

## **WATER LAW**

(OFFICIAL GAZETTE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, No. 18 of 11 May, 1998)

## **WATER LAW**

### **I - GENERAL REGULATIONS**

#### **Article 1.**

This law regulates method and terms of water management, water works facilities and public water resources for the purpose of water usage, water protection against pollution, development of river beds and flood protection, a method of organisation and performance of activities and duties to achieve managing of water, water works facilities and public water resources, provision of funds for financing of related activities and duties, responsibility and duties of the authority of the Federation of Bosnia and Herzegovina (hereinafter: the Federation), canton's authorities and legal entities and citizens, as well as other issues being of importance for managing of water, water works facilities and public water resources.

Public water management companies in charge for managing water sheds are established by this law, as follows:

1. Public company for "Water shed of the Adriatic coast"
  2. Public company for "Water shed of the Sava river"
- (hereinafter: Public company for a water shed).

The public companies in charge for watershed areas establish a business association of Public Water Management companies for the Federation of Bosnia and Herzegovina ( hereinafter: Business association) for performing; certain activities under Article 157. paragraph 1 of this law.

#### **Article 2.**

Regulations of this law apply to the following:.

1. surface and ground water-;
2. mineral and thermal water;
- 3.coastal water of the Adriatic sea within the borders of Bosnia and Herzegovina in the territory of the Federation (hereinafter: coastal water) in a view of protection against land and sea pollution and usage of coastal sub-merged springs in the coastal water.

#### **Article 3.**

Water as the public property can not be in any possession.

Water is specially protected by the Federation and the cantons.

#### **Article 4.**

The Federation and the cantons perform water managing according to this Law.

Water managing, under paragraph 1 of this Article is performed uniformly for the territory of the Federation, for water areas and the main watersheds providing the necessary water regime in accordance with possibilities.

Public companies for water areas perform a part of the activities and duties related to the water managing, as well as managing of water works facilities and public water resources in accordance with this law.

## Article 5.

Some expressions used in this law have the following meanings:

1. water regime implies the elements on which the quantity and quality of water at certain area could be determined within specified time;
2. water regime changes consider all changes caused by natural disaster or human being activities and behaviour affecting water quantity and quality;
3. water works system comprises water streams and water works facilities at certain area;
4. water balance is a ratio between available and required water quantities of required quality for certain area and time period;
5. inter-state water are ones present a border or cross the borders of the other countries;
6. water stream is a river bed including its banks and water flows through;
7. a river bed is a deep in the ground where constantly or temporary water flows through or where are the stationary water;
8. a riverbank is a ground belt along the banks of running and land water using for access and regular maintenance of the river bed;
9. sea coast is the land belt along the sea as far as the highest waves reach. at the distance of ten meters least of the highest tide line;
10. developed flood plane is a land belt between the riverbed of small water and the external edge of the dike;
11. undeveloped flood plane is a land belt between the river bed of small water and flooding line at the area where the flood protection facilities are not constructed;
12. water or water works facilities covering the area of two or more cantons imply both water and water works facilities at the area of one or two cantons of other entity.

## II - MANAGING OF WATER, WATER WORKS FACILITIES AND PUBLIC FACILITIES

### 1. WATER MANAGING

#### Article 6.

Water managing is consisted of a number of decisions, activities and measures having purpose to maintain, improve and realise the required and sustainable water regime at the certain area in accordance with the natural conditions, plan, needs and possibilities.

Water managing under paragraph 1, of this Article is to be particularly realised by providing required water quantity of good quality for various purposes, by water protection against pollution, flood protection and by training of the riverbeds.

#### Article 7.

Water managing is based on the following principles:

1. Water is indispensable for life and work. All legal entities and citizens are obliged to preserve its quality with care, to use it rationally and carefully under the equal conditions established by the law;
2. water is managed based on the uniform principles of the water works system and based on the sustainable development in order to satisfy the needs of the existing generation but not endangering the rights and possibilities of the future generation to realise it for themselves;
3. Territorial sectors for water managing are water and catchment areas making; hydrographs and waterworks entities. The boundaries of the cantons and municipalities can not present an obstacle for integrated water managing at these areas;
4. A starting point in the preparation and making plans as a base for water managing is a duty for environmental protection and implementation of the public and economic development.;

5. General water compensation and special water works compensation are to be paid for public water consumption and for consumption of water which exceeds allowed consumption limit, as well as for each deterioration as of water quality, in proportion with the level and scope of the effects on the water status changes.
6. duties and obligations of the water management company are settled all planned deed for financing and improvement of the water works systems, as well as sources and required funds.

a) Territorial bases for water managing

Article 8.

The Federation territory is divided on the water and main catchment areas for the purpose of water managing.

Article 9.

Water areas cover the area of one or more main catchment areas or their parts which make natural, hydrographics and waterworks whole.

Water areas are:

1. water area of the Sava river watershed
2. water area of the Adriatic sea watershed.

The boundaries of the catchment areas under paragraph 1. of this Article are issued by the Government of the Federation of Bosnia and Herzegovina (hereinafter: the Federation authorities).

Article 10.

The main catchment area, within the water area, covers one or more larger catchment areas having, due to the connection of the waterworks problems, constructed waterworks system and natural conditions the uniform water managing.

The main catchment areas in terms of this law are:

1. Una catchment area including the part of the catchment areas of Korane and Gline;
2. Vrbas catchment area;
3. Bosna catchment area;
4. Drina catchment area;
5. Neretva catchment area including the part of the Trebisnjica catchment area.
6. Cetina catchment area with the part of the Krka catchment area

The main catchment areas, under the paragraph 2 of this Article, include the parts of the immediate catchment areas of the Sava river and the Adriatic sea.

The boundaries of the main catchment areas under the paragraph 2'. of this Article are established by the Federation authorities.

b) Planned basis for water managing

Article 11.

Planned basis for water managing are water management master plan of the Federation and water management master plans for the main catchment areas under Article 10, paragraph 2 of this law.

An appropriate water management master plan can be made for smaller catchment areas being parts of the main catchment areas.

Water management master plan of the main catchment area is to be in accordance with the water management master plan of the Federation.

Water management master plan for the smaller catchment areas under paragraph 2 of this Article is to be in accordance with the water management master plans of the main catchment area and with the water management master plan of the Federation.

#### Article 12.

Water management master plan under Article 11, paragraphs 1 and 2 hereof are long-term planned deeds which defined the technical-economic basis for water managing, water balance, measures to be undertaken for water regime improvement and for development of the waterworks system, thus providing harmonised regime at the Federation territory, water areas, respectively.

Water management master plan is to be adjusted to the changes arising in the waterworks system, economic and social development, as well as in the international obligations.

Water management master plan especially defines: distribution, reserves and water properties, requirements for water in all segments of living, works and activities  
provision of sufficient water quantities of required qualities for various purposes- provision of water pollution protection; also defines the most adequate technical and other solutions for development of water and riverbeds, flood protection and food control and other solutions of importance for water managing and provision of required water regime.

Water management master plan is to be based on the following;

1 investigation-research works, continuously monitoring the water regime and elements of water balance taking into consideration the specific problems of each water area and environmental protection;

2 mutual co-ordination with the strategy of the physical planning;

Federation, and with long-term plans of the economy development.

#### Article 13.

The Federal authorities establish a Commission for monitoring and co-ordination of the activities in terms of working out a water management master plan under Article 11, paragraph 1 of this law and appoints a chairman and its members who are representatives of the cantons, competent Federal ministries and of distinguished scientists and experts in the field of the water managing and related fields, upon the proposal of the Federal Ministry of Agriculture, Water Management and Forestry ( hereinafter: Ministry).

The commission under paragraph I hereof issues an operating procedure for its activities.

#### Article 14.

Water management master plan of the Federation and water management master plans of the main catchment areas under Article 11, paragraph 1 of this law are issued by the Parliament of the Federation of Bosnia and Herzegovina (hereinafter: Parliament of the Federation).

Water management master plan under Article 11, paragraph 2 of this law is issued by a legislative body of the canton.

Water management master plan under Article 11, paragraph 2 of this law for the smaller catchment areas covering the area of two or more cantons is issued by mutual consent of the cantons' legislative bodies.

#### Article 15.

A draft of the water management master plan under Article 11, paragraph 1 of this law is submitted to public discussion.

A draft of the water management plan is submitted to the cantons and the Federal Ministries particularly concerned.

The cantons and the Federal Ministries concerned can make remarks on a draft of the water management master plan during the discussion.

#### Article 16.

The Federal Minister of :agriculture, Water Management and Forestry hereinafter : Minister) issues the regulations related to the contents and procedures of the water management master plans under Article 11. paragraph 1 of this law and to the public discussion on the drafts.

#### Article 17.

The long-lasting and mid-term water management development plans are issued and implemented in accordance with the water management master plan under Article 11, paragraph 1 of this law for the purpose of improvement of water regime, provision of water balance and waterworks operation.

Plans under paragraph 1 of this Article especially comprise: activities and measures to be implemented within the planned period and funds required for their implementation.

Parliament of the Federation settles a long-lasting waterworks development plan.

Federal authorities settles a mid-term water management development plan in accordance with the long-lasting one under paragraph 3 thereof.

Water management development plans of cantons is to be in accordance with the long-lasting and mid-term plans under paragraph 1 of this law.

## 2. MANAGING OF WATERWORKS FACILITIES

#### Article 18.

Waterworks facilities are structures or such structures with related equipment which comprise a technical or technological whole, using for river bed training. flood protection, water tapping due to its designed usage and for water protection.

#### Article 19.

Taking into consideration their purposes, waterworks facilities are. as follows:

1. protective water works facilities - dikes, embankments, trained river beds. discharge channels. lateral channels for flood protection, discharge tunnels, dams with impounding: reservoirs, floodgates. impounding water. pump stations for flood protection and other pertaining facilities. as well as erosion and torrents protection structures:

2. waterworks facilities for drainage - main drainage channel network, pump stations for drainage.. drainage and other related equipment:

3. waterworks facilities for water usage are:

a) for irrigation - impounding reservoirs, delivery channels and tunnels, water intake structures, pump stations, floodgates, delivery and distribution network and other related structures and equipment;

b) for water supply - impounding reservoirs, water intakes ( wells, water intake structures at the water streams, impounding reservoirs, pumps and etc. ), water treatment plants, pump stations, reservoirs, main pipelines and other related structures and equipment;

c) for water power usage - impounding reservoirs, delivery and discharge tunnels and channels, plants and other related structures and equipment;

d) for navigation - water ways, navigation locks, floodgates and other related equipment and structures;

e) artificial fish ponds and recreation pools and lakes.

4. water works facilities for water protection - sewers for reception and transport of waster water, waste water treatment plant, dams for depositing, outlets in recipient and other related structures and equipment.

Waterworks facilities under paragraph 1 of this Article can be simultaneously used for a number of purposes ( hereinafter: multipurpose waterworks facilities).

#### Article 20.

Protective waterworks facilities under Article 19, paragraph 1 hereof are properties of importance to the Federation and the cantons.

Protective waterworks facilities under paragraph 1 of this Article, apart from the trained river beds in the urban areas, are property of the Federation.

The trained river beds in the urban areas are in possession of the cantons, if it is not defined otherwise by the cantonal water law.

Protective waterworks facilities under paragraph 1 of this Article are managed by the Public companies in charge for water areas in compliance with their plans and criteria setting out for maintenance of waterworks facilities and they take care about their protection, maintenance and designed usage.

The Federation's authorisation and duties in a view of the protective waterworks facilities being in the possession of the Federation are delegated to the Public companies for water areas.

The provisions of paragraphs 1 to 5 of this Article are also related to the protective waterworks facilities constructed till the date of the law is to come in force.

#### Article 21.

Waterworks facilities for drainage under Article 19, paragraph 1, item 2 of this law are properties of importance to the cantons and the Federation.

Waterworks facilities under paragraph 1 of this Article are in possession of the cantons, if it is defined otherwise by the cantonal water law.

Waterworks facilities under paragraph 1 of this Article (land reclamation systems) are managed by the land reclamation co-operatives in accordance with their plans.

Apart of the provision of paragraph 3 of this Article, a certain number of waterworks facilities for drainage: main delivery channels in the direction of pump station in the length of up to 1000m as a rule, pump stations with discharge channels up to the recipient, tunnels with pertaining structures and the main floodgates, are managed by the Public companies for water areas in accordance with the plan of the Public companies and with a plan of the land reclamation co-operatives, as well as with criteria for maintenance of waterworks facilities.

Waterworks facilities for drainage being constructed by other legal entities and citizens are of their importance and are properties of those legal entities and citizens who run them.

Provisions of paragraph 1 to 5 hereof cover water works facilities for drainage built till the day of law is to come in force.

#### Article 22.

Waterworks facilities for irrigation under Article 19, paragraph 1, item 3a of this law are of importance to the cantons.

Waterworks facilities under paragraph 1 of this Article are in possession of the canton, if it is not defined otherwise by a cantonal water law.

Waterworks facilities for irrigation (land reclamation system) are managed by a land reclamation co-operatives in accordance with their plans and planned deed

Waterworks facilities for irrigation being constructed by other legal entities and citizens are of importance to the cantons and are properties of those legal entities and citizens who run them.

The provisions of the paragraphs 1 to 4 of this Article also refer to the water works facilities for irrigation constructed till the date of the law is to come in force.

#### Article 23.

Water supply facilities under Article 19, paragraph 1, item 3b of this law are of importance to the cantons and the Federation.

Water supply facilities under paragraph 1 of this Article which are used for the water supply of the beneficiaries on the territory of the Federation and other country (sources, water intakes or impounding reservoirs, pump stations, water treatment plants and a main transport pipeline up to the distribution reservoirs on the Federation territory) and waterworks facilities under paragraph 1 of this law used for water supply of the beneficiaries at the area covering two or more cantons (sources, water intakes or impounding reservoirs, pump stations, water treatment plants and a main transport pipelines up to the distribution reservoirs are of importance to the Federation.

Water supply facilities under paragraphs 1 and 2 of this law are properties of the canton, if it is otherwise defined by the cantonal water law.

Water supply facilities under paragraphs 1 and 2 of this law are managed by legal entities registered for performing the public utility services in a view of the water supply, if an authority is not delegated to another legal entity.

Water supply facilities being constructed by other legal entities and citizens are of their importance and are properties of those legal entities and citizens who run them.

Provisions of paragraphs 1 to 5 of this Article are related to the water supply facilities constructed till the date of the law is to come in force.

#### Article 24.

Water works structures for water power usage under Article 19, paragraph 1, item 3c of this law are of importance to the Federation and to the cantons.

Water works facilities for water power usage under paragraph 1 of this Article being constructed by legal entities and citizens are of their importance and are properties of the Federation or the canton.

Water works facilities under paragraph 1 being property of the Federation or the canton are managed by legal entity authorised for managing by the Federation or the canton.

Provisions of paragraph 1 to 3 of this Article also refer to water works facilities for water power usage constructed till the date of law is to come in force.

#### Article 25.

Waterworks facilities for navigation under Article 19, paragraph 1, item 3d of this law are of importance to the Federation and to the cantons.

Waterworks facilities for navigation under paragraph 1 of this law being constructed by other legal entities and citizens for their needs are of their importance and are properties of those legal entities and citizens who run them, if are not properties of the Federation or the cantons.

Waterworks facilities under paragraph 1 of this law which are properties of the Federation or the cantons are managed by a legal entity being delegated a managing authority by the Federation.

Provisions of paragraphs 1 to 3 of this law are also related to the waterworks facilities for navigation constructed till the date of law is to come in force.

#### Article 26.

Waterworks facilities under Article 19, paragraph 1, item 3 of this law - artificial fishponds and recreation pools and lakes are of importance to the cantons.

Waterworks facilities under paragraph 1 of this Article being constructed by the other legal entities and the citizens for their use are of their importance and are properties of those legal entities and the citizens who run them, if they are not properties of the Federation or the cantons.

Waterworks facilities under paragraph 1, being constructed by other legal entities and citizens are of their importance and are properties of those legal entities and citizens who run them, if they are not properties of the Federation or the cantons.

Waterworks facilities under paragraph 1 which are properties of the Federation or the cantons are managed by a legal entity being delegated an authority by the Federation or the canton.

Provisions of paragraphs 1 to 3 of this Article are also related to the waterworks facilities - artificial fishponds and recreation pools and lakes constructed till the date of the law is to come in force.

#### Article 27.

Flood protection facilities under Article 19, paragraph 1 item 4 are of importance to the cantons and the Federation.

Waterworks facilities which are used for water protection of waste water of the villages and industry on the territory of the Federation and another country, two or more cantons, respectively (sewers for receiving and transport of the waste water waste water treatment plant, outlets in the recipient and landfills for waste substance for waste water treatment ) are of importance to the Federation.

Waterworks facilities under paragraphs 1 and 2 of this Article are the property of the cantons, if it is not defined otherwise by a cantonal water law.

Waterworks facilities under paragraphs 1 to 3 of this Article are managed by legal entities in charge for performing of the public utility services in terms of discharge and treatment of the waste water, if the authority is not delegated to another legal entity.

Flood protection facilities being constructed by other legal entities and citizens for their use are of their importance and are properties of those legal entities and citizens who run them.

Provisions of paragraphs 1 to 5 are also related to the flood protection facilities constructed till the date of the law is to come in force.

#### Article 28.

Multi-purpose waterworks facilities under Article 19, paragraph 2 of this law are of importance to the cantons and the Federation.

The property and the managing procedure of the multi-purpose waterworks facilities under paragraph 1 of this Article whose construction is financed by two or more legal entities are set out by a contract on allocation of funds for construction of these facilities, and or a separate contract signed by co-owners of these facilities in accordance with this law.

Multi-purpose waterworks facilities constructed by other legal entities for their needs are of their importance and are properties of those legal entities who manage them.

Provisions of paragraphs 1 to 3 of this Article also refers to the multi-purpose waterworks facilities constructed till the date of the law is to come in force.

#### Article 29.

Local portable water sources tapped or untapped which could be out of use as a result of construction of new water supply facilities are to be protected against the deterioration and to be regularly maintained in the extent considered the most necessary as their operation could be reinstated under extraordinary circumstances

For actions under paragraph 1 of this law is responsible a legal entity who manages a new water supply facility and local sources under paragraph 1 of this law.

#### Article 30.

Authorisation for managing of the waterworks facilities under Article 19 of this law delegated to the Public companies for water areas, or to legal entities registered. Waterworks facilities under paragraphs 1 to 3 of this Article are managed by legal entities in charge for performing of the public utility services in terms of discharge and treatment of the waste water, if the authority is not delegated to another legal entity.



Flood protection facilities being constructed by other legal entities and citizens for their use are of their importance and are properties of those legal entities and citizens who run them.

Provisions of paragraphs 1 to 5 are also related to the flood protection facilities constructed till the date of the law is to come in force.

#### Article 28.

Multi-purposes waterworks facilities under Article 19, paragraph 1 of this law are of importance to the cantons and the Federation.

The property and the managing procedure of the multi-purpose waterworks facilities under paragraph 1 of this Article whose construction is financed by two or more legal entities are set out by a contract on allocation of funds for construction of these facilities, and or a separate contract signed by co-owners of these facilities in accordance with this law.

Multi-purpose waterworks facilities constructed by other legal entities for their needs are of their importance and are properties of those legal entities who manage them.

Provisions of paragraphs 1 to 3 of this Article also refer to the multi-purpose waterworks facilities constructed till the date of the law is to come in force.

#### Article 29.

Local portable water sources tapped or untapped which could be out of use as a result of construction of new water supply facilities are to be protected against the deterioration and to be regularly maintained in the extent considered the most necessary as their operation could be reinstated under extraordinary circumstances

For actions under paragraph 1 of this law is responsible a legal entity who manages a new water supply facility and local sources under paragraph 1 of this law.

#### Article 30.

Authorisation for managing of the waterworks facilities under Article 19 of this law delegated to the Public companies for water areas, or to legal entities registered:

1. water-bearing and abandoned river beds and banks of the surface land water and their islands;
2. developed or undeveloped flood plains.

Water resources also imply cadastral lot under and around water works facilities under Article 19 of this law.

Water resources are served for maintenance and development of the water management system.

Water resources is of importance to the Federation and the cantons.

Water resources are used on the way established by this law.

#### Article 33.

Land under Article 32, paragraph 1 of this law and land below and around water works facilities ( Article 32, paragraph 2), whose owner, according to this law, is the Federation, is considered as water resources in possession of the Federation, apart of the land which was property of the public companies, other legal entities and citizens till the date of the law is to come in force.

Water resources under paragraph 1 of this Article is managed by Public companies in charge for the water resources according to this law.

#### Article 34.

Possession of a certain land to the water resources shall be defined by a decision made by the Ministry.

b) Public water resources

#### Article 35.

Public water resources imply land lot under Article 33, paragraph 1 of this law which were registered till the date of the law being in force in a cadastral of real estates as public water resources, water resources, government-owned or municipality-owned, and or are government-owned according to the law passed.

Public water resources also imply, until it is otherwise proved, land lot under Article 33, paragraph 1 of this law which were registered in a land register for real estates if no one is registered as the owner.

#### Article 36.

Public water resources under Article 33, paragraph 1 of this law is a property of the Federation, if it is not property of the other legal entities and citizens.

Public water resources can not be used for transport, except in a case of renting under paragraph 5 of this Article.

Possession of the water resources is defined by the decision on water resources under Article 34 of this law.

Responsibilities and obligations of the Federation to the public water resources which are possession of the Federation is performed by Public companies for water areas.

Public companies for water areas, within the managing of the public water resources are entitled for making agreements and other legal proceedings in regard to investments, maintenance, usage and renting, usage for growth and cutting down of the forest protective belt and for other purposes, apart of the making an agreement of public water resources selling.

Land lot under paragraph 3 of this law is ceased to be a part of the public water resources under the following conditions:

1. if the Ministry defines that land lot is permanently unusable for purposes under Article 32, paragraph 3 of this law and consequently ceased to be public water resources;
2. if its characteristics as a public water resources is eliminated in cadaster of real estate.

#### Article 37.

Protective forestall belt ( hereinafter: protective forestry) makes up an integral part of the flood protection system and better usage of the public water resources in possession of the Federation in the developed and undeveloped flood planes.

Planting, cutting down and additional planting of the protective forestry is performed according to this law and to the annual plan of the Public companies with previously provided approval issued by Ministry.

### III - WATER MANAGEMENT DEEDS

#### Article 38.

For providing of water managing in accordance with this law, water management deeds are issued, as follows:

- 1 ) terms;
- 2) approvals;
- 3) permissions;
- 4) orders.

#### Article 39.

Water management approvals, permissions and licences are considered administrative enactments and are issued in the form of resolutions and decisions.

Water management terms are not considered administrative enactments.

The provisions of Law on General Administrative Proceeding are applied in the issuing procedure of administrative enactments under Article 38, Items 2, 3 and 4 of this law, if it is not defined otherwise according to this law.

Minister issues regulation on contains, modality, conditions and method of issuing, file-keeping and other questions of importance for water management deeds under Article 38 of this law, as well as in a case when issuing of approval and permission does not call for water management opinions.

#### Article 40.

Extra costs occurring during the issuing procedure of water management deeds and water management opinion is to be paid by an applicant.

Extra costs of the procedure, in accordance of paragraph 1 of this Article. cover travel costs of the official persons, costs for expert s' report, analysis and expertise. working out of the water management opinions, costs for perusal situ and etc.

### 1. Water management terms

#### Article 41.

Water management terms define the conditions which should be comprised by documentation for construction of a new and rehabilitation of the existing structures, for changes in technology and other works which are not considered as construction, and could permanently or temporary affect water regime.

Water management terms are required for performing of geological, hydrological and other investigation works which could have effects on water regime changes.

Water management terms are not required for construction and rehabilitation of the residential buildings where water is exclusively used for drinking and sanitary requirements -if these buildings are connected to the public utilities for water supply and sewerage network.

The actions under paragraph 3 of this Article which not call for water management terms can be defined in detail by provision under Article 39 of this law.

Water management terms are not valid by expiration of two years as of the issuing date for a structure or works with terms provided for, but without a request for approval.

Water management terms is to issued by Ministry and or canton authority authorised for water management activities. ( Article 44, paragraphs 1 and 2).

### 2. Approval

#### Article 42.

Approval is required for construction of new or rehabilitation or removal of the existing structures and plants and for technological alternations, if it can result in changes of water quality and quantity, and or if it can result in temporarily or permanently changes on water regime.

Approval is also required for works which could have effect on water regime changes, solid and liquid waster disposal, on mining works, geological works and on exploiting of gravel, sand, stones and clay from the river beds and banks of the water streams, lakes and sea (hereinafter: exploration of material from the water streams).

#### Article 43.

Approval confirms that the documentation attached with request for approval is in accordance with water management terms, regulation on water and water management master plan passed.

Approval for construction of new or rehabilitation of the existing structures for which, according to this law and regulations on physical planning, is issued upon the previously water management approval issued.

#### Article 44.

Ministry issues an approval for the following:

1. construction of nuclear power plants and all other structures where radioactive matters are used in the technological processing or in the process or their appearing;
2. construction of hydroelectric power station and thermal power plant and boiler plants with the power of over 30 MW;
3. construction of waterworks facilities whose investors are Public companies for water areas;
4. construction of waterworks facilities under Article 23, paragraph 2 of this law;
5. construction of flood protection facilities - sewerage and solid waste treatment plants as well as rain water sewerage, under Article 27, paragraph 2 of this law, covering area of two or more cantons;
6. building of sewerage and water treatment plant for industrial water which being treated are discharged into inter-state water;
7. construction of petroleum pipeline and other main pipelines which cross the borders with the other country or area of two or more cantons;
8. construction of impounding water reservoirs on the territory of the Federation and other country, and or two or more cantons;
9. construction of facilities for water conveying from inter-state water streams or from one to another water surface or from one catchment area into another one;
10. construction of protective water works facilities at the inter-state water streams;
11. construction of land reclamation system for drainage at the inter-state water streams, and or those covering two or more cantons;
12. construction of land reclamation system for irrigation at the inter-state water streams or those covering the area of two or more cantons,
13. construction of fish farms using water from inter-state water streams.
14. performing geological investigations along inter-state water streams;
15. construction of facilities for surface or ground exploitation of raw minerals at the area covering two or more cantons, and or inter-state water streams;
16. construction of facilities for disposal or storage of solid and liquid waste and waste burden and landfills;
17. construction of roads and railway trucks which cross the border with other country, cross the area covering two or more cantons;
18. construction of bridges over inter-state water streams;
19. construction of waterways at the inter-state water streams;
20. construction of facilities on the coast or on the coastal sea water with possible effects on water quality of coastal sea;
21. material exploration out of the inter-state water streams which presents a border with other country with possible effects on drinking water supply;
22. material exploration out of the water streams performing by Public companies in charge for water sheds area for river beds training;
23. construction of economic and other structures which waster water could have effects on water regime of inter-state water, or water regime coverin5 the area of other canton.

Cantonal authorities entitled for water management activities issue approvals for:

1. construction of hydroelectric power station and thermal power plan with the power by 30 MW as well as other structures used water power;
2. construction of water supply systems for the settlements under Article 24, paragraph 1 of this law
3. construction of sewerage and waster water treatment, as well as rain water sewerage, under Article 27, paragraph 1 hereof;
4. building of sewerage and water treatment plant for industrial water which being treated are discharged into water streams which are not a part of inter-state water;
5. construction of petroleum pipeline and other main pipelines which do not cross the cantons area;
6. construction of impounding water reservoirs on the territory of the one canton;
7. construction of facilities for water conveying within the canton area;
8. construction of land reclamation system for drainage at the water streams which are not inter-state water streams at the canton area;
9. construction of land reclamation system for irrigation which are not used inter-state water streams at the canton area;
10. construction of fish farms which are not used inter-state water streams;

11. performing geological investigations at the canton area;
12. construction of facilities for surface or ground exploitation of raw minerals at the canton area;
13. construction of roads, railway tracks, bridges and water ways at the canton area;
14. material exploration out of the water streams;
15. construction of economic and other structures using water and could have effects on water regime;
16. construction of resorts and camps;
17. construction of economic and other structures which water could have effects on water regime at the area of other canton

#### Article 45.

Should construction of certain structure or performing of certain works are not listed according to Article 44 of this law, then approval is to be issued by Ministry.

#### Article 46.

Approval issued contains conditions which should be fulfilled, as well as obligations of investor to remove or diminish adverse effects by construction of facilities, or by performing of certain works.

According to paragraph 1 of this Article , a condition can be set to the investor or to the beneficiary of the structure or to a contractor that after period specified for facility usage or after completion of works defined in an approval, remove the structure, or to bring river beds and banks of water streams, lakes or coastal sea into conditions anticipated by an approval and or to diminish adverse effects on water regime, water works facilities and to the third parties to the utmost possibilities.

Installation of control and metering devices for monitoring of necessary parameters of importance for safety of structures, their operating, and maintenance and possible influence on water regime shall be conditioned by an approval.

Investor or beneficiary of the structure or constructor is not released of damage compensation to the third parties by approval issued.

#### Article 47.

Approval is not valid if construction of structure or execution of works, except for material exploiting out of the water streams, has not been started within the period defined in a approval which can not be shorter of a year nor longer than two years.

Approval for material exploiting out of water streams is valid for the current year of the approval issuance.

Approval for material exploiting is expiry according paragraph 2 of this Article if it is upon the insight of the Federal or cantonal water management inspection prove that the approval beneficiary has not acted in accordance with conditions identified in the approval or it is proved that the approval beneficiary has not paid or paid irregularly compensation for concession concerning material exploiting from water stream, or for particular water management compensation for material exploiting from water streams.

Upon the approval expiry as of material exploiting from water streams, the contractor in charge for execution of works is obliged to bring the river beds and banks of the water streams, lakes and sea into conditions envisaged by the approval as soon as possible.

If the contractor does not meet the obligation under paragraph 4 of this Article even after being warned in writing by the Federal or cantonal water management inspection, the Federal or cantonal water management inspection shall issue an order to the Public company in charge for water area to perform the measures on the contractor's expense who caused damage on river beds and river banks.

#### Article 48.

Approval for construction of facilities and for execution of works on the inter-state water is issued according to this law as well as according to the inter-state contract or convention.

### 3. Permission

#### Article 49.

Permission is issued for water usage, discharge of impounding reservoirs, discharge of waste water and for disposal or discharge of hazardous and harmful matters on public water resources, agriculture and forestall land and in the atmosphere  
(hereinafter: discharge of waste water).

#### Article 50.

Permission is required for all the structures which have got issued approval.

Permission is required even if approval issuance has not been proceeded by permission issued.

A new permission is required in the event of alternations in technology, or additional alternations refer to the extent and terms of water usage. namely waste water discharge into water, disposal at the public water resources, or discharge of hazardous and harmful matters into atmosphere

#### Article 51.

Permission is not required for:

1. usage of water from the public water supply system and discharge of the waste water of settlements into the public sewerage system;
2. material exploiting from the water streams;
3. usage of wells (except for artesian wells, renny wells, and the like), springs, water tanks and the like structures designed for drinking water supply of a household.
4. fire-fighting protection and undertaking urgent sanitary and other measures in an alertness.

#### Article 52.

A permission defines a purpose, method and terms in a view of water usage, operation regime of facilities and plants, method and terms of discharge of waste water and of gas into atmosphere, as well as method and terms of solid and liquid waste disposal.

The permission establishes that the terms specified by permission are fulfilled and that the deed documentation under Article 31, paragraph 4 of this law is provided.

In the event of issuing of permission without approval, the permission identifies the terms under which the activity being the subject is to be performed.

#### Article 53.

Permission is issued in accordance with the international contract or with the convention and approval under Article 48 of this law for usage of inter-state water and for discharge of waste water into inter-state water.

#### Article 54.

Permission is issued for limited period, with the longest validity by 30 years, it is not defined otherwise by the agreement on concession.

Authorisation for water usage or waste water discharge vested by permission can not be delegated without agreement of the body entitled for permission issuance.

#### Article 55

Permission is issued by a body competent for it (Article 44. )

#### Article 56.

Rights for water usage or waste water discharge vested based on the issued permission is expired, as follows

1. by expiration of the permission validity;
2. by waiving of the beneficiary of all rights
3. not using the permission right without justified reasons more than two years

Decision on termination of right, according to paragraph 1 of this Article, is issued by a body entitled for it.

In the event of paragraph 1, item I of this Article , right to the usage of water or discharge of waste water can be extended upon beneficiary request and upon evidence procedure.

#### Article 57.

If the beneficiary use the water on the way and for the purposes which are not in compliance with the ones stated in the permission, or discharge the water as opposite to the permission, or does not fulfil the conditions set in the permission, the body which issued the permission is obliged to warn him thereof, and to specify the time within the usage of water or waster water discharge shall be in compliance with the terms stated in the permission.

If the beneficiary in the specified time does not comply the method and usage of water with the ones stated in the permission, the body according to the paragraph 1 of this law shall make a decision on expiry of permission.

The body under paragraph 1 of this Article shall make a decision on permission expiry or temporary suspend utilisation of the rights according to the permission, or if due to force meajure or due to failure of beneficiary the conditions set in permission have been changed and thus endangering life and health of the population.

A copy of the decision on expiry or on permanent permission depriving is submitted to the Federal Ministry for physical and environmental planning..

#### Article 58.

In the event of water shortage to a such extent that water requirements of the beneficiaries can not be met at certain area, the body entitled for the permission issuance can temporary limit or temporary discontinue the water usage to the beneficiaries, taking into consideration the priority rights under Article 111 of this law and consequences thereof.

#### Article 59.

A permission for facility utilisation. with regard of regulations on physical planning, can not be issued without permission previously issued

### 4. General provisions for water management terms. approvals and permission

#### Article 60.

Water management terms or approval or permission is issued upon written request made by the investor or the beneficiary.

Documentation specified by general deed under Article 39, paragraph 1 of this law is enclosed along with a request for deed issuance under paragraph 1 of this Article.

#### Article 61.

The approval for construction can not be issued for facilities and plants which discharge waste water or other hazardous and harmful matters into atmosphere, if an investor or beneficiary can not prove the evidences for providing the funds necessary for construction of waste water treatment plant, or for a plants for decrease of quantities and concentration of hazardous and harmful matters discharged into atmosphere, a water resource, agricultural, construction and forest land.

### 5. Water management order

#### Article 62.

The order is considered a deed issued within the period of permission validity.

The order is issued due to compatibility of behaviour and activities of permission beneficiaries with the rights and liabilities specified in deed.

The order prescribes to the permission beneficiary to perform certain activity. make investments, or to restrain himself of some activities in a view of elimination of threatening risk or of raised disturbance or incompatibility with terms and obligations under permission, as well as of establishing conditions according to that deed.

Article 63.

The order is issued by a body entitled for permission issuance.

A copy of the order is submitted to the Federal or cantonal water management inspection.

Article 64

Objection against order should be raised to the body entitled for permission issuance.

Objection shall not delay the enforceability of order.

Article 65.

Deadline for decision upon objection delivered is 15 days as of submission date.

Article 66.

Legal entity can be deprived permanently or temporary of permission in the event of not fulfilling the order.

Decision on permanently or temporary permission depriving is issued by Ministry or cantonal administrative body entitled for water management activities.

Article 67.

Permission shall be temporary deprived unless the beneficiary does not perform activities within specified period, does not make investments, or does not restrain himself from some activities stated in order, but without consequences due to not fulfilling the order under Article 68, paragraph 68, item 2 of this law.

Permission might be temporary deprived for the period of six months, within the beneficiary is deprived of right vested based on deed and in which the beneficiary is to perform the activities for which the permission has been temporary deprived.

Article 68.

Permission shall be permanently deprived:

1. unless the beneficiary does not perform activities within specified period .does not make investments or restrain himself for some activities stated in order and causing that.

2. If failure to fulfil the order could result in serious and immediate hazardous or in disturbances in economy.

The beneficiary deprived of permission could make request for issuing of a new one if he fulfils the required conditions

Decision on permanent permission depriving is also submitted to the Federal Ministry for physical planning and environmental protection and to the cantonal body entitled for such activities.

#### IV - CONCESSION FOR WATER AND PUBLIC WATER RESOURCES

Article 69

Concession for water and public water resources are issued to improve water works systems, to use water and public water resources efficiently to create conditions for a prompt provision and inflow of funds from abroad and the country, as well as to utilise adequately the land required for water works facilities being of importance to Bosnia and Herzegovina and to the cantons.

The concession under paragraph 1 of this law provides a right for utilisation of water and public water resources and for material exploration of the water streams, unless otherwise provides herein.

The beneficiaries of the concession use it on equal terms, as foreign legal and physical entities (foreigners) and legal entities having a head office on the territory of Bosnia and Herzegovina and citizens of Bosnia and Herzegovina (locals).

The concession under paragraph 1 of this law shall be issued for the specified time, with the expiry till ninety-nine years as the longest.



#### Article 70.

The concession for water and public water resources is required for:

1. usage of water for supply of the settlements;
2. usage of water power for power production;
3. usage of water power for plants operation, except for power production;
4. usage of water for technological and the like needs of the legal entities performing economic and similar activities;
5. usage of mineral and thermal water;
6. tapping of water for land reclamation systems for the purpose of agriculture land irrigation;
7. development of water ways;
8. construction of harbours and required plants;
9. growing of fish for the economic and other purposes;
10. usage of public water resources for economy including construction of permanent facilities and installation of devices;
11. utilisation of public water resources for sport and recreation purposes and construction of the permanent facilities;
12. material exploration of the water streams with expiry of more than three years.

Apart from paragraph 1 of this Article, water and public water resources stipulated for the purposes stated in paragraph 1, item 2,3,4 and 6 under this Article can be utilised without concession if a slight scope of utilisation concerned without permanent facilities, or installation of devices, unless the right should be given to the citizens or to the group of citizens.

Except for the provisions, item I and ? of this Article, the concession is not required as to investments for the facilities and works according to the plan made by Public water management company for a water area and if the investor or performer of the work is a Public water management company entitled for these investments and works.

The concession can not be issued if the balance of production of food, power and economic balance could be endangered.

#### Article 71.

Under this law, the concessions apply for:

1. for transmission of water from one into another water area. or from one main catchment area into another one. for multi-purpose impounding reservoirs. For hydro-electric power stations and thermal power plants with power of more then 30 MW, for development of water ways, for construction of artificial channels for navigation and for construction of harbours and plants - the Parliament of the Federation;
2. for hydro-electric power stations and thermal power plants of 5 to 30 MW, for inter-state and inter-cantonal systems for water supply, regardless the capacity, for water supply of settlements with more than 50,000 inhabitants and for usage of mineral and thermal water - the Federation authorities;
3. hydro-electrical power stations of 5 MW power, for tapping of water required for water supply of the settlements from 30,000 to 50,000 inhabitants, for usage of water for plant operation, tapping of water for technological and the like requirements of legal entities performing economic and the like activities, tapping of water for land reclamation systems for the purpose of irrigation and for the material exploration of the water streams with expiry of over three years - the cantonal legislative body.
4. tapping of water for water supply of the settlements by 30,000 inhabitants, production of fish for the economy purposes and the like, for the economic purposes and other utilisation including construction of the permanent facilities and for usage of public water resources for the sport and recreation purposes along with construction of the facilities - the body entitled by cantonal water law.

5. The decision on the procedure of issuing concession specifically defines: equal terms for foreigners and locals for usage of concession, purpose designated under concession, expiry of concession, compensation for concession usage and conditions setting out the termination of the concession right.

The issuing of concession requires that the conditions defined by the document concerning water management development and established under this law is to be fulfilled.

The concession is issued for:

1. for purposes under Article 70. paragraph 1, item 2,4,5,7,9,10 and 12 based on the advertised competition;
2. for purposes under Article 70, paragraph I, item 1, 3,6,5 and 11 based on the collected offers or direct requests, unless the body under paragraph 1 of this Article makes the decision on advertising of competition for such cases.

#### Article 72.

The Federation authorities or the Government of the canton set a program for award of concession for the period of 5 years.

Based on the program under paragraph 1 of this Article the Ministry or the cantonal body responsible for water management activities submit a proposal for procedure concerning the award of the concession, except for activities under Article 70. paragraph 2 and 3 of this Article.

#### Article 73.

The Ministry shall propose to the body competent for the award of concession under Article 71, paragraph 1, item 1 and 2 of this law, a decision on competition advertising, or on collection of the offers for concession awarding or consideration of the request under Article 71, paragraph 4, item 2 of this law.

As the decision is made under paragraph 1 of this Article, the Ministry is entitled for advertising of competition, or collection of the offers for award of the concession and makes the decision of award of the concession to the foreigners of locals.

The cantonal administrative body responsible for water works activities proposes to the competent body referred to in Article 71, Par. 1, Item 3 and 4 of this law to pass a decision announcing a tender for issuing concessions or collecting bids for issuing concessions or consideration of requests referred to in Article 71, Par. 4, Item 2 of this law.

Upon the decision referred to in Par. 3 of this Article, a tender for issuing concessions or collection of bids for issuing concessions is announced and carried out by the cantonal administrative body competent for water management tasks and makes decision issuing a concession to certain foreign or local person.

#### Article 74.

The agreement of concession is concluded based on the decision on award of the concession.

The agreement on concession in accordance with the decision defines particularly: close purposes under which concession is awarded, special conditions under which the beneficiary of the concession should be satisfied, compensation rate for concession, terms and method of compensation payment, method of settling the relation in the event of breach prior the expiry.

The agreement on awarding the concession under Article 71. paragraph 1, item 1 and 2 of this law or Article 71, paragraph 1, item 3 and 4 of this law is signed by the Ministry or the cantonal body entitled for water management activities.

#### Article 75.

Rights and liabilities of the beneficiary of the concession under agreement might be delegated to the other entity with approval of the body who has issued the concession.

Rights and liabilities of the beneficiary of the concession under the agreement and under conditions set in paragraph 1 of this Article can be delegated to the other legal entity based on the inheritance. If the successor of the concession is not defined by a will. then the successors can come to an agreement to transfer rights and

liabilities to one or more separately defined successors.

In order to acquire the right under paragraph 2 of this Article the successor is obliged within the period of six months as of the date of validity of decision to submit a request for modification of the agreement on concession to the Ministry or the cantonal body entitled for water management activities enclosing the following:

1. effective decision on inheritance
2. agreement made by the successor on transferring the right to one or more successors when the right of the beneficiary of the concession is transferred to certain successors;
3. evidence of conditions fulfilment specified by the agreement.

#### Article 76.

The agreement on concession is invalid:

1. upon expiry of concession:
2. due to the death of the beneficiary unless the rights and liabilities shall not be transferred to certain successor according to the Article 75 of this law
3. if the beneficiary of the concession is permanently deprived of performing the activities set under concession
4. by mutual breach of the agreement
5. by cancellation of the agreement on concession.

In the event of expiry of concession (paragraph 1, item 1 of this Article), the rights to the real estates, to the plants and matters directly served for realisation of concession are delegated to the Federation or the cantons.

The real estates, plants and matters under paragraph 2 of this Article are transferred for the purpose of managing and utilisation to Public water companies or to the other legal entity according to the decision made by the Government authorities.

The further purpose of the real estates, plants and matters as well as funds for provision of the purpose are defined especially according to the decision under paragraph 3 of this Article.

In the event of breach of the concession due to reasons specified under paragraph 1, item 2 to 5 of this law the beneficiary of the concession is obliged to set conditions defined under agreement or not cause damage to public water resources water and to the third persons.

#### Article 77.

Agreement on concession can be terminated before expiry if:

1. beneficiary of the concession have not commenced or completed the works in accordance with agreement
2. if the beneficiary do not continuously perform the activities defined under concession, and rights and liabilities under concession are not taken by a new beneficiary according to the Article 75 of this law, after expiry of six months as of the date of termination of activities
3. if the beneficiary of the concession by his own will makes modifications on the plants used for concession realisation, do not maintain the facilities and plants, or by his own will change the conditions under which the concession is issued, resulting in occurrence of disturbances in water regime or' it can cause the violation of the legal rights to the other entities at the public water resources and water, and if beneficiary do not set the previous condition within the period specified by the competent body.
4. if the beneficiary of the concession do not pay or pay irregularly compensation for concession usage.

The provisions of Article 76., paragraphs 2, 3 and 5 of this law are applied in a case of breach of agreement due to reasons specified in paragraph 1, hereof

The beneficiary of the concession with whom the contract is breached due to reasons under paragraph 1 of this Article has no right for damage compensation.

#### Article 78.

The beneficiary of concession is obliged to take measures for protection of human being life and health, for environment and properties of other entities in the event of occurrence of flood, erosion and other water effects caused by structures built at water and public water resources based on concession.

Article 79.

If modifications in water regime arise during concession validity, which call for limitation of concession scope, or call for compatibility with the present situation, then the beneficiary of the concession is obliged to perform activities or measures ordered by a body or a Public company entitled for it.

In a case under paragraph 1 of this Article the beneficiary of concession has a right to compensation on real damage, but have no right to compensation due to lost benefit.

Article 80.

The contractual sum of concession compensation is paid in favour of the budget of the Federation or canton.

The funds provided under concession, paragraph 1 of this Article is transferred to the Public companies in charge for water area to cover the purposes under Article 169. thereof.

Article 81.

Data on issued concessions, according to this law, are registered in water management computer system.

Article 82.

The Federation authorities set out the regulations in regard to water and public water resources concessions, basis and criteria for compensation defining, validity, method of advertising, and collecting of offers, slight scope of water and public water resources usage for which concession is not required and other issues of importance to the concession issuing.

## V - WATER WORKS SYSTEMS

Article 83.

Management of water works systems should be accomplished by applying the activities and measures against flood protection, water pollution control and water management and usage of water.

### 1. Flood control

Article 84

Flood control covers activities and measures against protection of population and goods, erosion and torrents and drainage of water through the land reclamation systems.

#### a) Flood protection

Article 85.

Flood protection implies preventive measures, construction and maintenance of water works facilities, carrying out the works on water protection, ground protection against erosion, development of torrents and regime of high water and undertaking other measures concerning flood protection, in accordance with this law.

The Federation and the cantons authorities, public company in charge for a water area, other legal entities and experts in the field of flood protection undertake also other measures in terms of flood protection pursuant to this law and to the plan under Article 86, paragraph 1 thereof.

Article 86.

Flood protection plan defines works and measures at certain area.

The Federation authorities issues the flood protection plan under paragraph 1 of this Article.

Article 87.

It is forbidden to execute works or perform activities on the protective structures at the flood planes which could result in adverse consequences to stability and to their purposes, in particular:

1. at the dike, or on lateral channel an flood planes to dig the earth, to plant trees and bushes, drive sticks in the ground as well as place the ramps, unless otherwise provides under the agreement
2. construct the structures at the dikes which have no protective structure properties

3. perform material exploration ( gravel, sand, stone and clay). in the flood plane or in the protective area in the length of 100 m at least of the outside abutment
4. construct wells at the distance of less than 50 m of the inside abutment. as well as to dig (drill) the pits or parallel channels at the distance less than 20 m of the inside abutment or 10 m of the outside dike abutment
5. build the fence and plant hedge and trees at the distance of less than 20 m inside and 10 m outside abutment, as well to construct the structures (residential, economy and others ) at the outside of the dike at the distance of less than 20 m of the abundant
6. to cultivate the ground at the distance of less than 10 m of the abutment
7. to build protective walls at the flood plane;
8. let livestock be fed on grass along the dike, lateral and discharge channel or lead the livestock out of the places defined for passing
9. at the dike and its protective belt and at the flood plane to unload or dispose of material, except ones required for flood protection ( stone and earth pile sites)
10. damage or destroy the facilities at the dikes ( ramps, signs, water meters, etc.), or damage or destroyed the control devices for water changes or flood warnings in the vicinity of dikes or in it immediate vicinity or in underdeveloped flood plane;
11. damage or manage without authorisation impounding reservoirs and their equipment, pump stations, flood gates, channels, tunnels, valve chambers and pertaining facilities, transmission lines, sub-stations and communication systems;
12. damage or use without authorisation access roads to the protective facilities.

The body entitled by cantonal water law for traffic could upon the proposal made by flood control manager, forbids execution of other works affecting stability or purpose of dike, as well as stop railway, waterway and traffic transport during high water.

The Federal Ministry for traffic and communication and the cantonal administrative body is to be notified about aforesaid prohibition.

#### Article 88.

In order to maintain river beds and water streams banks, coastal sea, flumes of lateral and drainage channels, flumes and banks of the artificial impounding reservoirs and surface storage, as well as dams and plants, it is in particular:

1. to change direction of water stream and channel without approval and permission;
2. to cast into water streams, lakes, seas, impounding reservoirs and into surface storage, as well as dump at the water streams banks, lakes, coastal sea, impounding reservoirs and surface storage the following: stone, earth, overburden and other solid and liquid waste and material;
3. to plant the trees at the distance less than 10 m of high water line of water streams and sea or 10 m of the edge line of lateral or drainage channels, except for protective forests;
4. to construct buildings and other structures not serving for flood protection at the distance less than 10 m of the flood line where high water can reach, the highest level of coastal sea, impounding reservoirs and surface storage;
5. to perform activities which could damage the flumes and banks of water streams and lakes, or flumes of channels, tunnels, impounding reservoirs or surface storage or make obstructions to water flow;
6. to execute the works in the vicinity of the water streams, lakes, channels. Tunnels impounding reservoirs and surface storage which should jeopardise the stability of protective structures or their usage ( digging of gravel, sand, stone etc. );
7. let livestock be fed on the grass in the lateral and drainage channels and water streams.

#### Article 89.

Without approval in writing by Public utility in charge for a water area, it is forbidden to:

1. plant trees and shrubs, cut down the trees and clear the vegetation in inundation area;
2. cut down the protective forest and other trees and perform other works causing erosion in inundation area;
3. anchor with vessels along the river banks, lake banks or coastal sea in order to load or unload cargo, and at the river bank and lake banks or coastal sea to dump or unload material planned for loading into vessels;
4. do transport along dikes
5. construct facilities and equipment for fish-farming
6. place floating facilities into water.

#### Article 90.

If a legal entity or citizens perform some forbidden activities under Article 87, 88 and 89 of this law, they are obliged within the real possibilities to make good within scope and period defined by the Federal or cantonal water management inspection.

If a legal entity or a citizen do not make good within specified period, Public company in charge for maintenance of flood protection facilities or manage with water shall perform works on their expenses.

#### Article 91.

Legal entities or citizens done some activities under Article 87, 88 and 88 hereof. where the provisions stated in Article 90 can not be applied, are obliged to indemnity damage to the Public company for a water area according to the specified costs.

#### Article 92.

The Federal weather bureau is responsible, before an announcement of regular and emergency flood protection at the water streams, and during the period of flood control, to monitor water level regularly and timely, perform forecasting or flood waves and provides with short and long term precipitation forecast.

The Federal weather bureau is obliged to submit data without indemnity and within the shortest period of time, under paragraph 1 of this Article, to the Public company in charge for water area according to the flood control plan.

#### Article 93.

The Government authorities set the contents of flood control plan, rights, responsibilities and duties of legal entities and citizens who organise or participate in flood protection, also set the participation of the Army of the Federation in flood protection and other issues of importance.

#### b) Protection of ground against erosion and torrents

#### Article 94.

The ground damaged by erosion, according to this law is considered one where ground and pArticle s have been taken away due to water and wind, with occurrence of washing away, batting, sliding, ravine and the like occurrence.

Torrents, under this law, is occasional or permanent water streams, which as a specific form of erosion, rise during high rains or sudden snow melting, and get considerable speed and power overloaded with deposits from catchment and river bed thus making damage.

Prevention of erosion and torrents affects is performed by taking works and measures according to this law.

#### Article 95.

Decision on announcement of erosion area is made for those areas where erosion and torrents by their scope and intensity make heavy damage to water streams. ground, structures and other estates.

The erosion area, under paragraph 1 hereof is defined by a decision made by competent canton.

Apart of paragraph 1 of this Article. The Federation authorities could announce erosion area if it is necessity for protection of larger economic- traffic and other structures, unless provides by decision according to paragraph 23 hereof.

#### Article 96.

The decision on erosion area under Article 95, paragraph 2 and 3 of this law is submitted to the Public company for water area due to file keeping in erosion areas cadaster.

#### Article 97.

The announcement of erosion area is performed by a competent body under Article 95, paragraph 2 and 3 according to its initiative or upon proposal made by Public company for water area, other legal entity or upon proposal made by citizens.

Article 98.

Within the period of six months after decision on erosion area has been made, the competent cantonal body or the Federation authority is obliged to make decision on anti-erosion measures and required works.

Article 99.

Anti-erosion measures, for the purpose of this law, are in particular:

1. limitations and prohibition of cutting down trees and or orchard;
2. prohibition of clearing the trees, bushes and orchards;
3. prohibition for grassing or grassing of certain livestock
4. limitation to pasture usage by kind and number of livestock. time and way of pasture
5. prohibition of digging and ploughing of meadows, pasture and uncultivated area at steep ground and their making into cultivate ones with annual crop
6. determination of cultivation and usage of ground
7. necessary grassing of steep ground
8. prohibition of excavation of earth, gravel, sand and stones at the places where ground should be damaged by it
9. prohibition of distribution of water along unlined channels
10. prohibition of structure construction jeopardising the stability of ground (water mill, mortar dam, channel for discharge and delivery of water)
- 11 prohibition of production on annual crops or defining agriculture production to perennial crops ( meadows, orchards, forest and etc. )
12. prohibition of disposal of quarry and mines waste material.

Article 100.

Anti-erosion works, for the purpose of this law, are in particular.

1. reforestation of barren ground
2. land reclamation of damaged forest and pasture
3. developing of protective vegetation belt due to regulation of water basin and decreasing of wind power
4. construction of terrace and the like facilities at the cultivated and forestry ground
5. planting of bushes, fruit-trees, and grassing
6. training of torrents with construction of protective walls, channels, dikes, drainage and etc.
7. development or removal of water mills, dams, channels for discharge or delivery of water and etc.
8. cleaning of river beds due to proper flow

Article 101.

At the erosion area, the investment structures can not be constructed nor make changes in cadastral crops, without undertaking required measures and works under Article 99, and 100 of this law.

Article 102.

At the catchment area of natural lakes and artificial impounding reservoirs or at the area where construction of impounding reservoirs are planned by water management master plan, the necessary anti-erosion measures and works are to be undertaken before or along with construction.

Article 103.

Water management approval may be issued for construction of dams, traffic communication lines and the other investment projects only if necessary anti-erosion works or measures are foreseen.

Article 104.

Exploiting of stone, gravel, clay and the other like materials, without prior performance of anti-erosion works or measures, is forbidden on the areas which are proclaimed to be erosive.

Water management authority, assigned by the cantonal water law, shall issue approval for exploiting of material from the aforesaid paragraph.

Article 105.

If, at the area affected by erosion, there is a damage of the ground due to exploitation of the ground, forests, stone and ores, work performance, construction and reconstruction of structures and, therefore, there is greater possibility of erosion or damage of sources, water streams and any other water, waterworks facilities, paths, roads

and the other structures and facilities, a contractor or an inhabitant who uses the structure or the other facility is obliged to make good the structures, any other facilities respectively, within the actual possibilities and the shortest possible period of time.

If a contractor or an inhabitant does not fulfil his obligations from the paragraph 1. of this Article even after having been warned by the federal and/or cantonal water management inspection, the authorised federal and/or cantonal inspector shall issue an order to carry out the ordered measures or works on the contractors expenses, an inhabitant's expenses respectively, who caused the erosion or damage of the ground, structure and/or any other facilities.

#### Article 106.

Cantonal authorities may vest land affected by erosion to a specialised company or another legal entity for use and management provided that the Public company for water resources area previously undertakes all necessary anti-erosion steps and works in respect of its intensive use.

#### Article 107.

Debris brought by torrents may be used in construction of protective water structures without any compensation to the owner.

#### Article 108.

Forest-economic planning documents and long-term development program of agricultural production must be in accordance with decisions under Article 95 and 98, as well as water management master plans under Article 11 hereof.

Forest-economic planning and long-term development program of agricultural production shall be adopted if there is previously provided opinion of the Public company in charge for that water area.

#### Article 109.

If all required anti-erosion measures and works are performed on the erosive area and thereby erosion and torrents streams jeopardy is eliminated, the authority under the Article 95, paragraph 2 and 3 hereof shall make a decision by which the previously made decision on that area being declared as erosive one shall be put out of force.

## 2. WATER USAGE

#### Article 110.

Any right for water use in a rational and economical manner, taking care of its natural properties and quantity provided that water in technological processes is used in accordance with existing possibilities, rationally and for various purposes, meeting primarily wider social interest and principle of sustainable development which meets requirements of the present generation and does not affect the right and possibility of the future generations to effectuate them for themselves.

Nobody who has got enough water, especially potable water, for present and future actual requirements defined by the water management master plans under Article 11, paragraph 1 of this law, for forthcoming 15 years, has right to put into inconvenience or prevent others to be water furnished in the same extent, especially with potable water, and who are not in possession of water or do not have sufficient water quantity on their area.

#### Article 111.

Water use for potable water supply of population. sanitary requirements and the defence requirements are the priorities in regard to water utilisation for the other purposes.

#### Article 112.

If there is a water shortage in such an extent that water consumers requirements on certain area can not be met, the authority of the canton, upon the proposal of the legal entity that manages the water supply system, has the right to limit temporally or suspend water use.

In such a case under paragraph I. hereof, the Ministry and/or cantonal authority competent for water management, upon the proposal of the Public company in charge for that water area and/or company which runs the man-made



water stream and/or impounding reservoir, has the right to limit temporally or forbid water use from the natural or man-made water streams and/or impounding water.

#### Article 113.

In accordance with the regulations, everybody is allowed to use water in an ordinary way that does not require special structures or plants and does not exclude the others from using water in the same extent (hereinafter called: general water usage).

General water usage includes especially:

1. water intake, without any special structure and device, from the water streams and the other sources of potable water, sanitary requirements and the other especially important household requirements (for watering of live stock);
2. water usage for swimming and recreation at places where it is not expressly forbidden.

Water usage in a technological process for performance of economic activities is not construed as personal household requirements under paragraph 1. item 1. hereof.

#### Article 114.

Water management approval and permission are needed for any water usage that exceeds water extent of general water usage under the Article 113. hereof, except whereas this law or another regulation in accordance with this law defines that water can be used without any water management approval and permission (Art. 51).

#### Article 115.

Areas on the Federation territory on which, by the Federation water management master plans (Article 11., paragraph 1.) and by the Federation strategy of physical planning, a construction of water impounding reservoirs as key facilities for managing water regime are under special protection of the Federation or canton and they can not be used in the manner that prevents or aggravates a construction of the planned impounding water reservoirs.

#### Article 116.

Canton - on whose area there are man-made impounding water reservoirs and surface water storage whose water is being used for water use requirements, as well as the other requirements, has got the right to compensation.

Compensation under the paragraph 1. of this Article shall be paid by legal entities and/or beneficiaries of impounding water reservoirs, surface water storage, respectively.

Base for the compensation under paragraph I. of this Article is made of maximal area flooded by the impounding reservoir and/or surface water storage, as well as total capacity of impounding reservoir, surface water storage, respectively.

The Federation authorities, upon the proposal of the Ministry, establish rates and/or amounts of compensation under paragraph 1. of this Article .

Compensation under the paragraph I. of this Article shall be paid to the account of the respective canton.

Payment expenses of compensation under paragraph I. of this Article go to the compensation payer's expenses.

Funds gained by collection of compensation under the paragraph 1. of this Article shall be used, as a rule, for purposes under Article 169. hereof

#### a) Potable water

#### Article 117

Water that is used or is designed for water supply of population and industry which require potable water quality (food processing, pharmaceutical and some other industries) must not consist any substances, hazardous and harmful to people's health, that exceed the limited one and, in regard to physical, chemical and biological properties, it shall meet regulated conditions.

The Federal Minister of Health issues the conditions of potable water quality.

Water which is defined by water management master plans and/or another plan document of water resources management to be used as potable water, shall not be used for the other purposes in the manner that might have affect to good potable water quality, as well as quantity.

Areas on which there are water sources that regarding their water quality and quantity could be used or are being used as potable water, shall be protected from pollution and the other effects that might affect the sanitary water quality or the source yield.

On areas under paragraph 1. of this Article which are being used for public water supply, protection of sources is being done by establishing and developing sanitary protective zones whose size, borders, sanitary regime and the other conditions are defined in accordance with investigation works results and establishing the other protective measures.

Minister, in accordance with the Federal Minister of Health and the Federal Minister of Physical Planning and Environment, issues conditions for determining of sanitary protection zones and protective measures.

On areas under paragraph 1 of this Article on which there are water sources that regarding their water quality and quantity could be used for drinking or they are planned to be used for drinking, construction or reconstruction of the existing structures shall not be performed neither the structures shall be used nor land used for agricultural purposes, nor forest shall be cut down, if any of the above mentioned might affect water quality

Protective measures under the paragraph 4 and 5 of this Article are defined by the corresponding physical plan supported by corresponding documentation on measures for protection of sources done by experts.

Sanitary protection zones and protective measures under the paragraph 4 and 5 of this Article shall be defined by the cantonal water law and, if area on which there is a water source is on the area that belongs to two or more cantons by the cantonal Ministry

#### Article 118.

If performing protective measures under Article 117., paragraph 4. hereof and sanitary protection zones and protective measures under Article 117., paragraph 9. hereof: result in damage suffered by the owner and/or beneficiary of the facility or the other real estates, the investor and/or user of the water supply system is obliged to define the way of indemnity (just compensation) as well as financial resources of indemnity of the owner and/or user of the facility or the other real estates.

If the investor and/or the owner or user of water supply system does not reach an agreement on just compensation under paragraph 1. of this Article, a decision regarding just compensation shall be made according to the regulations on expropriation.

Compensation under paragraph 1 and 2. of this Article shall be defined after profit, that the owner and/or user of the facilities and real estates has got from the constructed impounding reservoir, had been deducted.

#### Article 119

Water testing for potable water supply shall be done only by authorised laboratories.

The Federal Minister of Health issues conditions that must be fulfilled by the authorised laboratories, as well as tenor and the manner of a permission issuing.

### 3. WATER POLLUTION PROTECTION

#### Article 120.

Water pollution protection, including sea protection along the coast shall be done for the sake of provision of harmless and undisturbed use of water, people's health protection, as well as flora and fauna protection, environmental protection, respectively.

Water protection is practised by monitoring water quality and sources of pollution, by controlling of waste water discharge and treatment, by preventing, limiting and forbidding activities and conducts that might affect

water pollution and environmental situation as a whole, as well as by the other activities directed to maintaining and improving of water quality.

#### Article 121.

Water protection shall be effectuated by ban, limitation and prevention of getting and spreading any hazardous and harmful substances into water. public water facilities, agricultural, forest or construction site. as well as atmosphere. and by issuing and undertaking the other measures for water quality maintaining and improving.

Hazardous matters, in this law, are deemed to be substances, energy and the other causes which, by their physical, chemical and biological composition. quantity and the other properties, might endanger people's lives and health, survival of flora and fauna and environmental situation, respectively ( hereinafter called: hazardous matters)

Harmful matters, for the purpose of this law, are deemed to be substances that might cause changes of chemical, physical and biological water properties resulting in restricting or preventing water usage for beneficial purposes (hereinafter called: harmful matters).

The Federation authorities issue which matters under paragraph 2 and 3. hereof are to be deemed as hazardous matters, harmful matters, respectively.

#### Article 122.

Hazardous and harmful matters are forbidden to be introduced or discharged into water, any public water facility, construction site, agricultural or forest land or atmosphere ( hereinafter called: waste water) or to be deposited in the area where there is a possibility of water pollution, except according to the conditions regulated by this law or in accordance with the regulations enacted and based on this and the other laws.

Legal entities and inhabitants who, performing his activities, discharge hazardous or harmful matters that might pollute water are obliged to treat water partially or completely in accordance with the waterworks permission prior to discharging it into recipients or sewerage system.

#### Article 123.

To establish usefulness of water for certain purposes, water is to be classified and categorised.

Classifying of water per its class, characteristics and what it is intended to be used for, its permissible pollution extent which. if exceeded, is hazardous for use or it can not be used by certain consumers is established by water classification.

Water quality and what it is intended to be used for in certain water basins, impounding reservoirs, ground water and water along the sea coast is established by water categorisation.

Classification and categorisation of water is regulated by the Federation Government.

#### Article 124.

To prevent deterioration of water quality and protection of environment as a whole, marginal values for hazardous and harmful matters are issued:

1. for technological water prior to its discharge into the public sewerage system and into the other recipient, respectively;
2. for water which is, after being treated, discharged from the public sewage system into the natural recipient;
3. for waste water and materials which are discharged into septic tanks and the other sumps;
4. for hazardous and harmful matters which are discharged into the atmosphere
5. for hazardous matters (crop protection chemicals) which are discharged onto agricultural land.

Regulations under paragraph 1., item 1, 2 and 5 hereof are to be issued by the Minister.

Regulation under paragraph 1., item 4 hereof shall be issued by the Minister with consent of the Federation Minister of Urban Planning and Environment.

Regulation under paragraph 1., item 3. hereof shall be issued by the authority defined by cantonal water law.

#### Article 125.

Water protection is put into effect in accordance with water management master plans and plan for water pollution protection.

The plan for water pollution protection provides in particular: required investigations and water quality testing, water protection measures, including measures in case of special and incidental water pollution, plans for construction of structures for discharge and treatment of waste water in villages and towns, required funds, financial resources and the procedure of financing, persons in charge for implementation of the plan and their competence and responsibilities.

Plan for water pollution protection is issued by the Federation Government. Plan for water pollution protections is published in the Official Gazette of the Federation of Bosnia and Herzegovina.

#### Article 126.

In case of pollution that causes damage, damage and the other special circumstances that threaten with a possibility to deteriorate water quality. the Minister can, upon the proposal of the Public company in charge for water area or any other legal entity, forbid or limit discharge of technological waste water on certain are to persons that deal with certain activities.

#### Article 127.

The authority shall reject the request for an approval for the following:

1. laying or expanding of sewage network for drainage of waste water in villages. if there is no water treatment plant,
2. construction of structures, increment of production, extent and/or change of technology to legal entities that discharge hazardous and harmful matters, if they do not have water treatment plants;
3. construction of structures, increment of production extent and/or change of technology to legal entities that discharge hazardous and harmful substances into the atmosphere, if they do not have devices for emission reduction of hazardous and harmful matters into atmosphere.

The relevant authority can exceptionally issue an approval in case of paragraph 1. of this Article, if there is a physical plan for the area on which the construction is foreseen and/or development plan of smaller area that provides all corresponding water pollution protection measures and if funds for the implementation of measures are provided.

#### Article 128.

If, due to a special case, defect or any other reason, there is a danger for water to be polluted by hazardous or handful matters, legal entity or citizen whose activity or default caused danger, is obliged to report it straight away, without any delay, to the police in the police station.

A person who has noticed that there is a larger extent of water pollution or that there is a possibility of water pollution under paragraph 1. of this Article or any other case is obliged to inform, without any delay, police in the police station.

If a ship captain or any other responsible person on the ship, a member of the ship, respectively, notices larger extent of water pollution, he is obliged to report it to police in the police station.

In case under paragraph 1 to 3. of this Article , police is obliged to inform. Without any delay, cantonal water management inspection and the Public company in charge for that water area upon receiving a notification regarding the danger of water pollution occurrence and/or water pollution.

Public company in charge for that area or another authorised company is obliged immediately after being informed of water pollution danger or water pollution to undertake all measures for elimination of danger for water to be polluted and/or water pollution.

The undertaken measures costs, under paragraph 5. of this Article , by the public company in charge for that water area or another relevant company, shall be on the legal entity or citizen's expenses whose activities or default caused danger and/or water pollution.

#### Article 129.

Matters that might be, after being used, dangerous for water quality shall not be introduced into inland transport.

The Federal Minister for transport and communication, in accordance with the Minister, shall define which matters can not be introduced into inland transport.

#### Article 130.

Legal entities and citizens must not pollute water contrary to this law and the International obligations that the Federation is bound to, and they shall be responsible in case of water pollution.

Responsibility for water pollution from the above paragraph 1. of this Article is in force, if water pollution is caused by force majeure, in case that the beneficiary of the structure or plant, and/or the owner of the motor-vehicle or any other transportation means for transport of hazardous matters had not previously undertaken measures that he was, according to the valid regulations, bound to undertake to prevent water pollution.

#### Article 131.

Loading, inland ( railway, roads, pipelines ), river and sea (ships and the other vessels) traffic, stations, stops, airports and harbours, unloading, reloading and decanting, storing and technological use of matters that might be dangerous for water quality shall be done or used in the manner not to enable or to reduce to the lowest extent in normal and damage occurrences their uncontrolled discharge into water, public water facilities, construction site, agricultural or forest land.

The Federal Minister of Traffic and Communications, along with the approval of the Minister, issues measures and the procedure of handling hazardous matters pursuant to paragraph 1 of this Article .

#### Article 132.

Authorised laboratories shall, upon a request of the legal entity perform measuring of waste water and the other hazardous and harmful matters for legal entities who discharge waste water or any other waste matters into water, public water facility, construction site, agricultural or the other land and into atmosphere and thereby pollutes water which according to this law and regulations based on it, is obliged to perform immediate measuring of their waste water and hazardous and harmful matters, if a legal entity have no necessary equipment and experts for measuring of waste water and the other hazardous and harmful matters.

Minister defines the terms that must be fulfilled by the authorised laboratory, as well as the content and the procedure of issuing the authorisation.

### VI - LAND RECLAMATION SYSTEMS

#### Article 133

Land reclamation system, pursuant to this law, understands hydrotechnical and technological organisation as a whole which is consisted of natural and man-made structures and the other plants by which water is being controlled for the purpose of protection from harmful water effect, drainage and irrigation of land focusing to development of agriculture and the other economic and non-economic activities, as well as protection and development of a region on area covered by the land reclamation system.

Land reclamation systems can be used for drainage, irrigation or for drainage and irrigation.

#### Article 134.

Land reclamation co-operatives are established for constructing, functioning and maintaining and/or managing of land reclamation system that is of interest for few owners or beneficiaries of land and structures.

Land reclamation co-operative shall be established by cantonal authorities.

If land reclamation system is located on the area covering two cantons - land reclamation co-operative shall be established by mutual agreement of the cantons.

#### Article 135.

The members of the land reclamation co-operative are legal entities and citizens- owners and/or beneficiaries of the construction site, agricultural and forest or am other land, owners and/or beneficiaries of real estates on that

land and holders of proper legal authorisations on communication lines (roads, railways). structures for power transmission and distribution and pipeline transport on the area covered by land reclamation system

The members of the land reclamation co-operative are bound to pay remuneration for utilisation of that land reclamation system

#### Article 136.

An approval for establishing of a land reclamation co-operative under Article 134. , paragraph 2 and 3. hereof defines especially; purposes of establishing and operating of a land reclamation co-operative, financing procedure and resources, management bodies of a land reclamation co-operative, legal entity who runs the land reclamation system and takes care of its function and maintenance, as well as the other issues of importance for functioning of a land reclamation co-operative and the system.

#### Article 137.

Medium-term and annual plans of a land reclamation co-operative, in the part that refers to the waterworks functions, shall be made upon previously issued opinion of the public company for that water area.

#### Article 138.

The co-operative entrusts a part of works which refer to the management of land reclamation system to the company under Article 167., item 2. hereof, if that right has not been given to another legal entity.

#### Article 139.

In order to use land reclamation system, for the purpose of water supply and drainage, an easement may be established on the land covered by the system.

Establishment of easement under paragraph 1 of this Article shall be decided by the authority defined by the cantonal water law.

The owner and/or beneficiary of the land has a right to remuneration for the services performed to the third party to whose benefit the easement has been established.

Provisions of regulations on expropriation shall be applied regarding the terms and procedure of defining of the remuneration for the easement established, as well as regarding legal remedy against the decision for remuneration.

#### Article 140.

The following is under ban:

1. damaging or unauthorised handling and operating of the equipment and structures of land reclamation system;
2. inappropriate and unauthorised use of land reclamation structures and equipment,
3. execution of works that can contribute to the deterioration of water regime in the land reclamation system and/or damage of structures and equipment of the land reclamation system (exploiting of gravel, sand, stone and clay)
4. unauthorised connecting to the channel or pipeline network of land reclamation system and/or discharge of waste water or depositing of hazardous or harmful matters within the land reclamation area;
5. unauthorised utilisation of roads within the land reclamation system.

### VI - WATER BALANCE

#### Article 141.

Water balance, pursuant to this law, is deemed to be a ratio of available and required water quantities of a certain quality in a certain plan and for certain area.

#### Article 142.

Legal entities who perform investigations of surface and ground water and/or beneficiaries of that water are obliged to submit data and results of those investigations in regard to water, without any compensation, to the public company in charge for water area according to the procedure and terms defined in paragraph 4. of this Article.

Legal entities who in their working processes use water or who are engaged in public water supply are obliged to submit data regarding their water requirement, without any compensation, to the public company for that water area for the purpose of water balance preparation.

Everybody who uses water or discharges waste water and the other matters into water, public water resources, construction site, agricultural or forest land or atmosphere ( hereinafter called: discharge of waste water) or who exploits material from the water streams is obliged to install devices and/or instruments for measuring and control of that water quality and quantity, to carry out measuring and testing provided by the law, to keep proper records and submit it to the Public company in charge for that water area within the defined terms and without additional data on water consumption quantity and quality of abstracted and discharged waste water and/or out material from the water stream for the control, as well as for preparation of water balance and for the requirements of water management data processing systems.

More detailed regulations regarding kind, procedure and the extent of measuring and testing under paragraph 1 through 5 of this Article, keeping of records provided by this law preparation of reports and terms for submission of reports to the Public company for the water area shall be issued by the minister.

The obligation of legal entities to submit to the Public company in charge for that area, within defined terms and a certain period and without compensation, data on water requirements to be able to prepare water balance and plan-development documents of water management company (water management master plans, water management plans and similar) is defined by the regulation under paragraph 4. of this Article .

#### Article 143.

Water balance is made for the territory of the Federation and for the main catchment areas.

Water balance is made for 10 years plan period.

Water balance under paragraph 1. of this Article is enacted by the Federation authorities.

### VII - WATER MANAGEMENT DATA PROCESSING SYSTEM

#### Article 144.

Water management data processing system is a group of measures and activities which include entering, transmitting, keeping and using of data of importance for water managing and operating of waterworks systems.

Water management data processing system is of importance for the Federation and cantons.

#### Article 145.

Water management data processing system is consisted especially of: data regarding water quantity and quality, water resources management structures and systems as well as data from water books and water management cadaster.

Water management data processing system is established and managed by the Public company in charge for that water area according to the provided procedure.

Minister issues more detailed regulations on establishing and running of water management data processing system.

System processing data are public, except those data and results that are considered to be a military or business secret.

Public company in charge for water area is bound, upon a request of the Federal or cantonal authorities, to give data from the water management data processing system without any compensation and, upon legal entity or citizen's request with the compensation.

#### Article 146.

For the purpose of monitoring the situation and changes on water and regarding water, as well as water and water facilities management, as well as water resources management, it is obligatory to keep water books and water management cadasters.

Water books and water management cadaster are considered to be public books.

#### 1. Water books

##### Article 147.

Water books are records on issued water management terms, approvals, permissions and orders.

Water book is consisted of registers, collection of documents and technical documentation.

Water books are to be kept permanently.

##### Article 148.

Water books are kept by the relevant authorities in charge for issuing of water management terms, approvals, permissions and orders.

Authorities under paragraph 1. are obliged to enter into their books all issued water management terms, approvals, permissions and orders.

Copies of issued water management terms, approvals, permissions and orders are to be submitted to the Public company in charge for that area to be entered into data processing system.

#### 2. Water management. cadaster

##### Article 149.

Water management cadaster is consisted of topographical, hydrographic hydrologic, technical and economic data and other data, as well as data regarding water quality and quantity, technical data regarding waterworks structures and plants and the other plants for water exploiting, waste water treatment and devices for reducing quantities of hazardous and harmful matters which are discharged into atmosphere.

##### Article 150

Public company in charge for a certain water area keeps water management cadasters:

1. cadaster of surface water;
2. cadaster of ground water;
3. cadaster of water beneficiaries and water pollutants (and outlet points into water);
4. cadaster of erosive areas and torrents;
5. cadaster of waterworks structures and plants which are the property of the Federation and canton;
6. cadaster of structures and plants for 'public potable water supply and public water drainage;
7. cadaster of public water resources

All legal entities and the Federal, cantonal and the other authorities who have the other data at disposal, data that should be kept in a cadaster under paragraph I. of this Article and water balance, are obliged to submit them without any compensation to the public company in charge for that area to be registered in the corresponding water management cadaster and/or for the water balance requirements.

### VIII - RESTRICTIONS OF OWNER'S RIGHTS, LAND BENEFICIARIES, RESPECTIVELY

##### Article 151.

The owner and/or beneficiary of land is obliged to allow passage the land to persons authorised to perform investigating, measuring, surveying or marking of public water resources or waters, as well as to persons that perform construction, reconstruction and maintenance works on waterworks structures and plants or they exploit them. as well as control.

If the owners and/or beneficiaries of land do not act pursuant to the provisions under paragraph 1. of this Article, a decision on temporary utilisation of land shall be made by the relevant cantonal authority for estate-legal



affairs in three days latest as of the date of submission of the request for issuing of a decision on temporary use of land.

An appeal against a decision under paragraph 2. of this Article does not reserve the right to withhold the implementation of the decision.

#### Article 152.

To prevent direct flood protection, beneficiaries and owners of land on affected area are obliged, upon the request of the Public company in charge for that area that organises and performs flood protection, to

1. permit exploiting of gravel, sand, earth or the other material from their land.
2. permit passage of persons and transportation means

If the beneficiary or the land owner under paragraph 1. of this Article does not permit exploitation of material or passage, relevant cantonal authority for estate-legal affairs shall order the beneficiary or the land owner to act according the provisions of paragraph 1. of this Article . An appeal against this decision does not reserve the right to withhold the execution of the decision.

The beneficiary or land owner has the right to compensation for exploiting of material, under paragraph I., item 1. of this Article , which shall be mutually agreed with the Public company in charge for that water area. If an agreement is not reached, the compensation shall be decided by the court.

### IX - FEDERATION WATER COUNCIL

#### Article 153.

The Federation Water Council (hereinafter called: The Federal Council), as a consulting body, is established by this law. The Federal Council is established for the sake of consideration especially strategic issues of water resources development, system-related issues for water management, proposal of measures for co-ordination of different interests on water and improvement of scientific-technical, material and organisational water management systems.

In accordance with the provisions of paragraph 1. of this Article, the Federal Council:

1. considers water management situation and its related fields;
2. initiates contemporary approach for solving of long and medium-terms global determinations in the fields of waterworks systems development, providing of water balance, water management, legislation, finance, water management organisation and policy of staff training;
3. considers the other issues of general and conceptual importance for water management and development which are of economic and social importance for the Federation and canton

The Federal Council makes proposals regarding the issues it considers, gives opinion and arrives at conclusions which then submits to the Parliament of the Federation, The Federal Administration and cantonal authorities.

#### Article 154.

The Federal Council is consisted of a chairman and fifteen councillors who are appointed for the 4 year mandate by the Parliament of the Federation.

The chairman and the members of the Federal Council are delegated out of the members of the Parliament of the Federation (an envoy from each canton), distinguished scientists and experts of the water management and related fields and public finance.

The Federal Council issues its Rules of Procedures.

Expert and the other works for functioning of the Federal Council are performed by the Ministry.

### X - ORGANIZATION OF WATER MANAGEMENT

1. Public companies in charge for water areas and Business association

#### Article 155.

Public companies are established for water managing, running of waterworks and public water resources and performance of works under Article 157. hereof, and their titles are as follows:

1. Public company for "Watershed of the Adriatic sea water basin" and
2. Public company for "Watershed of the Sava river basin".

The shortened titles of the companies are:

1. JP "Watershed of the Adriatic sea water basin" and
2. JP "Watershed of the Sava river basin".

The headquarters of the public company under paragraph 1 are in Mostar, and the headquarters of the public company under paragraph 1, item 2 are in Sarajevo.

To perform works under Article 157. par. 2 hereof, public companies in charge for water areas shall establish business association whose title reads as follows:

Business association of water management companies of the Federation of Bosnia and Herzegovina.

The shortened title is: The Water Management Business Association of FBiH.

The head office of the Business Association is in Sarajevo

#### Article 156.

The assignment of Public companies in charge for water areas and the Business Association is to provide permanent and complete implementation of works and tasks defined by this law and discharge of public permissions that enable water managing, managing of waterworks structures and public water resources in the extent determined by the plans and in accordance with funds which are, on the basis of this law, provided for them.

Public companies in charge for water areas and the Business Association are obliged to rationally use allocated funds according to this law for performance of activities under Article 157. hereof.

#### Article 157.

Activities and assignments which are to be performed by a Public company in charge for water area are the following:

1. water managing, running of waterworks structures and public water resources in accordance with the procedures defined by this law;

2. performance of water management service at the water area:

- organising and observing of water regime elements, as well as those performed uniformly for the Federation according to programs approved by the Federation authorities and according to the interstate obligations;

- monitoring of water and water streams situation, as well as waterworks structures and public water resources in possession of the Federation or canton;

- organising and performing of flood protection and average water pollution according to the flood protection plan and water pollution protection plan, working out of drawings and proposals for water management master plans, long and medium-term plans and programs of water management development. preparing of water balance and monitoring of water requirements;

- preparing of basic data for the by-law and the other legal papers which are to be issued according to this law;

- providing of system connection operation between water management and water management data processing system;

- discharge of experts' knowledge regarding the procedure for issuing of approvals, permissions and the other cases defined by this law;

- discharge of experts' knowledge regarding the procedure of making a decision for water management long and medium-term plans in cantons. development of land reclamation systems, forest-economic basic documents, agriculture development plans in the field of water regime and performance of water-watching service:

- providing of laboratory and its functioning for water management;

- exercise of water keeping function.

3. performing of activities regarding water management development at the water area:

- organising of all works regarding preparation of general and regional investigation on water resources;
- preparing of elaborates, water management master plans, water balance, plans and programs which are to be established by this law and the other plan-development documents in accordance with this law;
- evaluating of the staff situation and requirements of water management with proposal of measures to be undertaken;
- co-operation and proposal of measures to be undertaken to implement scientific-research work of importance to water management.

4. organising of investigation works, preparing of investment-technical and the other documentation and performing a revision of those documents at water area:

5. organising of operation and maintenance of waterworks structures and systems for water protection, interstate and regional water supply systems and regional water treatment plants, as well as multi-purpose impound water reservoirs which have been entrusted to them to be managed;

6. performing of all investment works and monitoring the construction of waterworks facilities and maintaining of natural water stream banks at water area;

7. exploiting of material from water streams, as well as its organising and control,

8. preparing and drawing up of studies on concessions for utilising of water resources, performing of all expert works regarding concession and preparing of required relevant reports for water area;

9. participating in execution of the other works that are determined by the Parliament of the Federation or the Federation authorities:

10. performing of consulting and engineering;

11. planning and funds raising, for financing of works and assignments by which water managing is provided according to this law;

12. co-operation with public, the other companies and legal entities who deal with the other infrastructural activities, agriculture, forestry and the other branches at water area;

13. performing of the other works defined by this law, regulations which are established by this law and the statute of a public company in charge for that water area;

Activities and assignments of the Business association are:

1. co-ordination of work in water management, waterworks facilities and public water resources according to the procedure determined by this law;

2. organisation of water management service:

- co-ordination in organisation of flood protection and average water pollution;

- co-ordination and participation in preparation of drafts and proposals of water management master plans, long and medium-term plans and programs of water management development, participation in calculation of water balance and water demand;

- co-ordination of basic data preparation for by-law and the other papers which are to be issued in accordance with this law;

- co-ordination of activities and participation in providing a system connection between water management and water management data processing system;

- participation in discharge of expert's opinions regarding the procedure for issuing of an approval and permissions if it is in competence of the Ministry;

- participation in preparation of expert's opinion for the purposes of issuing approvals and permissions which are in competence of the Ministry;

3. participation in execution and co-ordination of water management development works at water area:

- preparation of general and regional investigations of water resources:

- preparation in working out of studies, water management master plans. water balance, plans and programs which are to be issued in accordance with this law, as well as the other plan-development documents in accordance with this law:

- evaluation of the situation and staff requirements in water management with proposal of measures to be undertaken;

- co-operation and proposals of measures for implementation of scientific-research work of importance to water management.

4. participation and co-ordination in preparation of investigation works, working out of investment-technical and the other documentation and revision of those documentation;

5. co-ordination and maintenance of flood protection systems on interstate water streams, interstate water supply systems and water treatment plants;

6. participation and co-ordination in preparation of studies on concessions (technical, financial and legal documents) wherein the Federation authorities make a decision on concession, as well as records keeping on concessions for water and waterworks facilities decided and issued by the Federation authorities.

7. making of decisions on rates and/or amounts of water tariff in general and special water management compensations, along with the approval of the Federation authorities ;

8. co-ordination of activities in working out of a flood protection plan and water pollution protection plan of Public companies in charge for water areas;

9. performance of the other activities defined by this law and by the Business Association.

#### Article 158.

To implement activities under Article 157. hereof more completely and rationally, Public companies in charge for those areas may:

1. establish their structure units:

2. sublet those activities to be performed by qualified and specialised companies which deal with works under Article 166. hereof

#### Article 159.

Assets of public companies in charge for those water areas are consisted of resources and property-rights achieved by those companies in accordance with the law.

Resources for commencement of activities in Public companies in charge for those water areas are to be provided, on behalf of the promoter, by the Federal Administration.

Assets for the Business Association are consisted of resources provided by promoters and resources achieved in accordance with the law.

#### Article 160

Public company in charge for water has a Management board as an administrative body of the company.

#### Article 161.

Management board is composed of nine members who are appointed by the Federation Government out of experts engaged in the water management area, physical planning, economy and public finances.

Cantons must have representatives in the Management board of the Public company in charge for that water area.

A member of the Management board can not be a person who has business relations with the Public company in charge for that water area.

Structure, the procedure of appointing and releasing, mandate duration and the work procedure of the Management board are defined by the by-law of the company in charge for that water area.

#### Article 162.

Management board makes long and medium-term plans of the Public company in charge for that water area along with the approval of the Parliament of the Federation.

Management board, along with the approval of the Federation Administration makes and issues:

1. a by-law of the Public company in charge for that water area;
2. a decision on the status issues
3. a decision on appointment and release of a executive director of Public company in charge for that water area

Management board, along with the approval of the Federal Ministry makes decisions and approves:

1. annual plan and financial plan of Public company in charge for water area and a report on previous year business operations of Public company in charge for water area;
2. a decision on investments into the other companies;
3. tariff schedule of Public company in charge for water area for charging its services defined by this law (Article 89., 91 and 145. paragraph 5. )

Management board independently:

1. establishes annual statements(accounts) of Public company in charge of water area;
2. approves statements of public company in charge for water area during the year, as well as reports on business operations;
3. makes decisions on internal organisation of Public company in charge for water area;
4. approves plan deeds in general of Public company in charge for water area;
5. makes decision on subletting a part of company works under Article 158., item 2. hereof;
6. makes decisions on the other issues defined by this law, by-law of the Public company in charge for water area and general documents of Public area in charge for water area.

#### Article 163.

The executive director of Public company in charge for water area is responsible for the implementation of works, defined business policy, decisions of the Management board and for performance of activities of Public company in charge for water area, in accordance with this law and the by-law of the Public company in charge for that area.

Article 164.

Rights and obligations of the promoter of Public company in charge for water area are realised by the Parliament of the Federation directly and through the Administration of the Federation and Ministry.

Article 165.

For its commitments, Public company in charge for water area is bound with all its assets.

The Federation has joint and several unlimited liability for commitments of Public company in charge for water area.

2. Activities extremely important in water management

Article 166.

Extremely important water management activities for whose implementation conditions must be fulfilled are:

- working out of design documentation for construction and maintenance of waterworks facilities, maintenance of natural water stream banks and for the other requirements of water management;
- construction and maintenance of waterworks facilities and natural water stream banks;
- technical works on flood protection and average water pollution;
- testing and measuring of data of importance for water management, data processing and data base establishing.

Article 167.

Public company in charge for water area may sublet implementation of activities under Article 166. hereof to be executed by specialised companies on the territory of the Federation, water area, respectively.

If, under paragraph 1. of this Article, on certain water area, a specialised company is not established, Public company in charge for water area sublets those works to be executed by a specialised company from the other water area.

XI - FINANCING OF WATER MANAGEMENT

Article 168.

Financing of water management is based on the following principles:

1. resources for financing of water management are provided from general water billing, particular water management compensation, compensation achieved by concessions and funds provided by special law, as well as from the other resources defined by this law;
2. resources achieved by general water billing; particular water management compensations and compensations on concessions are to be used in accordance with solidarity principles of all beneficiaries from the territory of the Federation and/or main watershed areas, except if it is otherwise defined by this law;
3. resources for water management financing can be used only for purpose defined by this law;
4. lacking funds, for reconstruction and construction of waterworks facilities, that are provided from the budget of the Federation and canton, as well as from funds collected from legal entities and citizens, are allocated, as a rule, as credit instruments or as participation in investments on whose base a distributor of funds acquires property-rights (shares, stocks).

Article 169.

Activities and assignments for whose financing funds are provided for, according to this law are:

1. flood protection:

- a) preparation of plans for flood and ice protection, plans for protection from erosion and torrents, as well as the other plan documents;
- b) regular maintenance of water streams and the other waters;
- c) management, construction and maintenance of protective waterworks structures and land reclamation systems for drainage;

## 2. water pollution protection:

- a) preparation of plans for water pollution protection and organisation of its implementation;
- b) monitoring and identifying of water quality and undertaking of protective measures;
- c) management, construction and maintenance of structures for water pollution protection;

## 3. water utilisation:

- a) calculation of water balances and organisation of their implementation;
- b) construction, management and maintenance of water management systems for water supply (Article 25., paragraph 1 and 2.) and multi-purpose structures;
- c) construction of water supply systems;
- d) management, construction and maintenance of land reclamation system for irrigation;

## 4. professional works:

- a) performance of water management services and water management development works defined by this law;
- b) organisation of investigation works, working out an organising and working out of investment-technical documentation and carrying out of revision on investment-technical documentation;
- c) performance of investor's works on waterworks facilities under construction from the plans defined by this law;
- d) preparation of studies and the other ' documentation for concessions at water resources, performance of all professional works for concessions and checking of concession contract implementation;
- e) planning and funds raising for water management financing;
- f) performance of other works defined by this law.

## 1. SOURCE OF FUNDS

### Article 170.

Funds for financing of works and assignments under Article 169. hereof are provided from:

- 1. water billing,
- 2. compensation for use of concessions defined by this law,
- 3. compensation for utilisation of land reclamation systems (hereinafter called land reclamation compensation);
- 4. income achieved by rendering of services to direct beneficiaries of structures for water use and water pollution protection;
- 5. budget of the Federation and cantons;
- 6. funds for special-purpose loans;
- 7. public loans;
- 8. funds provided by particular law;
- 9. donations and the other resources.

Water compensations, under paragraph 1, item 1 hereof are deemed to be

- 1. general water;
- 2. particular water management compensations for.
  - water utilisation,
  - water protection,
  - dug out material from water streams,
  - water regime changes.
  - flood protection.

## 1. General water billing

### Article 171.

Funds of general water billing are to be used for financing of works and for the purposes under Article 169. hereof

#### Article 172.

General water billing is calculated and it is to be paid by:

1. companies, banks and the other financial organisations and organisations for insurance and re-insurance of property and persons, co-operatives and co-operative organisations (residents and non-residents) and institutions (hereinafter called companies);
2. owners and/or beneficiaries of construction site, agricultural, forest and the other land;
3. owners and/or beneficiaries of business and residential buildings, apartments and the other premises (industry, business structures for economic and the other activities and the like);
4. owners and/or holders of real-legal authorisation on roads, railways, ports and harbours and airports;
5. citizens who, by their personal work, accomplish economic or professional activity;
6. citizens who earn income from copyrights, patents and technical improvements.

#### Article 173.

General water billing is not to be paid:

1. for real-estates which are directly used for requirements of defence (barracks, training fields and the like), for performance of health and social welfare, education, culture, for cemeteries and for performance of religious rites;
2. for land on which business and residential buildings are built, as well as apartments and the other premises and economic structures for which water is paid for business and residential buildings, apartments and the other premises, economic structures;
3. for agricultural and forest lots if their owners or beneficiaries are a married couple, juvenile children and parents of dead soldiers - defenders, as well as persons older than 65 and/or disabled persons, if in their household, there is no other members with working capability and if that land is not leased to other persons;
4. if, on agricultural land due to disaster and any other extraordinary events which could not be prevented by the owner and/or beneficiary, there was no yield or it is reduced to at least 50% in regard to the owner and/or beneficiary's total cadastral yield that is determined by the decision of the Tax administration, for the year in which the yield was reduced;
5. for protective waterworks structures and public water resources.

#### Article 174

Base for paying of general water rate is consisted of

1. for rate-payers under Article 172., item 1. hereof companies - total amount of gross salaries;
2. for rate-payers under Article 172., item 2. hereof
  - a) legal entities - owners and/or beneficiaries of construction site, agricultural or forest land - 1 m<sup>2</sup> of agricultural, forest, constructional and the other land;
  - b) citizens - owners and/or beneficiaries of agricultural land - cadastral yield;
  - c) citizens - owners and/or beneficiaries of forest, constructional or any other land - 1 m<sup>2</sup> of that land.
3. for rate-payer under Article 172., item 3. hereof:
  - a) legal entities - 1 m<sup>2</sup> of business and residential buildings, apartments and the other premises;
  - b) citizens - 1m<sup>2</sup> of business and residential buildings, apartments and the other premises;
4. for rate-payers under Article 172., item 4 hereof - 1 m<sup>2</sup> of the road, railway, harbours and harbour structures, runways and airport structures, respectively;
5. for rate-payers under Article 172., item 5. hereof - total amount of gross salaries;
6. for rate-payers under Article 172., item 6. hereof - income of copyrights, patents and technical improvements, reduced for the amount of costs which were necessary or the achievement of that income.

#### Article 175.

General water charge for rate-payers under Article 174., item 1 and 5 hereof is computed and paid, at the same time and together with monthly salaries computing and clearing and payment.

General water charge for rate-payers under Article 174.. item 2. hereof for:

1. legal entities:
  - owners and/or beneficiaries of agricultural, forest, construction and the other land - is computed in twelve equal monthly instalments and it is paid monthly at the same time and together with computation of monthly salaries pay-off;



2. citizens:

- a) owners and/or beneficiaries of agricultural land - is computed and in-paid in 4 equal yearly instalments at the same time and together with tax in-payment for cadastral yield;
- b) owners and/or beneficiaries of forest, construction and the other land - is computed in 4 equal yearly instalments and it is paid every three months by the 15<sup>th</sup> of the current month upon the expiration of the quarter;

General water charge for rate-payer under Article 174., item 3. hereof for:

- 1. legal entities - is computed in 12 equal monthly instalments and in-paid monthly at the same time and together with salaries computation, clearing and pay-off;
- 2. citizens - is computed in 4 equal yearly instalments and in-paid every three months by the 15<sup>th</sup> of the current month for the past quarter.

General water charge for rate-payers under Article 174., item 6. hereof is computed and in-paid at the same time with payment of copyright compensation, patents and technical improvements.

#### Article 176.

General water rate is paid to debit the rate-payer's material costs.

Rates and/or amounts of water charge are defined by the Management board of the Business Association, along with the approval of the Federation Administration.

Decision on rates and/or amounts of general water charge shall be published in the "Official Gazette of the Federation of Bosnia and Herzegovina".

#### Article 177.

General water rate is paid to the account of Public company in charge for water area.

### 2. Particular compensation paid to water management

#### Article 178.

Funds of particular compensation to water management for water utilisation, protection, exploitation of material from water streams, change of water regime and flood protection are used for financing of works and purposes under Article 169 hereof.

#### Article 179.

Legal entities and citizens concession beneficiaries who are rate-payers for concession are, at the same time, obligors of computation and payment of particular compensation to water management under Article 170., paragraph 2., item 2. hereof

#### a) Obligor of particular compensation payment to water management

#### Article 180.

Obligor of computation and in-payment for particular compensation to water management for utilisation of waters (hereinafter called: compensation for water utilisation) are legal entities, citizens who personally perform any economic or professional activity and households which are water supplied from their own water supply sources (own water intake, industrial waterworks, individual waterworks, village waterworks, wells, rain water collection storages and the like) and for utilisation of water for fish farms and irrigation.

Obligor of compensation computation and payment for water utilisation are also legal entities and citizens - owners or beneficiaries of water power plant and thermal power plants who generate power for widespread consumption and their own requirements.

Obligor of compensation payment for water utilisation in electrical power generating for widespread consumption and their own needs are legal entities - owners and/or beneficiaries of water power plants constructed by the date of this law is enforced, if impounding water reservoir is on:

- 1. interstate water stream which presents the border of Bosnia and Herzegovina and the other state;

2. the territory of Bosnia and Herzegovina, and the other facilities of water power plant are on the territory of another state

3. the territory of Bosnia and Herzegovina, and other facilities of water power are located on the territory of Republika Srpska.

Obligors of compensation payment for water utilisation are also legal entities and citizens - owners and/or beneficiaries of boiler plants, who generate heating energy for widespread consumption and for their own needs.

#### Article 181.

Obligors of particular compensation payment to water management for water protection (hereinafter called: compensation for water protection) are legal entities, citizens who personally perform an economic or professional activity and households who discharge their waste water into public sewage system, own sewage network, water-streams, impound water, underground and the like or who, performing their works and activities, discharge waste and harmful matters into atmosphere and/or construction, agricultural, forest or the other land polluting water directly or indirectly (hereinafter: discharge of waste water).

Obligors of compensation payment for water protection are legal entities - owners and/or beneficiaries of motor vehicles and trailers, locomotives and carriages, and vessels driven by petroleum products.

Apart from paragraph 1 and 2. hereof, obligors of compensation payment for water protection are also buyers of artificial fertilisers and chemical agents for protection of plants.

#### Article 182.

Obligor of particular compensation payment to water management for exploiting of material from water-streams(hereinafter called: compensation for exploiting of material from water-streams) are legal entities or citizens who exploit material from water-streams (gravel, sand, stone, clay and the like).

Obligors of compensation payment for exploiting of material from water streams are foreigners who exploit materials from interstate water streams which present the border between Bosnia and Herzegovina and the other state and/or other water streams on the territory of Bosnia and Herzegovina.

#### Article 183.

Obligors of particular compensation computation and payment to water management for a change of water regime (hereinafter called: compensation for change of water regime ) are legal entities and citizens - owners and/or beneficiaries of water power plants which have not got downstream compensation impound water reservoirs constructed and/or which permanently or temporary do not operate according to the regime of water level make up at the outlet of water power plant and water level of the impounding water reservoir downstream water power plant and/or water stream or coastal sea water.

#### Article 184.

Obligors of particular compensation payment to water management for flood protection (hereinafter called: compensation for flood protection) are legal entities and citizens - owners and/or beneficiaries of construction, agricultural, forest and real- states (economic and noneconomic structures, infrastructural facilities and the like) whose land and real-estates are within the land reclamation systems or which are flood protected by protective dikes managed by Public company in charge for that water area.

b) Base for payment of particular compensation to water management

#### Article 185.

For legal entities, citizens who personally perform economic or professional activity and citizens under Article 180., paragraph 1. hereof who are water supplied from own water supply sources, as well as legal entities (land reclamation co-operatives) and citizens who utilise water for irrigation, base for water compensation charge for water utilisation is 1 m<sup>3</sup> of used water.

For legal entities referred to in Article 180, paragraph 2 hereof, the base for water compensation charge for use of water is 1 m<sup>3</sup> of water delivered to consumers and for own needs.

For legal entities and citizens who deal with fish farming for economic or any other purposes, base for water compensation charge for water use is 1 kg of sold fish.

For owners or beneficiaries of water power plants or thermal power plants which generate electrical power for widespread consumption or for their own needs (Article 180, paragraph 3 and 4.), base for compensation charge for water utilisation is 1 kWh of generated power at the threshold of the water power plant or thermal power plant.

For owners or beneficiaries of boiler heating plants who generate heating energy for widespread consumption or for their own needs, base for compensation charge for water utilisation is 1 kilojoule of generated heating energy.

#### Article 186.

A base for compensation charge for water protection is per capita (hereinafter: per capita) calculated for peak 24 hours waste water discharge on the basis of discharged waste water, its pollution rate and defined recipient category (waste water sewage system, own drainage system, water stream, underground and the like) into which waste water is discharged.

Compensation rate for water protection under paragraph 1. of this Article can not be lower than the compensation that the rate-payer pays for costs of waste water treatment.

#### Article 187

A base for compensation payment for exploited material from water streams is 1 m<sup>3</sup> of dug out material from water stream, regardless the quality of dug out material

#### Article 188.

A base for compensation payment for water regime changes is identified percentage of rate and/or amount determined as compensation for water utilisation for electrical power generating from water power plants (Article 190., paragraph 1.)

#### Article 189.

Base for flood protection compensation payment for owners and/or beneficiaries of construction, agricultural and forest land is 1 hectare of construction, agricultural or forest land.

Base for flood protection compensation payment for the other real-estates, for legal entities and citizens owners and/or beneficiaries of real-estates is 1 m<sup>2</sup> of real-estate surface.

### c) Rates of particular compensations to water management

#### Article 190.

Rates, compensation amount, respectively, for water utilisation, water protection, exploited material from water stream, changes of water regime and flood protection are defined by the Management board of the Business Association, along with the approval of the Federation Administration.

Rates, compensation amounts, respectively, under paragraph 1. of this Article may be defined out of the percentage of rate for water distribution to consumers, electrical power distribution to consumers, out of the dug out material from water stream and the like.

Decision on rates, compensation amounts, respectively, under paragraph 1. of this Article shall be published in the "Official Gazette of the Federation BiH".

Apart from the provision under paragraph 1. of this Article, rates, compensation amounts, respectively, for water utilisation under Article 180., paragraph 4. hereof and for the exploited material from water streams under Article 182., paragraph 2. hereof may be defined by interstate contract or agreement.

### d) Terms for particular compensation payment to water management

#### Article 191.

Compensation for water utilisation is to be paid by the 15<sup>th</sup> of the month for the past month, if not otherwise stated in the contract (Article 190., paragraph 4. ).

Apart from the provision under paragraph 1. of this Article, for legal entities who deal with fish farming (Article 180., paragraph 1.) compensation for water utilisation is to be calculated and paid within 15 days as of the fish sale day.

Rate of water protection charge for rate-payers under Article 181., paragraph 1 hereof is to be calculated and paid by the 15<sup>th</sup> of the current month for the past month.

Apart from the provision under paragraph 3. of this Article, rate of water protection charge - for owners of motor vehicles or trailers and vessels driven by petroleum products(Article 181., paragraph 2.), is calculated and paid at the same time and together with payment of motor vehicles or trailers, as well as vessels driven by petroleum products registration costs.

Apart from provisions under paragraph 3 and 4. of this Article, water protection charge rate for artificial fertilisers and chemical agents for plants protection (Article 181, paragraph 3), is calculated and paid at the same time and together with the purchase of artificial fertilisers or chemical agents for plants protections.

Charge rate for exploiting of material from water streams is calculated and in-paid as an advanced payment by the 15<sup>th</sup> of the current month for the past month till the final account, if not otherwise stated in the approval for exploiting of material from water streams.

Charge rate for a change of water regime is to be paid by the 15<sup>th</sup> of the current month for the past month.

Charge rate for flood protection is to be calculated and paid by the 15<sup>th</sup> of the current month for the past month, if not otherwise provided under Article 199., paragraph 1. hereof.

### 3. Other provisions for general water compensation and particular compensation to water management

#### Article 192.

General water compensation, particular compensations. respectively, to water management are calculated and paid by the obligors of calculation and payment of general water compensation, particular compensations, respectively, to water management under Article 172. and article 180. to 184. hereof.

#### Article 193.

Apart from the provision of Article 192. hereof

1. the tax administration shall calculate and, for the benefit of public company in charge for water area, carry out payment of general water compensation by citizens owners and/or beneficiaries of construction, agricultural, forest or other land and/or business and residential buildings, apartments and the other premises and/or citizens who personally perform economic or professional activity (Article 172., item 2, 3 and 5) at the same time and together with the tax payment for the cadastral yield, or the revenue tax from business and residential buildings, apartments and other premises, and/or when submitting an account for salary pay off by 20<sup>th</sup> of the month for the past month and/or the quarter:

The Tax administration shall carry out calculation and collection of compensation for water utilisation, compensation for water protection from citizens and households who are supplied from own water supply sources (Article 180., paragraph 1.) who do not discharge their waste water into public sewage (Article 180., paragraph 1.), for the benefit of Public company in charge for that area, at the same time and together with tax collection for performance of economic or professional activities and/or agricultural activities by 20<sup>th</sup> of the month for the past period;

2. Legal entities of public utility activities who deal with waste water discharge (sewage) shall calculate and, for benefit of Public company in charge for that area, collect compensation for water protection from the rate-payers, as well as compensations defined under Article 181. hereof, who their waste water discharge into public utilities system, at the same time and together with monthly compensation collection for water and sewage use;

3. the administration body competent for activities regarding registration of motor vehicles or trailers and/or administration body competent for registration of vessels driven by petroleum products shall calculate and control, in benefit of Public company in charge for that area, collection of water protection compensation from rate-payers defined under Article 181, paragraph 2. hereof when registration costs of motor vehicles or trailers and/or vessels driven by petroleum products are collected;

4. legal entities who deal with transport of artificial fertilisers and chemical agents for plants protection shall calculate and carry out, in benefit of Public company in charge of that area, collection of compensation from rate-payers defined under 181, paragraph 2 hereof, at the same time and together with selling of artificial fertilisers and chemical agents for plants protection to those rate-payers;

5. the tax administration shall calculate and carry out, in benefit of Public company in charge for that area, collection of compensation for flood protection from citizens-owners and/or beneficiaries of agricultural land and/or construction, forest and the other land and/or other real-estates (Article 184.).

For performance of works under paragraph 1. of this Article, legal entity is entitled to get compensation for calculation and/or payment charges for collection of general water compensation and the other particular compensations charged by water management in accordance with the agreement signed by Public company in charge for that area.

Reimbursement under paragraph 2. of this Article is defined according to the quantity and complexity of these works and/or material and the other expenses for their performance provided that the amount of the compensation shall not be higher than 5% of collected and/or in-paid funds from compensation for general and particular water use.

#### Article 194.

Paid general water charge and particular water compensation to water management shall be kept on the transitional account of the body and/or legal entities under Article 193., paragraph 1 hereof and remitted to Public company in charge for that water area within 15 days as of the date of carried out payment.

#### Article 195.

Rate-payer is obliged to pay a default interest in amount and the procedure defined by regulations on goods and services turnover tax for default in payment or not in due course payment of general water billing and particular water compensation.

Interest under paragraph 1. of this Article shall be paid by legal entity under article 193, paragraph 1, item 2 and 4. hereof, if legal entity does not transfer carried out payment for general water billing and particular compensation to Public company in charge for that water area within the terms under Article 194. hereof

#### Article 196.

Particular compensation to water management shall be paid to the account of Public company in charge for that water area, of the canton and the Ministry in accordance with Article 199, paragraph 2 of hereof.

#### Article 197.

The Financial police and Federal, cantonal, respectively, water management inspection shall audit the books to check legality, correctness and timeliness of calculation and payment of general water billing and particular water compensation to water management by obligors under Article 172., 180., 181., 182., 183. and 184. hereof, as well as collections and payments of general water charge and particular water compensation to water management by legal entities and bodies under Article 193., paragraph 1., item 1 to 5. hereof

On the basis of the decision, the minutes or the other deed of the Financial police and Federal, cantonal, respectively, water management inspection, organisations which deal with payment operations through whose accounts payment operation are carried out in regard of due debt of general water billing and particular water compensation to water management together with pertaining interest from the obligors shall carry out payment by funds transferring from the obligor's account to the account of Public company in charge for that water area, and regarding obligors - citizens who by personal resources perform economic or professional activities and the other citizens under Article 172, item 2, 3, 5 and 6 and Article 180, 181, 182, 183 and 184. hereof, the Tax administration shall transfer money to Public company in charge for that water area by compulsory payment.

Organisation authorised for payment operations has the right to compensation in accordance with performance of works under paragraph 2. hereof, in accordance with the agreement signed with Public company in charge for water area.

#### Article 198.

Legal entities and citizens who perform personal or professional activities shall pay particular compensations under Article 190. paragraph 2., item 2. hereof charging operating costs.

#### Article 199.

Minister, in agreement with the Federal Ministry of Finance, establishes the method, procedure and terms for calculation and payment of general water billing and

particular water compensations to water management, forms for settlement and payment of general water charge and particular water compensations to water management, as well as the other issues of importance for general and particular water compensation to water management.

The Federal Ministry of Finance also establishes opening of transitional accounts for in-payment of general and particular water compensation and transferring from those accounts to the benefit of accounts of Public companies in charge for water area and cantons, in accordance with Article 210. hereof

#### 4. Compensation for use of concessions

##### Article 200.

Compensation for use of concessions shall be paid in amount, procedure and terms defined by the agreement of the concession.

Compensation for use of concessions which are, according to this law defined by the Federation, shall be paid to the budget of the Federation.

Compensation for use of concessions which are, according to this law defined by cantonal authorities, shall be paid to the budget of the canton.

Compensation for use of a concession shall be paid by rate-payers' charging their material expenses.

#### 5. Compensation for land reclamation

##### Article 201.

Land reclamation compensation is to be paid for recovery of loans and the other funds used for reconstruction and construction of land reclamation systems for drainage and irrigation, as well as for maintenance and management of land reclamation systems as follows:

1. compensation for land drainage (hereinafter called: compensation for drainage)
2. compensation for land irrigation (hereinafter called: compensation for irrigation)
3. compensation for water supply.

##### Article 202.

Obligors of compensation payment under Article 201., item 1 to 3. hereof are legal entities and citizens - owners and/or beneficiaries of construction, agricultural, forest and the other land and real-estates which are located within the land reclamation systems.

Obligors of compensation payment for land drainage (Article 201., item 1. ) are also owners and/or holders of actual - legal warrant on communication lines (roads, railways) and structures for transmission and distribution of electrical power and pipeline transport.

##### Article 203.

Funds collected from compensation for land reclamation are specified-purpose funds and they are to be used exclusively for purposes defined under Article 201. hereof. The remainder of the funds may be used for financing a reconstruction of the existing or a construction of a new land reclamation facilities.

Funds collected by land reclamation compensation under Article 201. hereof shall be paid to the benefit of land reclamation co-operatives, if not otherwise stated in the cantonal water law.

##### Article 204.

Rates and/or amounts of land reclamation compensations under Article 201. hereof are established by the authorities.

Rates and/or amounts of land reclamation compensation under paragraph 1. hereof shall be published in the official paper of the canton.

##### Article 205.

Obligors of land reclamation compensations payment under Article 201. hereof shall pay 50% of the amount of the de fined compensation for drainage and compensation for irrigation from newly constructed land reclamation

system for drainage and irrigation for the 5 year period as of these systems construction and putting into operation date.

#### Article 206.

Body defined by cantonal law on water shall establish the procedure of calculation and payment of compensations under Article 201. hereof, terms of compensation payment, bodies and legal entities authorised for calculations, collection and auditing, interest on due compensations and the other issues of importance for calculation and payment of compensations.

Regulation under paragraph 1. hereof shall be published in the official paper of the canton.

### 6. Budget resources

#### Article 207.

Funds for financing a construction of waterworks facilities under Article 19, item 1, 2, 3b. and 4. and paragraph 2 hereof which refers to water management may be provided from the budget of the Federation, if funds collected from general water billing and particular compensations to water management are not sufficient for fulfilment of medium-term plan of Public company in charge for water area.

Funds for financing a reconstruction of the existing and a construction of new land reclamation systems for drainage and irrigation, as well as the other waterworks facilities may be provided from the budget of the canton if funds foreseen by this law as income that belongs to cantons (Article 210., paragraph 1.) are not sufficient for purposes defined by the medium-term development plans of water resources management in cantons.

Resources from the budget of the Federation and/or canton for reconstruction and construction of waterworks facilities stated in paragraph 1 and 2. hereof which are not the property of the Federation and/or canton are allocated, as a rule, as credit instruments or participation on whose base the donor acquires ownership rights (stocks, shares).

The Parliament of the Federation, and/or legislative body of the canton can make decision to grant funds for purposes under paragraph 1 and 2. from the budget resources irrevocably.

### 7. The other resources of funds

#### Article 208.

Legal entities and citizens may finance with their own resources reconstruction and construction of waterworks facilities or execution of the other works which will improve the water regime, enable designed water utilisation for certain purposes, respectively.

#### Article 209.

Resources under Article 208. hereof which are invested in a reconstruction or construction of waterworks facilities or execution of other works on waterworks structures which are managed by Public company in charge for that water area, shall be invested in accordance with an agreement signed by that company and the investor.

Legal entities under Article 208. hereof, on the basis of investment, acquire property-rights, if it is not otherwise provided by this law

### 8. Allocation of funds collected from the general water billing, particular water compensations to water management

#### Article 210.

Out of the funds collected from water billing and particular water compensations to water management on the canton area, the funds belong to:

1. the canton - 20%,
2. the Federation budget - allocated to water management - 10%,
3. the Public company in charge of water area - 70%.

Funds under paragraph 1, items 1 and 2 of this Article, according to the plan of the canton, are directed to purposes under Article 169. hereof.

Apart from the provision of paragraph 1 hereof, in case that there is major damage on waterworks structures for flood protection and natural water streams banks caused by floods, average or earthquake, as well as the other justified cases, the Federation.

Authorities may decide to channel the collected funds under paragraph 1 of this Article to rehabilitation of flood protection structures and natural water streams banks and to the other justified purposes.

## XII - SUPERVISION OVER IMPLEMENTATION OF THIS LAW

### Article 211.

The Ministry performs the administrative supervision over the implementation of this law and regulations issued pursuant to this law which are thereby put under the authority of the Federation, as well as administrative control of Public companies in charge for water areas and performance of activities defined by this law which present the exercise of public authorities.

The Ministry performs control of measures concerning the implementation of interstate and international obligations for interstate waters.

Cantonal administrative body in charge for water management activities performs administrative control of implementation of this law and regulations defined on the basis of this law and put into authority of the canton thereby.

Control of water management activities under paragraph 1 to 3. hereof shall be done by the Federal, cantonal water management inspectors, respectively.

The Federal control of water management is entitled to perform activities which are in authority of the cantonal water management inspection on the expenses of the canton, if it is estimated that there is no other way to implement the provisions hereof or the other regulations defined therefrom and if authorised cantonal water management inspection has not performed the inspection within the set terms or has not completed the procedure within the set term.

Cantonal control of water management is entitled to perform, upon the authority and order of the Federal control for water management and on its expenses. control of water management for which the Federal control is entitled to do.

### Article 212.

Besides the authorities and obligations defined by the particular law, inspector for water management activities is entitled and bound:

1. to control the situation between interstate and the other water streams and waters;
2. to control the implementation of provisions of this law and regulations defined thereby and implementation of interstate and international obligations of the Federation, works and status of water management on interstate waters;
3. to check all water management works, construction of structures and all the other works that might cause qualitative and qualitative changes in the natural or artificially made water regime and find out whether the works and structures have been executed in accordance with this law and water management papers;
4. to control the terms specified in the approvals and permissions issued by water management authorities, check and revise plans for flood protection and their implementation, control implementation of plan for water pollution protection and running of data processing system, as well as implementation of plans and programs of Public companies in charge for water areas;
5. to perform checking of structures and devices utilisation methods, to check whether they are in accordance with issued water management approvals, permissions and general deed under Article 31., paragraph 4. hereof;
6. to check the measuring results regarding the quantity and quality of utilised water and waste water, as well as dug out material from water streams;
7. to check operating and functioning of devices for waste water treatment;
8. to control function and operation of water protective structures for water utilisation;



9. to control accurateness of measuring devices for finding out the quantity of utilised water and discharged waste water, as well as devices for quantity measuring of reduced and concentrated smoke and gas discharged into the atmosphere from economic structures;

10. to control measuring and testing of utilised water, waste water and dug out material from water streams, the results thereof, keeping records of these activities and submission of defined reports to Public companies in charge for water areas;

11. to control whether the regime of loading and discharging of impounding water reservoirs on water streams are carried out in accordance with the interstate contracts and/or agreements, permissions issued by water management, respectively, whether there is an area on impounding water reservoirs left to capture flood in certain periods of time and whether observation of dams and the other water management structures is performed;

12. to control water utilisation and public water resources being used in accordance with the law;

13. to deprive temporary encroached dug out material from water streams or cut down trees from the forest protective area and instruments for encroached digging out of material from water streams or cut down tree from the forest protective area and their transport;

14. to carry out other control defined hereof.

#### Article 213.

If water management inspector finds out that there has been a breach of the law or regulations defined on its base, he will state irregularities and deficiencies in writing and he will make a decision and determine the terms for their elimination.

Besides the authorities and obligations provided by the particular law, in case of paragraph 1 of this Article , water management inspector is authorised and obliged:

1. to order a suspension of works execution, trees planting or cutting down, construction of structures for water utilisation, discharge of waste water and digging out of material from water streams, if they are not performed in accordance with water management approvals and permissions or if they are performed without water management approval or permission, and in accordance with regulations their obtaining is binding, as well as to fix the date for submission of applications for issuing of water management approval or permission;

2. to order pulling down of structures and plants or pulling out of trees planted without an approval of water management, if a request for issuing of water management approval is not submitted within the term defined in the decision made by water management inspector or if a submitted request is validly rejected;

3. to order temporary a suspension of works and/or performance of activities of a company or legal entity or a part of a company, if the inspector found out that waste water contains hazardous substances in a quantity larger than permitted or if larger water quantities are being abstracted than permitted;

4. to report to the authority in charge for water management control of the other country, through the authorities for foreign affairs of BiH regarding the change of water regime at control points for water sampling on the interstate water;

5. to forbid undertaking of activities which are not permitted according to this law.

#### Article 214.

Water management inspector may make a decision verbally and order its implementation straight away in the following cases:

1. if there is direct flood jeopardy, water effusion or deterioration of the situation during flooding;

2. if there is water shortage or difficulties in water supply;

3. if there is a danger of water pollution or the pollution has already occurred in extent in which it jeopardises peoples' lives and health or flora and fauna.

#### Article 215.

It is possible to start administrative procedure against the decision made by the Ministry on water management deeds under Article 38. item 2 and 3. hereof established in the first instance procedure, but an appeal may not be stated.

An appeal might be stated against the decision of the cantonal administrative body authorised for water management activities in regard to water management deeds under Article 38., item 2 and 3. hereof established in the first instance procedure. upon the appeal the Ministry makes a decision.

To the decision of water management inspector, an appeal might be lodged to the Ministry and/or cantonal body authorised for water management activities.

An appeal to the decision of water management inspector shall postpone the execution of the decision except in cases under Article 214., paragraph 1. hereof

#### Article 216.

Performing control of works execution which are by this law put in authority of Public companies in charge for water areas, the Ministry achieves direct insight and control thereof, checks deeds and papers reached by that company during the performance of its authorities and keeping a record thereof, issues instructions for implementation of works and looks for data and notifications regarding the implementation of this law and the other regulations reached and based on it and the report on implementation of activities thereof

If the Ministry finds out that a Public company in charge for a water area does not implement the works in compliance with the law and regulations reached and based on it or general deeds or finds out irregularities in activities, the Ministry fixes the term within which certain irregularities have to be eliminated.

If a Public company in charge for a water area does not eliminate irregularities pursuant to paragraph 3. hereof. within the set term. the Ministry is bound to inform the Federation Administration thereof

In case under paragraph 3. hereof; The Federation Administration issues guidelines to the Public Company in charge for that water area, undertakes steps. respectively, to provide implementation of activities in the procedure defined hereby.

#### Article 217

A fine of KM 1,000 to 70,000 shall be imposed on a legal entity:

1. if he fails to take care of keeping, maintenance and defined exploitation of protective water management facilities owned by the Federation (Art. 20, par. 3);
2. if a water management facility referred to in Article 19 hereof is not kept in a functional condition and is not used in accordance with its nature and purpose (Art. 31, Par. 1);
3. if, after a water management facility referred to in Art. 19 hereof is not used any more, he fails to act in accordance with the water management licence or if he fails to restore that water management facility or fails to maintain the facility in certain condition so that it causes damage to the water regime and to third parties (Art. 31, Par. 2);
4. if he fails to act under a decision of the Federation or Cantonal Water Management Inspection pursuant to Art. 31, Par. 3 hereof;
5. if he fails to maintain and use a water management facility in accordance with a general deed referred to in Article 31, Par. 4 hereof;
6. if he fails to protect water management facilities referred to in Art. 19 and devices on them from accidental or intended damage or destruction (Art. 31, Par. 5);
7. if he undertakes new construction or reconstruction or removal of existing structures or plants and changes technology, as well as other works not considered construction but may cause a change in water quality or quantity or may cause a permanent, temporary or occasional change in water regime, before obtaining a water management approval or contrary to the issued water management approval (Art. 42, Par. 1 and 2);
8. if he exploits material from water streams after the period specified in water management approval has expired (Art. 47, Par. 1 and 2);
9. if he exploits material from water streams after a decision terminating water management approval has been issued (Art. 47, Par. 2);
10. if after the date of expiry of water management approval for exploitation of material from water streams, lakes and sea he fails to restore the condition of the water bed and water banks as specified by the water management approval (Article 47, Par. 4);

11. if even after a written warning by the Federal or Cantonal water management inspection he fails to restore, within the shortest deadline possible, the condition of the river, lake and sea bed and banks as specified by the water management approval (Art. 47, Par. 5);
12. if he uses water, discharges waste water or dispose of or discharge hazardous and harmful matters into a public water resource, agricultural and forest land and into atmosphere, before he obtains water management permission or contrary to the water management permission (Art. 49);
13. if, due to changes in technology or for other reasons, the scope and terms of use of waters, or discharge of waste water into waters, as well as disposal of or discharge of hazardous and harmful matters into a public water resource, agricultural, construction and forest land and into atmosphere are changed, before a new water management permission is obtained (Art. 50, Par. 3);
14. if he uses waters, discharges waste waters into water or disposes of or discharge hazardous and harmful matters into a public water resource, agricultural, construction and forest land and into atmosphere, upon the expiry of the water management permission issued (Art. 51, Par. 1, Item 1);
15. if he uses water or if he discharges waste water after a decision terminating the water management permission is issued (Art. 57, Par. 2);
16. if he uses water or if he uses it in a quantity bigger than the prescribed one even after a decision on temporary restriction, or temporary suspension of the use of water (Art. 58);
17. if he fails to execute a water management order (Art. 62, Par. 3);
18. if he uses waters, exploits mineral and thermal waters, intakes water, develops water ways, constructs harbours and harbours plants, grows fish for economic reasons, uses public water resource or exploits material from water streams, without a prior concession for waters and public water resource (Art. 70, Par. 1);
19. if he continues to use the rights from a concession after the expiry of the concession or after a consensual termination of the contract on concession (Art. 76, Par. 1, Items 1 and 4);
20. if he undertakes works and actions forbidden by Articles 87 and 88 hereof;
21. if he uses water in a quantity bigger than the prescribed one under a decision on temporary restriction of the use of water or if he continues to use water after a decision temporary restricting or suspending the use of water (Art. 112, Par. 1);
22. if he uses water from natural and artificial water streams or accumulations contrary to the decision temporary restricting or prohibiting the use of waters (Art. 112, Par. 2);
23. if he uses water for other purposes and in the manner which could adversely influence potable water quality and quantity, if such waters are defined to be used as potable water by water a management master plan or another plan document (Art. 117, Par. 3);
24. if he fails to protect areas containing sources of water used for public potable water supply from pollution or other influences which might affect sanitary cleanliness of water and source yield (Art. 117, Par. 4);
25. if in areas containing sources of water which by its quantity and quality can be used for drinking or are planned for drinking he constructs new or undertakes reconstruction of existing structures, or uses existing structures or uses the land for agricultural purpose, or clears forest thus jeopardising sanitary cleanliness of potable water (Art. 117, Par. 7);
26. if, related to his business activities, he discharges hazardous and harmful matters which can pollute waters into collector or public sewerage or into atmosphere before treating them in accordance with the water management permission (Art. 122, Par. 2);
27. if he acts contrary to the obligations and liabilities specified by implementing regulations under this law referred to in Art. 124, Par. 2, 3 & 4 hereof;
28. if he discharges technological waste water after a decision on prohibition or restriction of discharge of technological waste water is issued (Art. 126);
29. if he fails to notify or to notify on time police stations in cases prescribed by Art. 128, Par. 1 through 3 hereof;
30. if he introduces into internal transport matters that cannot be introduced into internal transport (Art. 129, Par. 2);
31. if he pollutes waters contrary to the international obligations of the Federation (Art. 130, Par. 1);
32. if he treats hazardous matters contrary to an implementing regulation under this law referred to in Article 131, Par. 2 hereof;
33. if he fails to enact a general deed referred to in Article 31, Par. 4 hereof within the deadline prescribed (Art. 227);
34. if he fails to submit a request for issuing a water management permission within the deadline prescribed (Art. 229, Par 2) or after the deadline prescribed;
35. if he fails to submit a request for issuing a water management permission within the deadline prescribed (Art. 230, Par 1) or after the deadline prescribed;

36. if he fails to submit a request for assignment of the concession right within the deadline prescribed by Art. 231, Par. 2 hereof;
37. if he fails to remove residential, business and other buildings within the deadline set by Art. 232 hereof.

The responsible person of the legal entity shall be also fined for a business offence referred to in Par. 1 of this Article with a fine ranging from KM 200 to 5,000.

#### Article 218

A fine of KM 1,000 to 5,000 shall be imposed on a legal entity:

1. if upon expiry of concession he fails to restore the condition envisaged by the contract on concession (Art. 76, Par. 5);
2. if he fails to undertake measures to protect life and health of people, to protect environment and property of other persons in the event of floods, erosion or other effects water may have due to the structures and plants erected on waters and public water resource under a concession (Art. 78);
3. if he fails to pay concession fee into the Federation budget or the Cantonal budget (Art. 80, Par. 1);
4. if he undertakes works and actions prohibited by Article 89 hereof, without a prior written consent of the Public company in charge of water area;
5. if he acts contrary to the rights, obligations and liabilities prescribed by the deed referred to in Article 93 hereof;
6. if he erects structures, undertakes works and actions prohibited by the provisions of Article 99 hereof;
7. if he constructs investment facilities or changes cadastral plants on the area declared erosive, without a prior anti-erosion measures or anti-erosion actions (Art. 101);
8. if the works which are prohibited without prior application of anti-erosion measures and actions are carried out on the area declared erosive (Art. 104, Par. 1);
9. if forest-economic planning documents and long-term development program of agricultural production are not harmonised with decisions under Article 95 and 98, as well as water management master plans under Article 11, Par. 1 hereof (Art. 108, Par. 1);
10. if he adopts forest-economic planning documents or long-term development program of agricultural production before obtaining an opinion of the Public company in charge of water area (Art. 108, Par. 1);
11. if he undertakes actions or steps prohibited by Article 140 hereof;
12. if he fails to submit data and results of testing surface and ground waters to the Public company in charge of water area in the manner, according to the procedure and within the deadlines as set out in the implementing regulation under this law referred to in Article 142, Par. 4 hereof (Art. 142, Par. 1);
13. if he fails to submit information on water requirements to the Public company in charge of water area for the purpose of drawing up a water balance, in the manner, according to the procedure and within the deadlines as set out in the implementing regulation under this law referred to in Article 142, Par. 4 hereof (Art. 142, Par. 1);
14. if he exploits waters or discharges waste water and other hazardous and harmful matters into waters, into a public water resource, onto construction, agricultural or forest land or into atmosphere, without installing metering and control devices for quality and quantity control or without metering and testing as prescribed or if he does not keep required evidence or if he does not submit to the Public company in charge of water area, within the prescribed deadline, information on consummation, quantity and quality of waste water taken and discharged and information on material taken out from water streams in accordance with an implementing regulation under this law referred to in Article 142, Par. 4 hereof (Art. 142, Par. 3);
15. if he fails to submit within the deadlines and for the period prescribed data on water requirements to the Public company in charge of water area (Art. 142, Par. 5);
16. if he fails to submit available data to be entered into water management cadaster and water balance to the Public company (Art. 150, Par. 2);
17. if he hinders free passage of persons referred to in Article 151, Par. 1 hereof, in order to carry out their tasks after a decision on temporary seizure of the land is issued (Art. 151, Par. 2);
18. if he does not allow the use of gravel, sand, soil or material from his land for flood prevention or if he hinders free passage of persons and vehicles participating in works on flood prevention (Art. 152, Par. 1);
19. if he does not pay general water charge (Art. 172, Items 1, 2, 3 and 4), or if he does not pay it within the deadlines prescribed (Art. 175);
20. if he does not pay special water compensations (Art. 180 - 184);
21. if he does not transfer water compensations and special water management compensations collected within 15 days from the date of payment effected (Art. 194);
22. if he does not pay special water management compensations within the deadlines prescribed (Art. 199);

23. if he does not remove existing plants within the deadline prescribed by Article 232 hereof.

The responsible person of the legal entity shall be also fined for a business offence referred to in Par. 1 of this Article with a fine ranging from KM 300 to 1,000.

#### Article 219

A fine of KM 1,500 to 2,500 shall be imposed on a legal entity;

1. if he does not protect local potable water sources tapped or untapped in case of a construction of new water supply facilities against destruction and deterioration and if he fails to maintain them to the extent considered the most necessary as their operation could be reinstated under extraordinary circumstances (Art. 29);
2. if he does not pay compensation for land drainage use (Art. 202, Par. 2);
3. if he adopts a medium-term or annual plan before obtaining an opinion of the Public company (Art. 137);
4. if even after an easement has been established to the benefit of a third party he prevents water supply or drainage in the land reclamation system (Art. 139, Par. 1);
5. if he does not execute the water management inspection order within the set deadline (Art. 213, Par. 1).

The responsible person of the legal entity shall be also fined for a business offence referred to in Par. 1 of this Article with a fine ranging from KM 100 to 500.

#### Article 220

A fine of KM 100 to 1,000 shall be imposed on the responsible person in the Federal or Cantonal or another authority:

1. if he issues an approval for construction of new or reconstruction of existing facilities pursuant to the regulations on urban planning before water management approval is issued (Art. 43, Par. 2);
2. if he issues a building permission pursuant to the regulations on urban planning, without a prior water management permission (Art. 59);
3. if he issues building approval pursuant to the regulations on urban planning for structures and plants which discharge waste water and other hazardous and harmful matters into atmosphere, but the investor or user has not proved that he had provided required funds for construction of waste water treatment plants or devices for quantity and concentration reduction of hazardous and harmful matters which are discharged into atmosphere (Art. 61).

#### Article 221

A fine of KM 100 to 500 shall be imposed on a citizen violating law as referred to in Article 217, Par. 1, Items 7, 8, 9, 12, 13, 14, 15, 22, 24, 25, 28, 30, 31 and 36, Article 218, Par. 1, Items 4, 5, 6, 7, 8, 11, 17, 18, 19, 20, 22 and 23, and Article 219, Par. 1, Items 2 and 4 of this law.

#### Article 222

For a business offence referred to in Article 217, Par. 1, Items 7, 8 and 9 of this law, the legal entity shall be pronounced, apart from a fine, a protective measure of taking away the material from water streams as well as of vehicles, equipment and tools used for the commission of the business offence.

For a business offence referred to in Article 221 and in conjunction with Article 217, Par. 1, Items 7, 8 and 9 of this law, the legal entity or a citizen shall be pronounced, apart from a fine, a protective measure of taking away of the material from water streams as well as of vehicles, equipment and tools used for the commission of the business offence.

#### Article 223

Until the Convertible Mark (KM) is put into payment operations, pecuniary fines for business offences referred to in Articles 217 through 221 of this law may be paid in DM or denominated in the currencies used in payment operations in the Federation, at the at mean rate of exchange determined by the competent financial organisation on the date of payment.

### XV - TRANSITIONAL AND CONCLUDING PROVISIONS

#### Article 224

Water Management master plan of the Federation ( referred to in Article 11, Paragraph 1) shall be passed within at latest five years from the day of entering into force of this Law.

Water Management master plan on the main catchment areas ( referred to in Article 11, Paragraph 1) shall be passed within a period of four years at latest following the date of expiry of the period defined under Paragraph 1 of this Article.

Appropriate plans and programs on the development of water management and its particular branches, passed before entry into force of this Law, shall be of force of a water management master plan pending the issuance of the Water Management master plan of the Federation and the water management master plan on the main catchment areas.

#### Article 225

Waters, water management premises owned by the Federation and public water resource shall be handed over to public companies in charge for water area on their administration and use, within a period of three months following the date of entry into force of this Law.

The Government of the Federation shall pass the decision under Paragraph 1 of this Article.

#### Article 226

The Ministry shall decide on whether water land lots belong to public water resource ( referred to in Article 36, Paragraph 3 ) within five years from the date of entry into force of this Law.

#### Article 227

Owners and users of the water management premises shall be obliged to pass a general document referred to in Article 31, Paragraph 4 of this Law within a period of sixty days following the date of entry into force of the regulation on enforcement of this Law referred to in Article 30, Paragraph 6 of this Law.

#### Article 228

Pending the issuance of the water management master plan and plans and programs on the development of water management, which are having been passed based on this Law, the water management conditions, treaties and permits shall be issued on the basis of appropriate technical documentation pursuant to appropriate plans and programs referred to in Article 224, Paragraph 3 of this Law and with inter-republic agreements and treaties which have been concluded by the Socialistic Republic of Bosnia and Herzegovina prior to entry into force of this Law.

#### Article 229

All water management permits issued before entry into force of this Law, shall be harmonised with provisions of this Law, within a period of one year from the date of entry into force of this Law.

Owners or users of existing premises and installations which use water or discharge waste waters and other dangerous and harmful lots into waters, public water resource, construction, agriculture and forest land or into atmosphere, or water regime affects these premises and installations, shall be obliged , pursuant to referred to in Paragraph 1 of this Article, to claim a request on the issuance of a new water management permit within six months from the date of entry into force of this Law.

If owners and users of existing premises and installations fail to present a request for issuance of a new water management permit within a period of six months from the date of entry into force of this Law, the validity of permits issued before entry into force of this Law shall be ceased, whereas a decision by the Federal or Cantonal Water Management Inspection shall prohibit use of those premises or installations for which a new water management permit has not been requested.

A new water management permit issued pursuant to Paragraphs 1 and 2 of this Article, shall impose a responsibility of installing the metering devices or instruments for measuring the quantities of water used or for measuring the quantity and concentrations of waste waters and the other dangerous and harmful lots being discharged into waters, public water resource, agriculture, construction and forest land or into atmosphere, and the deadline for the installation and commencement of work of these metering devices and instruments.

If an owner or user of the premises and installations fails to install devices or instruments within the time period prescribed under Paragraph 4 of this Article, the Federal or cantonal water management inspector shall prohibit use of the premises or devices.

#### Article 230

Owners or users of existing premises and installations which use waters or discharge waste waters and other dangerous and harmful lots into waters, public water resource, construction, agriculture and forest land or into atmosphere, for which a water management permit has not been provided before the date of entry into force of this Law, shall be obliged to apply for issuance of the water management permit within six months from the date of entry into force of this Law.

Provisions under Article 229, Paragraphs 3, 4 and 5 of this Law shall be accordingly applied upon owners and users of existing premises and installations referred to in Paragraph 1 of this Article.

#### Article 231

Legal or natural persons being users of waters and public water resource, referred to in Article 33, Paragraph 1 of this Law, for which the concession for usage is made obligatory by this Law, provided they satisfy conditions prescribed, shall be provided with the concession without conduct of competition.

Persons under Paragraph 1 of this Article, shall be obliged, within a period of six months from the date of entry into force of this Law, to submit a request for providing the concession. If they fail to submit the request within this period, their right to use waters based on water management permit issued before entry into force of this Law, or public water resource as per a decision of the competent body passed before entry into force of this Law, shall be considered ceased.

With the exception of the provisions of Article 71, Paragraph 1, Items 1 and 2 and article 71, Paragraph 1, Items 3 and 4 of this Law, upon a request of an interested party a decision on the concession shall be passed by the Ministry or cantonal body of administration competent for jobs of the water management.

Provisions under Paragraph 1 through 3 of this Article, shall refer to both foreign owners and users of the hydroelectric power stations built before the day of entry into force of this Law which use water power for production of the power ( Article 70, Paragraph 1, Item 2 ) provided that the accumulations of these power stations are located on places as below :

1. interstate watershed creating a boundary line between Bosnia and Herzegovina and another country;
2. territory of the Federation of Bosnia and Herzegovina, whereas the other premises of a hydroelectric power station are on the territory of another country;
3. territory of Bosnia and Herzegovina, whereas the other premises are on the territory of Republika Srpska;

#### Article 232

Existing plantations, objects and premises built contravening the provisions of Articles 87, 88, 89 and 144, Item 4 of this Law, shall be removed within one year whereas housing, economic and other premises within five years, following the date of entry into force of this Law.

#### Article 233

The Parliament of the Federation shall pass a decision on nomination of the President and members of the Federal Council for Waters, within three months from the date of entry into force of this Law.

#### Article 234

Public company for “ Water Area of Catchments to the Jadran Sea” and public company for “Water Area of Catchments to the Sava River” shall organise and conduct work in accordance with this Law, within 60 days from the date of entry into force of this Law.

Business association of public companies for water management of the Federation of Bosnia and Herzegovina shall organise and conduct work in accordance with this Law, within 30 days from the date of commencement of work of companies referred to in Paragraph 1 of this Article.

#### Article 235

Pending the registration in the Register of Companies and the commencement of work of companies referred to in Article 234, Paragraph 1 of this Law, their jobs and tasks stipulated by this Law, shall be performed by the Public Water Management Company “ Water Management of the Republic of Croatia **Herceg-Bosna**” **Mostar** and the Public Water Management Company “Water Management of Bosnia and Herzegovina” Sarajevo.

#### Article 236

Pending the registration in the Register of Companies and the commencement of work of companies referred to in Article 234, Paragraph 1 of this Law, resources of general water management fees and special water management fees, which according to this Law belong to public companies referred to in Article 234, Paragraph 1 of this Law, shall be paid from Water Area of Catchments to the Jadran Sea on account of the Public Water Management Company “ Water Management of the Republic of Croatia **Herceg-Bosna**” **Mostar**, whereas from Water Area of Catchments to the Sava River on the account of the Public Water Management Company “Water Management of Bosnia and Herzegovina” Sarajevo.

#### Article 237

On the day of registration of the Public Company for “Water Area of Catchments to the Adriatic Sea” Mostar in the Register of Companies, the Public Water Management Company “ Water Management of the Republic of Croatia **Herceg-Bosna**” Mostar shall cease its function, whereas property, rights and obligations of

the latter shall become property, rights and obligations of the Public Company for “Water Area of Catchments to the Jadran Sea” Mostar. On the same day, the employees of the Public Water Management Company “Water Management of the Republic of Croatia Herceg-Bosna” Mostar shall become the employees of the Public Company for “Water Area of Catchments to the Jadran Sea” Mostar.

On the day of registration of the Public Company for “Water Area of Catchments to the Sava River” Sarajevo in the Register of Companies, the Public Water Management Company “Water Management of Bosnia and Herzegovina” shall cease its function, whereas property, rights and obligations of the latter shall become property, rights and obligations of the Public Company for “Water Area of Catchments to the Sava River” Sarajevo. On the same day, the employees of the Public Water Management Company “Water Management of Bosnia and Herzegovina” Sarajevo shall become the employees of the Public Company for “Water Area of Catchments to the Sava River” Sarajevo.

#### Article 238

With the exception of the provisions under Article 176, Paragraph 2 and Article 190, Paragraph 1 of this Law, decisions on rates or amounts of general water management fees and special water management fees, shall be determined in agreement of the Provisional Management Board of the Public Water Management Company “Water Management of Bosnia and Herzegovina” and the Management Board of the Public Water Management Company “Water Management of the Republic of Croatia Herceg-Bosna” and submit for approval to the Government of the Federation, within 15 days from the date of entry into force of this Law.

#### Article 239

Implementation regulations referred to in Article 142, Paragraph 4 and Article 199 of this Law shall be passed within 15 days from the date of entry into force of this Law.

#### Article 240

The Government of the Federation shall pass the decision on nomination of the President and members of the Management Board of the Public Water Management Company for “Water Area of Catchments to the Adriatic Sea” and of the Public Company for “Water Area of Catchments to the Sava River”, within 15 days from the date of entry into force of this Law.

#### Article 241

Implementation regulations pursuant to provisions of this Law, shall be passed within a year from the date of entry into force of this Law, unless otherwise provided by this Law (Article 239).

#### Article 242

On the day of entry into force of this Law on the territory of the Federation, the application of the Water Laws applied on the territory of the Federation, shall be ceased.

With the exception of the provision under Paragraph 1 of this Article, pending the issuance of implementation regulations pursuant to provisions of this Law, the implementation regulations applied on the territory of the Federation before the entry into force of this Law shall be applied.

#### Article 243

This Law shall be harmonised with provisions of the appropriate law passed by the Parliament Assembly of Bosnia and Herzegovina, within the time period determined by the latter law.

All treaties concluded by the public companies referred to in Article 1 of this Law and other countries, must be approved by the Parliament Assembly of Bosnia and Herzegovina, unless otherwise provided by the law of this Assembly.

#### Article 244

This Law shall enter into force on the eighth day from the date of its publishing in the “Official Gazette of the Federation BiH”.



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Change Number: 10  
Last Saved On: 25-07-01 10:18  
Last Saved By: Tjerk H. halbertsma  
Total Editing Time: 95 Minutes  
Last Printed On: 25-07-01 10:46  
As of Last Complete Printing  
Number of Pages: 56  
Number of Words: 28.940 (approx.)  
Number of Characters: 164.958 (approx.)