

WATER LAW

I - GENERAL PROVISIONS

Article 1

Subject Matter

- (1) This Law shall regulate water management within the territory of the Federation of Bosnia and Herzegovina (hereinafter: The Federation).
- (2) Water Management shall include: water protection, water use, protection against detrimental effects of water, and regulation of watercourses and other waters.
- (3) This Law shall govern: water property and public water property, water structures, legal persons and other institutions competent for specific water management matters and other issues pertaining to waters in the Federation.

Article 2

Purpose

- (1) The purpose of this Law is to ensure water management with a view to ensuring:
 1. Reduction of water pollution, achieving good water status and preventing water degradation;
 2. Sustainable water use;
 3. Equitable access to water;
 4. Social and economic development;
 5. Eco-system protection;
 6. Reduction of risks of floods and other negative effects of water;
 7. Public participation in water-related decision-making;
 8. Prevention and resolution of conflicts related to the protection and use of water;
 9. Compliance with commitments made in the international agreements which are binding on Bosnia and Herzegovina.

II - BASIC PRINCIPLES AND DEFINITIONS

Article 3 **Basic Principles**

- (1) Water is common good and as such shall be under special protection of Bosnia and Herzegovina, the Federation, cantons, towns and municipalities.
- (2) Water management shall be based on the following principles:
 1. Non-commerciality whereby water is essentially not a commercial product but rather a heritage which must be protected, defended and treated as such;
 2. Integrity which takes account of the natural processes and water dynamics, and interconnectedness and interdependence of water and water-related ecosystems;
 3. Long-term protection quality and rational use of available water resources;
 4. Ensuring the protection against detrimental effects of water with a view to protecting the population and their property, taking account of the impact of natural processes;
 5. Economic validation of water, including the costs of load, protection and regulation and the protection against detrimental effects of waters;
 6. Public participation in the establishment of water management plans;
 7. Taking account of the best available technologies and scientific developments on natural processes and best environmental practices.

Article 4 **Definitions**

For the purposes of this Law, the following definitions shall apply:

1. "Surface water" means inland waters, except groundwater; transitional waters and coastal waters, except coastal waters belonging to territorial waters;
2. "Inland water" means all standing or flowing water on the surface of the land and all groundwater on the landward side of the baseline from which the breadth of territorial waters is measured;
3. "Groundwater" means all water below the surface of the ground in the saturation zone and in direct contact with the topsoil and subsoil;
4. "River" means water flowing for the most part on the surface of the land but which may flow underground for part of its course;

5. "Coastal water" means surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured, extending where appropriate up to the outer limit of transitional waters;
6. "Transitional waters" are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows;
7. "Water course" means a channel of flowing water together with banks and water which flows through it regularly or intermittently;
8. "Channel" means a depression in the ground through which water flows continuously or periodically;
9. "Water regime" means a series of hydrological, hydro-morphological, hydraulic, chemical and biological properties of surface and ground waters in a given area and a given time;
10. "Water regime alteration" means all alterations in water regime effected as a result of natural forces or human activity;
11. "Ecosystem" means aquatic, semi-aquatic and terrestrial ecosystems which are directly or indirectly dependent on water;
12. "River basin" means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes to a river mouth, estuary or delta into the sea;
13. "Sub-basin" means the area of land from which all surface run-off flows through a series of streams, rivers and, possibly, lakes to a particular point of a water course (normally a river confluence or a lake);
14. "River basin district" means the area of land and sea, made up of one or more neighboring river basins together with their associated ground waters and coastal waters, which is identified as the main unit for water management;
15. "Transboundary water" means waters that constitute or intersect the border of Bosnia and Herzegovina;
16. "Body of surface water" means a discrete and significant element of surface water such as a lake, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water;
17. "Surface water status" means the status of a body of surface water determined by the poorer of its ecological status and its chemical status;

18. "ecological status" means the quality of the structure and functioning of surface water ecosystems;
19. "Chemical status" means a level of the chemical pollution of water;
20. "Artificial water body" is a body of surface water created by human activity;
21. "Heavily modified water body" means a body of surface water which as a result of physical alterations by human activity is substantially changed in character;
22. "Aquifer" means a subsurface layer or interbeds in the rocks or other geological formations of such porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater;
23. "Body of groundwater" means a distinct volume of groundwater within an aquifer or aquifers;
24. "Ground water status" is the status of a body of ground water determined by the poorer of its quantitative or chemical status;
25. "groundwater quantitative status" means the degree to which a body of groundwater is affected by direct and indirect abstraction;
26. "Drinking water" means water intended for human consumption which, in terms of quality, complies with specific regulations issued by the ministry in charge of health;
27. "Public water supply" means the activities of abstraction of ground or surface waters for the purpose of securing water supply for the population; of water treatment up to the safety degree and of providing piped water supply to the consumption point and its distribution to water users, if the total abstracted volume of water exceeds 10m³ a day;
28. "Mineral waters" are ground waters which in terms of their characteristics comply with the mineral water standards, and are abstracted from a well or spring;
29. "Thermal waters" are ground waters which in terms of their characteristics comply with the specific thermal water standards and are abstracted from a well or spring;
30. "Thermo-mineral waters" are thermal waters with certain properties of mineral waters;
31. "Direct discharge to ground water" means discharge of pollutants into ground water without percolation throughout the soil or subsoil;
32. "Material in water courses" means gravel, sand, mud, plants and other similar natural or artificial materials which are removed from the water course or water property in view of their maintenance or regulation;
33. "Hazardous substances" means substances or groups of substances that are toxic, persistent and liable to bio-accumulation, and other substances or groups of substances of an equivalent or similar level of concern;

34. "Priority substances" means substances as defined in Article 2 point 30 of Directive 2000/60/EC of European Parliament and Council;
35. "Pollutant" means any substance liable to cause pollution, in particular those listed in Annex VIII of Directive 2000/60/EC of European Parliament and Council;
36. "Waste water" means water of altered natural, physical, chemical or biological properties as a result of human activity;
37. "Person" means physical or legal person;
38. "Operator" means the person operating or controlling a plant or an activity, or a person to whom such responsibility has been delegated in accordance with law;
39. "Activity" means any activity that affects or can affect the quality or quantity of water, ecosystems, morphology of water course and its use;
40. "Interested party" means a person whose right, interest or obligation can be affected by the activity of other person;
41. "Regulated inundation area" means the land between river channel and outer (water) border of the dyke;
42. "Urban area" means a settlement or a group of settlements comprising a spatial urban whole or physically and functionally interrelated whole as defined by the Spatial Plan of the Federation, canton, town and municipality in line with the spatial planning regulations.

III - CLASSIFICATION OF SURFACE WATERS, WATER PROPERTY AND WATER STRUCTURE

Article 5 **Classification of Surface Waters**

- (1) Considering their importance for water management, surface waters shall be classified as category I and category II.
- (2) Category I waters:
 - A) within the Sava River Basin District:

Watercourses

Artificial reservoirs

- | | |
|---|-------------|
| 1. Sava | 1. Hazna |
| 2. Una | 2. Vidara |
| 3. Unac | 3. Jajce I |
| 4. Sana | 4. Jajce II |
| 5. Vrbas | 5. Župica |
| 6. Pliva | |
| 7. Bosna | |
| 8. Krivaja | |
| 9. Usora | |
| 10. Spreča (downstream from the
mouth of the river Jala) | |
| 11. Željeznica | |
| 12. Tinja | |
| 13. Drina | |
| 14. Sanica | |
| 15. Klokot | |

B) within the Adriatic River Basin District

Watercourses

Artificial reservoirs

- | | |
|---|----------------|
| 1. Neretva | 1. Rama |
| 2. Trebišnjica (the regulated
part of the watercourse) | 2. Jablanica |
| 3. Matica (Vrljika) | 3. Grabovica |
| 4. Tihaljina, Mlada, Trebižat | 4. Salakovac |
| 5. Bregava | 5. Mostar |
| 6. Krupa | 6. Buško blato |
| 7. Lištica (downstream from
Široki Brijeg) | 7. Mandek |
| 8. Rama | 8. Lipa |

Natural lakes and wetlands

1. Boračko jezero (lake)
2. Blidinje (lake)
3. Hutovo blato (wetland)

All other waters belong to the Category II.

Article 6
Classification of surface waters

- (1) Surface waters include flowing and standing waters.
- (2) Flowing waters are natural watercourses such as torrents, streams and rivers, either having regular or intermittent flow.
- (3) Flowing waters shall also include regulated watercourses and watercourses created as a result of the relocation of natural water courses or partial abstraction of water from natural watercourses.
- (4) Standing waters shall include: coastal waters, natural lakes, including those which occasionally run dry, ponds, wetlands and other natural water reservoirs having regular or intermittent inflow or run-off of surface or ground waters.
- (5) Standing waters shall also include impounding reservoirs created as a result of impounding flowing waters or other interventions in a certain area.

Article 7
Water property

- (1) Water property shall, according to this Law, be a set of land lots that include:
 1. land on which surface water is permanently or occasionally present resulting in special hydrological, geomorphological and biological relations being formed which determine water and water-related eco-systems;
 2. flowing water main channel, including islands and banks up to a significant geomorphological alteration;
 3. riparian zone of 15 m width from the bank boundary (significant morphological alterations) for Category I surface waters, and riparian zone of 5 m width from the bank boundary (significant morphological alterations) for Category II surface waters;
 4. land submerged by standing water, including the bank up to the highest recorded water level;
 5. abandoned, occasionally inundated, river channels, wetlands and lands flooded by water due to spatial planning interventions;
 6. a regulated inundation area;
 7. land below and beside water structures as defined in point 1 paragraph 1 of Article 14 of this Law.
- (2) Without prejudice to the provisions of point 3 paragraph 1 of this Article, the Government of the Federation of Bosnia and Herzegovina (hereinafter: The Federation Government) may establish a different width of riparian zone, if deemed necessary for the purposes of: water protection, protection against detrimental effects of waters, ensuring general water use and activities of competent institutions with delegated powers in compliance with this Law.
- (3) Water property can be owned by Federation, canton, town, municipality, legal or physical person.

- (4) In each case of sale of a land lot owned by a physical or legal person and belonging to the water property, the Federation, canton, town or municipality shall be granted preferential right to purchase.

Article 8

Delimitation of water property

- (1) Federal Minister of Agriculture, Water Management and Forestry (hereinafter: Federal Minister) shall lay down in a specific regulation the method of delimitation of the water property as referred to in paragraph 1 of Article 7 of this Law and the procedure to determine whether a land lot is in the domain of public water property as referred to in paragraph 1 and 2 of Article 9 of this Law.
- (2) On the basis of the regulation referred to in paragraph 1 of this Article, the Federal Ministry of Agriculture, Water Management and Forestry (hereinafter: The Federal Ministry) shall delimit a water property for Category I waters, and cantonal ministry responsible for waters shall delimit a water property for Category II waters.
- (3) Water property boundaries shall be entered into the land register.

Article 9

Public Water Property

- (1) Public water property shall consist of land lots referred to in paragraph 1 of Article 7 of this Law, which until the date of entry into force of this Law have been entered into the land registers as a public property, a state-owned property or the property of a town or municipality, or that have become the state property by law.
- (2) Unless proven otherwise, public water property shall also be the land lots referred to in paragraph 1 of Article 7 of this Law which have not been entered into land registers until the date of entry into force of this Law, or which have been entered into land registers but without a named owner.
- (3) Public water property as defined in paragraph 1 of this Article is the property of general interest and the ownership of:
1. the Federation - for all surface waters of Category I, for the purposes of this Law;
 2. the town and municipality – for all surface waters of Category II, for the purposes of this Law, unless otherwise specified in a cantonal regulation.
- (4) Powers to manage public water property shall be given to public authorities, legal persons and other institutions to the extent and in a manner as prescribed in this Law, or other document of the competent authority transferring the powers to manage the public water property.

Article 10

- (1) The Federal Minister shall by way of official decision determine whether a water property is in the domain of the public water property for Category I surface waters, in line with the provision referred to in paragraph 1 of Article 8 of this Law.
- (2) Cantonal Minister competent for water shall by way of official decision determine whether a water property is in the domain of the public water property for Category II surface waters in line with the provision referred to in paragraph 1 of Article 8 of this Law.
- (3) Public water property shall not be subject of trade, but may, under special conditions defined by this Law or another provision based on it, be subject to limited right of use in the form of lease.
- (4) Methods and conditions as regards the limitation of the right of use of the public water property as referred to in paragraph 3 of this Article shall be laid down by the Federal Minister in a specific provision.

Article 11

- (1) A land lot shall cease to be a part of the public water property under the following circumstances:
 1. if by way of an official decision by the competent minister referred to in paragraph 1 and 2 of Article 10 of this Law, the lot is found to be no longer compliant with the water property requirements as defined in paragraph 1 of Article 7 of this Law;
 2. if the Federation Government adopts a decision otherwise determining the use of the public water property for specific common needs and uses.
- (2) The status of a public water property shall be repealed on the date of entry of the status changes into the land registers on the basis of an official decision issued or a decision as defined in paragraph 1 of this Article.

Article 12

Interventions within water property

- (1) Interventions shall not be allowed within the water property, other than:
 1. the construction of public infrastructure facilities (roads, railways, bridges, gas pipeline, etc);
 2. construction of water control works;
 3. interventions related to the improvement of hydromorphological and biological characteristics of surface waters;
 4. interventions relating to environmental protection;

5. construction of facilities required for water use (abstraction and water storage facilities), navigation security, life guarding in natural bathing areas;
 6. construction of facilities intended for the protection of water from pollution;
 7. construction of facilities for needs of public authorities, protection and safeguarding of people, animals or property against natural and other disasters, and for police work.
- (2) Interventions as referred to in paragraph 1 of this Article shall be subject to requirements provided for in this Law and building regulations.

Article 13 **Water structures**

Water structures shall be facilities or group of facilities which, together with appertaining equipment, constitute a technical and/or technological whole used for protection against detrimental effects of waters, water abstraction for intended use and the protection of water against pollution.

Article 14 **Types of structures in respect of their intended use**

- (1) Water structures in respect of their intended use shall be:
1. Water control structures – embankments, bank revetments, regulated water course channels, sluices, catch-water drains for the protection against external waters, discharge tunnels, dams with reservoirs, floodgates, surface retention, flood protection pumping stations and other associated facilities, as well as erosion and flood control facilities;
 2. Drainage structures, basic and detailed drainage channel networks, drainage pumping stations and associated structures;
 3. Structures for water use intended for:
 - water supply (other than general water use) – dams and reservoirs, water abstraction structures, wells, captures with relevant equipment, drinking water treatment plants, water tanks and pipeline, and other associated structures;
 - water supply for industry – dams and reservoirs, water abstraction structures, wells, captures with relevant equipment, pipelines and other associated structures;
 - irrigation – dams and reservoirs, supply channels and tunnels, water abstraction structures, pumping stations, water gates, supply and distribution network and other associated structures;
 - utilization of water power – dams and reservoirs, water abstraction structures, supply and discharge structures and other associated structures and equipment;

- navigation – waterways, navigation locks, water gates and other associated structures and equipment;
 - other intended uses – fish farming structures, recreational pools, lakes etc.
4. Water pollution protection structures (hereinafter: water protection structures) – conduits for waste water reception and conveyance, waste water treatment plants, waste water outlets to a recipient, and other associated structures and equipment.
- (2) Water structures as referred to in paragraph 1 of this Article can serve multiple purposes at a time – multi-purpose water structures.

Article 15

Ownership of the water structures

- (1) Water control structures, referred to in point 1 paragraph 1 of Article 14 of this Law, within watercourses belonging to the Category I surface waters, shall be in the ownership of the Federation, except regulated watercourse channels in urban areas.
- (2) The power to manage and use water structures as referred to in paragraph 1 of this Article shall be delegated by the Federation to the respective Water Agencies as referred to in Article 152 of this Law to such extent and in such manner as defined by this Law or other legislation of the Federation.
- (3) Water control structures, referred to in point 1 of paragraph 1 of Article 14 of this Law within watercourses belonging to the Category II surface waters, and regulated watercourse channels in urban areas belonging to the Category I surface waters shall be in the ownership of a town or municipality, unless otherwise specified in cantonal legislation.
- (4) The owners of water structures referred to in paragraph 3 of this Article may delegate the powers to manage and use to the authorities, legal persons or other institutions to such extent and in such manner as defined by this Law or other provisions of a town or a municipality.

Article 16

- (1) Water structures referred to in lines 2, 3 and 6 of point 3 and 2 of paragraph 1 of Article 14 of this Law, whose construction has been state-funded, shall be owned by the respective canton on the territory of which they are located.
- (2) Owners of water structures referred to in paragraph 1 of this Article may delegate the power to manage and use these structures to legal persons.
- (3) Water structures referred to in lines 2, 3 and 6 of points 3 and 2 of paragraph 1 of Article 14 of this Law, constructed by legal or physical persons for their own needs, shall be owned by those legal or physical persons, who are responsible for their management.

Article 17

- (1) The water structures referred to in line 1 of point 3 and point 4 of paragraph 1 of Article 14 of this Law shall be owned by a town or a municipality, unless otherwise specified in cantonal legislation.
- (2) Owners of the water structures referred to in paragraph 1 of this Article may delegate the power to manage and use these structures to legal persons established according to legislation governing public utility services.
- (3) The water structures referred to in line 1 of point 3 and point 4 of paragraph 1 of Article 14 of this Law, built by legal or physical persons for their own needs, shall be owned by those legal or physical persons who are responsible for their management.

Article 18

The water structures referred to in line 4 of point 3 of paragraph 1 of Article 14 of this Law shall be owned by legal or physical persons who have built them and are responsible for their management.

Article 19

- (1) The water structures referred to in line 5 of point 3 of paragraph 1 of Article 14 of this Law shall be owned by the Federation of BiH.
- (2) The owner of water structures referred to in paragraph 1 of this Article may delegate the power to manage and use these structures to a legal person or another institution to such extent and in such manner as defined by applicable legislation.

Article 20

- (1) Owners or users of the water structures referred to in Art 15, 16, 17, 18 and 19 of this Law shall ensure that the structures are kept operational and used in accordance with their nature and purpose.
- (2) The Owner or user of the water structures referred to in paragraph 1 of this Article shall, in case of discontinuation of their use, act in accordance with the relevant water approval, or keep the structures in such state as to avoid any damage to water regime or third persons.
- (3) In case the owner or user fails to keep the water structure operational or fails to use it in a way specified in paragraph 1 of this Article, the Federal Water Inspection referred to in paragraph 1 of Article 183 of this Law, or cantonal water inspection referred to in Article 198 of this Law, shall by way of an official decision order appropriate measures to be taken.
- (4) The owner or user of the water structure shall ensure that the water structure is kept and used in line with the regulation on maintenance, use and monitoring of water structures, and procedures in case of failure or damage at the structure.

- (5) The owner or user of the water structure shall ensure the protection of water structures and their devices from accidental or deliberate damage or destruction.
- (6) The Federal Minister shall issue a provision on the contents of the regulation referred to in paragraph 4 of this Article.
- (7) The user of water structures referred to in point 1 of paragraph 1 of Article 14 of this Law shall not be responsible for damages caused to third persons, if damages are the result of the incomplete construction or insufficient equipping of water structures.

IV – WATER MANAGEMENT

Article 21 **Water Management**

Water management shall be the competence of Bosnia and Herzegovina, the Federation, cantons, towns and municipalities as specified in this Law.

Article 22 **Water Management Objectives**

Water management objectives shall be: the achievement of good status or good ecological potential of surface and ground waters, or water and water-related eco-systems, the reduction of damages caused by various detrimental effects of water, the provision of sufficient quantities of water of adequate quality for different purposes, and the promotion of sustainable water use taking account of the long-term protection of available water sources and their quality.

1. Territorial basis for water management

Article 23 **River Basin Districts**

- (1) The main territorial unit for water management shall be the river basin district.
- (2) For the purposes of water management within the territory of Bosnia and Herzegovina, i.e. the Federation, the following river basin districts shall be established:
 1. The Sava River Basin District (hereinafter also the Sava RBD); and
 2. The Adriatic Sea River Basin District (hereinafter also: The Adriatic Sea RBD).
- (3) The Sava RBD includes a part of the international river basin of the Danube (a part of the international Sava sub-basin) falling within the territory of Bosnia and Herzegovina, i.e. the Federation of BiH.

- (4) The Adriatic Sea RBD includes portions of the international river basins of the Neretva with the Trebišnjica, the Cetina and the Krka rivers falling within the territory of Bosnia and Herzegovina, i.e. the Federation of BiH.
- (5) The borders of river basins and river basin districts within the territory of the Federation of BiH shall be established by the Government of the Federation as proposed by the Federal Ministry.

2. Water Management Strategy and Plans

Article 24 **Water Management Strategy**

- (1) Water management policy shall be defined by the Water Management Strategy.
- (2) The Federal Ministry shall prepare a water management strategy proposal in agreement with the federal ministry in charge of the environment.
- (3) The Water Management Strategy shall in particular include:
 1. the assessment of the current situation in water management;
 2. goals and objectives relating to water protection, protection against detrimental effects of water, and sustainable use;
 3. priorities for achievement of water management goals;
 4. estimated resources needed to implement the program and deadlines for achieving goals;
 5. activities required to carry out commitments contained in international agreements related to water management.
- (4) The Strategy Proposal as referred to in paragraph 2 of this Article shall be submitted to the federal ministry in charge of the environment, the cantonal ministries for water and river basin district advisory councils referred to in Article 164 of this Law for comments and suggestions.
- (5) Comments and suggestions made on the Water Management Strategy proposal shall be submitted within three months of the date of receipt of the said Proposal.
- (6) The Federal Ministry shall ensure that the coordination of all activities with the ministry of the Republic Srpska in charge of water is established and maintained so as to ensure a uniform water management strategy for the whole of Bosnia and Herzegovina.
- (7) On the proposal by the Government of the Federation, the Water Management Strategy shall be adopted by the Parliament of the Federation of Bosnia and Herzegovina (hereinafter: the Federation Parliament), or the Parliamentary Assembly of Bosnia and Herzegovina (hereinafter: the Parliamentary Assembly) for the period of 12 years.

- (8) The First Water Management Strategy shall be adopted no later than 2009.
- (9) The Water Management Strategy shall be part of the Environmental Protection Strategy.

Article 25
Water Management Plans

(1) In order to implement the Strategy referred to in paragraph 7 of Article 24 of this Law, water management plans for the Sava RBD and the Adriatic RBD shall be adopted.

(2) Water management plans referred to in paragraph 1 above must include the following:

1. a general description of the characteristics of the river basin district, including:
 - a) for surface waters:
 - mapping of the location and boundaries of water bodies;
 - mapping of the eco-regions and surface waters types within the river basin;
 - identification of reference conditions for the surface water types;
 - b) for ground waters:
 - mapping of the location and boundaries of groundwater bodies;
2. Summary of significant pressures and impact of human activities on the status of surface and groundwater, including:
 - Estimation of point source pollution;
 - Estimation of diffuse source pollution, including a summary of land use;
 - Estimation of pressures on the quantitative status of water including abstractions;
 - Analysis of other impacts of human activity on the status of water.
3. Identification and mapping of protected areas;
4. A map of the monitoring networks and a presentation of the results of the monitoring programs carried out for the status of:
 - surface water (ecological and chemical);
 - groundwater (chemical and quantitative);
 - protected areas;
5. Water management objectives, in particular:
 - objectives for the achievement of good status and ecological potential of water bodies;
 - objectives related to water regulation and the protection against detrimental effects of water;
 - objectives for sustainable water use;

- deadlines for achievement of the above mentioned objectives;
6. A summary of the economic analyses of water use;
 7. A summary of the programs of measures, and the ways to achieve the objectives referred to in point 5 of paragraph 2 of this Article, which shall specifically include:
 - a summary of the measures for the protection of water;
 - a report on the practical steps and measures taken to apply the principle of recovery of the costs of water use;
 - a summary of the measures taken to establish monitoring of all sources used or planned to be used for public water supply and whose water yield is higher than 100 m³/day;
 - a summary of the controls of abstraction and impoundment of water, including overview of the registers and indication of the cases where exemptions have been made;
 - a summary of the controls carried out for point source discharges and other activities impacting the status of water;
 - an identification of cases where direct discharges to groundwater have been authorized;
 - a summary of the measures taken to prevent water pollution in relation to priority substances;
 - a summary of the measures taken to prevent or reduce the impact of accidental pollution incidents;
 - a summary of measures taken for bodies of water which are unlikely to achieve the objectives set out in point 5 of paragraph 2 of this Article;
 - a detailed summary of the supplementary measures identified as necessary for the achievement of the objectives established in point 5 of paragraph 2 of this Article;
 - a detailed summary of the measures to prevent sea pollution;
 - an assessment of the resources required for the implementation of the program of measures and identification of methods to provide those resources;
 8. An overview of more detailed programs and water management plans pertaining to certain river basins, sub-basins, issues or water types, together with a summary of their contents;
 9. A report including the description of activities and results of public participation in the plan drafting process;
 10. A list of institutions and procedures for obtaining the documents based on which the plan has been drafted;
 11. A summary of international commitments taken by Bosnia and Herzegovina relating to water management and the procedures for their implementation.
- (3) The update of water management plan shall, aside from the contents set out in paragraph 2 of this Article, also include:
1. A summary of all changes or updates of the plan since its entry into force;

2. An assessment of the progress made towards the achievement of the objectives;
 3. A summary of measures foreseen in the earlier plan, which have not been implemented, including the reasons for their non-implementation;
 4. A summary of measures not foreseen in the earlier plan, but which have been implemented in order to achieve the objectives;
- (4) A detailed contents and procedures for adoption of the plan referred to in paragraph 1 of this Article shall be set out in a separate provision adopted by the Government of the Federation acting upon the proposal by the Federal Ministry.
- (5) The provision referred to in paragraph 4 of this Article shall be harmonized at the level of Bosnia and Herzegovina in relation to issues which fall under the competence of Bosnia and Herzegovina.

Article 26
Program of Measures

- (1) The program of measures shall contain basic measures required to achieve objectives related to water protection, water regulation, protection against detrimental effects of water and water use.
- (2) Basic measures referred to in paragraph 1 of this Article shall be:
 1. Measures related to water protection:
 - defined in this Law and bylaws adopted on the basis of this Law;
 - defined in environment and nature protection legislation relating to water and water-related ecosystems;
 - ensuring adequate water quality for drinking water supply;
 2. Measures relating to water regulation and protection against detrimental effects of water:
 - Conservation and equalization of water quantity;
 - Protection against detrimental effects of water;
 - Determination of the extent of construction of water structures.
 3. Measures pertaining to water use and which:
 - are implemented in procedures of water use permit issuance;
 - are related to cost recovery for water use and protection;
 - promote sustainable water use.
- (3) The program of measures may contain supplementary measures, if deemed necessary for the achievement of good water status.
- (4) The program of measures shall determine the priorities of implementation of certain measures referred to in point 2 of paragraph 2 of this Article.

- (5) If monitoring or other data indicate that the objectives set out in the strategy and the water management plans for specific basin districts are unlikely to be achieved, the Federal Ministry shall determine the reasons, review and check the permits and concessions issued, revise and adjust the monitoring programs and propose to the Government of the Federation the adoption of supplementary measures, including the determination of stricter limit values for water load.
- (6) The Program of measures shall be part of the water management plan.
- (7) The Government of the Federation shall report to the Parliament of the Federation on the implementation of measures referred to in this Article every two years.

Article 27

Deadlines for the Preparation and Updating of the Water Management Plan

- (1) First water management plans shall be adopted not later than 2012.
- (2) Water management plans shall be revised and updated every six years in line with the procedure for the preparation and adoption of water management plans.

Article 28

Preparation of the First Water Management Plan

Working plan for the preparation of water management plans shall be made available to the public referred to in paragraph 1 of Article 38 of this Law not later than 3 years before their adoption.

Article 29

Special Responsibilities of the River Basin District Agency relating to Water Management

The relevant River Basin District Agency (hereinafter also referred to as: Water Agency) referred to in Article 152 of this Law shall:

- (1) prepare an analysis of characteristics of the river basin district;
- (2) conduct a review of the impact of human activities on the status of surface waters and on groundwaters;
- (3) elaborate an economic analysis of water use;
- (4) establish a register of protected areas referred to in Article 65 of this Law, including the areas under special protection as identified under the decision enacted by the Federation Government;
- (5) establish a register of water bodies used or planned to be used for the abstraction of water intended for human consumption;

- (6) prepare a classification of ecological, chemical and quantitative status of water;
- (7) develop a program and organize water status monitoring;
- (8) elaborate a water management plan and a program of measures;

Article 30

Environmental Objectives in Water Management Plans

- (1) The implementation of the programs of measures specified in the water management plans shall ensure:
 1. the prevention of deterioration of the status of bodies of surface water and groundwater achieving at least their good status;
 2. the achievement of good ecological potential and good chemical status of artificial or heavily modified bodies of water;
 3. protection, enhancement and restoration of bodies of surface water with the aim of achieving the status specified in point 1 and 2 of paragraph (1) of this Article at the latest 6 years from the date of adoption of the first water management plan;
 4. protection, enhancement and restoration of bodies of groundwater with the aim of achieving the status specified in point 1 of this paragraph at the latest 6 years from the date of adoption of the first water management plan;
 5. progressive reduction of pollution of surface water bodies caused by priority substances;
 6. progressive reduction of pollution of bodies of groundwater resulting from the impact of human activity;
 7. harmonization of water protection standards and goals in protected zones, according to which the protected areas referred to in point 4 of paragraph 1 of this Article have been established, with the international standards for such protection at the latest 6 years from the adoption of the first water management plan.
- (2) Temporary deterioration in the status of water bodies shall not be in breach of water management objectives, if this is the result of circumstances of natural changes or *force majeure*, or if that deterioration could not have been reasonably foreseen, provided that all practical steps have been taken to prevent further deterioration of the status.

Article 31

Characterization of Water Body Types

- (1) Characterization of water body types shall be carried out with a view to achieving and maintaining the good status or good ecological potential of water.
- (2) The surface water bodies within a river basin district shall be identified as falling within either one of the following types – rivers, lakes, transitional waters or coastal waters - or as artificial or heavily modified water bodies.
- (3) For each surface water category specified in Article 5 of this Law, surface waters within a river basin district shall be grouped into types in accordance with the methodology defined in provisions referred to in point 1 of paragraph 1 of Article 43 of this Law.
- (4) The methodology used for artificial or heavily modified water bodies shall be the same as the one used for the surface water types that most closely resemble the description of the artificial or heavily modified water body concerned.
- (5) Characterization of bodies of surface waters and ground waters shall be carried out in accordance with the methodology defined in the provision referred to in point 1 of paragraph 1 of Article 43 of this Law. Water bodies may be grouped for the purposes of the initial characterization.

Article 32
Classification of Water Status

- (1) Classification of the status of bodies of surface waters and ground waters shall be based on the level of alterations resulting from human activity;
- (2) The status of a surface water body shall be determined by the poorer of its ecological status and chemical status.
- (3) The ecological status of surface water bodies shall be classified as high, good, moderate, poor or bad. The classification shall be carried out in accordance with the reference conditions established in the bylaw referred to in point 2 of paragraph 1 of Article 43 of this Law.
- (4) The chemical status of surface water bodies shall be classified as good or bad. The classification shall be carried out in accordance with the reference conditions established in the provision referred to in point 2 of paragraph 1 of Article 43 of this Law.
- (5) The status of a groundwater body shall be determined by the poorer of its quantitative status and chemical status. The classification of quantitative status and chemical status of ground waters shall be carried out in accordance with the provision referred to in point 3 of paragraph 1 of Article 43 of this Law.
- (6) For artificial and heavily modified surface water bodies, the criteria for the determination of ecological status of surface water bodies referred to in paragraph 3 of this Article shall be applied, taking whichever most closely resembles the heavily modified or artificial water body concerned. In classifying the ecological status, references to high ecological status shall be construed as conditions for maximum ecological potential.

Article 33
Artificial or Heavily Modified Water Bodies

- (1) The water management plan may designate a surface water body as artificial or heavily modified when:
 1. The changes to the hydromorphological characteristics of that body, which are necessary for achieving good ecological status, would have significant adverse effects on:
 - the wider environment;
 - navigation, including port facilities, or recreation;
 - activities for the purposes of which water is stored such as water supply, power generation or irrigation;
 - water regulation, flood protection, land drainage;
 - other equally important development activities.
 2. On account of technical feasibility or disproportionately high costs, beneficial effects achievable through the use of artificial or heavily modified water bodies cannot be achieved by other means deemed to be a better environmental option.
- (2) The decision to designate a surface water body as artificial or heavily modified and the reasons for it shall be specifically indicated in the water management plan and reviewed every 6 years.

Article 34
Phased Achievement of the Environmental Objectives

- (1) The deadlines established under Article 30 of this Law may be extended in the water management plan for the purposes of phased achievement of the objectives, provided that no further deterioration occurs in the water body status, when:
 1. improvement within the established timescale would not be technically feasible, or would be disproportionately expensive; or
 2. natural conditions do not allow timely improvement in the status of the water body.
- (2) The extension of the deadlines and the reasons for it shall be specifically set out and explained in the water management plan.
- (3) The extension shall be limited to a maximum of two further updates of the water management plan, except in cases when the natural conditions do not allow achievement of the objectives within this period.

Article 35
Modification of Environmental Objectives

- (1) For specific water bodies which are heavily affected by human activity or their natural condition is such that the achievement of environmental objectives would be infeasible or disproportionately expensive, less stringent objectives than those referred to in Article 30 of this Law may be set, if all the following conditions are met:
1. if, on account of human activity, the environmental and socioeconomic needs cannot be achieved by other means, which are a significantly better environmental option but disproportionately expensive;
 2. if the highest ecological and chemical status for surface water is achieved, with impacts that could not reasonably have been avoided due to the nature of the human activity or pollution,
 3. if the least possible changes to good groundwater status are achieved with impacts that could not have been reasonably avoided due to the nature of the human activity or pollution;
 4. if no further deterioration occurs in the status of the affected body of water;
 5. if the reasons for the establishment of less stringent environmental objectives are explained in the water management plan.
- (2) Less stringent environmental objectives established in the water management plans shall be reviewed every six years.

Article 36
Exemptions from Environmental Objectives

- (1) Exemptions from the environmental objectives referred to in Article 30 of this Law may be made in the water management plan when:
1. good groundwater status, good ecological status of surface water bodies or, where relevant, good ecological potential of an artificial water body or prevention of deterioration in the status of a water body cannot be achieved due to modifications to the characteristics of a water body.
 2. due to human activities within the sustainable development, deterioration from high status to good status of a body of water cannot be prevented.
- (2) The exemptions from the environmental objectives can be made under the following conditions:
1. all practical steps have been taken to mitigate the adverse impact on the status of the body of water;
 2. the reasons for modifications and alterations are set out and explained in the water management plan;

3. benefits to human health, human safety and sustainable development outweigh the benefits that would be achieved by meeting environmental objectives referred to in Article 30 of this Law;
4. benefits provided by those modifications or alterations cannot be achieved by other means for the reasons of technical feasibility or unreasonably disproportionate costs.

Article 37

The application of Articles 33, 34, 35 and 36 of this Law to certain water bodies shall not permanently exclude or compromise the achievement of the objectives set out in Article 30 of this Law in other water bodies and shall guarantee a consistent level of protection within a river basin district.

Article 38

Public Consultation

- (1) The River Basin District Agency referred to in Article 152 of this Law shall send a written notification on initiation of the preparation of the water management plan, no later than 3 years before the beginning of the period to which the plan refers, to the Water Advisory Council referred to in Article 164 of this Law, as well as to the cantons, towns and municipalities concerned, and shall accordingly inform the physical and legal persons residing or headquartered within the territory of the referred river basin district through the public broadcasting media.
- (2) The written notification referred to in paragraph 1 of this Article shall contain a call for cooperation, a broad outline of the plan and deadlines for its preparation and adoption.
- (3) Legal and physical persons referred to in paragraph 1 of this Article shall submit their written comments and opinions on all issues pertaining to the water management plan to the River Basin District Agency concerned within a year after the date of notification in public broadcasting media.
- (4) The River Basin District Agency shall present a periodic report on the progress of the plan preparation, which specifically includes an overview of the significant water management issues, to the physical and legal persons referred to in paragraph 1 of this Article at least two years before the beginning of the period to which the plan refers.
- (5) The River Basin District Agency shall publish and make available to the public a draft plan at least one year before the beginning of the period to which the plan refers. On request by physical and legal persons referred to in paragraph 1 of this Article, the River Basin District Agency shall allow access to documents used for the development of the draft plan.
- (6) Physical and legal persons referred to in paragraph 1 of this Article can submit their written comments on the draft plan to the River Basin District Agency within 6 months from the date of its publication.

- (7) The River Basin District Agency shall prepare a report on, and an explanation for, the accepted and rejected comments on the draft plan referred to in paragraph 5 of this Article within three months after the receipt of the comments mentioned in paragraph 6 of this Article. This report shall be as part of the plan.
- (8) Public consultation procedures and requirements regarding the planning process in water management may be governed by the provisions of Bosnia and Herzegovina.
- (9) Public consultation in the international river basins may be further regulated by the international agreements to which Bosnia and Herzegovina is a party.
- (10) Following the completion of procedures laid down in this Article, the River Basin District Agency shall prepare the plan proposal.

Article 39

Water Management Plan Development Coordination

- (1) The institutions involved in the development of the water management plan required under Article 25 of this Law shall establish and maintain coordination of all activities with the relevant institution responsible for the water management plan development for the same river basin district in the Republic of Srpska and the District of Brčko of Bosnia and Herzegovina (hereinafter: Brčko District) with the aim of producing a uniform water management plan for the referred river basin district in Bosnia and Herzegovina.
- (2) Procedures and requirements for coordination of the development and adoption of water management plans for a river basin district may be regulated by the provisions of Bosnia and Herzegovina.
- (3) Coordination of the preparation of international river basin management plans may be additionally regulated by international agreements to which Bosnia and Herzegovina is a party.

Article 40

Adoption of water management plans

- (1) A river basin management plan shall be adopted by the Federation Government upon the proposal by the Federal Minister in line with the provision referred to in paragraph 4 of Article 25 of this Law. The official decision on the adopted plan shall be published in the "Official Gazette of the Federation of Bosnia and Herzegovina".
- (2) The Federation Government shall submit the adopted water management plan to the Council of Minister of Bosnia and Herzegovina (hereinafter: The Council of Ministers) for adoption in line with the procedures set out in the relevant legislation of Bosnia and Herzegovina.

- (3) The Federal Ministry shall inform the Ministry of Bosnia and Herzegovina responsible for water and the relevant water authority of the Republic of Srpska of the adopted water management plan.
- (4) The adopted water management plan shall also be published in electronic format.
- (5) The procedure for the publication of the adopted water management plan may be regulated by the provisions of Bosnia and Herzegovina.
- (6) The procedure for the publication of an adopted water management plan within an international river basin may be additionally regulated by international agreements which Bosnia and Herzegovina is a party to.

Article 41
Other plans

- (1) The plans referred to in Article 25 of this Law may be supplemented by the production of more detailed programs and management plans for sub-basins, water categories and particular water management issues.
- (2) The plans referred to in paragraph 1 of this Article shall comply with the respective river basin management plans.
- (3) The River Basin District Agency shall send a written notification on initiation of the preparation of the plan referred to in paragraph 1 of this Article to the Water Advisory Council referred to in Article 164 of this Law, as well as to the canton, town and municipality concerned, and shall accordingly inform the physical and legal persons residing or headquartered within the territory of the referred river basin district through the public broadcasting media.
- (4) The River Basin District Agency shall present the draft plan referred to in paragraph 1 of this Article to the persons referred to in paragraph 3 of this Article who may submit their written proposals, opinions and initiatives to the River Basin District Agency no later than 60 days after its presentation.
- (5) Before adoption of the plan referred to in paragraph 1 of this Article, the River Basin District Agency shall inform the persons referred to in paragraph 3 of this Article to what extent and in what way their proposals, opinions and initiatives have been taken into account.
- (6) Plans referred to in paragraph 1 of this Article shall be adopted by the Federation Government on the proposal put forward by the Federal Minister in line with the regulation referred to in paragraph 4 of Article 25 of this Law. The official decision on the adopted plan shall be published in the "Official Gazette of the Federation of Bosnia and Herzegovina".

Article 42

Water management plans in relation to spatial and other plans

- (1) Protected and vulnerable areas in accordance with the provisions of this Law shall be included in the spatial and other plans affecting water protection, water regulation and water use.
- (2) The proposer of the draft plan referred to in paragraph 1 of this Article shall take account of the regime of allowed activities and prohibitions related to spatial interventions within the areas referred to in paragraph 1 of this Article during the draft plan preparation.
- (3) The proposer of the draft plan referred to in paragraph 1 of this Article shall select a method of using the spatial plan area which is feasible in accordance with this Law.
- (4) The proposer of the draft spatial plan shall designate the interventions in a spatial plan area which are related to the development of water infrastructure and are provided for in water management plans.
- (5) Proposer of the draft spatial plan of the Federation, canton, town and municipality shall obtain an agreement by the Federal Minister with regard to the draft plan concerned.
- (6) The Federal Minister shall issue an agreement referred to in paragraph 5 of this Article if the plan concerned is proven to be compliant with the water management plan and provisions of this Law.
- (7) In case of any alterations to the areas referred to in paragraph 1 of this Article, modifications to the regime of permitted activities and prohibitions, or introduction of regulations referred to in Article 67, 68, 71, 72, 74 and 77 as well as paragraph 2 of Article 86 of this Law for newly designated areas, after the publication of the spatial plan or other plan, interventions in the spatial plan area concerned shall be aligned with these alterations and/or modifications.

Article 43

The Provisions of the Federation Government

- (1) On the proposal by the Federal Minister, the Federation Government shall adopt the following provisions on:
 1. methodology for the designation of surface water body types and the characterization of surface and groundwater body types referred to in Article 31 of this Law;
 2. reference conditions for the classification of ecological status and permitted limit values of chemical quality parameters for the classification of chemical status of surface water bodies referred to in Article 32 of this Law;
 3. parameters of quantitative and chemical quality for the classification of the status of groundwater bodies referred to in Article 32 of this Law;
 4. the procedure for the economic analysis of water use
 5. the establishment of the environmental objectives referred to in Articles 30 to 37 of this Law;

6. the monitoring of waters and the contents of the water monitoring program.
- (2) The Federation Government shall adopt the provisions referred to in paragraph 1 of this Article only if the Council of Ministers has not adopted such provisions.
- (3) Prior to the adoption of the provisions referred to in paragraph 1 of this Article, in consultation with the Government of the Republic of Srpska, the Federation Government shall ensure the full harmonization of the said provision with the respective provision of the Republic of Srpska.

V- WATER USE

Article 44

Water use

In accordance with this Law, water use shall comprise:

1. abstraction, pumping and use of surface waters and ground waters for different purposes (drinking water supply, sanitary and technological needs, irrigation, etc.);
2. the use of water power for power generation and other energy purposes;
3. water use for fish farming;
4. water use for navigation;
5. water use for sport, bathing, recreation and other similar purposes.

Article 45

- (1) Everyone shall be allowed to use water under the conditions defined by this Law.
- (2) Water must be used rationally and economically. Every water user shall use water in a manner and a scope preventing wastefulness and detrimental alterations of its properties (quality) while guaranteeing the legal right to use water to other persons.

Article 46

General water use

- (1) Everyone shall be allowed to use water in an ordinary fashion that excludes the use of special devices and permits others to enjoy the equal use of water (general water use).
- (2) General water use shall include in particular:
 1. the abstraction of water, without special devices, from watercourses and lakes for basic needs of a household;
 2. the abstraction of groundwater (a well on own land) or water from a spring on own land covering basic needs of a household;
 3. the collection and use of precipitation waters, collected on own land, to cover basic needs of a household;

4. recreation on waters;
- (3) The basic needs of the household referred to in paragraph 2 of this Article with regard to water shall be: drinking water use, water for cleaning and similar household needs. Such use shall not include water used for irrigation and water used in a technological process for the performance of an economic activity.

Article 47

- (1) For any water use exceeding the volume of general use laid down in Article 46 of this Law, a water permit shall be obtained in accordance with this Law.
- (2) Water use for public drinking water supply, sanitary needs and fire protection needs shall be given priority over other water use purposes referred to in Article 44 of this Law.
- (3) In case of contingencies, the right of priority of water use for other purposes may be determined by the water management plan, along with the mandatory priority being given to the purposes referred to in paragraph 2 of this Article.

Article 48

Quality of drinking water

- (1) The quality of drinking water (water supply) shall meet the requirements laid down in the Drinking Water Quality Rulebook issued by the Federal Minister in charge of health care.
- (2) A legal entity providing water supply services shall ensure a regular and systematic inspection of the water and take measures to ensure safety of drinking water and technical viability of water supply facilities, in accordance with the regulation referred to in paragraph 1 of this Article.
- (3) The control of water used for drinking water supply shall only be carried out by an authorized laboratory.
- (4) The Federal Minister in charge of health care shall lay down the requirements to be met by the authorized laboratory, as well as the contents of and the procedure for obtaining an authorization.

Article 49

Use of water from sources and from groundwater

- (1) The use of water from sources and groundwater, except for general water use, may be allowed only if water investigation work has been previously carried out.
- (2) Water investigation work shall include work and analyses for the purposes of establishing the availability, extent, quantity and quality of groundwater in a certain area.

Article 50

Record-keeping obligation

- (1) Legal and physical persons abstracting and pumping water, except for general water use, shall keep records of the abstracted quantities of water, and submit the data to the competent River Basin District Agency.
- (2) The Federal Minister shall issue a regulation on the contents of and procedure for record keeping and submitting the data referred to in paragraph 1 of this Article.

Article 51

Land improvement systems

- (1) A special legal entity may be established (cooperative, association, etc.) for the purposes of construction and/or use of a land improvement system for irrigation and/or drainage that is in the interest of several owners or land users.
- (2) The legal entity referred to in paragraph 1 of this Article shall acquire the right of use of the water.
- (3) The legal entity referred to in paragraph 1 of this Article shall ensure the funds for the maintenance and operation of the land improvement system.
- (4) The legal entity referred to in paragraph 1 of this Article, to which the right of management and use of the water structures referred to in indentation 3 of point 3 and point 2 of paragraph 1 of Article 14 of this Law has been transferred, in connection with paragraphs 1 and 2 of Article 16 of this Law, shall ensure the funds for the maintenance and operation of the land improvement system.
- (5) The legal entity referred to in paragraph 1 of this Article may delegate the technical maintenance operations on the land improvement system to a legal entity registered for the performance of such operations.

Article 52

Reporting obligation

- (1) A legal or physical person that discovers groundwater during the course of mining works, digging of tunnels, and other forms of soil excavation or drilling shall report this finding, within no more than 48 hours of discovering the water, to the water inspector or the River Basin District Agency or the nearest police department, which shall inform the competent River Basin District Agency of this immediately.
- (2) The legal or physical person referred to in paragraph 1 of this Article shall allow the water inspector or the authorized person from the River Basin District Agency to collect data and perform the necessary analyses for the purposes of establishing the location of the reservoir and of the water quantity and quality, and shall take the required security measures ordered by the water inspector or the authorized person.

VI – WATER PROTECTION

1. Prohibitions and restrictions

Article 53

General protection of waters

- (1) The discharge of wastewater into surface waters shall be allowed only in a manner and under the conditions defined by this Law and the regulations issued pursuant to it as referred to in paragraph 1 of Article 55 of this Law.
- (2) It is prohibited to discharge wastewater into a natural lake, fish pond, wetland or other natural water reservoir having a permanent or temporary inflow or outflow of surface water or groundwater, as well as into a water reservoir created for the purposes of extraction or use of mineral materials or another similar intervention and which is in contact with groundwater.
- (3) Water in a natural lake, fishpond, wetland and other natural water reservoir, which has a permanent or temporary inflow or outflow of surface water or groundwater, shall not be used in a manner that could cause risk to its ecological or chemical status.
- (4) The direct discharge of wastewater into groundwater shall be prohibited.
- (5) The indirect discharge of wastewater into groundwater shall be allowed only in a manner and under the conditions laid down in this Law and the regulation issued pursuant to it as referred to in paragraph 1 of Article 55 of this Law.

Article 54

General obligation of wastewater discharge and treatment

- (1) Any physical and legal person shall discharge wastewater into the public sewage system or otherwise, in accordance with the decision on wastewater discharge.
- (2) The decision referred to in paragraph 1 of this Article shall include, in particular, the following: provisions on the method of wastewater discharge, the obligation to connect to the public sewage system, the conditions and method of wastewater discharge in areas where such a system is not available, the obligation of special disposal and removal of hazardous and other substances, and the obligation related to the maintenance of the public sewage system.
- (3) The decision on wastewater discharge in a town or a municipality shall be made by the town or municipality council. In cases where the same public wastewater

discharge system is used by several municipalities, this decision shall be made by an authority as laid down in a cantonal provision.

Article 55

Wastewater Discharge Limit Values

- (1) The Federation Government shall adopt a rulebook on limit values of pollutants in waste water and other requirements with regard to the discharge of wastewaters into surface waters and the indirect discharge of wastewaters into groundwater, as well as a regulation on hazardous and priority substances on the proposal by the federal minister for the environment.
- (2) The Federation Government shall adopt the provision referred to in paragraph 1 of this Article only in cases where the Council of Ministers of Bosnia and Herzegovina has not already adopted such provision.
- (3) Before the adoption of the regulation referred to in paragraph 1 of this Article, the Federation Government shall, in consultation with the Government of the Republic of Srpska, ensure its complete harmonization with the relevant regulation of the Republic of Srpska.
- (4) A cantonal government may adopt supplementary (more stringent) conditions in addition to the conditions laid down in the provision referred to in paragraph 1 of this Article for waters which fall under the competence of the respective canton.

Article 56

Prohibition of fertilization and the use of plant protection products

- (1) The Federal Minister shall, in agreement with the federal minister in charge of the environment, adopt a regulation defining the rules of good agricultural practice to be applied in areas where water is polluted with nitrates and plant protection products, or in areas vulnerable to such pollution.
- (2) The Federal Minister shall, in cooperation with the federal minister in charge of the environment, adopt a regulation defining methodology for the establishment of areas referred to in paragraph 1 of this Article.
- (3) The Federal Minister may limit or prohibit the use of artificial fertilizers, manure or plant protection products in the areas referred to in paragraph 1 of this Article by way of a ministerial regulation.
- (4) The use of fertilizers or plant protection products on the water property shall be prohibited.

Article 57

Restrictions on navigation

- (1) The Federation Government, on proposal by the Federal Minister, shall establish individual surface waters or parts of surface waters where the use of vessels running on oil-derived products is prohibited.
- (2) The prohibition referred to in paragraph 1 of this Article shall not apply to vessels used for the rescue of people, real estate and goods, or to vessels used for carrying out police and defense duties.
- (3) The protection of coastal waters from pollution caused by vessels shall be regulated in accordance with the special regulations on sea navigation.
- (4) The direct discharge of wastewater produced on a vessel from a vessel shall be prohibited, with the exception of unpolluted cooling water.

Article 58

Prohibition of vehicle washing

Vehicle washing activities (including cars, trucks and other machines and devices) in surface waters and on land belonging to the water property shall be prohibited.

Article 59

Disposal and depositing of hazardous substances or waste

- (1) Producing, handling, storing and disposing of hazardous substances and waste on waters and water property shall be prohibited.
- (2) For the purposes of this Law, waste shall include the substances defined in the Waste Management Law ("Official Gazette of the Federation of BiH", no: 33/03).
- (3) Without prejudice to paragraph 1 of this Article, the federal minister for the environment may establish special requirements for production, handling and storage of hazardous substances and waste for port activities, defense and similar purposes.

Article 60

Transport of hazardous substances

The regulations relating to the transport and transfer of hazardous substances on inland waters and on the sea shall define the conditions for the transport and transfer of the said substances, in order to avoid or minimize the possibility of pollution of these waters.

Article 61

Accidents/Incidents

- (1) In cases where there is a risk to water pollution due to an unexpected event, malfunction or other reason, the legal or physical person whose activity or negligence caused the risk shall immediately take all the necessary measures to prevent or minimize the effects caused by the incident, as well as to prevent recurrence of the incident, and without delay inform the nearest police department, water inspectorate, federal environmental inspectorate, the River Basin District Agency or the operative civil defense center.
- (2) Any physical person shall inform the nearest police department, water inspectorate, environmental inspectorate, River Basin District Agency or operative civil defense center if case of a situation referred to in paragraph 1 of this Article.
- (3) The police department and the operative civil defense center shall inform the nearest water inspector, environmental inspector or territorially competent River Basin District Agency immediately upon receiving the information on water pollution or the risk thereof.
- (4) The competent River Basin District Agency or other legal person as defined by the water management plan shall immediately take measures to eliminate or prevent the pollution, or apply all the measures required to minimize harmful effects on the environment immediately after receiving the information on water pollution or the risk thereof.
- (5) The River Basin District Agency may appoint the nearest specialized and authorized legal person to carry out the activities referred to in paragraph 4 of this Article.
- (6) The Federal Minister shall define conditions to be met by the legal person referred to in paragraph 5 of this Article (staff, equipment, etc.) and the procedure of issuing authorizations.
- (7) The authorization referred to in paragraph 6 of this Article shall be granted by the Federal Ministry.
- (8) The costs of the measures taken (removal of consequences) shall be borne by the legal or physical person whose activity or omission caused the pollution or risk of pollution.
- (9) The federal minister for the environment shall, in agreement with the Federal Minister, define the procedure and measures to be taken in the event of accidental pollution.

Article 62

Environmentally acceptable flow

- (1) Environmentally acceptable flow shall be the minimum flow ensuring the preservation of natural balance and water-related ecosystems.
- (2) Environmentally acceptable flow shall be determined on the basis of the research carried out and in accordance with the methodology for its determination as defined by the regulation referred to in paragraph 4 of this Article.

- (3) Pending the adoption of the regulation referred to in paragraph 4 of this Article, environmentally acceptable flow shall be established on the basis of hydrological properties of the body of water for typical seasons as a minimum mean monthly flow 95% of the probability of occurrence.
- (4) The Federal Minister shall, in agreement with the federal minister for the environment, adopt a regulation defining the method of determining environmentally acceptable flow. In particular, this regulation shall include the methodology and analyses to be carried out, taking into account the specific features of the local ecosystem and seasonal variations in flow and the procedures for determining the said flow.
- (5) The costs of the analyses shall be borne by the investor or user.

Article 63

Extraction of material

The extraction of material from watercourses is permitted to the extent and in a manner that does not significantly alter natural processes or disrupt natural balance of the ecosystem or precipitate harmful effects of waters.

Article 64

Reference and authorized laboratories

- (1) The reference laboratory shall carry out the water status monitoring, verification of results of the work carried out by the authorized laboratories, the implementation of tasks within the competence of the Federal Ministry, the federal ministry in charge of the environment, the cantonal ministries in charge of water and the environment and the River Basin District Agency.
- (2) Pending the establishment of the reference laboratory at the state level, the activities and tasks of the reference laboratory may be delegated to one of the authorized laboratories.
- (3) Quality monitoring of wastewater and effluents from the wastewater treatment plants shall only be carried out by the authorized laboratory.
- (4) Supervision of the implementation of the water protection provisions defined in this Law, the taking of measures and the issuing of penalties in case of their violation, may only be carried out based on the results of the analyses of the reference or authorized laboratory.
- (5) The requirements to be met by the reference or authorized laboratory and the contents and method of issuing authorizations shall be laid down by the Federal Minister in a separate regulation.
- (6) The authorization for the operation of the laboratory referred to in paragraph 5 of this Article shall be granted by the Federal Ministry.

2. Protection areas

Article 65

Types of protection areas

- (1) For the purposes of establishing special protection of surface waters and groundwater, habitats of plant and animal species or aquatic species, areas and bodies of water may be declared as protection areas.
- (2) Protection areas shall be:
 1. areas designated for the abstraction of drinking water;
 2. areas designated for the protection of economically important aquatic species;
 3. bodies of surface water designated for recreation, including areas designated for bathing;
 4. areas vulnerable to eutrophication and areas sensitive to nitrates,
 5. areas designated for the protection of habitats of plant and animal species or aquatic species where the maintenance or improvement of water status is an essential prerequisite for their survival and reproduction.

Article 66

Protection areas for drinking water sources

- (1) An area serving as the location of a water source, which can be used or is used for public drinking water supply in terms of its quantity and quality, must be protected from pollution and other adverse impacts on the safety of its water or its abundance.
- (2) The area referred to in paragraph 1 of this Article shall be subject to the protection of the source carried out by establishment of the sanitary protection areas, the sizes of which, their boundaries, sanitary regime and other requirements are determined in accordance with the regulation referred to in paragraph 3 of this Article.
- (3) The Federal Minister shall, in cooperation with the federal ministers for healthcare and the environment, adopt a regulation on the determination of requirements for the sanitary protection areas and protection measures for the source referred to in paragraph 1 of this Article.
- (4) In line with the regulation referred to in paragraph 3 of this Article and the research carried out, a decision shall be adopted on the implementation of the source protection. The decision shall in particular include the following: the boundaries of the sanitary protection areas, sanitary and other conditions in the individual areas and other protection, prohibition and restriction measures, the sources and methods of financing the implementation of the protection measures, the names of the bodies and legal persons implementing the decision, as well as the penalties for violation of the provisions of the said decision.

Article 67

Sanitary protection areas in water management plans

Sanitary protection areas as established by the decision on the protection of water sources, as well as the space area designated for the establishment of the sanitary protection areas for sources which are in use and for which no decision has been adopted, must be included in the water management plan.

Article 68

Decision on the protection of water sources

- (1) Sanitary protection areas and protection measures shall be established by the municipal water authority within the territory on which the water source is located.
- (2) The decision on the protection of a source whose sanitary protection areas are within the territory of a town or municipality shall be made by the competent town or municipal council.
- (3) The decision on the protection of a source whose sanitary protection areas extend over the territory of several towns or municipalities within the same canton shall be made by the authority defined by a cantonal regulation.
- (4) The decision on the protection of a source whose sanitary protection areas extend over the territory of two or more cantons shall be made by the Federation Government on the proposal by the Federal Ministry.
- (5) The decision on the protection of a source whose sanitary protection areas extend over the territory of the Federation and the Republic of Srpska, or the Brčko District shall be made by the Governments of the Federation and the Republic of Srpska, or the Brčko District, by mutual agreement.
- (6) The decision on the protection of a source whose sanitary protection areas extend over the territory of Bosnia and Herzegovina and a neighboring country must be in line with the international agreement signed by Bosnia and Herzegovina.

Article 69

Protection areas for inland water reserves

- (1) In addition to the protection areas referred to in Article 66 of this Law, the River Basin District Agency may also define protection areas of surface water reserves regardless of their future purpose.
- (2) The areas referred to in paragraph 1 of this Article shall be defined on the basis of the established reserves of inland waters falling within the highest category in terms of their chemical, physicochemical and microbiological characteristics.
- (3) Acting on the proposal by the River Basin District Agency, the Federal Minister shall, in agreement with the federal ministers for healthcare and spatial planning, adopt a regulation for the establishment of restrictions or prohibitions on spatial land use and activities that can endanger the quantitative or qualitative status of inland waters in the areas referred to in paragraph 2 of this Article.

Article 70

Temporary protection

- (1) For water sources of importance for future drinking water supplies, the use of sources of mineral, thermal and thermo-mineral water or other groundwater, the River Basin District Agency shall propose the passing of a decision on temporary protection of the area where the source is located.
- (2) The decision on temporary protection referred to in paragraph 1 of this Article shall define the following:
 1. the boundaries of the protected area,
 2. the temporary regime of water protection in the protected area and in the individual protection zone,
 3. Funding methods for protection and maintenance of the area,
 4. supervision of the implementation of the prescribed regime.
- (3) The decision referred to in paragraph 2 of this Article shall be applied until the entry into force of the decision on protection referred to in Article 68 of this Law.
- (4) The competent authority referred to in Article 68 of this Law, on proposal by the River Basin District Agency, shall enforce the protection measures referred to in paragraph 1 of this Article in accordance with the provisions of this Law.

Article 71

Areas intended for the protection of economically important aquatic species

- (1) Protection of areas where economically important aquatic species are reared shall be implemented by establishing special protection from pollution and other adverse effects on individual aquatic species.
- (2) The Federal Minister, in cooperation with the federal minister for veterinary medicine and the federal minister for spatial planning, shall adopt a regulation on the method of designation of the areas referred to in paragraph 1 of this Article and the protection measures in these areas.
- (3) The proposal for the decision on the protection of the areas referred to in paragraph 1 of this Article shall be prepared by the legal or physical person carrying out the rearing of the aquatic species.
- (4) Depending on the territorial extent of the protection area referred to in paragraph 1 of this Article, the decision on the protection shall be made by the municipal administrative authority with competence for waters, or the authority referred to in Article 68 paragraphs 3, 4, 5 and 6 of this Law.

Article 72

Bodies of water intended for recreation

- (1) A bathing area is an area intended for public recreation on water (bathing etc.) and an area where bathing is not forbidden, being traditionally used for this purpose.
- (2) The bathing area shall be designated by the municipal water authority in accordance with the regulation referred to in paragraph 6 of this Article.
- (3) The bathing area shall not be subject to the erection of permanent or temporary structures or any other barriers impeding free water flow or passage over the water property, or preventing free access to the banks and bed of a watercourse, natural or artificial lake and the coastal water.
- (4) The area referred to in paragraph 1 of this Article shall be protected from pollution and other forms of use, or any occurrence that could impact the quality of bathing water. Activities posing or likely to pose risks to health or lives of bathers shall be prohibited.
- (5) The bathing areas referred to in paragraph 1 of this Article shall be included in the water management plans and the spatial plans.
- (6) The Federal Minister shall, in agreement with the federal minister for healthcare, lay down more detailed criteria for the areas referred to in paragraph 1 of this Article.

Article 73

Areas vulnerable to eutrophication and sensitive to nitrates

- (1) For the purposes of water protection, areas vulnerable to eutrophication and areas sensitive to nitrates shall be classified as vulnerable and less vulnerable areas.
- (2) The federal minister for the environment, in agreement with the Federal Minister, shall adopt a regulation defining vulnerable and less vulnerable zones, including the measures of protection, prohibition and restriction in a vulnerable area.

Article 74

Designation of vulnerable and less vulnerable zones

- (1) The federal minister for the environment shall designate vulnerable and less vulnerable areas on the territory of the Federation.
- (2) A vulnerable area extending over the territory of the Federation and the Republic of Srpska, shall be designated by the ministry of Bosnia and Herzegovina with competence for waters, on proposal by the ministers of the Federation and the Republic of Srpska competent for water and the environment.
- (3) A vulnerable area extending over the territory of Bosnia and Herzegovina and a neighboring country shall be designated by the authority of Bosnia and Herzegovina as defined in a relevant regulation of Bosnia and Herzegovina.

Article 75

Obligations and restrictions of activities in vulnerable areas

- (1) Activities that may endanger the quantitative or qualitative status of water in a vulnerable area shall be restricted or prohibited, in accordance with the regulation referred to in paragraph 2 of Article 73 of this Law.
- (2) A person owning or occupying a land lot in a vulnerable area shall take measures for the protection of water quantity and quality.
- (3) Prohibitions and restrictions shall periodically be reviewed and redefined subject to the monitoring results.
- (4) The implementation of good agricultural practices shall be mandatory in vulnerable areas. The Federation Government may adopt a decision on the application of these practices throughout the territory of the Federation.

Article 76

Monitoring in vulnerable areas

- (1) Monitoring in vulnerable areas shall be mandatory and consist of the monitoring of water and the monitoring of activities.
- (2) The federal minister for the environment, in agreement with the Federal Minister, shall adopt a regulation defining a method of the monitoring referred to in paragraph 1 of this Article.

Article 77

Areas intended for protection of habitats or species

Areas intended for protection of habitats of plant or animal species or aquatic species, where the maintenance or improvement of water status is an important prerequisite for their survival or reproduction, shall be designated in accordance with the regulations on environmental protection and nature conservation.

Article 78

Renaturalization of surface waters

- (1) With the purpose of improving the damaged natural balance of surface water ecosystems, the Federal Minister shall, in agreement with the federal minister for the environment, initiate the implementation of their renaturalization.
- (2) The renaturalization measures and methods shall be defined in the water management plan and implemented by the Federal Ministry and the federal ministry for the environment.
- (3) Renaturalization may be urgent, necessary or recommended, as decided by the Federal Minister, with the agreement of the federal minister for the environment.

Article 79

Restrictions protecting aquatic and semi-aquatic organisms

- (1) With the aim of protecting aquatic and semi-aquatic organisms and their habitats when waters or aquatic land are subject to any form of load, care shall be taken to:
 1. maintain the conditions for their reproduction,
 2. ensure appropriate conditions in their winter shelters,
 3. ensure other conditions related to their survival and development, including their replacement and enrichment,
 4. maintain the achieved objectives of quality as referred to in Article 30 of this Law.
- (2) The obligations referred to in paragraph 1 of this Article shall be defined in a water authorization.
- (3) The federal minister for the environment may, in accordance with nature preservation rules, lay down methods and conditions for the protection for specific situations involving pressures on waters, banks or water property.
- (4) The regulation referred to in paragraph 3 of this Article may include obligations ensuring access for aquatic and semi-aquatic organisms.

VII - REGULATION OF WATERCOURSES AND OTHER WATERS AND PROTECTION FROM HARMFUL EFFECTS OF WATER

Article 80

Regulation of watercourses and other waters

The regulation of watercourses and other waters, according to this Law, is the maintenance of watercourses and water resources, together with other activities which ensure the controlled and harmless flow of water.

Article 81

Maintenance of watercourses, water resources and water structures and systems

Maintenance of watercourses, water resources, water structures and systems shall in particular comprise the following:

1. activities related to the maintenance of natural and artificial watercourses such as lining of the channel and banks, cleaning, removal of deposits and partial dredging of channel, mitigation of meander without significantly changing the channel line, etc.;
2. excavation and similar works in the regulation and maintenance of banks, excavation works in the inundation zone, vegetation clearing and cutting, restoration and maintenance of culverts and crossing places;
3. maintenance of water regulation and protection structures, including repair, reinforcement and restoration of dikes, clearing, cutting and other activities on the vegetal protection of structures, replacement of damaged parts of structures and similar activities;
4. maintenance of water structures for land improvement drainage such as the cleaning, technical and vegetal maintenance of structures and the zone surrounding the structures, excavation works on minor extensions to the canal network, mitigation of meanders and slopes, drainage works, construction of specialist drains/culverts and similar structures that are part of the canal network, their restoration, replacement, etc.

Article 82

Improvement of hydro-morphological status of surface waters

- (1) In order to improve the disrupted natural balance of aquatic and riparian ecosystems, or poor water status, particularly in artificial and heavily modified bodies of water, measures shall be implemented to improve the dynamics of the natural processes of waters.

- (2) Measures for the improvement of hydro-morphological status shall include the restoration and re-establishment of the structure and shape of the body of water contributing to the improvement of its chemical and ecological status.
- (3) The measures referred to in paragraph 1 of this Article shall be laid down in the program of measures referred to in paragraph 3 of Article 26 of this Law.

Article 83

Planning and implementation of the regulation

Water regulation interventions shall be planned and carried out in such a manner as to avoid any deterioration in the characteristics of the water regime and significant disruption in the natural balance of aquatic and riparian ecosystems.

Article 84

Obligations of the competent government levels

- (1) The Federation, canton, city and municipality shall ensure the regulation of watercourses and other waters, in accordance with Articles 5 and 9 of this Law, each within their respective competence.
- (2) The Federation, canton, city, municipality and legal person shall ensure the construction, reconstruction and maintenance of the water structures referred to in Articles 15 to 19 of this Law, each within their respective competence, as laid down in this Law.

Article 85

Protection against harmful effects of waters

- (1) The protection against harmful effects of waters shall include activities and measures carried out to reduce or prevent any risk to people and goods arising from harmful effects of waters, and to remove the consequences of their impact.
- (2) The protection against harmful effects of waters shall mean the control of floods and ice on watercourses and the protection from erosion and torrents.
- (3) In addition to the protection referred to in paragraph 2 of this Article, the protection against harmful effects of water shall also include protection measures and removal of the consequences caused by extraordinary water pollution.

Article 86

Endangered areas

- (1) In order to minimize the risk to people and goods and implement the measures and activities related to the protection against harmful effects of waters, an area shall be defined as endangered:

1. by floods (hereinafter referred to as: flood-prone area),
 2. by the erosion of surface water (hereinafter referred to as: erosion-prone area).
- (2) The areas referred to in paragraph 1 of this Article (hereinafter referred to as: endangered areas) shall be defined by the Federation Government, on the proposal by the Federal Minister, taking into consideration natural potentials and conditions for the occurrence of harmful effects of water, the size of potentially endangered population and the extent of the possible damage to land, structures and other assets.
- (3) For the purposes of protection from the harmful effects of waters, the land in an endangered area may be divided into categories with regard to the level of risk.
- (4) The Federal Minister shall adopt a regulation on the methodology for defining the endangered areas and the classification of land into risk categories.

Article 87

Flood-prone area

A flood-prone area is the area along a watercourse that may be flooded during a flooding event as a result of the overflow of water from its bed, regardless of whether the area is protected by flood control structures.

Article 88

Erosion-prone area

- (1) An erosion-prone area is an area permanently or temporarily subject to the impact of surface, deep or lateral water erosion, and which is:
1. the source of floods (erosion focus),
 2. under the influence of torrents,
 3. made up of soil subject to piping,
 4. under the influence of sea waves.

Article 89

Obligations of the competent government levels

- (1) For the purposes of the protection from harmful effects of waters, the Federation, cantons, towns and municipalities in an endangered area shall ensure, each within their own competence in accordance with the provisions of this Law, the planning of measures for the protection, construction and management of flood control structures and, in particular, the construction of dikes, dams, barriers, structures for the stabilization of the bottom and banks, and inland water discharge facilities, etc.
- (2) The measures and activities referred to in paragraph 1 of this Article shall also be carried out outside the endangered area up to the level of a river basin when this is likely to ensure a higher level of protection.

- (3) The objectives of protection from the harmful effects of waters shall also be part of other sector plans, in accordance with the provisions of Article 42 of this Law.
- (4) Flood protection measures and activities shall be divided into the following phases: the planning and preparation, active flood defense and mitigation of consequences of the harmful effects of waters.

Article 90

Scope of protection from harmful effects of water

- (1) The scope of protection from harmful effects of waters and the necessary measures shall be defined by the following plans: special flood and ice protection plans, erosion protection plans and extraordinary water pollution protection plans.
- (2) The definition of the scope of the protection referred to in paragraph 1 of this Article shall in particular take account of the following:
 1. significance of the endangered area, size of settlements, value of the infrastructure or land;
 2. the natural and social conditions of the population in the endangered area;
 3. the necessary measures for protection, also including an assessment of their feasibility, costs and consequences to the natural balance;
 4. susceptibility of the flood wave to the potential of unexpected pollution.
- (3) The Federation Government shall, on proposal by the Federal Minister, adopt a regulation on the types and contents of the plans referred to in paragraph 1 of this Article.

Article 91

Surveillance, forecasting and early warning

- (1) The Federation shall ensure the direct execution of activities related to the monitoring of natural and other phenomena related to the protection from harmful effects of waters, in accordance with the regulations of the water sector and the sectors dealing with protection from natural and other disasters, which shall in particular include:
 1. the monitoring and forecasting of extraordinary hydrological statuses and other natural phenomena such as floods, torrents, erosion and ice on watercourses,
 2. monitoring of the state of high barriers (dams) based on the operational monitoring data from the water structures or installations referred to in paragraph 1 of Article 15 of this Law.
- (2) The River Basin District Agency shall set up a system for the monitoring and forecasting of extraordinary hydrological statuses in the relevant river basin district and ensure the issuing of timely warnings to the population in the endangered areas.

- (3) The Federal Meteorological Institute shall set up a system for the monitoring and forecasting of extraordinary meteorological statuses and send timely forecasts to the Water Information System referred to in Article 98 of this Law.
- (4) The owner or operator of the structure which is of significance for the protection against harmful effects of waters shall carry out the monitoring and send monitoring data to the Water Information System referred to in Article 98 of this Law in a manner prescribed by the relevant water act.
- (5) The monitoring data referred to in paragraphs 1, 2, 3 and 4 of this Article shall be part of the system of surveillance, information and warning, in accordance with the regulations on the protection from natural and other disasters.

Article 92

Active flood defense phase

- (1) In case of an immediate risk of high (flood) waters, the Federation, canton, city and municipality shall, each within their competences according to the provisions of this Law, ensure the implementation of the active flood defense measures.
- (2) The measures referred to in paragraph 1 of this Article shall in particular include:
 1. measures applied to endangered areas and protective water structures to prevent severe consequences of the harmful effects of water;
 2. a round-the-clock duty service engaged by the legal person referred to in Article 157 of this Law in case of danger and high water;
 3. increased vigilance over water infrastructure and endangered areas;
 4. removal of silt to increase the free flow capacity of the river channel;
 5. temporary measures such as the construction of protective levees, dikes, the repair of breaches etc.
- (3) During the implementation of the active flood defense phase, the maximum possible measures shall be taken to protect the flood control structures and equipment, and preserve the characteristics of ecosystems and natural values.
- (4) The Federal Minister, on the basis of the regulation referred to in paragraph 3 of Article 90 of this Law, shall introduce a plan of measures and their implementation for areas adjoining Category I surface waters.
- (5) The cantonal minister for waters, on the basis of the regulation referred to paragraph 3 of Article 90 of this Law, shall introduce a plan of measures and their

implementation for areas adjoining Category II surface waters within the territory of the respective canton.

Article 93

The implementation of measures

In the implementation of the active flood defense measures or in the event of extraordinary pollution, competent government bodies, legal and physical persons shall act so as to ensure the least detriment to water quality, avoiding damage to water properties and riparian land, water structures and other infrastructure, and preserving the hydromorphological characteristics of the watercourse as much as possible.

Article 94

Mitigation of harmful effects of water

- (1) Mitigation of harmful effects of waters shall be performed in line with the mitigation action program.
- (2) If consequences of the harmful effects of waters have occurred on aquatic, riparian or other land or on the water infrastructure or any other water structure and device that is in the ownership of the Federation, funding for mitigation of these consequences shall be provided by the Federation.
- (3) If consequences of the harmful effects of water have occurred on a water structure or installation for special use of water or water resources not in the ownership of the Federation, the owner or operator shall have the obligation to mitigate them.
- (4) If the person referred to in the paragraph 3 of this Article does not ensure mitigation, which is essential for the operation of the system for the protection against harmful effects of water, the Federal Ministry shall ensure that the mitigation is carried out at the expense of the person concerned.
- (5) Without prejudice to the provisions referred to in paragraphs 2 to 4 of this Article, costs of mitigating the consequences of extraordinary water pollution shall be borne by the legal and/or physical person whose action or negligence caused the pollution.
- (6) The mitigation program referred to in paragraph 1 of this Article shall be proposed by the Federal Ministry and adopted by the Federation Government within six months of the date of the damage evaluation and the preparation of a mitigation program proposal. The estimated damage costs and the mitigation program preparation shall be carried out by a special Damage Evaluation Commission in line with this Law and the regulations on protection from natural and other disasters.

Article 95

General prohibitions

Operations and activities on water properties and riparian land shall be prohibited in cases when they are likely to:

1. endanger the stability of the aquatic and riparian land,

2. decrease the level of protection against harmful effects of waters,
3. prevent the normal flow of water, sediment and mud,
4. render impossible the survival and reproduction of aquatic and water-related organisms.

Article 96

Prohibitions in flood-prone areas

- (1) In addition to the prohibitions referred to in Article 12 of this Law, activities that may adversely impact waters, water property, riparian land and water protection structures in a flood-prone area during times of flood shall be expressly prohibited, including:
 1. excavating soil, planting trees and bushes, installing posts and other objects, and setting up ramps on a defense dike or lateral canal and inundation zone, unless otherwise determined by this Law;
 2. constructing structures, which are not intended for protection, on a dike;
 3. carrying out the extraction of material (gravel, sand, stone and clay) in an inundation zone or dam area, at distance of less than 100 meters from the outside (water side) base of a dike;
 4. constructing wells at a distance of less than 50 meters from the outside dike base, as well as digging (drilling) holes or parallel canals at a distance of less than 20 meters from the inside dike base or 10 meters from the outside dike base;
 5. erecting fences and hedges and planting trees at a distance of less than 20 meters from the dike base on the inner side and 10 meters on the outer side, as well as erecting buildings or structures (residential, commercial and others) on the inner side of a dike at a distance of less than 20 meters from the dike base and in the inundation zone;
 6. cultivating land at a distance of less than 10 meters from the dike base;
 7. building fences and other barriers in an inundation zone;
 8. allowing cattle to graze on a dike, lateral or drainage canal, or driving cattle across such structures away from the designated crossing places;
 9. damaging or destroying installations or devices on a dike (ramps, signs, water gauges etc.) or damaging or destroying devices for recording changes in water or any other signs;
 10. unloading or leaving any kind of material on a dike or its protection zone and in an inundation zone, with the exception of material for flood protection (landfill, stones and soil);
 11. damaging or unauthorized handling of reservoirs and their equipment, pumping stations, sluices, canals, tunnels, lock chambers and their associated facilities, power transmission lines, transformer stations and communication systems;
 12. unauthorized use of access roads to protective structures;
 13. changing the direction of a watercourse and canal without a water authorization and water permit, or contrary to the conditions laid down in the water authorization and water permit;
 14. introducing stones, soil, slag and other solid and liquid substances and materials into watercourses, lakes, the sea, accumulation lakes and retention ponds, or depositing the said substances and materials onto their banks;

15. planting trees at distance of less than 10 meters from the flood line of watercourses or the highest water line of the sea or 10 meters from the edge line of an accumulation lake or retention pond, lateral or artificial canal, with the exception of protective forests;
 16. erecting buildings and other structures not serving the purpose of flood control and preventing access to the watercourse at a distance of 10 meters from the level of high floods expected to occur an average of once every 100 years for all surface waters, or from highest water level of the coastal sea, unless the owner or user was required to erect the said structures beforehand for the purpose of undertaking protection measures to prevent or reduce the harmful effects of waters;
 17. carrying out activities which may damage watercourse channel and banks or lake, a canal bed, the bed and banks of a reservoir or retention pond or tunnel, and which impede free water discharge;
 18. carrying out activities in the vicinity of a watercourse, lake, canal, tunnel, reservoir and retention pond, which could endanger the stability or use of water structures (excavation of gravel, sand, stone and similar materials);
- (2) The following activities shall be prohibited without any written authorization of the water authority:
1. planting trees and shrubs and cutting trees or clearing vegetation in an inundation zone;
 2. felling protection forests or other trees and carrying out other activities in an inundation zone which may lead to erosive processes;
 3. putting a navigation vessel ashore along the banks of a watercourse, lake or sea shore, for the purposes of loading or unloading freight, as well as the depositing or unloading materials or substances intended for loading onto a navigation vessel along the banks of a watercourse, lake or sea shore;
 4. driving vehicles on protection dikes.

Article 97

Prohibitions and restrictions in erosion-prone areas

- (1) The following activities shall be prohibited in an erosion-prone area:
1. construction and other activities that promote erosion and the creation of torrents;
 2. deforestation;
 3. clearing forested areas that prevent landslides and snow drifts, level out water flow or in any other way protect downstream areas from the harmful effects of erosion;
 4. covering or filling in water sources;
 5. collection or drainage of accumulated waters over erosive areas or landslides without supervision;

6. stemming the flow of torrents, strengthening the erosive power of water and weakening of balanced ratios;
 7. extracting, depositing and storing wood and other materials;
 8. covering or filling with excavated or waste material;
 9. collecting deposits from the bottom and bed, except to secure the flow capacity of a torrent bed.
- (2) The conditions for spatial interventions in the endangered area shall be specified in water acts in accordance with point 3 of paragraph 2 of Article 109 of this Law.

VIII - WATER INFORMATION SYSTEM (WIS)

Article 98

Water Information System Objectives

- (1) The general objectives of the Water Information System (hereinafter referred to as: WIS) are:
1. rationalization, integration, and optimization of the decision-making process in the water sector with the application of information and communication technology;
 2. the exchange and consolidation of information internally - within the water sector, and externally - with external and international institutions.
- (2) The special objectives of the establishment of the WIS are:
1. improving the accuracy and reliability of information from the water management system;
 2. reducing the time needed to access information in the water management system;
 3. establishing a basis for the continuous monitoring of changes in the water management system;
 4. the rational use and protection of water resources;
 5. increasing the quality of the developmental decision-making process;
 6. increasing intellectual capital;
 7. promoting a positive image of water management, based on professional and responsible practice.

Article 99

Contents of the WIS

- (1) The WIS, in accordance with the provisions of this Law, shall contain two basic sets of data, namely:
1. data within the competence of the water sector institutions,

2. data within the competence of external institutions (civil defense, firefighting services, police etc.), which are relevant for water management.

(2) The basic data set referred to in point 1 of paragraph 1 of this Article shall consist of:

1. the Water Register,
2. the Water Book,
3. records on concessions issued for waters and water properties,
4. records on inspections,
5. data on intellectual capital,
6. other documentation.

(3) The basic data set referred to in point 2 of paragraph 1 of this Article shall consist of:

1. geographical data and resources,
2. demographic, social and economic data.

Article 100

Water Register

(1) The Water Register shall consist of registers of:

1. waters,
2. water properties and water structures,
3. regulation and protection against harmful effects of waters,
4. water use,
5. water protection,
6. other water documentation.

(2) The Water Register shall contain data on surface waters, ground waters, transitional waters and coastal waters.

(3) Water registers shall contain permanent unchanging data and data subject to update.

Article 101

Water Book

(1) The Water Book shall include all data on issued water acts and orders.

(2) The Water Book shall consist of a register of entries, a collection of documents and technical documentation.

- (3) The Water Book shall be kept by the authority referred to in Article 139 of this Law with the competence for issuing water acts.
- (4) The cantonal, town or municipal authority with competence for water shall submit a copy of the issued water act to territorially competent River Basin District Agency.

Article 102

Record of concessions for waters and water property

- (1) The record of issued concessions for waters and water property shall contain data relating to the decisions and contracts of concessions for waters and water properties.
- (2) The authority granting concessions referred to in paragraph 1 of this Article shall submit a copy of the documentation relating to granting of the concession to the territorially competent River Basin District Agency.

Article 103

Record of inspections

The Water Inspectorate shall submit a copy of the inspection report to the territorially competent River Basin District Agency.

Article 104

Organization and management of the WIS

- (1) To ensure the optimum collection, utilization and integration of the main data groups which serve as the basis for water management at river basin level, the WIS shall be established at the river basin district level, specifically for:
 1. the River Basin District of the River Sava,
 2. the River Basin District of the Adriatic Sea.
- (2) The territorially competent River Basin District Agency shall organize, establish and manage the WIS.
- (3) The Federal Minister shall adopt a regulation on the establishment and management of the WIS.

Article 105

Obligation to submit data to the WIS

Federal, cantonal, town and municipal authorities and other institutions with competence for waters, as well as authorities, institutions and other legal persons having data relevant for water management shall make these data available to the territorially competent River Basin District Agency free of charge.

Article 106

Access to WIS information

- (1) Upon request by a federal, cantonal, town and municipal administrative authority competent for water, and River Basin District agencies within the same river basin district of the Republic of Srpska and the competent water authority of the Brčko District, the River Basin District Agency shall make available the requested information from the WIS free of charge.
- (2) Upon request by a legal or physical person, the River Basin District Agency shall issue the requested information from the WIS with a charge, in accordance with the Freedom of Information Law in the Federation of BiH (“Official Gazette of the Federation of BiH”, number: 32/01).

IX - WATER ACTS

Article 107

Types of water acts

- (1) In order to ensure water management and equitable access to water to all legal and physical persons, this Law shall define the right to water by issuing of water acts. For the purposes of this Law, water acts shall include the following:
 1. preliminary water authorization,
 2. water authorization and
 3. water permit.
- (2) Water acts are administrative documents and shall be issued in the form of a ruling, unless defined otherwise by this Law.
- (3) The procedure of issuing water acts shall be carried out in accordance with the rules defined by this Law, with subsidiary application of the Law on Administrative Procedure (“Official Gazette of the Federation of BiH” number: 2/98, 48/99).
- (4) The Federal Minister shall adopt a regulation on the contents, form, conditions, method of issuing, filing and other matters relevant to water acts referred to in paragraph 1 of this Article.

Article 108

Contents of a water act

- (1) A water act shall in particular contain the following:
 1. name of a physical or legal person and contact details of the applicant and the holder of rights related to the water act, with a brief indication of the subject of the procedure;
 2. description of the place, type, scope and purpose of the rights related to the document;
 3. the period of validity of the document;

4. time limit for initiation of the activity referred to in the document being issued, which may be three years at most;
5. time limit for completion of the activity referred to in the document being issued, which may be five years at most;
6. requirements relating to the prevention or mitigation of negative impacts;
7. the costs of the procedure;
8. a statement on the right to appeal.

Article 109

Activities always subject to water acts

(1) A preliminary water authorization, water authorization and water permit shall be obtained, regardless of their impact, for the following activities:

1. abstraction of water in all economic branches and activities, including in particular:
 - industry and energy generation,
 - agriculture,
 - water supply,
 - service activities using water in their technological processes,
 - tourism activities;
2. discharge of wastewater into surface waters;
3. indirect discharge of wastewater into groundwater;
4. artificial replenishment of groundwater;
5. extraction of material from watercourses;
6. construction of facilities for utilization of hydroelectric power;
7. permanent raising of water level with subsequent inundation of an otherwise dry land area;
8. construction of flood defense structures;
9. construction of transport links (roads and railways), including forest roads;
10. construction of bridges or other structures over or in a watercourse;
11. construction or improvement of waste dumps;
12. initiation of the procedure to issue concessions for water and water property;
13. the transport of hazardous substances as well as products made of those substances, which find their way into water after use;
14. regulation of watercourses.

- (2) In addition to the activities referred to in paragraph 1 of this Article, a preliminary water authorization, water authorization and water permit shall also be issued for activities which may:
1. temporarily or permanently degrade the water quality, or impede the improvement of the existing quality;
 2. have an adverse impact on aquatic or semi-aquatic ecosystems;
 3. increase the risk of flooding or erosion;
 4. significantly reduce water quantities, change the morphology of a watercourse, impede the recreational use of surface waters etc.
- (3) The activities referred to in paragraph 2 of this Article shall be specifically defined in the regulation referred to in paragraph 4 of Article 107 of this Law.

Article 110

Structures and activities not subject to water acts

- (1) Water acts shall not be required for water use that does not exceed the scope of general water use referred to in Article 46 of this Law.
- (2) Water acts shall not be required for firefighting and urgent sanitary and other measures in case of danger.
- (3) Water acts shall not be required for structures and activities which do not require an environmental permit in line with the provisions of the Environmental Protection Law (“Official Gazette of the Federation of BiH” number: 33/03), and whereby the water needed for economic and industrial activities is provided by connection to the public water supply system, and subsequently wastewater is discharged into the public sewage system, in accordance with the approvals provided by the operators of those systems.
- (4) Furthermore, water acts shall not be required for construction of new and reconstruction of existing residential buildings which are supplied with water by connection to the public water supply system, and which discharge wastewater into the public sewage system.
- (5) The provisions referred to in paragraphs 3 and 4 of this Article shall not apply to buildings or structures which affect the water regime due to their size and foundation.
- (6) The operator of the water supply or sewage system shall not be able to issue an approval to connect to the water supply system or the sewage system to the physical and legal persons referred to in paragraphs 3 and 4 of this Article, if the operator itself does not possess a water permit for that system.
- (7) The contents of the approval referred to in paragraph 3 of this Article shall be laid down in the regulation referred to in paragraph 4 of Article 107 of this Law.

Article 111

Preliminary water authorization

- (1) The preliminary water authorization shall define the applicant's eligibility with regard to the right to water and manner in which this right is to be realized, and the requirements to be met by the documentation for the construction of new buildings or structures, the reconstruction or removal of existing buildings or structures and other activities which are not regarded as construction, and which may permanently, periodically or temporarily alter water regime.
- (2) The preliminary water authorization referred to in paragraph 1 of this Article shall be obtained as part of the procedure of issuing an environmental permit, and building permit for buildings or structures and activities which do not require an environmental permit, and as part of the procedure of issuing concessions for waters and water properties.
- (3) For buildings or structures for which a preliminary water authorization referred to in paragraph 1 of this Article has been obtained, and for which an application for a water authorization has not been submitted, the preliminary water authorization shall expire after the three-year period.

Article 112

Preliminary water authorization and environmental permit

- (1) An environmental permit for facilities and plants requiring such permit under the Environmental Protection Law shall be issued on the basis of the preliminary water authorization for buildings or structures requiring a preliminary water authorization under this Law.
- (2) The application for the issuance of the preliminary water authorization referred to in paragraph 1 of this Article shall be submitted by the authority in charge of the issuance of environmental permits.
- (3) In cases of facilities, plants or activities which shall be subject to the environmental impact assessment procedure before obtaining an environmental permit, the authority in charge of the issuance of water acts shall take part in such environmental impact assessment on request by the authority conducting the environmental impact assessment procedure concerned.
- (4) In cases of facilities, plants or activities which shall be subject to the environmental impact assessment procedure, the application referred to in paragraph 1 of Article 120 of this Law shall be accompanied by the environmental impact study in accordance with the provisions of the Environmental Protection Law.

Article 113

Preliminary water authorization and concessions

- (1) Before initiating the concession granting procedure, the authority in charge of issuing concessions for the use of water and water property shall obtain a preliminary water authorization from the competent authority under the provisions of this Law.
- (2) Once the concession granting procedure is carried out, the preliminary water authorization referred to in paragraph 1 shall be transferred to the legal entity that was granted the concession concerned.
- (3) The legal person referred to in paragraph 2 of this Article shall obtain the other water acts in accordance with the provisions of this Law.

Article 114

Water authorization

- (1) A water authorization shall be used to establish that the documentation attached to the application for a water authorization is in accordance with the preliminary water authorization, water legislation and planning documents.
- (2) Construction or reconstruction permit under the regulations on spatial planning shall be issued following the issue of the water authorization for buildings or structures subject to water authorization in line with this Law.
- (3) A water authorization shall be issued in accordance with the provisions of Article 120 of this Law, together with the certification of the construction documentation to confirm that said documentation has been prepared in accordance with the preliminary water authorization. The certification shall include entering the number and placing the stamp of the authority in charge of issuing water acts on the documentation concerned.
- (4) A water authorization shall not be issued if the documentation for the construction or other activities is not prepared in accordance with the preliminary water authorization.
- (5) In exceptional cases not requiring a water permit under the provisions of paragraph 1 Article 115 of this Law, the water authorization shall in particular include the requirements for the regulation of the location and watercourse section concerned.
- (6) A water authorization shall expire after a period of two years from the date of its issue if within this deadline the building approval has not been obtained and works have not started.

Article 115

Water permit

- (1) Water permits shall be required for all buildings or structures and activities which are subject to the water authorizations under this Law, except for the extraction of material from watercourses referred to in Article 63 and the watercourse regulation referred to in Article 80 of this Law.

- (2) If due to changes in technology or other reasons, there is a subsequent change in the extent and conditions of water use, or in the discharge of wastewater into surface waters, a new water permit shall be necessary.

Article 116

- (1) The water permit shall establish the purpose, methods and requirements of water use, the operational regime of structures and plants, waste water discharge, solid and liquid waste disposal and other requirements.
- (2) The water permit shall ensure that the requirements set out in the water authorization are met, and that the application for the water permit is accompanied by the regulation referred to in paragraph 6 of Article 20 of this Law adopted before the issue of the water permit.

Article 117

- (1) Water permits are issued for a limited time period, which shall not exceed 15 years.
- (2) The right to water use or wastewater discharge, as acquired on the basis of a water permit, shall not be transferred to another legal or physical person.
- (3) The issue of the building inspection certificate under the building regulations shall follow the issue of the water permit.

Article 118

- (1) A water permit will cease to be valid:
 1. after its expiry date;
 2. if the user renounces the rights granted by the water permit;
 3. through failure to use the rights granted by the water permit for more than two years without justified reasons.
- (2) The ruling establishing the termination of the right, under the meaning of the provisions of paragraph 1 of this Article, shall be passed by the authority that issued the water permit concerned.
- (3) In the case referred to in point 1 of paragraph 1 of this Article, the water permit may be extended on request by the user.

Article 119

Obligations of the future holder of the right to water use

- (1) A water act may determine that the future holder of the right to water use must, when planning, constructing and operating a building or structure, ensure that the said building or structure be used for the protection against harmful effects of water.

- (2) A water act may determine that the future holder of the right to water use must ensure that a water structure be used for general water use or for drinking water supply, provided that this does not significantly affect the conditions for the realization of his right.

Article 120

Application for the issuance of a water act

- (1) A water act shall be issued following a written application submitted by an investor or user, the authority in charge of issuing planning approvals under the spatial planning regulations, the authority in charge of issuing environmental permits or the authority competent for initiation of the concession granting procedure for water and water property in line with the legislation on concessions.
- (2) The application for a water act shall be accompanied by the data on the location, nature and scope of the proposed activity and the technical documentation specifying activity concerned. The nature and contents of the data and documentation shall be laid down in the regulation referred to in paragraph 4 of Article 107 of this Law.
- (3) Water acts shall be issued by the competent authority referred to in Article 139 of this Law.
- (4) Water acts regulating the use of cross-border waters or the wastewater discharge into the cross-border waters shall be issued in accordance with the procedures established by international agreements or conventions.
- (5) The documentation accompanying the application for the issue of a water act shall be prepared by the legal person registered for the activity concerned.
- (6) The Federal Minister shall adopt a regulation laying down the conditions and criteria to be met by the legal person referred to in paragraph 5 of this Article.

Article 121

Additional requirements for the applicant

- (1) Depending on the nature of the activity and its expected impacts, the authority in charge of the issuance of water acts may request additional information and supplementary documentation.
- (2) The authority referred to in paragraph 1 of this Article shall request the additional information and supplementary documentation in writing, listing the documentation and information being requested, and warning the applicant of the consequences if the request is not met. The requested documentation and information shall be delivered within a period determined by the authority conducting the procedure.
- (3) If the investor, user or competent authority referred to in paragraph 1 of Article 120 of this Law fails to submit the documentation within the period set by the authority conducting the procedure, the application for the issuance of a water act shall be dismissed by means of a verdict against which a special appeal shall be allowed.

Article 122

Expert opinion of the River Basin District Agency

- (1) The cantonal, city or municipal authority in charge of issuing water acts in the water act issuance procedure may request the expert opinion of the competent River Basin District Agency.
- (2) The regulation referred to in paragraph 4 of Article 107 of this Law sets out the procedure of issuing the expert opinion referred to in paragraph 1 of this Article.

Article 123

Cooperation between authorities in the water act issuance procedure

- (1) If the water act issuance procedure, and in particular the preliminary water authorization issuance procedure, establishes that there are grounds indicating that the building or structure, installation or activity, being planned or located within the territory of the Federation, may have adverse impacts on waters within the territory of the Republic of Srpska, the competent Federation authority shall send data and documentation from the application to the competent authority of the Republic of Srpska and request the issuance of a preliminary water authorization.
- (2) If the grounds referred to in paragraph 1 of this Article relate to adverse impacts on waters in another country, the competent authority referred to in Article 139 of this Law shall, via the institution of Bosnia and Herzegovina with competence for water, forward the data from the documentation to the competent authority of the country concerned for its response.
- (3) In conducting the activity referred to in paragraph 2 of this Article, the competent institution shall act in accordance with the conventions and international agreements ratified or signed by Bosnia and Herzegovina.

Article 124

Informing the interested parties and the public

- (1) In order to ensure public participation and resolve any potential conflict of interest, the competent authority referred to in Article 139 of this Law shall, prior to issuing a preliminary water authorization, notify interested parties and the public in the river basin district of the application, by posting an announcement on the bulletin board of the authority in charge of the issuance of water acts, through advertisements in the local media and, in cases of inter-entity impact, also through at least two public communication media accessible to the public in the Republic of Srpska.
- (2) The public announcement referred to in paragraph 1 of this Article shall contain the information set out in the regulation referred to in paragraph 4 of Article 107 of this Law.

- (3) The competent authority referred to in Article 139 of this Law shall establish a deadline for submission of written responses on the proposed activities from the application, which shall not be longer than 30 days from the date of the public announcement, or from the date of delivery of the announcement on the initiation of the procedure.
- (4) The competent authority referred to in Article 139 of this Law may, at its own discretion, organize a public discussion on the issue referred to in paragraph 1 of this Article.
- (5) The authority which issued the preliminary water authorization shall participate in the public discussion when invited to do so by the authority in charge of the environmental permit issuance.

Article 125

The applicant's statement

- (1) The applicant has the right to make a written statement on the opinion by the competent authority, and on the remarks and opinions submitted by the public and interested parties and voiced in the public discussions.
- (2) The statement referred to in paragraph 1 of this Article shall be submitted by the applicant within the period determined by the authority conducting the procedure. Failure to provide a statement within the determined time period shall not postpone the procedure.

Article 126

Delivery of the decision and notification

- (1) The ruling on the issued water act must be made available to interested parties and the public on request.
- (2) The competent authority referred to in Article 139 of this Law shall deliver the issued water act to the applicant.
- (3) The applicant and the concerned parties have the right to appeal against the issued water act.
- (4) The competent authority referred to in Article 139 of this Law shall send notification as set out in the regulation referred to in paragraph 4 of Article 107 of this Law.

Article 127

Costs of the procedure

- (1) The costs of the water act issuance procedure shall be borne by the applicant.

- (2) The competent authority referred to in Article 139 of this Law shall decide on the costs of the procedure referred to in paragraph 1 of this Article by means of a separate decision.

Article 128

Additional requirements in the issued water act

The competent authority referred to in Article 139 of this Law may also lay down special requirements in the issued water act to prevent or mitigate adverse impacts caused by the activity which is the subject of the act, in order to meet the obligation of protecting the structure which is the subject of the water act from harmful effects of water and similar risks.

Article 129

Validity period of the water act

- (1) Water acts shall be issued for a fixed time period as determined by the provisions of this Law. Depending on the technological complexity of the structure, a water permit may also be issued for a shorter period than laid down in paragraph 1 of Article 117 of this Law.
- (2) If a water permit is issued for a period exceeding five years, the requirements established in the permit shall be reviewed every five years. The authority that issued the water permit by virtue of its position shall initiate a review procedure of the requirements in the permit, requesting the user to submit the required documentation within a defined period of time.
- (3) If the user fails to meet the request of the authority, the competent authority referred to in Article 139 of this Law shall cancel the issued water permit.

Article 130

Amendments to water acts

- (1) The competent authority referred to in Article 139 of this Law may amend an issued water act if:
1. the amendment is required to ensure drinking water supply as referred to in paragraph 2 of Article 47 of this Law,
 2. the impacts of the activity which is the subject of the water act differ significantly from the impacts as assessed in the water act issuance procedure;
 3. the impacts of the activity could be significantly reduced with the introduction of advanced technologies without excessive costs to the user,
 4. the amendment is required to implement international agreements to which Bosnia and Herzegovina is a party.

- (2) The competent authority shall not make amendments referred to in paragraph 1 of this Article if they are likely to prevent or considerably disrupt the continuation of the activity concerned.
- (3) A request to amend a water act shall be submitted by an inspection body, by the holder of the rights provided in the water act or by an interested party. The authority that had issued the water act concerned shall by virtue of its position initiate the procedure for its amendment.
- (4) A request to amend a water act shall be decided according to the same procedure used for the issuance of the water act concerned.

Article 131

Temporary restriction and adjustment of the water use right

- (1) In order to ensure the required quantities and quality of water and preserve natural balance of water and water-related ecosystems in case of a natural occurrence causing a temporary water shortage or in case of a threat of harmful effects of water, a special ruling may be issued to the holder of the water use right for the purposes of temporarily restricting or halting the realization of the water use right within a certain area, or laying down a requirement to adjust the realization of the right concerned by way of technical or other measures within a specified period of time.
- (2) In addition to the restriction referred to in the paragraph 1 of this Article, the realization of the water use right may be temporarily restricted or suspended in a certain area in case of an ecological accident, major damage to a water structure, or other events causing water shortages, or in case of a threat of the harmful effects of water.
- (3) When restricting or halting the use of water as referred to in paragraphs 1 and 2 of this Article, priority shall be given to securing water for drinking water supply and firefighting purposes.
- (4) If the holder of the water use right fails to meet the restrictions referred to in paragraphs 1 and 2 of this Article, the water use right concerned shall be partially or fully revoked.
- (5) The holder of the water use right shall not be eligible for compensation on account of the temporary restriction or discontinuation of the realization of the water use right referred to in paragraphs 1 and 2 of this Article.
- (6) Without prejudice to the provisions referred to in paragraph 5 of this Article, the holder of the water use right may request compensation directly from the person that caused the ecological accident, damage to a water structure or other event referred to in paragraph 2 of this Article.
- (7) The provisions in paragraphs 1 and 2 of this Article shall not apply to the holder of the water use right for purposes of supplying drinking water to the public.

- (8) Revocation of the right referred to in paragraph 4 of this Article shall be decided by the authority which issued the water act concerned.

Article 132

Order

- (1) In case any event as referred to in paragraphs 1 and 2 of Article 131 of this Law should happen within the validity period of a water act, the authority in charge of issuing the water act may issue an order for the purposes of adjusting the procedure to new conditions.
- (2) The order referred to in paragraph 1 of this Article shall request that the user carry out an activity, make an investment or refrain from a certain action within a specified period of time in order to eliminate the risk of an imminent or existing disruption in the water regime.
- (3) The form and method of issuance of orders shall follow the provisions on rulings in the administrative procedure as appropriate, unless otherwise provided for by this Law.

Article 133

Issuing orders

- (1) An order shall only be issued by the authority that issued the water act concerned.
- (2) A copy of the order shall be delivered to the Federal or cantonal water inspectorate as appropriate.

Article 134

Objection to the order

- (1) An objection to the order may be submitted to the authority which issued it within seven days of the date of receipt of the ruling.
- (2) The objection shall not stay execution of the issued order.
- (3) The deadline for issuing a ruling on the objection to the issued order is 15 days from the date of submission of the objection.

Article 135

Revocation of a water act

- (1) A water act issued to a legal person may be permanently or temporarily revoked.
- (2) The authority that had issued the water act shall decide on the permanent or temporary revocation of the water act.

Article 136

Temporary revocation

- (1) A water act shall be temporarily revoked if the user fails to carry out an activity or make an investment or fails to refrain from an action within the established period as set out in the order, and if the non-execution of the order does not result in direct danger to human life and health or a disruption in the economy.
- (2) A water act may be temporarily revoked for a period of six months, within which the user's rights, as acquired on the basis of the water act, shall be suspended, and within which the user shall carry out the activity due to which its temporary revocation has been imposed.

Article 137

Permanent revocation

A water act shall be permanently revoked if:

1. within the established period, the user fails to carry out an activity or make an investment or fails to refrain from an action as laid down in the order, on account of which his water act has been temporarily revoked,
2. non-execution of the order may result or has resulted in significant and direct danger to human life and health, or if a disruption in the economy has occurred,
3. the applicant has given misleading information to the authority with respect to the facts which are decisive for the issuance of the act;
4. the requirements laid down in the water act have been significantly violated, despite the written warning by the inspection body,
5. the activity is not carried out in the period of two consecutive years,
6. the activity causes impacts prohibited by this Law, and they cannot be prevented or mitigated by amendments to the water act in accordance with the provisions of paragraph 1 of Article 130 of this Law.

Article 138

Water act Revocation Procedure

- (1) An inspection body or the competent authority referred to in article 139 of this Law shall by virtue of their position submit a request for the revocation of a water act.
- (2) The competent authority referred to in paragraph 1 of this Article shall immediately notify the holder of the water act rights of the request for revocation of the water act. The holder concerned shall respond to the said notification.
- (3) The holder of the revoked water act may apply for a new water act, provided that the requirements laid down in the regulation referred to in paragraph 4 of Article 107 of this Law have been met.

- (4) The ruling on the permanent revocation of the water act shall be delivered to the federal, cantonal, town and municipal authority with competence for spatial planning and environmental protection.

Article 139

Division of competences on the issuance of water acts

- (1) The River Basin District Agency shall have the competence for issuing water acts with respect to:

1. water abstraction of quantity exceeding 10 liters per second;
2. wastewater discharge from settlements with over 2000 inhabitants;
3. industrial wastewater discharge into surface waters;
4. indirect discharge of wastewater into groundwater;
5. artificial replenishments of groundwater;
6. extraction of material from Category I surface waters;
7. construction of hydroelectric power plants, when
 - the plant is located on Category I surface waters;
 - the plant is located on Category II surface waters and has a capacity exceeding 5 MW;
 - two or more plants are located on Category II surface waters, with a capacity exceeding 2 MW, and are located at the distance of less than 2 kilometers from one another;
8. construction of a water reservoir which is:
 - located on Category I surface waters,
 - located on the territory of two or more cantons;
9. construction of flood protection structures on Category I surface waters, and the construction of flood protection structures on Category II surface waters, which may affect:
 - Category I surface waters;
 - water property alongside Category I waters;
10. activities referred to in points 1 to 4 of paragraph 2 of Article 109 of this Law.

- (2) The cantonal ministry in charge of waters shall have the competence to issue water acts for:

1. water abstraction of quantity not exceeding 10 liters per second;
2. wastewater discharge from settlements with up to 2000 inhabitants;
3. abstraction of material from Category II surface waters;
4. construction of hydroelectric power plants, when the plant is located on Category II surface waters with capacity of up to 5 MW;
5. construction of water reservoir located on Category II surface waters and within the territory of the canton concerned;

6. construction of flood protection structures on Category II surface waters, provided that the activities concerned do not affect Category I surface waters.
- (3) A cantonal regulation shall determine the transfer of part of the cantonal competences for the issuance of water acts to the town and municipality.

X - LIMITATIONS ON RIGHTS OF LAND OWNERS AND USERS

Article 140

Usufruct

For the purposes of the implementation of this Law, the establishment of the usufruct rights shall follow the provisions of the Ownership Law (“Official Gazette of the Federation of BiH”, number: 6/98 and 29/03), and the provisions on usufructs as laid down in regulations on building and expropriation.

Article 141

Easement

The owner or user of a land parcel shall allow access to the land parcel to persons authorized to investigate measure, record or delimit a water property or waters, as well as to persons engaged in construction, reconstruction or maintenance works on water structures or installations referred to in Article 14 of this Law.

Article 142

Decision on the temporary land occupation

- (1) If a land owner or land user fails to act in accordance with the provision referred to in Article 141 of this Law, the ruling on the temporary land use shall be issued by the municipal authority with competence for property rights not later than eight days from the date of submission of the application.
- (2) An appeal against the ruling referred to in paragraph 1 of this Article shall not stay the execution of the ruling.

Article 143

Temporary land use for the purposes of protection against water

- (1) A land owner or land user in an endangered area referred to in paragraph 1 of Article 86 of this Law shall allow the temporary land use in the area concerned for the implementation of the protection measures and activities referred to in Articles 85 and 92 of this Law.

- (2) The contractor shall implement the measures and activities referred to in paragraph 1 of this Article in such a way as to least affect the state of the land, and shall remedy the resulting damage once the risk of harmful effects of water has ceased.

Article 144

- (1) If the land owner or land user referred to in paragraph 1 of Article 143 of this Law fails to allow the temporary use of the land, the ruling by the municipal authority competent for property matters shall order the said owner or user to act in accordance with the provisions of paragraph 1 of Article 143 of this Law.
- (2) An appeal against the ruling in paragraph 1 of this Article shall not stay the execution of the ruling concerned.

Article 145

The use of material for flood defense purposes

- (1) When implementing flood defense measures and activities, the contractor concerned shall have the right to use gravel, sand, soil or other material from the owner's or user's land where the measures and activities referred to in Article 92 of this Law are being implemented.
- (2) In using the land referred to in paragraph 1 of this Article, the contractor shall ensure the least impact on the state of land and shall remedy the resulting damage once the risk of flood has ceased.

Article 146

- (1) The land owner or land user referred to in paragraph 1 of Article 143 of this Law shall allow the use of gravel, sand, soil or other material from the land concerned for the implementation of the measures and activities referred to in Article 92 of this Law.
- (2) If the owner or user fails to allow the use of the land in accordance with the provision in paragraph 1 of this Article, the municipal authority competent for property matters shall issue a ruling on the use of the said land.
- (3) An appeal against the ruling in paragraph 2 of this Article shall not stay the execution of this ruling.

Article 147

Limitations on ownership rights and compensation

- (1) The land owner or land user shall be eligible for compensation for damage resulting from the temporary land use as referred to in Article 141 of this Law, or for reimbursement in case the damage resulting from the implementation of the measures and activities referred to in paragraph 1 of Article 143 and paragraph 1 of Article 145 of this Law is impossible to remedy completely.

- (2) The land owner or land user subject to restrictions referred to in Articles 141, 143 and 146 of this Law shall determine the reimbursement level referred to in paragraph 1 of this Article by mutual agreement with the River Basin District Agency, the cantonal ministry competent for water, or the administrative authority of the town or municipality competent for water. In case the mutual agreement is not reached, the competent court shall decide on the reimbursement level.

Article 148

- (1) In case the implementation of the protection measures referred to in Article 68 of this Law results in damage to the owner or user of the structure and other property, the investor, owner or user of the water supply system shall determine the reimbursement method in line with general regulations on reimbursement, as well as the source of financing the reimbursement.
- (2) If the investor, or owner or user of the water supply system fails to reach a mutual agreement on reimbursement referred to in paragraph 1 of this Article, the reimbursement shall be made in accordance with the regulations on expropriation.

Article 149

The owner or user of land located in the endangered area referred to in Article 86 of this Law shall not be eligible for damage compensation in relation to restrictions or prohibitions referred to in Articles 95 to 97 of this Law.

Article 150

Draining off of Storm and Drain Water

- (1) Provided that a physical or legal person is not subjected to significant damage or disturbance, and provided that the water drainage cannot reasonably be carried out by any other means, the owner or occupier of land from which storm or drain water needs to be drained off may:
1. construct a ditch or any other structure on land owned by a physical or legal person with their approval;
 2. drain off storm water and drainage water into a ditch or other appropriate structure owned by a physical or legal entity, with their approval.
- (2) The physical or legal person undertaking the activities referred to in point 1 of paragraph 1 of this Article shall maintain the structures in such condition as to avoid any damage to the land of another physical or legal person. The physical or legal person undertaking the activities referred to in point 2 of paragraph 1 of this Article shall cover the costs of any modifications deemed necessary on the said structures, as well as their share of future costs for the maintenance of the structures.

- (3) If the parties referred to in paragraphs 1 and 2 of this Article fail to reach an agreement, the matter under dispute shall be settled by the competent administrative authority or court.

Article 151

Access to and use of land for water monitoring

- (1) The owner or occupier of an area of land shall allow a water authority, the River Basin District Agency, the operator or other persons appointed to carry out water monitoring to access and use the land area concerned.
- (2) In case the monitoring referred to in paragraph 1 of this Article is not allowed, the matter under dispute shall be settled by the municipal authority with competence for property matters.
- (3) The owner or user of the land referred to in paragraph 1 of this Article shall be eligible for damage compensation. The compensation level shall be mutually agreed. If no agreement is reached, the competent court shall decide on the compensation level.

XI - ORGANIZATION OF WATER MANAGEMENT

1. River Basin District Agencies

Article 152

Establishment of the River Basin District Agencies

- (1) River Basin District Agencies (hereinafter also referred to as: Water Agencies) shall be established under this Law to carry water management tasks falling within their competence as defined by this Law and regulations adopted pursuant to this Law.
- (2) The River Basin District Agencies referred to in paragraph 1 of this Article shall be:
1. “The Sava River Basin District Agency”, and
 2. “The Adriatic Sea River Basin District Agency”
- (3) The abbreviated names of the Water Agencies shall be:
1. “the Sava RBD Agency” and
 2. “the Adriatic Sea RBD Agency”
- (4) The head office of the Sava RBD Agency shall be in Sarajevo and the head office of the Adriatic Sea RBD Agency shall be in Mostar.
- (5) Territorial competence of the Sava RBD Agency and the Adriatic Sea RBD Agency shall encompass their respective river basin districts as defined by the act under paragraph 5 of Article 23 of this Law.

Article 153

- (1) The Water Agencies are federal public institutions governed by the regulations on public institutions, unless otherwise specified in this Law.
- (2) The Water Agencies are legal persons with rights, obligations and responsibilities defined by this Law, other laws and the Charter of the River Basin District Agency.
- (3) Water Agencies are non-profit legal persons operating through their business transaction accounts.
- (4) The Water Agencies shall be entered into the Court Register.
- (5) The work of the Water Agencies shall be public. Water Agencies shall inform the public on its activities in a timely and truthful manner as specified in the Charter of the River Basin District Agency.

Article 154

Branch offices of the Agencies

- (1) To ensure the efficient implementation of the tasks falling within the competence of the Water Agencies and promote the principle of closeness to user, branch offices of the Sava RBD Agency shall be established: in Bihać for the Una river sub-basin, in Jajce for the Vrbas river sub-basin, in Zenica for the Bosna river sub-basin and in Goražde for the Drina river sub-basin, while branch offices of the Adriatic Sea RBD Agency shall be established in Livno for the basins of the Krka and Cetina rivers, and in Konjic for the upper section of the river Neretva with the river Rakitica and the central lake-Jablanica section of the river Neretva.
- (2) For areas subjected to specific water-related issues, the Water Agencies may establish additional branch offices.
- (3) The decision on the establishment of the branch offices referred to in paragraph 2 of this Article shall be adopted by the Federal Minister on proposal by the Steering Committee of the respective Water Agency.
- (4) The branch offices referred to in paragraphs 1 and 2 of this Article shall be organizational units of the Water Agencies. The activities, tasks and scope of work of the branch offices shall be regulated by the Charter of the respective Water Agency.

Article 155

Tasks of the River Basin District Agency

- (1) The tasks of the Water Agency shall be permanent and continuous execution of water management activities within the scope established under the plans referred to in paragraph 1 and point 2 of paragraph 2 of Article 160 of this Law, and in line with the funds provided for such purposes under this Law.

- (2) Performing the activities of public interest, the Water Agency shall have designated powers in accordance with this Law to issue administrative and other acts and decide on matters of relevance to water management.
- (3) Within the powers referred to in paragraph 2 of this Article, the Water Agency shall execute powers and obligations of the Federation with respect to the protective water structures referred to in point 1 of paragraph 1 of Article 14 of this Law, which are in the ownership of the Federation.

Article 156

- (1) In addition to tasks referred to in Articles 29 and 155 of this Law, the River Basin District Agency shall also carry out the following functions within its territorial competence:
 1. organize, collect, manage and distribute data on water resources in accordance with the provisions of this Law, including the establishment and maintenance of the WIS;
 2. organize hydrological and water quality monitoring, monitoring of the surface water ecological status, and the groundwater monitoring, prepare a report on the status of waters and propose the necessary measures;
 3. prepare a water management plan for the respective river basin district, organize the drafting of technical documentation for specific water management issues, carry out other water management related activities in accordance with this Law;
 4. prepare plans on prevention and reduction of harmful effects of floods, droughts, and the erosion of the banks of water bodies, and organize the implementation of these plans;
 5. manage the public water property referred to in point 1 of paragraph 3 of Article 9 of this Law in a manner provided for by this Law;
 6. take emergency measures to prevent or reduce harmful effects of pollution incidents and prepare the plans for such measures;
 7. issue water acts in accordance with this Law, rendering the establishment of an organizational unit within the River Basin District Agency for such purpose;
 8. provide expert opinions on the requests for the issuance of water acts within the competence of the cantonal ministry in charge of water;
 9. provide expert water-related opinions on documents falling within the competence of other Federal and cantonal ministries upon request by such government bodies;
 10. participate in the preparation of water sector policy and water-related legislation;
 11. promote water-related research and sustainable water management;
 12. organize public awareness raising events on sustainable water use, water protection and the protection of aquatic eco-systems;
 13. participate in the coordination of the drafting and implementation of water management plans together with the competent organizations from the Republic

of Srpska at the level of Bosnia and Herzegovina, or with authorities competent for the region of the international sub-basin of the River Sava and the international river basins of the Neretva and Cetina rivers;

14. carry out the activities related to the implementation of projects financed by the international institutions or funded from the Budget of the Federation, as decided by the Federal Ministry;
15. carry out regular consultations with the River Basin District Agency in the Republic of Srpska in the same river basin district, with regard to tasks referred to in points 1 to 14 of paragraph 1 of this Article;
16. undertake activities related to the collection of water charges and report to competent institutions on the levels of payments by water charge payers, and related activities.
17. perform other tasks as identified in this Law and the acts of the River Basin District Agency.

- (2) The Water Agencies shall harmonize the methodology and approach to the implementation of activities referred to in Articles 29 and 155 of this Law and paragraph 1 of this Article for the territory of the Federation, and shall prepare the tasks referred to in point 10 of paragraph 1 of this Article in a unified manner for the whole of the territory of the Federation.

Article 157

Delegation of professional and technical tasks to third parties

- (1) The River Basin District Agency may delegate professional and technical tasks falling within its competence to authorized legal persons.
- (2) The Federal Minister shall determine the conditions and criteria to be met by the authorized legal persons referred to in paragraph 1 of this Article, together with the procedure for issuing the authorization.

Article 158

Statute of the River Basin District Agency

- (1) The River Basin District Agency shall have a statute and other general acts.
- (2) The Statute of the River Basin District Agency shall in particular regulate the following:
 1. scope of activities;
 2. administration, management and supervision of activities of the River Basin District Agency;
 3. the internal organization of the River Basin District Agency;
 4. the powers and responsibilities of the Director of the River Basin District Agency;
 5. restrictions with regard to the acquisition, raising of loans or mortgages on and sale or other transfer of ownership of real estate and other property of the River Basin District Agency;

6. the allocation and means of distribution or use of the funds by the River Basin District Agency;
7. openness, cooperation with government bodies and other institutions in the implementing of the activities of the River Basin District Agency;
8. execution of the technical, administrative and other activities of the River Basin District Agency;
9. matters which according to relevant legislation shall be regulated by the statute;
10. other matters relevant to the implementation of the functions and operation of the River Basin District Agency.

Article 159

Steering Committee of the River Basin District Agency

- (1) The River Basin District Agency shall be managed by the Steering Committee.
- (2) The Steering Committee shall have five members. The chairperson and members of the Steering Committee shall be appointed and dismissed by the Federation Government on the proposal by the Federal Ministry following public vacancy announcements in accordance with the relevant law.
- (3) The members of the Steering Committee shall be selected from the ranks of experts in the fields of water management, public finances and other fields, with one member of the Steering Committee being nominated from the ranks of employees of the River Basin District Agency and one member from the Federal Ministry.
- (4) The Steering Committee shall be appointed for a term of four years. A person may be appointed a member of the Steering Committee for a maximum of two terms of office.
- (5) The Chairperson of the Steering Committee shall not be from the same constituent peoples (constitutive ethnic group) as the Director of the River Basin District Agency.

Article 160

Powers of the Steering Committee

- (1) The Steering Committee, with the agreement of the Federation Government, shall issue the framework plan document and the financial plan of the River Basin District Agency for a period of at least three years.
- (2) The Steering Committee, with the agreement of the Federal Ministry, shall:
 1. pass the Statute of the River Basin District Agency;
 2. adopt the annual plan and the financial plan of the River Basin District Agency;
 3. adopt the business report of the River Basin District Agency for the preceding year;
 4. appoint and dismiss the Director of the River Basin District Agency.
- (3) Acting on its own authority, the Steering Committee shall:

1. adopt the annual financial statement of the River Basin District Agency;
 2. adopt the business reports and financial statements of the River Basin District Agency during the course of a year;
 3. issue official documents of the River Basin District Agency;
 4. decide on other questions determined by the law and the Charter of the River Basin District Agency.
- (4) The Steering Committee of the River Basin District Agency shall in particular be responsible for the implementation of the established water management policy and the orders of the Federal Ministry.
- (5) The Statute of the River Basin District Agency shall define the manner of operation and decision-making process of the Steering Committee.

Article 161

Supervisory Committee

- (1) The activities of the River Basin District Agency shall be overseen by the Supervisory Committee.
- (2) The Supervisory Committee shall have three members. The chairperson and members of the Supervisory Committee shall be appointed and dismissed by the Federation Government on the proposal by the Federal Ministry.
- (3) The Supervisory Committee shall be appointed for a period of four years.

Article 162

- (1) The Supervisory Committee shall perform the following functions:
 1. analysis of the business report of the River Basin District Agency;
 2. review of the annual business report and the annual financial statement of the River Basin District Agency;
 3. review and verification of the official records;
 4. reporting to the Federal Ministry, the Steering Committee and the Director of the River Basin District Agency on the results of the supervision.
- (2) The Statute of the River Basin District Agency shall define the manner of operation and decision-making process of the Supervisory Committee.

Article 163

The Director of the River Basin District Agency

- (1) The River Basin District Agency shall be managed by the Director. The Director represents and acts on behalf of the River Basin District Agency.

- (2) The Director of the River Basin District Agency shall be appointed and dismissed by the Steering Committee, with the agreement of the Federal Ministry. The Director's term of office shall be four years.
- (3) The Director shall be selected following a public vacancy announcement to be advertised in at least two daily newspapers distributed throughout the territory of the Federation, a process conducted in accordance with the relevant legislation and the Statute of the River Basin District Agency.
- (4) The person appointed as Director of the River Basin District Agency shall have a university degree. Detailed provisions on the requirements to be met by the person appointed as Director, and the appointment procedure shall be defined in the Statute of the River Basin District Agency.
- (5) The Director of the River Basin District Agency shall report to the Steering Committee with regard to the activities of the River Basin District Agency. More detailed provisions on the scope, powers and responsibilities of the Director shall be defined in the Statute of the River Basin District Agency.

2. Advisory Council of the River Basin District

Article 164

Establishment of the Advisory Council

- (1) For the purposes of considering the systemic water management issues of relevance to a river basin district, different demands and interests, and proposing measures for the development and improvement of water management within the river basin district, the Federation Government shall establish:
 1. Advisory Council for the River Basin District of the River Sava and
 2. Advisory Council for the River Basin District of the Adriatic Sea.
- (2) The composition and the number of members of the Council for the river basin district (hereinafter also referred to as: The Council) shall be defined in a document on the establishment of the Council, taking into consideration the characteristics of a particular river basin district, the number of cantons within the river basin district, the significance of different types of water use and other specific characteristics of the river basin district in accordance with the following criteria:
 1. the Federation Government shall be represented by at least five members, according to competences and interests with regard to water sector;
 2. each canton within a river basin district shall be represented by at least one member. The total number of cantonal representatives shall be determined on the basis of the area and population of the canton, provided that the total

- number of cantonal representatives in the Council is not lower than the total number of representatives of the Federation Government;
3. water users' representatives shall make up at least one third of the total number of Council members;
 4. non-governmental organizations from the respective river basin district shall be represented in the Council by at least three members;
 5. research institutions based within the respective river basin district and dealing with issues relating to water, environment and related fields shall be represented by at least three members.
- (3) The document establishing the Council and its composition, in accordance with the provisions of paragraph 2 of this Article shall be issued by the Federation Government on the proposal by the Federal Minister.
- (4) The operational costs of the Council shall be financed from the Federation Budget.
- (5) The Federation Government, acting on the proposal by the Federal Minister, shall determine the nature and level of costs referred to in paragraph 4 of this Article.

Article 165

Role and Tasks of the Council

- (1) The Council referred to in paragraph 1 of Article 164 of this Law shall perform the following duties:
 1. participate in the preparation of draft water management plans and the water management strategy;
 2. review and comment on strategic documents falling within the competence of other federal and cantonal ministries and related to water management and vice versa;
 3. review and comment on issues of interest for the river basin or sub-basin within the river basin district and related to inter-entity cooperation;
 4. review and comment on issues of interest for both river basin districts and relating to water use or protection;
 5. review and comment on water management issues of relevance to inter-entity cooperation, to Bosnia and Herzegovina as a whole and the international commitments of Bosnia and Herzegovina.
- (2) The Council shall comment on all issues relating to water, as requested by the Federation Government or cantonal governments.
- (3) The Council may propose the implementation of study or research activities related to water management in a river basin district to the Federation Government and the Water Agency concerned.
- (4) The Water Agency shall take into consideration suggestions and recommendations of the Council in the performance of activities falling within its competence.

Article 166

Operation of the Council

- (1) The Council shall introduce a Code of Practice.
- (2) The Council shall meet at least three times a year.
- (3) The Director of the River Basin District Agency concerned shall attend the meetings of the Council.
- (4) The Council shall make it possible for representatives of the River Basin District Agency for the same river basin district in the Republic of Srpska to attend the meetings of the Council.

3. Water management at cantonal level

Article 167

- (1) The canton shall have the competence to carry out the activities and tasks allocated to it by this Law, and the organization of the performance of these tasks shall be regulated by a cantonal regulation.
- (2) The canton may delegate, by way of a cantonal regulation certain tasks falling within its competence to a town and/or municipality within its territory.

XII – FUNDING OF WATER MANAGEMENT

Article 168

Sources of funding

Funds to carry out the activities and tasks defined by this Law shall be provided by means of the following:

1. general water charges;
2. special water charges;
3. revenue generated by lease of the public water property;
4. the Federation, cantonal, town and municipal budgets;
5. credit funds;
6. funds provided for in special legislation;
7. donations and other funds in accordance with the law.

Article 169

General water charge

- (1) Physical or legal persons registered for a particular activity shall pay general water charge.
- (2) The water charge payers referred to in paragraph 1 of this Article shall pay the general water charge at a level of 0.5% of the basis consisting of a net salary of an employee in permanent or temporary employment and fees paid on the basis of service contracts.
- (3) The water charge referred to in paragraph 2 of this Article shall be calculated and paid simultaneously with the payment of salaries and service contract fees.

Article 170

Special water charges

- (1) Special water charges shall be:
 1. the charge for the use of surface waters and groundwater including the abstraction of:
 - water for public water supply,
 - water and mineral water used for water bottling,
 - irrigation water,
 - water for fish production at fish farms,
 - water for industrial processes, including thermal power plants,
 - water for other purposes.

The charge referred to in point 1 of paragraph 1 of this Article shall be calculated on the basis of the volume of water abstracted in m³. The level of this charge may vary, depending on the purpose and quality of the water;

2. The charge for water used for electricity generated by hydropower. This charge shall be calculated on the basis of the energy generated in kWh;
3. Water protection charge:
 - paid by owners of vehicles using oil and oil derivatives as fuel. This charge shall be calculated on the basis of the level of water pollution expressed in terms of the population equivalent (hereinafter referred to as: PE),

- for wastewater discharge. This charge shall be calculated on the basis of the level of water pollution. The basis for calculation of the fee shall be pollution expressed in terms of the PE,
 - for fish farming. This charge shall be calculated per 1kg of fish produced,
 - for the use of artificial fertilizers and plant protection products. This charge shall be calculated per 1kg of manufactured or imported artificial fertilizer or plant protection product;
4. fees for the extraction of material from watercourses. This charge shall be calculated per 1m³ of extracted material;
5. flood protection charges:
- for agricultural, forest or building land protected by flood protection structures. The definitions of agricultural, forest or building land adopted in the tax regulations shall apply. This charge shall be calculated per 1ha of protected land. The level of this charge may vary, depending on the type of land protected.
 - for residential, business and other buildings or structures that are protected by flood protection structures. This charge shall be calculated per 1m² of usable area of the building or structure.
- (2) The special water charge payer referred to in points 1, 2, and 3 indentations 2 and 3, and point 4 of paragraph 1 of this Article shall be physical or legal person required to obtain a water permit or a water authorization for the respective activity under the provisions of this Law. The physical person or legal entity referred to in paragraph 3 of Article 110 of this Law shall not be subject to this obligation, as the person subject to payment of the charge shall be the operator of the public water supply or sanitation system.
- (3) The special water charge payer referred to in indentation 1 of point 3 in paragraph 1 of this Article shall be a physical or legal person in whose name the vehicle has been registered, or the owner of a construction machine requiring no registration.
- (4) The special water charge payer referred to in indentations 4 of point 3 in paragraph 1 of this Article shall be a physical or legal person producing or importing artificial fertilizers or plant protection products.
- (5) The special water charge payer referred to in indentations 1 and 2 of point 5 in paragraph 1 of this Article shall be the owner of the respective land or structure.

Article 171

Rates of special water charges

The rates for the special water charges referred to in Article 170 of this Law shall be determined by the Federation Government, on the joint proposal of the Federal Ministry

and the federal minister with competence for the environment, with the prior agreement by the federal finance minister.

Article 172

Exemptions from special water charges

Special water charges for flood protection referred to in indentations 1 and 2 of point 5 in paragraph 1 of Article 170 shall not be collected in the following cases:

1. real estate used directly for air, rail and road traffic, for the provision of healthcare and social protection, education, culture, burial sites or religious purposes;
2. agricultural and forest land in cases where the land owner is a parent, spouse or under-age child of a war veteran, as well as a physical person in social need, provided that the land has not been leased to another physical or legal person as determined by the Federal body competent for the determination of tax liabilities;
3. water control structures referred to in point 1 of paragraph 1 of Article 14 of this Law, drainage structures referred to in point 2 of paragraph 1 of Article 14 of this Law and public water properties referred to in Article 9 of this Law.

Article 173

Temporary exemption from special water charges

- (1) The special water charge payer referred to in indentation 2 of point 3 in paragraph 1 of Article 170 of this Law may, in exceptional circumstances, be fully or partially exempted from payment of the special water charge.
- (2) The charge payers referred to in paragraph 1 of this Article shall be fully exempted from payment of the special water charge if:
 1. their wastewater treatment complies with the conditions on limit values of pollutant substances referred to in Article 55 of this Law and the disposal of the sludge from the wastewater treatment plant is carried out according to relevant regulations;
 2. developing a relevant technical study, they are able to prove that they can ensure the reduction of the pollutant emissions below the values referred to in Article 55 of this Law.
- (3) The charge payer referred to in paragraph 1 of this Article shall be partially or fully exempted from payment of the special water charge if the funds are used for investment in works aimed at reducing the pollutant emissions.
- (4) The exemption from payment of the charge referred to in paragraph 3 of this Article shall be applied up to 40% of the annual special water charge if the charge payer can demonstrate that he has initiated work to reduce the pollutant emissions.

- (5) In case of non-implementation of the activities referred to in paragraph 4 of this Article the charge payer shall pay the full amount of the calculated special water charge within a period of six months.
- (6) The charge payer referred to in paragraph 5 of this Article shall not have the right to apply for exemption from payment of the special water charge for the next two years.
- (7) Acting on the proposal by the Federal Minister and the federal minister for environment, the Federation Government shall adopt a regulation on special water charge exemption requirements, specifying requirements, procedures, deadlines and measures in the event of default with regard to pollutant emissions reduction.
- (8) The Federal Ministry shall decide on special water charge exemption in accordance with the regulation referred to in paragraph 7 of this Article.

Article 174

Collection of water charges

- (1) Calculation and payment procedures and deadlines, as well as water charge payment verification shall be defined by the Federal Minister in cooperation with the federal finance minister.
- (2) The revenues generated by the lease of public water property shall be collected on the basis of a lease contract and paid into a special payment account opened in accordance with the regulation on public revenue payment.

Article 175

Interest on late payments

Interest on late payments of the general water charge and special water charge and revenue derived from the lease of public water property shall be calculated and collected in accordance with the Law on the Interest Rates on Payment Arrears for Public Revenues (“Official Gazette of the Federation of BiH”, number: 48/01, 52/01 and 42/06).

Article 176

Payment order

The collection of water charges referred to in Articles 169, 170 and 175 of this Law and revenues generated by the lease of public water property shall be carried out by means of a payment order for the payment of public revenues into special payment accounts opened in accordance with the special regulation on the public revenue payment adopted by the federal finance ministry.

Article 177

Distribution of water revenues

- (1) The water charges referred to in Articles 169 and 170 of this Law and revenues generated by the lease of public water property shall be distributed as follows:
 1. 40% to the competent River Basin District Agency,
 2. 45% to the budget of the canton and
 3. 15% to the Federation Environment Protection Fund
- (2) The revenues from the lease of public water property on Category II surface waters shall be fully allocated to the cantonal budget.
- (3) The cantons shall establish institutions for the utilization of the funds referred to in point 1 of paragraph 1 and paragraph 2 of this Article, by means of the regulation referred to in paragraph 1 of Article 167 of this Law.
- (4) The distribution of funds referred to in paragraph 1 of this Article may be redefined. The need to redefine the distribution of funds shall be decided bi-annually by the Federation Government on the joint proposal of the Federal Ministry, the federal ministry with competence for the environment and the cantonal ministries with competence for water.

Article 178

Use of revenues

- (1) The revenues referred to in point 1 of paragraph 1 of Article 177 of this Law shall be used for:
 1. the activities and tasks referred to in Articles 29 and 156 of this Law,
 2. the maintenance of the water control structures in the ownership of the Federation,
 3. other tasks and activities delegated to the River Basin District Agency under this Law, and
 4. the operation of the River Basin District Agency.
- (2) The revenues referred to in point 2 of paragraph 1 of Article 177 of this Law shall be used for co-financing of the construction and maintenance of the water structures referred to in paragraph 1 of Article 14 of this Law, with the exception of the structures referred to in indentations 2, 4, 5 and 6 of point 3 of that Article, and also of other activities related to water management (preparing technical documentation, as a basis for the issuance of concessions and similar activities) in accordance with the annual plan and program of the cantonal ministry with competence for water.
- (3) The revenues referred to in point 3 of paragraph 1 of Article 177 of this Law shall be used exclusively for the implementation of tasks delegated under this Law to the federal ministry with competence for the environment and for the co-financing of the water protection infrastructure of significance to the Federation.

XIII - SUPERVISING THE IMPLEMENTATION OF THE LAW

1. Supervision by the Federal Ministry

Article 179

The Federal Ministry shall carry out the administrative supervision of the implementation of this Law and regulations adopted pursuant to this Law, as well as the administrative supervision of the Water Agencies with regard to the implementation of tasks delegated to them under this Law.

Article 180

- (1) The Federal Ministry's supervision of the implementation of tasks delegated to Water Agencies under this Law shall include the direct access and control of the operating procedures of the Water Agencies, review of the acts and documentation issued and recorded by the Agencies, giving follow-up orders and instructions and requesting records and information on the implementation of obligations under this Law and other regulations issued pursuant to this Law and reports on the performance of the Agencies' duties as laid out in this Law.
- (2) If the Federal Ministry establishes that the River Basin District Agency has failed to meet the obligations falling within its competence under this Law and regulations adopted pursuant to this Law or to implement acts for which it is duly authorized, or detects any irregularities in the operation of the River Basin District Agency, the Federal Ministry shall set a deadline within which the obligations under this Law, regulations or general acts must be met or irregularities remedied.
- (3) If the River Basin District Agency fails to meet the obligations within the deadline as set out in the provisions of paragraph 2 of this Article, the Federal Ministry shall inform the Federation Government of the omission or irregularity that has been established.
- (4) In case referred to in paragraph 3 of this Article, the Federation Government shall issue guidelines to the River Basin District Agency, or take measures to ensure the implementation of the tasks in accordance with this Law.

Article 181

- (1) The Federal Ministry shall supervise the legality of the water acts issued by the Water Agencies, as well as the cantonal, city and municipal water authorities, deciding in administrative matters on the rights and obligations of physical and legal persons, which are within the competence of the Water Agencies or the cantonal, city or municipal administrative water authorities as defined in this Law.
- (2) An appeal against the ruling of the Water Agency on the issued water act referred to in Article 107 of this Law, in connection with paragraph 1 of Article 139 of this Law, passed in first instance proceedings, shall be submitted to the Federal Ministry.

- (3) An appeal against the ruling of the cantonal, city or municipal administrative water authority on the issued water act referred to in Article 107 of this Law, in connection with Article 139 paragraph 1 of this Law, passed in first instance proceedings, shall be submitted to the Federal Ministry.

2. Organization of the inspection system

Article 182

Joint provision

Inspection of the implementation of this Law and the regulations adopted pursuant to this Law shall be conducted in accordance with the provisions of this Law and the Law on the Organization of Administrative Authorities in the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of BiH", number: 35/05) relating to supervision by means of an inspection system

a) Federal Water Inspectorate

Article 183

- (1) Inspection of the implementation of the provisions of this Law and the regulations adopted pursuant to it, which have been delegated into the competence of the Federation by this Law, shall be carried out by the Federal Ministry through the Federal Water Inspectorate forming part of the Federal Ministry, in accordance with Article 216 of this Law.
- (2) Inspection of the implementation of regulations adopted pursuant to this Law by the federal minister with competence for the environment shall be carried out by the federal ministry with competence for the environment through the federal inspectorate with competence for environmental protection.

Article 184

Organization of the Federal Water Inspectorate

- (1) In order to ensure the efficient implementation of inspection activities, the Federal Water Inspectorate shall be established for the following:
1. the immediate river basin of the Sava,
 2. the sub-basin of the Una with the Glina and Korana rivers,
 3. the sub-basin of the Vrbas,
 4. the sub-basin of the Bosna,
 5. the sub-basin of the Drina,

6. the river basin of the Neretva,
 7. the river basins of the Krka and Cetina, and
 8. the coastal sea.
- (2) The number and territorial distribution of the Federal water inspectors shall be established in the Rulebook on the Internal Organization of the Federal Ministry.

Article 185

Chief and Federal water inspectors

- (1) The chief Federal water inspector and the Federal water inspectors shall be appointed in accordance with the Civil Service Law in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of BiH”, no. 29/03, 23/04, 39/04, 54/04, 67/05 and 8/06).
- (2) The special requirements to be met by the Chief Federal water inspector and the Federal water inspector appointees shall be defined in the Rulebook referred to in paragraph 2 of Article 184 of this Law.

Article 186

Inspection objectives

The inspection shall include the following:

1. undertaking inspection activities in order to establish the status of the implementation of regulations by legal and physical persons who are required to operate and work in accordance with the provisions of this Law and regulations adopted pursuant to it,
2. determine the administrative measures to prevent and remove any illegalities in the implementation of the regulations referred to in point 1 of this Article,
3. taking other measures as defined by this Law and other regulations.

Article 187

The inspectors’ powers

- (1) In addition to the powers and responsibilities referred to in Article 182 of this Law, the Federal water inspector shall in line with this Law have the power and responsibility to:
 1. prevent the unauthorized use of water within the meaning of the provisions of this Law;
 2. prevent or limit the realization of the right to use waters, if not used in accordance with the water permit;

3. block the construction or other spatial interventions, if they are carried out without or contrary to the water authorization;
 4. order the temporary cessation of works, if the provisions of the permit referred to in point 2 of paragraph 1 of this Article are violated;
 5. prohibit the use of buildings and devices if they are used without or contrary to a water permit;
 6. prohibit or limit the discharge of wastewaters into surface waters or the indirect discharge of wastewaters into groundwater, if the discharge is carried out contrary to the provisions of Article 55 of this Law, and order that the original state be restored;
 7. prohibit extraction of material from surface waters if the extraction is carried out without or contrary to water acts;
 8. determine the necessity to assess and compensate for damages resulting from the activities referred to in point 7 of paragraph 1 of this Article and the obligation of restoring the original state;
 9. determine other measures in accordance with this Law, or on the basis of regulations and water acts issued pursuant to this Law.
- (2) In case sources and consequences of excessive water pollution should be removed, the Federal water inspector may order improvement measures or propose the preparation and implementation of a program of improvement measures to the Federal Ministry.

Article 188

Administrative activities

- (1) The Federal water inspector shall prepare a report on findings with respect to inspection activities.
- (2) The Federal water inspector shall issue a written ruling and order its immediate implementation in case of:
 1. immediate danger of floods, the overflow of water or deterioration in status during floods;
 2. risk of water shortage or difficulties with the water supply;
 3. danger of water pollution or pollution emerging to such an extent that it represents immediate danger to life and health of people, animals or plants;
 4. immediate danger of the pollution of a water source intended for drinking water supply;
 5. immediate danger of pollution of surface waters and groundwater;
 6. drought or potential water shortages or difficulties with drinking water supply;
 7. immediate danger of mudslides, landslides or other forms of erosion;

8. the need to ensure the implementation of general use of water as referred to in Article 46 of this Law or to ensure usufruct as referred to in Articles 140 to 151 of this Law, if the owner or other user of the water property referred to in Articles 7 and 8 of this Law or other riparian land resists allowing access over his land or the execution of works required for the implementation of this Law;
 9. the need to ensure the implementation of activities on water research in accordance with the provisions of this Law;
 10. other emergencies defined in the law.
- (3) In exceptional cases, the Federal water inspector may issue a verbal ruling for the cases referred to in points 1, 3, 4, 7 and 10 of paragraph 2 of this Article and order its immediate implementation; however, the Federal water inspector shall issue a written ruling within eight days of issuing the verbal ruling. The contents of the written ruling shall be in line with the verbal ruling.
 - (4) If the legal or physical person responsible for dangers and consequences referred to in points 1, 3, 4, 7 and 10 paragraph 2 of this Article fails to act immediately on the order of the water inspector, or if such person cannot be identified, the water inspectorate shall contract the authorized institution referred to in Article 189 paragraph 1 of this Law to take the required measures in order to eliminate the dangers or mitigate the consequences.
 - (5) The costs incurred in the implementation of the measures referred to in paragraph 3 of this Article shall be paid by the competent River Basin District Agency, which shall subsequently recover these costs from the responsible person, whose action or omission led to the danger or the unwanted consequences.

Article 189

Expertise by order of the Inspectorate

- (1) Certain technical activities for the inspection (expertise on the pollution containment in the event of an accident and the clean-up of pollution from water and water property, investigation, expert opinions etc.) requiring special technical equipment and specialized experts or the application of scientific methods and procedures, may be delegated to relevant authorized and certified institutions (institutes, enterprises, laboratories, associations).
- (2) The institutions referred to in paragraph 1 of this Article shall be contracted on the basis of an order from the Federal water inspector through the territorially competent River Basin District Agency.

Article 190

Inspection procedures

- (1) In case any violation of this Law, regulation or other documents issued pursuant to this Law has been established, the federal water inspector shall draft a report on any

irregularity or omission found and issue a ruling on measures to be taken and deadline within which the irregularity or omission is to be rectified.

- (2) In addition to the powers and duties defined by law, in the case referred to in paragraph 1 of this Article, the federal water inspector shall have the authority and responsibility to:
1. order the cessation of works, if such works are carried out contrary to or without the water act, and possession of such water act is required by law;
 2. in cooperation with the building and planning inspectorate, order the removal of a building or facility which had been built without a water act, in case the water act has not been obtained within 60 days;
 3. order the temporary cessation of works or activities of a legal entity or part thereof, if the federal water inspector finds that wastewaters contain hazardous substances exceeding permitted level, or if the level of water abstraction exceeds the permitted quantities;
 4. prohibit activities which are not permitted under this Law.
- (3) The Federal water inspector shall cooperate with the water inspectorates of the neighboring and other countries on issues of prohibited changes in the water regime on the cantonal profiles of international watercourses in accordance with international agreements, accords or conventions which Bosnia and Herzegovina is a party to.

Article 191

Initiating procedures

- (1) In case any act having the characteristics of violation as stipulated by this Law has been committed, the Federal water inspector shall submit an application to the competent authority for the initiation of violation proceedings.
- (2) In case any act having the characteristics of a criminal offence as defined in the criminal law has been committed, the Federal water inspector shall inform the competent prosecuting authorities accordingly.

Article 192

Appeals against rulings passed by inspectors

- (1) An appeal against a ruling by the Federal water inspector shall be lodged with the Federal Ministry through the Federal Water Inspectorate.
- (2) An appeal against the ruling of a cantonal, city or municipal water inspector, which has been issued on the basis of this Law and the regulations adopted pursuant to this Law, shall be lodged with the Federal Water Inspectorate through the cantonal, city or municipal water inspectorate.

- (3) An appeal against the ruling of a water inspector shall delay the implementation of the ruling, except in the cases referred to in paragraphs 2 and 3 of Article 188 of this Law.

Article 193

Accidents

- (1) In the event of an accident or other extraordinary event, the water inspector shall, as soon as informed of it, take actions and measures provided for by this Law and regulations issued pursuant to it on the territory within their competence, without regard to the real competence (federal or cantonal), and send notification of this to the federal inspectorate with competence for environmental protection.
- (2) In carrying out the actions referred to in paragraph 1 of this Article, water inspectors shall cooperate and exchange information regarding the measures and activities taken or to be taken.

Article 194

Cooperation between water inspectors

- (1) Federal water inspectors shall cooperate and exchange information with regard to the events, problems and methods of resolutions of individual cases. This cooperation may be initiated by any of the water inspectors.
- (2) The cooperation referred to in paragraph 1 of this Article shall also include the cantonal water inspectors and the city and municipal water inspectors.
- (3) The Chief Federal Water Inspector shall initiate and organize joint meetings of all water inspectors referred to in paragraphs 1 and 2 of this Article at least twice a year, keeping a special memorandum on this and submitting it to the Federal Minister, the Water Agencies and the cantonal ministries with competence for water.
- (4) The Federal Water Inspectorate shall cooperate with other inspectorates and authorities in the execution of its powers.

Article 195

Relations between the Federal and cantonal water inspectorates

- (1) If the Federal Water Inspector determines that the cantonal water inspector fails to implement the provisions of this Law relating to supervision within his competence, he shall send a letter to the cantonal administrative authority in charge of water inspection requesting that the measures and activities as defined by law be taken without delay.
- (2) If, notwithstanding the action taken by the Federal Water Inspector as referred to in paragraph 1 of this Article, the cantonal water inspector fails to take the measures

required by law, the Federal Water Inspector shall take these measures, which shall be charged to the cantonal budget, and send notification of this action to the cantonal minister with competence for water.

Article 196

Special powers of the Federal Water Inspector

- (1) In exceptional cases, upon request by the cantonal ministry with competence for water, the Federal Minister may issue a ruling ordering the Federal Water Inspector to supervise the implementation of this Law within the cantonal competence for a specified period of time on the territory of the canton concerned.
- (2) A special appeal against the ruling referred to in paragraph 1 of this Article shall not be permitted.

Article 197

Obligations of the Water Agencies with respect to the Water Inspectorate

With the purpose of carrying out inspection activities and measures as defined by this Law and regulations adopted pursuant to this Law, and upon request by the competent Federal or cantonal water or environmental inspector, the Water Agencies shall:

1. submit the necessary data, act or documentation,
2. provide an appropriate expert opinion,
3. carry out testing, or arrange for additional water quality tests to be carried out,
4. carry out other activities required within the competence of the River Basin District Agency.

b) Cantonal Water Inspectorate

Article 198

- (1) The supervision of the implementation of this Law and regulations adopted pursuant to this Law, delegated to the cantons by this Law, shall be conducted by the cantonal administrative authority with competence for water through the Cantonal Water Inspectorate.
- (2) A city or municipality may form a city or municipal water inspectorate to carry out the supervision which has been delegated to the cantons by this law; this shall be established by means of a cantonal regulation.
- (3) In carrying out of activities referred to in paragraph 1 of this Article, the cantonal water inspectorate shall act in accordance with the provisions of Article 186 to 198 of this Law.

c) Inter-entity cooperation between water inspection services

Article 199

- (1) The Federal Water Inspectorate shall cooperate and exchange information with the Water Inspectorate of the Republic of Srpska with regard to any events, problems and methods of resolutions of individual cases of mutual interest.
- (2) The proposal to hold joint meetings of the inspectorates referred to in paragraph 1 of this Article shall be made by the Chief Federal Water Inspector or the Chief Water Inspector of the Republic of Srpska.

Article 200

The Federation's water inspectors have the right to carry out joint inspection with the Water Inspectorate of the Republic of Srpska in the following cases:

1. there has been a pollution incident involving water or water property, the consequences of which are evident on the territory of the Federation and the Republic of Srpska;
2. a building or structure, installation or activity located or taking place on the territory of the Republic of Srpska negatively impacts waters on the territory of the Federation;
3. a building or structure, installation or activity located or taking place on the territory of the Federation negatively impacts waters on the territory of the Republic of Srpska;
4. if agreement on such inspection activity has been reached between the Chief Water Inspectors of the Federation and the Republic of Srpska.

Article 201

- (1) In the event of a joint inspection by water inspectors from the Federation and the Republic of Srpska, the inspection report shall be drafted and the appropriate administrative measures taken by the inspector from the Federation if the incident occurred in the Federation, or if the building or structure or activity concerned is on the territory of the Federation; or in the Republic of Srpska if the incident occurred in the Republic of Srpska, or if the building or structure or activity which is the subject of the inspection is on the territory of the Republic of Srpska.
- (2) In the event of a joint inspection referred to in paragraph 1 of this Article, the water inspector from the Federation or the Republic of Srpska, on whose territory the impacts are apparent, may prepare the official report.
- (3) In cases referred to in paragraphs 1 and 2 of this Article, the water inspectors shall exchange copies of the report, records and other relevant documents.

Article 202

- (1) Water inspectors from the Federation and the Republic of Srpska shall make arrangements for the joint inspection through the Chief Water Inspectors.
- (2) Any water inspector may initiate the joint inspection by submitting a verbal or written request to the Chief Inspector or competent minister from the Federation or the Republic of Srpska.
- (3) The Chief Water Inspectors shall inform their ministers on the arrangement referred to in paragraph 1 of this Article.

3. Water Warden Service

Article 203

- (1) The Federal Ministry may set up a water warden service for the purposes of preventing the pollution of waters and damage to water structures.
- (2) The Federal Minister shall issue a regulation defining powers and duties of the water warden service referred to in paragraph 1 of this Article.
- (3) The Federal Minister, in agreement with the Federal Minister of Justice, shall issue a regulation defining the official symbol, identity card and uniform of the water wardens.

XIV - PENALTY PROVISIONS

Article 204

Infringements

- (1) A legal person shall be fined KM 5,000.00 to KM 50,000.00 for an infringement if they:

1. act contrary to the provisions of Article 12 of this Law;
2. fail to maintain the water structure referred to in Article 14 of this Law in a functional state and do not use it in accordance with its nature and purpose (Article 20 paragraph 1);
3. on ceasing to use the water structure referred to in Article 14 of this Law, they do not act in accordance with the provision in paragraph 2 of Article 20 of this Law;
4. fail to protect the water structure referred to in Article 14 of this Law and the equipment and devices associated with it in accordance with the provisions of paragraph 5 of Article 20 of this Law;
5. fail to ensure continuous and systematic examination of the water and to take measures to ensure the correct sanitary quality of drinking water and the correct technical quality of the devices and equipment (Article 48 paragraph 2);
6. carry out activities contrary to the provisions in paragraph 2, 3 and 4 of Article 53 of this Law;
7. discharge wastewater contrary to the provision in paragraph 1 of Article 54 of this Law;
8. produce, handle, store or deposit hazardous substances and waste on water or water property (Article 59, paragraph 1);
9. fail to take measures for the prevention or mitigation of the impacts of an incident and to report this in timely fashion to a police department, water inspectorate or the River Basin District Agency (Article 61 paragraph 1);
10. fail to implement a decision on the protection of a source (Article 62 paragraph 4);
11. fail to take measures to protect a bathing area referred to in paragraph 1 of Article 72 of this Law (Article 72 paragraph 4);
12. carry out works and activities prohibited by paragraph 1 of Article 96 and Article 97 of this Law;
13. use water, discharge wastewater into surface waters or water property or carry out other activities and interventions without obtaining a water act required for the said activities and interventions as stipulated by this Law (Article 109);
14. use water, discharge wastewater into surface waters or water property or carry out other activities and interventions contrary to the provisions in the water act;
15. following the expiry of a water authorization for the extraction of material, fail to restore the bed and banks of the watercourse to the state required by the water act (Article 114 paragraph 5);
16. fail to act in accordance with the ruling of the water inspector referred to in paragraph 1 of Article 190 of this Law.

(2) The responsible person within the legal person shall also be fined for the infringement referred to in paragraph 1 of this Article with a fine of KM 500.00 to 5,000.00.

Article 205

(1) A legal entity shall be fined KM 2,000.00 to 20,000.00 for an infringement if they:

1. fail to keep record of the volumes of water abstracted and to send particulars of this to the competent River Basin District Agency (Article 50 paragraph 1);
2. during mining works, the digging of tunnels and other forms of soil excavation or drilling, come across groundwater and fail to report this to the competent authority (Article 52 paragraph 1);
3. does not permit the authorized person to collect data and carry out required examination on a water reservoir found (Article 52 paragraph 2);
4. use fertilizers or plant protection products on water property (Article 56 paragraph 4);
5. navigate a vessel using oil derivatives as fuel on surface waters where this is prohibited (Article 57 paragraph 1);
6. discharge wastewater directly from a vessel (Article 57 paragraph 4);
7. wash vehicles or other machines and devices in surface water (Article 58);
8. notice an incident referred to in Article 61 paragraph 1 of this Law and fail to inform the competent authority of this (Article 61 paragraph 2);
9. fails to comply with the terms of the decision referred to in paragraph 2 of Article 70 of this Law;
10. do not implement the protection of the economically important aquatic species referred to in paragraph 1 of Article 71 of this Law;
11. erect permanent or temporary structures or other barriers or block free access across water property and access to banks in a bathing area (Article 72 paragraph 3);
12. fail to implement measures to protect the quantity and quality of water in a vulnerable area (Article 75 paragraph 2);
13. do not carry out monitoring relevant for the protection from harmful effects of water and fail to send the data of this monitoring to the WIS (Article 91 paragraph 4);
14. carry out works and activities prohibited by Article 96 paragraph 2 of this Law;
15. fail to make available to the territorially competent River Basin District Agency the data they possess, and which are of significance to water management (Article 105).

(2) The responsible person within the legal entity shall also be fined for the infringement referred to in paragraph 1 of this Article with a fine of KM 300.00 to 3,000.00.

Article 206

A physical person shall be fined KM 100.00 to 2,000.00 for an infringement if they:

1. act contrary to the provisions in Article 12 of this Law;
2. fail to maintain the water structure referred to in paragraph 3 of Article 16, paragraph 3 of Article 17 and Article 18 of this Law in a functional state and do not use it in accordance with its nature and purpose (Article 20 paragraph 1);

3. on ceasing to use the water structure referred to in paragraph 3 of Article 16, paragraph 3 of Article 17 and Article 18 of this Law, they do not act in accordance with the provision in paragraph 2 of Article 20 of this Law;
4. fail to protect the water structure referred to in paragraph 3 of Article 16, paragraph 3 of Article 17 and Article 18 of this Law and the equipment and devices associated with it in accordance with the provisions of paragraph 5 of Article 20 of this Law;
5. do not permit the authorized person to collect data and perform required examination on a water reservoir found (Article 52 paragraph 2);
6. carry out work contrary to the provisions in paragraphs 1, 2, 3 and 4 of Article 53 of this Law or indirectly discharge wastewater into groundwater contrary to the method and conditions defined by this Law and exceeding the limit values defined by a secondary legislation referred to in paragraph 1 of Article 55 of this Law;
7. discharge wastewater contrary to the provisions in paragraph 1 of Article 54 of this Law;
8. use fertilizers or plant protection products on water property (Article 56 paragraph 4);
9. navigates a vessel using oil derivatives as fuel on surface waters where this is prohibited (Article 57 paragraph 1);
10. discharge wastewater directly from a vessel (Article 57 paragraph 4);
11. wash vehicles or other machines and devices in surface water (Article 58);
12. produce, handle, store or deposit hazardous substances and waste on water or water property (Article 59, paragraph 1);
13. fail to take measures for the prevention or mitigation of the impacts of an incident and to report this in timely fashion to the police department, water inspectorate or the River Basin District Agency (Article 61 paragraph 1);
14. fail to inform the competent authority (Article 61 paragraph 2) of the incident referred to in paragraph 2 of Article 61;
15. do not comply with the prohibitions in the decision on the protection of a source referred to in paragraph 4 of Article 66 of this Law;
16. do not comply with the prohibitions in the decision referred to in paragraph 2 of Article 70 of this Law;
17. do not comply with the prohibitions in the decision on the protection of economically important aquatic species referred to in paragraph 1 of Article 71 of this Law;
18. erect permanent or temporary structures or other barriers or block free access across water property and access to banks in a bathing area (Article 72 paragraph 3);
19. fail to implement measures to protect the quantity and quality of water in a vulnerable area (Article 75 paragraph 2);
20. carry out works and activities prohibited by Articles 96 and 97 of this Law;
21. fail to make available to the locally competent River Basin District Agency the data in their possession which are of significance to water management (Article 105);

22. use water, discharge wastewater into surface waters or water property or carry out other activities and interventions without obtaining the water act required for the said activities and interventions as stipulated by this Law (Article 109);
23. use water, discharge wastewater into surface waters or water resources or carry out other activities and interventions contrary to the provisions in the water act;
24. following the expiry of a water authorization for the extraction of material, fail to restore the bed and banks of the watercourse to the state required by the water act (Article 114 paragraph 5);
25. fail to act in accordance with the ruling of the water inspector referred to in paragraph 1 of Article 190 of this Law

XV - TRANSITIONAL AND FINAL PROVISIONS

Article 207

Commencement of the operation of the Water Agencies

- (1) The River Basin District Agency of the River Sava and the River Basin District Agency for the Adriatic Sea shall be established, registered with the Court and commence operation in accordance with this Law within a period of six months of the date of entry into force of this Law.
- (2) The establishing act for the entry of the Water Agencies into the Court Register shall be this Law.
- (3) The date of commencement of the operation of the Water Agencies referred to in paragraph 1 of this Article shall be the date of their entry into the Court Register.
- (4) Until the Water Agencies commence operation, the Public Company for the “Watershed Area of the River Sava”, Sarajevo, and the Public Company for the “Watershed Area of the Adriatic Sea”, Mostar, shall continue to perform the tasks and responsibilities within their competence in accordance with the Law on Water (“Official Gazette of the Federation of BiH”, number: 18/98) and regulations issued pursuant to the said Law.

Article 208

Until the date of entry into the Court Register of the Water Agencies as referred to in paragraph 1 of Article 207 of this Law, payments for the special water management charges shall be made in accordance with the Regulation on the Collection of Public Revenues from the Budgetary and Extra-budgetary Funds on the Territory of the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of BiH”, number: 06/05).

Article 209

On the date of entry into the Court Register of the Water Agencies referred to in Article 207 paragraph 1 of this Law:

1. the Public Company for the “Watershed Area of the River Sava”, Sarajevo, and the Public Company for the “Watershed Area of the Adriatic Sea”, Mostar shall cease to operate;
2. the property, rights and obligations of Public Company for the “Watershed Area of the River Sava”, Sarajevo shall become the property, rights and obligations of the River Basin District Agency of the River Sava, Sarajevo;
3. the property, rights and obligations of Public Company for the “Watershed Area of the Adriatic Sea”, Mostar shall become the property, rights and obligations of the River Basin District Agency of the Adriatic Sea”, Mostar.

Article 210

Status of employees of the Public Companies for the Watershed Areas

- (1) On the date of entry into the Court Register of the River Basin District Agency of the River Sava”, the employees of the Public Company for the “Watershed Area of the River Sava” shall become the employees of the River Basin District Agency of the River Sava”.
- (2) On the date of entry into the Court Register of the River Basin District Agency of the Adriatic Sea”, the employees of the Public Company for the “Watershed Area of the Adriatic Sea” shall become the employees of the River Basin District Agency of the Adriatic Sea”.

Article 211

Steering Committees

- (1) The Federation Government shall appoint the president and members of the Steering Committee of the River Basin District Agency of the River Sava”, or the River Basin District Agency of the Adriatic Sea”, within a period of three months of the entry into force of this Law.
- (2) On the date of the entry into the Court Register of the Water Agencies referred to in paragraph 2 of Article 207 of this Law, the Steering Committee of the Public Company for the “Watershed Area of the River Sava”, Sarajevo and the Steering Committee of the Public Company for the “Watershed Area of the Adriatic Sea” Mostar shall cease to operate.
- (3) For the first Steering Committee, the Steering Committee member from the ranks of employees of the River Basin District Agency referred to in Article 207 paragraph 1 of this Law shall be selected and appointed from the ranks of employees of the Public Company for the “Watershed Area of the River Sava”, Sarajevo and the Public Company for the “Watershed Area of the Adriatic Sea”, Mostar.

Article 212

Establishment of the river basin district advisory council

The river basin district advisory councils referred to in paragraph 1 of Article 164 of this Law shall be established within one year of the date of entry into the Court Register of the Water Agencies referred to in paragraph 1 of Article 207 of this Law.

Article 213

Planning documents

Until the adoption of the water management strategy referred to in Article 24 of this Law and the planning documents for water management in the Federation, use shall be made of the appropriate plans and programs for the development of water resource management and specific fields of water resource management (protection from the harmful effects of water, protection of water and water use) that were introduced up to the date of entry into force of this Law.

Article 214

Previously issued water acts

- (1) The water management permits issued up to the date of the commencement of the operation of the Water Agencies referred to in Article 152 of this Law shall be harmonized with the provisions of this Law within five years from the date of entry into force of this Law.
- (2) The water resource management requirements issued up to the date of the commencement of the operation of Water Agencies referred to in Article 152 of this Law shall be harmonized with the provisions of this Law at the time of issue of water authorization.
- (3) The water resource management authorizations issued up to the date of the commencement of the operation of Water Agencies referred to in Article 152 of this Law shall be harmonized with the provisions of this Law at the time of issue of water permits.
- (4) The holders of the rights in the water management act referred to in paragraph 1 of this Article shall submit an application for the review of the water permit within two years of the date of entry into force of this Law.
- (5) If the application referred to in paragraph 4 of this Article is not submitted within the time limit referred to in paragraph 4 of this Article, the water management act referred to in paragraph 1 of this Article shall cease to apply.
- (6) The provisions in paragraph 1 of this Article shall not apply to water management permits which are valid for five years or less from the date of entry into force of this Law.

Article 215

Pending applications for water management acts

Applications for water management acts which have been submitted to the competent authority up to the date of the commencement of the operation of Water Agencies referred to in Article 152 of this Law shall be decided on in accordance with the Law on Waters (“Official Gazette of the Federation of BiH”, number: 18/98) and the regulations issued pursuant to that Law.

Article 216

Inspection

- (1) Up to the date of the commencement of the operation of Water Agencies referred to in Article 152 of this Law, inspection shall be conducted in accordance with the Law on Waters (“Official Gazette of the Federation of BiH”, number: 18/98) and the regulations issued pursuant to that law.
- (2) The provisions of paragraph 1 of Article 183, Article 184 and paragraph 1 of Article 198 of this Law shall apply until the date of establishment of the Water Inspectorate by means of a special federal law.

Article 217

Pending appeals

Appeals that are pending on the date of commencement of the operation of Water Agencies referred to in Article 152 of this Law shall be decided on in accordance with the Law on Waters (“Official Gazette of the Federation of BiH”, number: 18/98) and the regulations issued pursuant to that law.

Article 218

Existing structures and activities having no water management act issued

- (1) The owners or users of existing structures and facilities using water or discharging wastewater and other hazardous and harmful substances into waters, for which no water management permit was obtained by the date of entry into force of this Law, shall submit an application for a water permit within a period of six months of the date of commencement of the operation of Water Agencies referred to in Article 152 of this Law.
- (2) If the application referred to in paragraph 1 of this Article is not submitted within the required period, the use of the structures or facilities referred to in paragraph 1 of this Article shall be prohibited by means of a ruling of the competent water inspection authority.

Article 219

Deadlines for the adoption of the regulations of the Federation Government

- (1) The Federation Government shall adopt the regulations referred to in paragraph 1 of Article 43 and the regulation referred to in paragraph 4 of Article 25 of this Law within a period of two years from the date of entry into force of this Law.
- (2) The Federation Government shall enact the remaining regulations for the implementation of this Law within a period of:
 1. six months from the date of entry into force of this Law for the regulations referred to in Article 23 and in paragraphs 3 and 5 of Article 164 and Article 171 of this Law,
 2. one year from the date of entry into force of this Law for the regulation referred to in paragraph 7 of Article 173 of this Law,
 3. two years from the date of entry into force of this Law for the regulations referred to in Articles 55 and 57 of this Law.

Article 220

Periods for the adoption of regulations by the Federal Ministers

- (1) The Federal Minister shall adopt the regulations for the implementation of this Law within a period of:
 1. six months from the date of entry into force of this Law for the regulation referred to in paragraph 4 of Article 107, paragraph 6 of Article 120 and paragraph 1 of Article 174 of this Law,
 2. one year from the date of entry into force of this Law for the regulations referred to in Article 10, 50 and 104 of this Law,
 3. two years from the date of entry into force of this Law for the regulations referred to in Articles 64, 66, 86 and 90 of this Law.
- (2) The federal minister with competence for the environment shall enact the regulations referred to in Articles 59, 61, 73, 74 and 76 of this Law within a period of one year from the date of entry into force of this Law.

Article 221

Application of existing secondary legislation

Until the adoption of the regulations referred to in paragraphs 1 and 2 of Article 219 and paragraphs 1 and 2 of Article 220 of this Law, the secondary legislation adopted on the basis of the Law on Waters (“Official Gazette of the Federation of BiH”, number: 18/98) shall apply, as well as the secondary legislation applicable until the date of entry into force of this Law and that is not in conflict with this Law.

Article 222

Cantonal regulations

- (1) The cantons shall harmonize the provisions of the cantonal water law with the provisions of this Law within a period of six months from the date of entry into force of this Law.
- (2) The cantonal laws shall govern issues relating to the organization and implementation of the activities delegated to the cantons by this Law.

Article 223

Repealed laws

The following shall be repealed on the date of beginning of implementation of this Law:

1. the Law on Waters (“Official Gazette of the Federation of BiH”, number: 18/98),
2. the Water Protection Law (“Official Gazette of the Federation of BiH”, number: 33/03) shall be repealed.

Article 224

Entry into force and start of implementation

This Law shall enter into force on the eighth day from the date of its publication in the “Official Gazette of the Federation of BiH”, and its implementation shall start on the day of commencement of the operation of the Water Agencies in accordance with paragraph 3 of Article 207 of this Law.

CHAIRMAN OF THE HOUSE OF PEOPLES OF THE PARLIAMENT OF THE FEDERATION OF BIH Slavko Matić	CHAIRMAN OF THE HOUSE OF REPRESENTATIVES OF THE PARLIAMENT OF THE FEDERATION OF BIH Muhamed Ibrahimović
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