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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Bureau of the Standing Committee

18-19 March 2024
Strasbourg

Open File: 2020/9

**Possible negative impact of hydro-power plant
development on the Neretva river
(Bosnia & Herzegovina)**

- REPORT OF THE GOVERNMENT -

*Document prepared by
the Federal Ministry of Environment and Tourism of the Federation of Bosnia and Herzegovina and
Ministry of Spatial Planning, Construction and Ecology of the Republic of Srpska, through
the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina*

**PROGRESS REPORT
Bosnia and Herzegovina**

**Directorate General of Democracy and Human Dignity
Bern Convention
Council of Europe
Avenue de l'Europe
F-67075 Strasbourg Cedex, France**

Attn.

**Mr. Mikaël Poutiers, Secretary of the Bern Convention
Mr. Eoghan Kelly, Project coordinator of the Bern Convention**

Reference: Open File 2020/9: Bosnia and Herzegovina: Possible negative impact of hydro-power plant development on the Neretva River, Updated report, hereby delivered

*Consolidated report prepared by Dejan Radosevic, Bern Convention National Focal Point for Bosnia and Herzegovina
Banja Luka, 29th February 2024*

Attachments to this Report:

[1]: The Official Response of the Ministry of Spatial Planning, Construction and Ecology, February 27, 2024 [2]: Conclusion of the Government of the Federation of Bosnia and Herzegovina, October 31, 2023

[3]: The official response of the Federal Ministry for the Environment and Tourism, February 27, 2023

Recommendation No. 217 (2022) of the Standing Committee, adopted on 2nd December 2022 on the possible negative impact of hydropower plant development on the Neretva River (Bosnia and Herzegovina), urges to halt the construction of the hydropower plant Ulog, cancel concessions for hydro-energetic system Gornja Neretva and halt all planning activities when it comes to construction of hydro-energy facilities on Candidate site for Emerald Network (BA0000002), taking into account other criteria in the Recommendation.

The Standing Committee of the Bern Convention examined the above-mentioned complaint at its 43rd meeting on 27th November to 1st December 2023 in light of the most recently submitted reports by the authorities and complainant. Here follows the Standing Committee decision:

1. Took note of the reports of both parties and thanked the representative of the authorities of Bosnia and Herzegovina and the complainant organisation, Center for Environment, for their presentations. It recalled that Recommendation No. 217 (2022) on the possible negative impact of hydro-power plant development on the Neretva River had been adopted last year at the 42nd meeting.
2. Regretted the news confirmed by both parties that the construction of the Ulog dam and hydropower plant (HPP) continued and was not planned to be suspended as called for in point 7 of Recommendation No. 217 (2022). In relation to the statement of the government that "Construction of HPP Ulog has not been halted as it falls outside of the scope of the protected area and construction of this plant does not jeopardize the natural values significant for declaration of a protected area", it recalled that the expert assessment of the site in October 2022 and unanimous support of the Contracting Parties of the Standing Committee to that assessment had taken a completely different position, stressing that the construction of this dam will cause irreparable damage in the region and along the river course.

3. Further took note that the Bjelimici and Glavaticevo HPP projects still remain in the Spatial plan but pointed out that the Federal Ministry of Environment and Tourism had urged that development activities related to hydropower facilities on the Neretva River have to be suspended until the end of the process regarding the Complaint No. 2020/9.
4. Furthermore pointed to the recent adopted Conclusion of the Government of the Federation of Bosnia and Herzegovina on reacting to impacts on the water and environment of the HPPs being developed on Neretva, thus demonstrating that the authorities were beginning to take notice of the likely negative consequences.
5. Acknowledging the political complexities in Bosnia and Herzegovina, encouraged authorities at all levels to work together, as the river system is not restricted by borders.
6. Further took note that concessions had still not been cancelled for the two phases of the hydroelectric system Gornja Neretva, and that the Upper Horizons HPP scheme was ongoing. It again urged the authorities to follow points 8, 10 and 13 of the Recommendation by cancelling or banning these projects.
7. Called for the authorities involved to speed up if possible the process of declaring Gornji tok Neretve as a protected area and adopted Emerald Network site (point 1 of Recommendation No. 217 (2022)). It also urged them and the relevant stakeholders to make use of the data which civil society is collecting during the Neretva Science Week and similar initiatives. It recalled that there is a data gap in this area, and therefore new data gathered should be systematically welcomed and exploited.
8. Welcomed that a focal point for Bosnia and Herzegovina had been assigned as called for in the Recommendation.
9. Again, called for a suspension of construction of the Ulog HPP and fulfilment of Recommendation No. 217 (2022), encouraged better communication between authorities at different levels and NGOs, and requested that both parties provide update reports for the Spring Bureau meeting in 2024, and in particular to provide the state of play of the various HPP projects related to the complaint. The file remains open.

In this regard, the Bureau of the Standing Committee to the Bern Convention urges competent authorities to send a new progress report.

In accordance with the request, the authorities of Bosnia and Herzegovina submit the following information:

An information about the 43rd meeting of the Standing Committee has been delivered to the authorities of Bosnia and Herzegovina on December 6, 2023 by Bern Convention National Focal Point for Bosnia and Herzegovina.

On February 27, 2024 Bern Convention National Focal Point for Bosnia and Herzegovina informed the authorities of Bosnia and Herzegovina that the Standing Committee to the Bern Convention, at the meeting held from November 27 to December 1 of 2023, continued to consider complaint 2020/9 based on response on progress submitted by the ministries in charge against the Recommendation No. 217 (2022) on possible negative impact of hydro-power plant development on the Neretva river.

We would like to inform you that the situation has remained unchanged in relation to the facts presented within the Progress report submitted to the Secretariat on November 15, 2023 regarding the consideration at the 43rd meeting of the Standing Committee.

The Ministry of Spatial Planning, Construction and Ecology confirmed that in its official response (see Attachment [1]).

The Federal Ministry for the Environment and Tourism expressed itself orally on this issue and conveyed that certain actions have been taken towards the Government of the Federation of Bosnia and Herzegovina, but that the official response have not yet been received and cannot be the subject of this report at this moment.

As indicated in the previous Progress Report, designation of the new protected areas “Gornji tok Neretve”, municipality of Gacko and “Prirodno plodiste pastrmke Ulog” municipality of Kalinovik has initiated. Initiatives have been accepted and merged into one, whilst the Republic Institute for the Protection of Cultural, Historical and Natural Heritage suggested the protection of a new protected area and submitted to the Ministry of Spatial Planning, Construction and Ecology a Study for establishment a new protected area in category IV, Protected habitat Neretva. A study has submitted on December 23, 2022. Decision making about subject Initiative has prolonged until Government of Republic of Srpska takes its position on final purpose of the subject area.

There has been no change in status of the hydro-energetic system Gornja Neretva (both Phase I and Phase II) since previous Report.

Construction of hydro power plant Ulog has not halted as it falls outside of scope of the proposed protected area (Protected habitat Neretva) and construction of the plant does not jeopardize natural values significant for declaration of protected area.

The Federal Ministry of Environment and Tourism, in cooperation with the Federal Ministry of Agriculture, Water Management and Forestry, has prepared for the Government of the Federation of Bosnia and Herzegovina a joint Information on the identified needs for launching an initiative towards the Council of Ministers of Bosnia and Herzegovina. The Information is about the protection of the interests of the Federation of Bosnia and Herzegovina from the consequences of the construction the Ulog HPP and seven small hydropower plants, which make up hydropower system of the Upper Neretva that are located in Republic of Srpska. Suggested conclusions are also proposed.

The Government of the Federation of Bosnia and Herzegovina at its 18th session held on October 30, 2023. adopted Information with proposed conclusions V. no. 1548/2023 dated on October 30, 2023.

Conclusion of the Government of the Federation of Bosnia and Herzegovina (File no- 03-04-1219-1/2023 AN dated on October 31, 2023; see Attachment [2]):

1. The Information submitted by the Federal Ministry of Environment and Tourism and the Federal Ministry of Agriculture, Water Management and Forestry on the identified needs for launching an initiative to the Council of Ministers of Bosnia and Herzegovina to protect the interests of the Federation of Bosnia and Herzegovina from the consequences of the construction of hydro power plant Ulog in Republic of Srpska and seven small hydro power plants, which make up the hydro-energetic system Gornja Neretva (both Phase I and Phase II) is adopted by the Government of the Federation of Bosnia and Herzegovina.
2. The Government of the Federation of Bosnia and Herzegovina will send the information from point 1 of the Conclusion to the Council of Ministers of Bosnia and Herzegovina as an Initiative to resolve the issue of the impact of the construction of hydropower plant Ulog and the hydro-energetic system Gornja Neretva (both Phase I and Phase II) on the state of water and the environment in the Federation of Bosnia and Herzegovina.
3. The Federal Ministry of Environment and Tourism and the Federal Ministry of Agriculture, Water Management and Forestry are responsible for monitoring the implementation of this Conclusion, each within their own competences.
4. This Conclusion enters into force on the day of its adoption.

Federal Ministry of Environment and Tourism (hereinafter: FMOiT) by letter number: 04-19-737/21/22-3, dated on February 2, 2023 informed the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina about how FMOiT acted in relation to Recommendation No. 217 (2022) of the Standing Committee of the Bern Convention, adopted on December 2, 2022 concerning the possible negative impact of the construction of hydropower facilities on the Neretva River (Bosnia and Herzegovina). In addition, FMOiT informed the Ministry of Trade, Tourism and Environmental Protection of the Hercegovina-Nertva Canton about these issues and ordered that until the end of the process regarding the Complaint No. 2020/9 the condition of the area that is the subject of the appeal has not be deteriorated and that development activities related to hydropower facilities on the Neretva River have to be suspended (see Attachment [3]).