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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
45th meeting
Strasbourg, 8-12 December 2025

Bureau of the Standing Committee
8-10 April 2025
Strasbourg

Complaint on Stand-by: 2022/7

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

- REPORT BY THE COMPLAINANT -

*Document prepared by
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To the Bern Convention Secretariat

January 31st, 2025

Dear Sir/Madam,

Thank you for the opportunity to contribute with this Report on the status of the project of mining activities in Trstionica Gornja Bukovica and Vareš.

Please find below my Report for the Spring 2025 Bureau meeting.

Complaint No. 2022/07: New Complaint: Bosnia and Herzegovina: Possible negative impact of mining activities in Trstionica – Gornja Bukovica and Vareš

The Decision of the Bureau of the Standing Committee of the Bern Convention of April 10, 2024 has not been implemented, same as the previous decision was not implemented either.

The competent institutions have done nothing to stop the further destruction of nature and the threat to the habitats of both aquatic and terrestrial organisms.

In the Bukovica River, not even the biological minimum was ensured downstream of the pumps for Adriatic Metals and the water intake for citizens. Summer 2024 was all drought and the situation was even worse than the photo below.



2020 god. i danas isto mjesto slikano

Photo: The river Bukovica downstream of watercatchment: summer 2020 (left), autumn 2023 (right)

Despite the ruling of the Constitutional Court of Bosnia and Herzegovina¹, the illegal use of state property has not been stopped. Adriatic Metals received a concession from the Government of Zenica-Doboj Canton over state property for which that Government is not competent to decide, and from the cantonal and federal ministries they received illegal permits for work on the illegal concession.

Constitutional Court decision²

Summary

... In accordance with Article 61 of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Government of the Federation of Bosnia and Herzegovina and the Federal Ministry of Agriculture, Water Management and Forestry are ordered to undertake all activities to annul all decisions and activities based on the Decision on the Change of Purpose of Forest Land and the Temporary Use of Forest Land for Other Purposes of the Government of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina, Nos. 89/23 and 100/23). The Government of the Federation of Bosnia and Herzegovina and the Federal Ministry of Agriculture, Water Management and Forestry are ordered to notify the Constitutional Court of Bosnia and Herzegovina, in accordance with Article 72, paragraph (5) of the Rules of the Constitutional Court, of the measures taken to implement this decision within three months of the date of delivery of this decision.

(More on the link in footnote 2)

The decision of the Constitutional Court of Bosnia and Herzegovina of July 11, 2024 has not been implemented, but no one has been prosecuted for it despite the fact that Article 239 of the Criminal Code of Bosnia and Herzegovina prescribes prison sentences for the criminal offense of failure to implement the Decision of the Constitutional Court.

Cantonal court in Mostar decision of December 30, 2024³ annulled the Decision of the Federal Ministry of Mining, Energy and Industry (FMERI) allowing the exploitation of ores by the company Adriatic Metals. However, the exploitation has not been stopped.

Summary

The document is a legal decision from the Cantonal Court in Bosnia and Herzegovina, dated December 30, 2024. The case involves a dispute between the public company "VODOKOM" Kakanj and the Federal Ministry of Energy, Mining, and Industry, along with the company ADRIATIC METALS BH d.o.o. (formerly EASTERN MINING d.o.o.).

The court has ruled in favor of the plaintiff, "VODOKOM" Kakanj, by annulling the decision of the Federal Ministry that granted a permit to ADRIATIC METALS BH d.o.o. for the underground exploitation of lead, zinc, and barite at the Rupice-Juraševac-Brestić site in Vareš. The court found that the Ministry's decision was based on incomplete and improperly applied regulations and that the Ministry exceeded its authority.

The court has ordered the case to be returned to the Ministry for a new decision, taking into account the proper legal and factual circumstances. The court also noted that the Ministry failed to adequately consider the potential environmental impact on the Bukovica water source, which supplies drinking water to the town of Kakanj.

¹ https://drive.google.com/file/d/1YIkzdO2K5bI-W9M0gZAEiB8TSqzGP-Rz/view?usp=drive_link

² https://drive.google.com/file/d/1V8gRGyYHlSGV6px4VqQUooxHghKht-kG/view?usp=drive_link

³ https://drive.google.com/file/d/1QIDRIIt2urxY-Yhlm1mxwuY764qdpNlu9/view?usp=drive_link

The document includes detailed arguments from both sides, including concerns about environmental protection, the validity of the studies presented, and the legal procedures followed. The final decision emphasizes the need for a thorough and lawful reassessment of the permit application.

At the same time, the aforementioned company states in the media that they have received a new decision and a new permit, but they claim this without evidence. Neither Vodokom nor the Municipality of Kakanj as interested parties received this phantom decision.⁴ FMERI does not respond to requests for access to information, even though it is a legal obligation and despite the expiration of the legal deadline.

Considering that the Court determined that the exploitation permit was issued for an area that was not even investigated in terms of the impact of the works on the Bukovica River and that it was issued in a prohibited area (water protection zone), a new permit could not be issued or would be issued with great difficulty if impact studies were conducted.

The competent institutions are again not responding adequately to implement the court decision.⁵

Mehorić area: dying trees, Vrući stream and the Trstionica river⁶

Trees that were previously buried by excavated waste material from the Rupice mine died in the summer of 2024.

This is material that was unloaded on the banks of the Trstionica river and on two Mehorić meadows, and later only leveled instead of being taken to a legal landfill. This buried the trees up to two meters high, causing the bark to rot and the tree to die.

The authorities have not taken any action on this issue, nor have they adequately responded to the reports sent by activists to protect and restore this area destroyed by the illegal activities of the Adriatic Metals BH company and their subcontractors. (*More on the link in footnote 6*)

Preslicki potok (Preslicki stream)⁷ is a stream whose entire course was buried during the construction of the industrial road for the needs of Adriatic Metals.

Although this stream (was) one of the main tributaries of the Bukovica, the authorities did not react to this kind of damage.

Before the works, the stream was full of life, crabs, insects and young trout. This site is also located in the Bukovica water protection zone.

⁴ https://www.zurnal.info/clanak/adriatic-metals-loses-exploitation-permit-for-vares-mine/27535?fbclid=IwY2xjawH7fAJleHRuA2FlbQIxMQABHViUsMN_cfkVn-FMQQrk2Y1YzhHvalNyNe7RKUTuJEMQSVnHA8QxenNvdw_aem_m2QFLsgIkbcN5MK3QFX2eQ

⁵ https://www.slobodnaevropa.org/a/vares-krcenje-sume-ustavni-sud-britanksa-firma-rudnik/33295081.html?fbclid=IwY2xjawIJActleHRuA2FlbQIxMQABHU7W118w75PX-at7nDuRJo5hdXvoTqFzEqcpw0dpHvP0lbZcHggpH2g-ow_aem_I3NtE7MP-bsA-IJqblhXyA

⁶ https://drive.google.com/file/d/1YN60_9YRITtPXWqUdQWXS WKozNNLiRUQ/view?usp=drive_link

⁷ https://drive.google.com/file/d/1TwY6AFMLbse8g9nSS1DEeRKppIj_eZw1/view?usp=drive_link

Preslicki stream, one of the main tributaries to the river Bukovica, buried by haul road construction.⁸ Drainage shafts were piped into the stream and the Bukovica river.⁹

Prosecutor's decision not to conduct an investigation¹⁰

The document is an official notification from the Cantonal Prosecutor's Office of the Zenica- Dobož Canton in Bosnia and Herzegovina, dated July 9, 2024. It addresses a criminal complaint against the company "Adriatic Metals BH" d.o.o. Vareš for alleged illegal deforestation.

The decision not to proceed with the investigation was unanimously supported by the Economic Crime Department of the Cantonal Prosecutor's Office. (The Summary is on the link in footnote 10)

Nota bene:

Criminal Code of the Federation of Bosnia and Herzegovina

Article 315

Deforestation

(1) Whoever, contrary to regulations or orders of competent authorities, cuts down or clears a forest, or who whitewashes trees or otherwise devastates a forest, and thereby no other criminal offense for which a more severe punishment is prescribed has been committed, shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article in a protected forest, national park or other special-purpose forests shall be punished by imprisonment for a term not exceeding three years.

SLAPP against activist¹¹

A SLAPP lawsuit against the activist ended in a verdict in favor of the activist.

After the defendant responded to the lawsuit, the company tried to withdraw the lawsuit. The defendant did not agree to it, since the defendant's consent is legally required. After that, the company waived the claim, so the court ruled on the basis of the waiver and rejected the plaintiff's claim.

Lack of transparency¹²

For years, the NGO sector has been sending Requests for Access to Information of Public Importance to the Ministry of Economy, Water Management and Forestry of Zenica-Dobož Canton, requesting access to the concession agreement concluded between the

⁸ https://youtu.be/_aPI4gLWXQk

⁹ https://drive.google.com/file/d/1CQ5MU_RNFSkxTD6uSZCGNym4pJ9aKg0y/view?usp=drive_link

¹⁰ https://drive.google.com/file/d/1iyz-UYzaO4WvAKj7Wt-AuoAzcGZiILfm/view?usp=drive_link

¹¹ https://drive.google.com/file/d/1wyAfyhD_N-msdlG5sdq-kMKLMbIJjCT/view?usp=drive_link

¹² https://drive.google.com/file/d/1gJcqVQ9cuDfJ818o_zuFwxgv-CqbGmyu/view?usp=drive_link

aforementioned ministry and the company Adriatic Metals. The ministry has rejected such requests every time, justifying such a decision with “business secrets”.

The case ended up at the Cantonal Court in Zenica, and the verdict was issued in favour of the activists.

*Summary*¹³

...The court partially upheld the lawsuit filed by the Foundation ACT, annulling the decision of the Ministry of Economy ZDK that denied access to certain information.

The court ordered the Ministry to reconsider the request for access to the concession contract and its annexes related to the underground exploitation project of lead, zinc, barite, and associated minerals at the "Rupice" site in Vareš. (More on the link in footnote 13)

Please, do not hesitate to contact me if you have any questions, or need some more information or translation of a document.

Kind regards,

Hajrija Čobo

¹³ https://drive.google.com/file/d/1Hr3eYqMd0F-B8qTErfAv0OkgdM1X31IZ/view?usp=drive_link