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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting

Strasbourg, 27 November - 1 December 2023

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*

- November 2023 -

PROGRESS REPORT Bosnia and Herzegovina

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

Consolidated report prepared by Dejan Radosevic, Bern Convention National Focal Point for Bosnia and Herzegovina

Banja Luka, 15th November 2023

Attachments to this Report:

- [1]: The Official Response of the Ministry of Spatial Planning, Construction and Ecology, October 24, 2023
- [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.

At its second ordinary meeting of 2023 on 12-13 September, the Bureau of the Standing Committee to the Bern Convention re-examined the above-mentioned complaint in light of the most recently submitted reports by the authorities and complainant. Here follows the Bureau decision:

Decision: The Bureau took note of the update report of the complainant and remarked that the government report had arrived very late after the deadline. It requested that the government respect the deadlines issued by the Secretariat in the future, in order to allow for a timely processing and adequate time for the Bureau to assess the reports. The Bureau 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”, the Bureau 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 to the area. The Bureau reminded that Bosnia and Herzegovina was part of the Bern Convention in order to respect international standards, and it again urged the authorities of the country to follow the call of the international community by suspending this unsustainable project. The Bureau 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.

The Bureau 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). 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. The Bureau asked both parties to present an updated report at the 43rd Standing Committee, which should detail progress on each point (1-15) of Recommendation no.217 (2022).

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:

As indicated in the previous Report, submitted on September 8, 2023 to the Standing Committee to the Bern Convention, 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 (see Attachment [1]).

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]).

- September 2023 -

Reference: Complaint No. 2020/9, Possible negative impact of hydropower plants development on the Neretva river, RESPONSE, hereby delivered

Recommendation no 217 (212), adopted on 42 meeting held on November 28 to December 2, 2022 urges to halt the construction of the hydropower plant Ulog, cancel concessions for HES Gornja Neretva and halt all planning activities when it comes to construction of hydroenergy facilities on candidate site for Emerald Network (BA0000002), taking into account other criteria in the recommendation. In this regard, the Bureau to the Standing Committee of the Bern Convention urges competent authorities to send a new progress report.

In accordance with the request, we would like to inform you about the following:

As indicated in the previous response of the Ministry dated on February 15, 2023, initiatives of the NGO Centre for Environment to establish the protected areas „Gornji tok Neretve” in municipality of Gacko and „Prirodno plodište pastrmke Ulog” in municipality of Kalinovik have been accepted and merged into one, whilst Republic Institute for the protection of Cultural, Historic and Natural heritage suggested to protect the area as category IV (Protected habitat) and submitted to the Ministry of Spatial Planning, Construction and Ecology the Study for the establishment of Protected habitat „Neretva” December 23, 2022. Decision making regarding the subject initiative has been 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 system HES „Gornja Neretva” since previous response.

Construction of HPP Ulog has not been halted as it falls outside of scope of the protected area and construction of this plant does not jeopardize natural values significant for declaration of protected area.

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.

In addition to above, kindly note that Mr. Dejan Radosevic, Bachelor of Ecology, head of department for biodiversity in Republic Institut for protection of cultural, historic and natural heritage, has been appointed focal point on behalf of BiH for the Bern Convention.

- February 2023 -



**REPUBLIC OF SRPSKA
GOVERNMENT**

MINISTRY OF SPATIAL PLANNING, CONSTRUCTION AND ECOLOGY

Trg Republike Srpske 3, Banja Luka, Telephone 00387 (0)51 339 592; Fax 00387 (0)51 339 653
E-mail: kabinetministra@mgr.vieders.net; www.vieders.net

Reference number: 15.04-052-9465/20

Dated, 15 February 2023

**DIRECTORATE GENERAL OF DEMOCRACY
BERN CONVENTION
FAo Ursula Sticker, Secretary of the Bern Convention**

Through:

**MINISTRY OF FOREIGN TRADE AND ECONOMIC RELATIONS
Musala 9
71000 SARAJEVO
BOSNIA AND HERZEGOVINA**

**Reference: Complaint No. 2020/9, Possible negative impact of hydropower plants development on the Neretva river, RESPONSE, hereby delivered
(Link - Letter from Directorate General of Democracy of the Bern Convention, dated 6 December 2022)**

The registry office of the Ministry of Spatial Planning, Construction and Ecology received a letter from the Secretariat to the Bern Convention on 7 December 2022 through electronic email, by which the Secretariat refers to Recommendations no 217 (212), adopted on 42 meeting held on 28.11-2.12.2022, and which urges to halt the construction of the hydropower plant Ulog, cancel concessions for HES Gornja Neretva and halt all planning for construction of hydro energy facilities on site, candidate for Emerald Network, taking into account other criteria in the recommendation. The Recommendation urges competent authorities to send progress report no later than 17 February 2023.

In accordance with the request, we would like to inform you about the following:

Initiative of the NGO Centre for Environment to declare protected areas „Gornji tok Neretve, municipality Gacko” and „Prirodno plodište pastrmke Ulog opština Kalinovik” have been accepted and merged into one, considering objectives of protection and management, assessment of the state of the area, protection measures and spatial scope of the area. Republic Institut for protection of cultural, historic and natural heritage suggested to protect the area as category IV-protected habitat- and submitted to the Ministry of Spatial Planning, Construction and Ecology Study on protection for declaration of protected habitat „Neretva” on 23 December 2022. Pursuant to Law on nature protection, due diligence of the procedure includes receiving opinions of other competent ministries and other competent institutions. The process is underway.

Scope of the area planned for declaration of protected habitat „Neretva” does not include area under concession for construction of HPP Ulog, thus construction of the HPP Ulog does not jeopardize natural values significant for declaration of protected area.

Taking into account that procedure for declaration of protected area is initiated, Conclusion 15.04-96-184/22 dated 12 January 2023 put on hold procedure for deciding upon request to approve impact report for project regarding construction of HES „Gornja Neretva” phase 1 on the Neretva river, due to consideration of the former question. The procedure will be on hold until former question is resolved, i.e. until procedure to declare protected area of category IV- protected habitat „Neretva”-is completed.

Sincerely,



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