sarajevo and to an expert opinion of 2024. It was established that the exploitation field lies to the north-west of the divide between the catchments of the Bukovica and the Trstionica, outside the third protection zone, and that the findings submitted do not indicate any possibility of contaminants being transported towards the intake.²⁵ Monitoring of the Bukovica and the Borovica stream from September 2022 to February 2024 was carried out by a laboratory selected by the public utility Vodokom Kakanj, and according to the results submitted the water quality met the criteria of the Sava River Basin Management Plan.

8. Gornja Trstionica and Bukovica

The complainant states that an already designated protected area has been reduced from 55,108 hectares to a core of 30 to 80 hectares. The planning and legal instruments do not bear that out. On 31 August 2026 the Ministry of Spatial Planning, Transport, Communications and Environmental Protection of Zenica-Doboj Canton stated that the cantonal plan and the spatial plan of Kakanj provide for the future protection of the Trstionica together with Tajan, Zuca and Ribnica. The proposed cantonal entity covers approximately 7,145 hectares, while the Trstionica forest in the municipal plan covers approximately 1,490 hectares.²⁶ Tajan is protected by cantonal law, whereas Zuca, Ribnica and the Trstionica are not. The figure of 55,108 hectares derives from the decision of the Municipal Council of Kakanj of 2023 giving consent to the initiation of a protection procedure, the category and the final area being left to the competent institutions to determine.²⁷

No designated protected area has therefore been reduced. Nor does the material submitted bear out the allegation that federal institutions altered spatial data in order to favour the project. Formal status is nevertheless not the only question arising under Article 4 of the Convention. It remains to be established whether the area constitutes an ecologically significant area under domestic law or an endangered natural habitat within the meaning of the Convention. The competent institutions are aware that this question remains open, and the valorisation study of the Faculty of Science of the University of

²³ Reports of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for February, March, April and May 2026.

[Annex nr. 23-1 Report of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for January 2026.pdf - Google Drive](#)

[Annex nr. 23-2 Report of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for February 2026.pdf - Google Drive](#)

[Annex nr. 23-3 Report of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for March 2026.pdf - Google Drive](#)

[Annex nr. 23-3 Report of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for March 2026.pdf - Google Drive](#)

[Annex nr. 23-4 Report of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for April 2026.pdf - Google Drive](#)

[Annex nr. 23-5 Report of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for May 2026.pdf - Google Drive](#)

[Annex nr. 23-6 Final Report of the Institute of Chemical Engineering Tuzla on the characteristics of effluents with monitoring for the period December 2024-November 2025.pdf - Google Drive](#)

²⁴ Decision no. UPI 05/2-23-11-195-1/19 of 28 October 2021.

[24.Decision no. UPI 052-23-11-195-119 of 28 October 2021..pdf - Google Drive](#)

²⁵ Decision of the Federal Ministry of Energy, Mining and Industry Up/I no. 06-14-1-334/21 of 14 January 2025, with its reasoning on the hydrogeological investigations and the monitoring of the Bukovica source.

[25.Decision of the F. Ministry of Energy, Mining and Industry UpI no. 06-14-1-33421 of 14 January 2025, with its reasoning on the hydrogeological investigations and the monitoring.pdf - Google Drive](#)

²⁶ Statement of the Ministry of Spatial Planning, Transport, Communications and Environmental Protection of Zenica-Doboj Canton no. 12-19-16628/26 of 31 August 2026.

[Annex nr. 26. Statement of the Ministry of Spatial Planning, Transport, Communications and Environmental Protection of Zenica-Doboj Canton no. 12-19-16628_26 of 31 August 2026.pdf - Google Drive](#)

²⁷ Decision of the Municipal Council of Kakanj no. 01/1-32-291/23 of 28 September 2023, Official Gazette of the Municipality of Kakanj no. 11/23.

[Annex nr. 27 Decision of the Municipal Council of Kakanj no. 01_1-32-291_23 of 28 September 2023, Official Gazette of the Municipality of Kakanj no. 11_23.pdf - Google Drive](#)

Sarajevo, the spatial data and the material on the consideration given to future protection are being obtained.

9. Air quality

Extraction at the Rupice underground mine began in August 2024, and FMOIT requested inspection oversight on 18 December 2025.²⁸ FUZIP reported that nineteen regular air quality measurements had been carried out between August 2020 and December 2025 and that exceedances of various parameters at various locations had been recorded in twelve reports. The operator measured four times a year, although the permit requires two measurements. During the inspection the dust suppression system was not in operation while the crusher was running.²⁹ Differences in locations, units of measurement and methodology limit the direct comparison of results over time. The earlier exceedances therefore call for continued oversight, but do not by themselves establish either the source or a continuing exceedance.

By an administrative measure of FUZIP of 10 February 2026 the measurements were required to be repeated with the dust suppression system in continuous operation. The control measurement of 9 to 13 March 2026 disclosed no exceedance at the four points examined. That finding shows the measures to have been effective under the conditions then obtaining, but does not remove the need for further monitoring.³⁰

10. The Convention and domestic proceedings

As regards the white-clawed crayfish and the brown trout the complainant relies on Article 6. That legal characterisation is not correct. *Austropotamobius pallipes* is listed in Appendix III to the Convention and in Resolution No. 6 of 1998, so that Article 7 applies to it and not Article 6. *Salmo trutta* is not listed in Appendices II and III. The Appendix II species recorded in the area of influence include *Bombina variegata*, *Canis lupus*, *Ursus arctos* and *Falco peregrinus*.³¹ The available data do not at present establish deliberate damage to breeding or resting sites or significant deliberate disturbance within the meaning of Article 6. The independent assessment of species and habitats will be carried out precisely in order to examine that question, and the records of the competent services on the reported deaths of wild animals are being obtained.

The decision of FMOIT of 28 March 2023 bears directly on the values protected by the Convention. It describes the Vruci Potok and the Trstionica as watercourses of high biological diversity and requires remediation of damage to watercourses and aquatic habitats, restoration of the Vruci Potok, avoidance of effects on Gornja Trstionica and Bukovica, a noise limit for the protection of large mammals and birds, and biodiversity monitoring.³² The implementation and effectiveness of those measures will be the subject of the independent assessment referred to in section 11.

Three sets of administrative proceedings against decisions of FMOIT are pending before the Cantonal Court in Sarajevo, under nos. 09 0 U 048083 24 Fp, 09 0 U 049732 25 U and 09 0 U 051421 26 Fp, and in each of them FMOIT filed its response together with the case file within the time allowed.³³ The lawfulness of the renewed permit of 27 March 2026 is under examination in the last of them and that of the earlier amendments in the first two. Domestic judicial review here is not formal. By the judgment of the Cantonal Court in Mostar the mining decision was quashed and fresh proceedings were required in which the effect of extraction on the Bukovica source had to be clarified, and it was. Without raising non-exhaustion of domestic remedies, the Federation Government invites the Bureau to have regard to

²⁸ Act of the Federal Ministry of Environment and Tourism no. UP1-10-05/2-02-19-5-184/25 of 18 December 2025.

²⁸ [Act of the Federal Ministry of Environment and Tourism no. UP1-10-05/2-02-19-5-184/25 of 18 December 2025..pdf - Google Drive](#)

²⁹ Report of the Federal Administration for Inspection Affairs no. UP1-10-19-3-08073/2025-1008-2-P of 30 December 2025.

²⁹ [Report of the Federal Administration for Inspection Affairs no. UP1-10-19-3-08073/2025-1008-2-P of 30 December 2025..pdf - Google Drive](#)

³⁰ Administrative measure no. UP1-10-19-3-08073/2025-1008-6-P of 10 February 2026 and the analysis of the control measurement of 9 to 13 March 2026.

³⁰ [Administrative measure no. UP1-10-19-3-08073/2025-1008-6-P of 10 February 2026 and the analysis of the control measurement of 9 to 13 March 2026..pdf - Google Drive](#)

^{30.1} [Administrative measure no. UP1-10-19-3-08073/2025-1008-6-P of 10 February 2026 and the analysis of the control measurement of 9 to 13 March 2026..pdf - Google Drive](#)

³¹ Biodiversity Study of June 2021 and Biodiversity Action Plan of December 2022, listed in the report of Bosnia and Herzegovina of February 2024, T-PVS/Files(2024)03, paragraph 16.

³¹ [Biodiversity Study of June 2021 and Biodiversity Action Plan of December 2022, listed in the report of Bosnia and Herzegovina of February 2024, T-PVS/Files\(2024\)03, paragraph 16..pdf - Google Drive](#)

³² Decision no. UPI 05/2-02-19-5-60-2/20 of 28 March 2023, point 7.

³² [Decision no. UPI 05/2-02-19-5-60-2/20 of 28 March 2023, point 7..pdf - Google Drive](#)

³³ Cases before the Cantonal Court in Sarajevo no. 09 0 U 048083 24 Fp on the application of the Atelier for Social Changes Foundation no. 24/11-599 of 18 November 2024, no. 09 0 U 049732 25 U, and no. 09 0 U 051421 26 Fp on the application of the Resource Aarhus Centre in BiH no. 02-255/26 of 29 April 2026, with the responses of the respondent and the case files transmitted.

³³ [Cases before the Cantonal Court in Sarajevo no. 09 0 U 048083 24 Fp on the application of the Atelier for Social Changes Foundation no. 2411-599 of 18 Nov. 2024, no. 09 0 U 0497.pdf - Google Drive](#)

^{33.1} [C. before the Cantonal Court in Sarajevo no. 09 0 U 048083 24 Fp on the application of the Atelier for Social Changes Foundation no. 2411-599 of 18 November 2024, no. 09 0 U 0497.pdf - Google Drive](#)

the fact that opening a case file now would mean conducting international proceedings on questions the domestic courts have yet to determine. Their outcome will be reported before the 46th meeting of the Standing Committee.

Separately, according to the complainant, an application for constitutional review of the change of use of State forest land and of the award of concessions was lodged on 19 January 2026, and the interim measure sought was not granted.

By decision U-3/24 the general act of the Federation Government on the change of use and temporary use of State forest land was quashed and the annulment of individual decisions taken on that basis was ordered. That decision did not rule on the lawfulness of the environmental permit, of the concession or of every approval relating to this project.³⁴ The allegation that the Constitutional Court declared the entire project unlawful is therefore not correct. Acting on the decision of the Constitutional Court, the tailings facility was relocated from Tisovci to the former Veovaca II open pit, which is recorded as industrial land and requires no reclassification of forest land.³⁵ The Federation Government will inform the Bureau of any relevant decision in all the proceedings referred to above.

On 5 May 2026 civil society organisations lodged criminal complaints with the competent prosecuting authority. No indictment has been brought. The lodging of a criminal complaint is a procedural fact and does not establish either an offence or the liability of any person.

11. Further measures and the proposal of the Federation Government

A fuller consolidated report will be submitted before the 46th meeting of the Standing Committee, covering the work and findings of the multidisciplinary expert team, the agreed methodology for soil monitoring, the plan for repeat sampling at the same locations and the terms of reference for the independent assessment of biodiversity monitoring and of the implementation of the decision of 28 March 2023. The Institute for Agropedology has recommended systematic multiannual soil monitoring and offered assistance in determining the methodology and the locations.³⁶ The health institutions will continue clinical and toxicological follow-up. On 12 August 2026 the Federation Government approved funds for analytical equipment for the Institute for Agropedology and for the repair of equipment for the analysis of heavy metals and pesticides.³⁷

Bosnia and Herzegovina offers to host a technical workshop with the institutions, the complainant, civil society and the Secretariat. The complainant seeks the immediate suspension of all mining activities. The domestic institutions may impose additional conditions, order remediation and suspend activities where the statutory conditions are met, and the decision of FMERI of 14 January 2025 expressly provides for revocation of the permit for non-compliance with Article 39 of the Law on Mining. The Federal Ministry of Environment and Tourism still does not have a clear position from expert institutions regarding exceeding the limit values of heavy metals in the soil, water and air and the possible impact on the health of the population, and related health risks regarding lead concentrations in the blood. After the further investigation of expert institutions we hope that we should have clearly picture and quite sure evidence for reaction.

The precautionary principle calls for proportionate action and not for the automatic closure of a mine. The material before the Bureau does not at present establish an effect on a species or habitat protected by the Convention such as would justify the opening of a case file. Having regard to the measures taken and planned and to the technical workshop offered, the Federation Government proposes that Complaint No. 2022/07 remain a Possible File.

³⁴ Decision of the Constitutional Court of Bosnia and Herzegovina no. U-3/24 of 11 July 2024.

[Annex nr. 34 Decision of the Constitutional Court of Bosnia and Herzegovina no. U-3_24 of 11 July 2024..pdf - Google Drive](#)

³⁵ Decision no. UPI 05/2-23-11-195/19-3 of 21 October 2024 on the relocation of the tailings facility.

[35. Decision no. UPI 052-23-11-19519-3 of 21 October 2024 on the relocation of the tailings facility..pdf - Google Drive](#)

³⁶ Report of the Federal Institute for Agropedology no. 01/03-20-2-932-7/25 of 23 March 2026, chapter 5, recommendations for further action.

[36. Report of the Federal Institute for Agropedology no. 0103-20-2-932-725 of 23 March 2026, chapter 5, recommendations for further action..pdf - Google Drive](#)

³⁷ Decision of the Government of the Federation of Bosnia and Herzegovina of 12 August 2026 approving funds for analytical equipment, no.1223/2026 and nr. 1222/2026 .

[Annex nr. 37 Decision of the Government of the Federation of Bosnia and Herzegovina of 12 August 2026 approving funds for analytical equipment.pdf - Google Drive](#)

[Annex nr. 37 Decision of the Government of the Federation of Bosnia and Herzegovina of 12 August 2026 no.1223_2026 approving funds for analytical equipment.pdf - Google Drive](#)