

**THE LAW ON  
AMENDMENTS TO THE LAW ON AIR PROTECTION**

**Banja Luka, October, 2016**

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Article 1

In the Law on Air Protection (“Official Gazette of the Republika Srpska”, no. 124/11), Article 3, point a) shall be amended to read:

a) “substitutes” are fluorinated greenhouse gases, which include: hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride that have the potential to deplete the ozone layer equal to zero”.

In point am) after the word “deadline” the word “and” shall be added and the new point an) shall be added to read as follows:

“an) “discharge/source” is the controlled discharge point of SO<sub>2</sub>, NO<sub>x</sub> or particulate matters (dust) into the air, which may include one or more of the smoke pipes from which pollutants are discharged into the air, which are located in a common chimney, or whose central axis are not more than 5 m apart, other than for large combustion plants where each block individually is considered as a source, regardless of the method of discharge in the air”.

Article 2

In Article 13, paragraph 4 shall be amended to read as follows:

(1) “(4) The authorized legal entities referred to in paragraph 3 of this Article shall be obliged to submit the following data on performed measuring to the RS administrative organization in charge of hydrological and meteorological affairs:

- a) data on the results of measurements of concentrations of pollutants at stations for air quality monitoring (hourly or half-hourly averages) in digital form,
- b) data on the results of the analysis of suspended particles,
- c) data on the results of measurements of meteorological parameters at the site,
- d) evidence of calibration of measuring equipment made by reference laboratory,
- e) data on location, measuring equipment and reference methods of measurement,
- f) reports on the measurements performed, the level of pollution and the air quality assessment and
- g) copy of the permit for performing the air quality monitoring”.

After paragraph 4, a new paragraph 5 shall be added to read as follows:

“(5) Authorized legal entities that have a permit for air quality monitoring shall be required to ensure the direct automatic transmission of data from the measuring stations to the central data collection system (server) of the RS administrative organization in charge of hydrological and meteorological affairs, aimed at timely warning and informing the public and producing a report on the state of air quality”.

Article 3

In Article 37, Paragraph 2, in point b) the number “2000” shall be replaced by “1990”.

#### Article 4

After Article 42, a new Article 42a shall be added to read:

##### “Article 42a

Large combustion plants, which are covered by the Plan for reducing emissions of pollutants for Electric Power Industry of Republika Srpska, shall gradually reduce emissions of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and particulate matter, in accordance with the Treaty establishing the Energy Community and the legislation adopted for its implementation”.

#### Article 5

Article 44 shall be deleted.

#### Article 6

In Article 45, paragraph 2 shall be amended to read as follows:

“(2) The Minister shall issue a regulation governing the procedure for preventing or reducing the direct or indirect environmental effects of emissions of volatile organic compounds, particularly air emissions, emission limit values of volatile organic compounds from installations and the activities using organic solvents, requirements for the installations that use them, as well as the schemes for reducing emissions of volatile organic compounds”.

#### Article 7

In Article 47, before the word “Maximum”, the number “1” shall be added in brackets. After paragraph 1, new paragraphs 2, 3 and 4 shall be added to read:

“(2) For the purpose of monitoring emissions in RS referred to in paragraph 1 of this Article, an Inventory of emissions and emission projections shall be established.

(3) The RS administrative organization in charge of hydrological and meteorological affairs shall keep the Inventory of emissions and emission projections referred to in paragraph 2 of this Article.

(4) Minister shall prescribe a methodology for making an Inventory of emissions and emission projections and method of data collection”.

#### Article 8

Article 48 shall be amended to read:

“Technical requirements pertaining to the quality of fuels placed on the market and used in stationary and mobile sources of pollution, permissible amount of pollutants in fuels, fuel testing methods, the method of determining the quality and proof of compliance with the prescribed limit values, as well as technical measures to be applied in order to reduce emissions of volatile organic compounds originating from the process of storage and distribution of oil derivatives shall be regulated by a special regulation”.

#### Article 9.

In Article 50, after paragraph 9, new paragraphs 10, 11, 12 and 13 shall be added to read:

“(10) The ministries and other bodies in charge of environmental protection, industry, agriculture, forestry, water, official statistics, and public forest enterprise “Šume Srpske” and Public Institution “Vode Srpske”, that collect or possess data on activities by sectors, in view of discharging or disposing of greenhouse gases, necessary for keeping of the Inventory referred to in paragraph 7 of this Article, as well as for the purpose of reporting referred to in Article 69 of this Law, shall deliver these data to the RS administrative organization in charge of hydrological and meteorological affairs.

(11) The data referred to in paragraph 10 of this Article shall be delivered free of charge until the end of December of the current year for the previous calendar year.

(12) The entities referred to in paragraph 10 of this Article shall be obliged, by the means of a special act, to appoint persons for performing duties in connection with the submission and verification of data on activities, in view of discharging or disposing of greenhouse gases.

(13) The Minister shall prescribe the methodology of keeping the Inventory of greenhouse gas emissions and the method of data collection“.

## Article 10

Article 51 shall be amended to read:

“(1) The Government shall issue a regulation that stipulates:

- a) the method of gradual phasing out of substances that deplete the ozone layer,
- b) handling of these substances, substitutes, as well as new controlled substances,
- c) treatment of products which contain the substances or which are produced by using these substances,
- d) the method of verifying emissions and control of emissions of these substances,
- e) handling of these substances after cessation of use of the products and equipment containing them,
- f) the manner of their collection, recycling and processing and
- g) the procedure for issuing consents for import, export and placing on the market the substances that deplete the ozone layer.

(2) The regulation referred to in paragraph 1 of this Article shall also include:

- a) a list of substances that deplete the ozone layer,
- b) a list of products which contain the substances or which are produced by using these substances,
- c) forms on the records of controlled substances,
- d) forms of annual reports,
- e) forms of the applications to be submitted to the Ministry in the process of import and export of substances that deplete the ozone layer and
- f) the form of the registration sheet for keeping the register referred to in Article 54 of this Law”.

## Article 11

Article 52 shall be amended to read:

“(1) Legal entities and entrepreneurs shall obtain a permit from the Ministry to carry out the following activities:

- a) installation, maintenance or servicing and testing the discharge of substances that deplete the ozone layer or the substitutes from stationary refrigeration and air conditioning equipment and heat pumps, which contain these substances or which are produced using these substances, as well as fire protection systems and fire extinguishers, and

b) collection and recovery of substances that deplete the ozone layer from such equipment and systems and equipment containing solvents.

(2) The permit referred to in paragraph 1 of this Article shall be issued to the legal entity or entrepreneur who meets the following conditions:

a) it is registered for performing activities referred to in paragraph 1 of this Article,

b) employs at least one qualified person in the manner prescribed in Article 52b of this Law for handling of substances that deplete the ozone layer and/or substitutes and

c) is in the possession of equipment for carrying out the activities foreseen in the permit.

(3) The request for a permit referred to in paragraph 1 of this Article shall be accompanied by:

a) proof of registration for performing of the activities referred to in paragraph 1 of this Article,

b) copy of the certificate of competency for employed persons handling substances that deplete the ozone layer, substitutes and new controlled substances and

c) proof of possession of equipment for carrying out activities referred to in paragraph 1 of this Article.

(4) If a legal entity or entrepreneur referred to in paragraph 1 of this Article also performs the activity of recovery of substances that deplete the ozone layer, during servicing, in addition to the request referred to in paragraph 3 of this Article, it shall also have submit:

a) proof of possession of devices for the collection, recovery and physical-chemical analysis of used substances and

b) proof that it has the space for temporary storage of collected and recovered substances that deplete the ozone layer or the substitutes, as well as the waste gases, which, by their physical and chemical properties do not correspond to the quality of new substances.

(5) The Ministry may require additional data, information or documentation for issuing of a permit.

(6) The permit may include one or more of the activities referred to in paragraph 1 of this Article.

(7) If a legal entity or an entrepreneur has one or more organizational units (business units or other business premises), the permit referred to in paragraph 1 of this Article shall also apply to each organizational unit for which it is determined that it fulfills the conditions set out in paragraph 2 of this Article”.

## Article 12

After Article 52, new Articles 52a and 52b shall be added to read:

### “Article 52a

(1) A permit referred to in Article 52, paragraph 1 hereof shall be issued for a period of five years and may be extended for the next five years.

(2) The request for extension of the permit shall be submitted to the Ministry not later than two months before the expiry of the period referred to in paragraph 1 of this Article.

(3) Renewal of the permit referred to in paragraph 1 of this Article shall be made by submitting a proof, which substantiates that there has been no change of the conditions based on which the permit, which is subject to renewal, was issued.

(4) In the event of a change in terms of meeting of the conditions for permit referred to in paragraph 1 of this Article, legal entity or entrepreneur shall notify the Ministry accordingly, within eight days from the day of change occurrence.

(5) The permit may be revoked from the authorized service centre or its validity cannot be extended if an inspection establishes that it has ceased to fulfil the conditions laid down in this Law, or if it fails to remedy the ordered measures within the period specified in the decision on inspection.

(6) The Ministry shall publish on its website the list of legal entities and entrepreneurs that have been granted permits with the identified activities foreseen by the permit.

#### Article 52b

(1) Professional training and exams for the purpose of knowledge tests shall be conducted by persons performing the following activities:

a) collecting, verifying emissions, installation and servicing of refrigeration and air conditioning equipment, fire equipment and fire extinguishers,

b) collecting of substitutes from high-voltage switchgear at the locations of their owners or users,

c) collecting substitutes-based solvents at the locations of owners or users of these substances and

d) collecting of substances that deplete the ozone layer or the substitutes from air conditioning systems in motor vehicles at legal entities or natural persons involved in servicing of motor vehicles.

(2) Professional training and knowledge tests for the persons referred to in paragraph 1 of this Article shall be performed by public higher education institutions that must have at their disposal:

a) appropriate premises for carrying out lectures,

b) technical equipment and teaching aids for carrying out theoretical and practical training and

c) qualified expert trainers with adequate qualifications and educational degree required for teaching.

(3) The institutions referred to in paragraph 2 of this Article shall obtain authorization from the Ministry to carry out professional training of persons referred to in paragraph 1 of this Article.

(4) The authorization referred to in paragraph 3 of this Article is an administrative act and shall be issued for a period of five years.

(5) The persons referred to in paragraph 1 of this Article shall bear the costs of professional training and exams, the amount of which shall be determined by the public higher education institution referred to in paragraph 2 of this Article, in accordance with a special regulation.

(6) The Minister shall prescribe the manner and procedure of professional training, knowledge testing and issuing of certificates of qualifications for the persons referred to in paragraph 1 of this Article, as well as more detailed conditions to be met by the institutions that carry out their professional training”.

#### Article 13

In Article 53, as well as throughout the text of the Law, the phrase “fluorinated greenhouse gases” shall be replaced by the term “substitute” in the appropriate case.

#### Article 14

Article 54 shall be amended to read:

“(1) The legal entities and entrepreneurs that have obtained the permit referred to in Article 52 of this Law, shall keep the records on the types and quantities of collected and used substances that deplete the ozone layer and the substitutes, as well as the quantities of recovered and/or processed substances that deplete the ozone layer.

(2) Legal entities and entrepreneurs engaged in import/export and placing on the market the substances that deplete the ozone layer and the substitutes shall keep the records on imported or exported quantities of substances that deplete the ozone layer, the quantities placed on the market, as well as on consumed quantities in own production or in service activity.

(3) The entities referred to in paragraph 1 and 2 of this Article shall be obliged to provide the aforementioned information to the Fund for Environmental Protection and Energy Efficiency of Republika Srpska (hereinafter: the Fund) until the end of February of the current year for the previous calendar year, using special forms prescribed by the act of the Government referred to in Article 51 of this Law.

(4) The Fund shall keep the Register of legal entities and entrepreneurs referred to in paragraph 1 and 2 of this Article (hereinafter: the Register).

(5) The Register shall be kept on a special form to be prescribed by the act of the Government referred to in Article 51 of this Law.

(6) The list of legal entities and natural persons from the Register shall be published on the website of the Fund”.

#### Article 15

After Article 54, a new Article 54a shall be added to read:

#### “Article 54a

(1) Information on unintentionally discharged persistent organic pollutants shall be contained in the Inventory of unintentionally discharged persistent organic pollutants, which shall be maintained by the RS administrative organization in charge of hydrological and meteorological affairs.

(2) The information referred to in paragraph 1 of this Article shall be public”.

#### Article 16

In Article 57, Paragraph 1, point g), the word “Ministry” shall be replaced by “the RS administrative organization in charge of hydrological and meteorological affairs”.

#### Article 17

In Article 59, paragraph 1 shall be amended to read as follows:

“(1) The authorized legal entities referred to in Article 58, paragraph 1 and 2 of this Law may perform measuring after obtaining a permit from the competent Ministry, if they meet the conditions in terms of personnel, equipment and premises, and if they are technically qualified pursuant to the requirements of BAS ISO/IEC 17025 standard, in accordance with a special regulation”.

#### Article 18

In Article 67, paragraph 4 shall be deleted.  
The current paragraph 5 shall become paragraph 4.

#### Article 19

Article 69 shall be amended to read:

“The RS administrative organization in charge of hydrological and meteorological affairs of the RS is a reference centre for air quality, air emissions and climate change mitigation, which exchanges data on air quality and emissions for reporting purposes, in accordance with international obligations, with the prior approval of the Ministry”.

#### Article 20

In the heading of Section IX, before the word “FUNDING”, the words “ECONOMIC INSTRUMENTS AND” shall be added.

#### Article 21

After Article 70, new Articles 70a, 70b, 70c, 70d, 70e, 70f and 70g shall be added to read:

##### “Article 70a

Polluter of the environment shall be obliged to pay a fee for environmental pollution, in accordance with the law governing the environmental protection and funding and this Law.

##### Article 70b

Pollution in terms of this Law is pollution that comes from substances that deplete the ozone layer.

##### Article 70c

(1) The fee for environmental pollution shall be paid by legal entities and entrepreneurs that cause environmental pollution, which includes importers of substances that deplete the ozone layer.

(2) The fee for environmental pollution, for imported substances that deplete the ozone layer, shall be calculated per kilogram of imported substance.

(3) The fee referred to in paragraph 2 of this Article shall be paid by legal entities and entrepreneurs engaged in import of substances that deplete the ozone layer, for the purpose of placing them on the market of the RS or for their needs.

(4) The obligation to pay a fee under paragraph 2 of this Article shall be incurred at the time of import of substances that deplete the ozone layer.

##### Article 70d

(1) The basis for calculating a fee for environmental pollution, for imported substances that deplete the ozone layer, is the annual quantity of substances that deplete the ozone layer, according to the data submitted to the Fund by importers of substances that deplete the ozone layer, in accordance with Article 54, paragraph 2 hereof.

(2) In addition to the data referred to in paragraph 1 of this Article, the Fund may request from the eligible entities to submit certified copy of permits for the import of substances that deplete the ozone layer for the year for which the fee is calculated, issued by the authority in charge of issuing permits, as well as other evidence to confirm the accuracy of the data referred to in paragraph 1 of this Article.

(3) The amount of the fee for one kilogram of imported substance referred to in paragraph 1 of this Article shall be determined by the Government by a special regulation.

#### Article 70e

The fee referred to in Article 70d of this Law, shall be calculated according to the formula:  $N = NO \cdot E$  where:

a) NO – is the amount of fee for imported substances that deplete the ozone layer in convertible marks,

b) N – fee for one kilogram of imported substance and

c) E – the amount of imported substances that deplete the ozone layer for the reporting period, i.e. the calendar year.

#### Article 70f

(1) The fee for environmental pollution shall be determined by the decision of the Fund, which sets out the method and deadlines for payment of fee.

(2) The decision referred to in paragraph 1 of this Article, for the substances that deplete the ozone layer, shall contain the final calculation of the amount of fee for the previous accrual period that is determined on the basis of the data referred to in Article 54, paragraph 2 of this Law and the amount of fee per kilogram of imported substance.

#### Article 70g

(1) The eligible payer shall be obliged to submit the proof of payment of fee for environmental pollution to the Fund.

(2) If the eligible payer has not paid the amount of fee determined by the decision referred to in Article 70f of this Law within the prescribed deadline, the Fund shall send a notice to the eligible payer, reminding it to settle the liability accrued for payment and notifying it on the manner and deadline for the payment of the debt”.

#### Article 22

In Article 75, Paragraph 1, after point b), new point c) shall be added to read:

“c) exceeds the emission limit values of air pollutants (Articles 41 and 42)”.

The former points c), d), e), f), g), h), i), j), k), l), m), n), o), p) and q) shall become points d), e), f), g), h), i), j), k), l), m), n), o), p), q) and r).

In the former point c) which has become point d), the words “Article 44, paragraph 1 and” shall be deleted.

#### Article 23

In Article 77, paragraph 1, point b) shall be amended to read:

“b) performs activities of installation, maintenance, servicing or testing the discharge of equipment containing substances that deplete the ozone layer or the substitutes, or which was produced by the use of such substances, as well as the activity of collection and recovery of such substances and such equipment without the permit of the Ministry (Article 52, paragraph 1),”.

#### Article 24

In Article 78, paragraph 1, after point c), a new point d) will be added to read:

“d) exceeds the emission limit values of air pollutants (Article 41 and 42)”.

Former points d), e), f), g), h), i), j), k), l), m), n), o), p), q), r), s), t), u), v), w), x), y), z) and aa) shall become points e), f), e), h), i), j), k), l), m), n), o), p), q), r), s), t), u), v), w), x), y), z), aa) and ab).

In the former point d), which has become point e), the words “Article 44, paragraph 1 and” shall be deleted.

The former point e) which has become the point f) shall be amended to read:

“e) performs activities of installation, maintenance, servicing or testing the discharge of equipment containing substances that deplete the ozone layer or the substitutes, or which was produced by the use of such substances, as well as the activity of collection and recovery of such substances and such equipment without the permit of the Ministry (Article 52, paragraph 1)”.

#### Article 25

After Article 78, new Article 78a shall be added to read:

##### “Article 78a

(1) A fine ranging from 1,500 KM to 7,000 KM shall be imposed on a legal entity for the offense if it:

a) fails to submit the data to the RS administrative organization in charge of hydrological and meteorological affairs in the prescribed manner (Article 13, paragraphs 4 and 5)

b) fails to submit the data to the Fund in the prescribed manner and within the prescribed deadline (Article 54, paragraph 3) and

c) fails to pay the fee in the prescribed manner and within the prescribed deadlines (Article 70f).

(2) For the offense referred to in paragraph 1 of this Article, the responsible person in the legal entity shall be fined from 500 KM to 2,000 KM.

(3) For the offense referred to in paragraph 1 of this Article, a fine shall be imposed on the entrepreneur in the amount from 1,000 to 5,000 KM”.

#### Article 26

In Article 79, in point b) after the words “of this Law” the word “and” shall be deleted and a comma shall be added.

Point c) shall be amended to read:

“c) a regulation governing the treatment of substances that deplete the ozone layer and the substitutes referred to in Article 51, paragraph 1 of this Law and”.

After point c) a new point d) shall be added to read:

“d) the regulation referred to in Article 70d, Paragraph 3 of this Law”.

#### Article 27

In Article 80, number “1” in the brackets shall be deleted.

In paragraph 1, points d) and e) shall be amended to read:

“d) Rulebook on the method and procedure for professional training, knowledge testing and issuing of certificates of qualification of persons handling substances that deplete the ozone layer and the substitutes, as well as the detailed conditions to be met by institutions that perform their training referred to in Article 52b of this Law,

e) Rulebook on the methodology for making an Inventory of emissions and emission projections and the method of collecting the data referred to in Article 47, paragraph 4 of this Law”.

In point f) after the words “of this Law”, the words “and” shall be added, as well as the new point g), which shall read as follows:

“g) Rulebook on the methodology of keeping the Inventory of greenhouse gases and the method of collecting the data referred to in Article 50, paragraph 13 of this Law”.

Paragraphs 2 and 3 shall be deleted.

#### Article 28

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Republika Srpska.

Number:

Date:

PRESIDENT OF  
THE NATIONAL ASSEMBLY

Nedeljko Čubrilović

## **RATIONALE OF THE DRAFT LAW ON AMENDMENTS TO THE LAW ON AIR PROTECTION**

### **I CONSTITUTIONAL BASIS**

The constitutional basis for the adoption of this Law is contained in Amendment XXXII, point 13 of Article 68 of the Constitution of Republika Srpska, according to which the RS shall regulate and ensure the environmental protection and in Article 70, paragraph 1, point 2 of the Constitution of Republika Srpska, which provides that the National Assembly of the Republika Srpska shall enact laws, other regulations and general acts.

### **II COMPLIANCE WITH THE CONSTITUTION, LEGAL SYSTEM AND RULES OF NORMATIVE AND LEGAL TECHNIQUES**

According to the Opinion of the RS Secretariat for Legislation no: 22/01-021-813/16 of 17 October 2016, the constitutional basis for the adoption of this Law is contained in Article 35 of the Constitution of Republika Srpska, which guarantees the right to a healthy environment, as well as the duty of everyone to protect and improve the environment, in accordance with the law and within his/her abilities, Article 59 according to which the law shall regulate protection, exploitation, improvement and management of assets of common interest, as well as the fee for the usage of assets of common interest, Amendment XXXII, point 13) to Article 68 of the Constitution, according to which the RS shall regulate and ensure the protection of the environment and in Article 70, paragraph 1, point 2 of the Constitution of Republika Srpska, according to which the National Assembly, *inter alia*, enacts laws, other regulations and general acts.

Work Programme of the Government of Republika Srpska for 2016 foresees the adoption of this Law.

Law on Air Protection (Official Gazette of Republika Srpska, no. 124/11) regulates the protection and management of air quality and sets out the measures, organization and control of the implementation of protection and improvement of air quality as a natural resource of common interest, which enjoys special protection.

In accordance with Article 41, paragraph 5 and Article 56, paragraphs 1 and 2 of the Rules for drafting laws and other regulations of Republika Srpska (Official Gazette of Republika Srpska, no. 24/14), the proponent indicated in the Rationale of the Draft of this Law that amendments of this Law have been initiated because of the need to harmonize national legislation with the legislation of the European Union, the Vienna Convention for the protection of the ozone layer, the Montreal Protocol and international treaties, according to which all member states, including Bosnia and Herzegovina, have the obligation to report to the Ozone Secretariat on annual consumption of controlled substances, as well as on remediation of certain weaknesses that were identified in the application of the Regulation on the gradual phasing out of substances that deplete the ozone layer (Official Gazette of Republika Srpska, no. 94/05).

Accordingly, the said Law introduces the obligation to obtain a permit for each service technician individually, the obligation for the authorized legal entities that have a permit for air quality monitoring to ensure direct automatic transmission of data from the measuring stations to the central data collection system (server) of the RS administrative organization in charge of hydrological and meteorological affairs. In addition, the baseline year within the framework of the RS programme has been changed, in view of the maximum permitted

emissions of certain pollutants in the air. Moreover, it is foreseen that large combustion plants that are included in the Plan for reducing emissions of pollutants for Electric Power Industry of the Republika Srpska gradually reduce emissions of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and particulate matter, in accordance with the Treaty establishing the Energy Community and the legislation adopted for its implementation.

In addition, the conditions are specified that have to be met by legal entities and entrepreneurs that carry out activities of installation, maintenance, servicing and testing of the discharge of the equipment and heat pumps containing substances or which rely on substances that deplete the ozone layer or fluorinated gases, as well as the activities of collection and recovery of controlled substances from such equipment and systems and equipment containing solvents. At the same time, the aforementioned changes also specify the proofs which are necessary for the issuance of the said permit. Moreover, the compulsory professional training and exams for the persons handling substances that deplete the ozone layer are prescribed, as well as the conditions to be met by public higher education institutions, which carry out their professional training.

The law in question foresees that the operator that keeps the records on performed measuring, the results and the frequency of measurement, shall submit the data in the form of a report to the RS Hydrometeorological Institute, which is the harmonization with the Law on Environmental Protection (Official Gazette of Republika Srpska, no. 71/12 and 79/15).

An important novelty in relation to the applicable legal provisions is the introduction of the obligation for payment of a fee for environmental pollution, for imported substances that deplete the ozone layer, which is to be paid by legal entities and natural persons that cause pollution, criteria for calculation of the fee, the basis for calculation of the fee for environmental pollution, as well as the formula for the calculation of fees for imported substances that deplete the ozone layer.

In considerations of the stated Law, the Secretariat did not enter into expediency of the offered legal solutions, which is the responsibility of the legislator, but it considers necessary to point out to the proposed solutions regulating the obligation of payment of a fee for environmental pollution only for the imported substances that pollute the ozone layer, while other environmental polluters are exempted from that obligation, which is contrary to the principle of environmental protection according to which the polluter pays (Article 6, point g) of the Law on Environmental Protection.

This Secretariat notes that the proponent, in the preparation of the Law, has applied the Rules for drafting laws and other regulations (Articles 41 and 56) and acted in accordance with the Guidelines for republic administrative authorities on public participation and consultations in drafting legislation (“Official Gazette of the Republika Srpska”, no. 123/08 and 73/12), and it established that the Law is of public interest and published it on the website ([www.vladars.net](http://www.vladars.net)) for the submission of comments and suggestions.

Given the fact that there is a constitutional basis for the adoption of this Law and that it complies with the rules for drafting laws and other regulations, the opinion is that the Draft Law on Amendments to the Law on Air Protection can be submitted for consideration.

### **III COMPLIANCE WITH EU ACQUIS**

According to the opinion of the Ministry of Economic Relations and Regional Cooperation no. 17.03-020-2462/15 of 10 November 2015, after having examined the regulations of the European Union and analysis of the provisions of the Draft Law on amendments of the Law on Air Protection, it was established that the proponent, in drafting of the Law, has taken into account the sources of *EU acquis* relevant to the subject matter, which is why the Statement of Conformity contains the assessment “partially compliant”.

The subject matter, in the part of the primary sources of EU laws is regulated in the Treaty on the Functioning of the European Union, Part Three – Union Policies and Internal Actions, Title XX – Environment, Articles 191–193. The stated Articles, inter alia, set out the objectives of the European Union in the field of environmental protection.

In the part of the secondary sources of EU laws, the proponent has exercised transposition of the following sources:

- Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006,
- Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer,
- Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants and
- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).

The provisions of Article 6 of the Regulation 517/2014 lay down the obligation of record keeping of equipment containing fluorinated greenhouse gases, which is partially transposed in the provisions of Article 8 of the Draft. The aforementioned provisions of the Draft stipulate the obligation for legal entities and entrepreneurs that carry out the activities of installation, maintenance or servicing and testing refrigeration and air conditioning equipment, heat pumps or fire protection systems, to keep records on the types and quantities of collected and used substances that deplete the ozone layer. The same Article stipulates the obligation of keeping the records of persons who are engaged in import/export and placing on the market the substances that deplete the layer.

The provisions of Article 23, paragraph 4 of the Regulation 1005/2009/EC obliges Member States to define the minimum qualification requirements for the personnel carrying out activities on refrigeration, air conditioning or heat pump equipment, or fire protection systems. These provisions have been transposed in Article 5 of the Draft, which stipulates the conditions that legal entities and entrepreneurs must fulfil in order to obtain a permit to carry out installation, maintenance or servicing and testing refrigeration and air conditioning equipment, heat pumps and fire protection systems. The conditions are, *inter alia*, related to the hiring of qualified personnel, as well as the submission of proof of their expertise.

The provisions of Article 1 of the Directive 2010/75/EC lay down rules on integrated prevention and control of pollution caused by industrial activities. The same article regulates the rules designed to prevent or reduce emissions, and for prevention of generation of waste. The aforementioned provisions are transposed in Article 15 of the Draft, in a way that they prescribe the introduction of fee for environmental pollution, which will contribute to reducing the level of emissions of air pollutants.

Other examples of transposition are given in the Comparative overview of conformity of the Proposal of the Law on Air Protection with the EU acquis and legal acts of the Council of Europe.

With the adoption of this Law the obligations referred to in Article 108 of the SAA will be partially fulfilled, concerning the cooperation of the parties in the field of environmental protection.

#### **IV REASONS FOR ADOPTION OF THE LAW**

Considering the obligation of harmonizing the legislation of the Republika Srpska in the field of air protection, especially in the part pertaining to protection of the ozone layer, with the legislation of the European Union and the obligations of Bosnia and Herzegovina under the Vienna Convention on the Protection of the Ozone Layer, the Montreal Protocol to this Convention, as international treaties to which Bosnia and Herzegovina acceded to by the rule of takeover – succession of international obligations of the former Yugoslavia (Decision on ratification published in the “Official Gazette of SFRY”, MU 16/90 and “Official Gazette of SR BiH”, no. 13/94), which particularly lay down the obligation of all Member States to report to the Ozone Secretariat on the annual consumption of controlled substances, the proponent opted for amendments to the Law on Air Protection (Official Gazette of Republika Srpska, no. 124/11).

In addition, amendments to the Law on Air Protection have been initiated taking into account issuing of the Decision on amendments to the Decision of the Council of Ministers on the conditions and manner of implementation of the Montreal Protocol and gradual phasing out of substances that deplete the ozone layer (“Official Gazette of BiH”, no. 67/15). This decision is in line with the Programme for gradual phasing out of the use of chlorofluorocarbon – HCFC substances in Bosnia and Herzegovina until 2030 (abbreviation: HCFC Program), which the Government of Republika Srpska adopted with the Conclusion no. 04/1-02-2-2646/13 of 12 December 2013, as well as the amendments to the Montreal Protocol to which BiH has formally joined. Decision on accepting the amendments of London (1990), Copenhagen (1992) and Montreal (1997) were published in the “Official Gazette of BiH”, section related to International Treaties, no. 8/03, and the Decision on the accession to the Beijing Amendment in the “Official Gazette of BiH”, section related to International Treaties, no. 6/11.

In accordance with the HCFC Program, a gradual phasing out of consumption of HCFC substances takes place in two phases: the first phase – until 2013, the consumption of these substances is determined on the basis of average consumption in 2009 and 2010, actually the established baseline level will be frozen and by 2020, by which time it is planned to implement majority of the program, the baseline consumption will be reduced for 75%. In the second phase, by 2025, a decrease is planned for 92%, with the remaining consumption for servicing the existing air conditioners of 2.5% until 2030, and by 2035 a full phase out from the use of these substances.

At the same time, the application of the existing Decree on gradual phasing out of substances that deplete the ozone layer (Official Gazette of Republika Srpska, no. 94/05), which was adopted on the basis of the Law on Air Protection of 2002, established the practice of issuing prior opinions and approvals in the process of issuance of the Decision on granting permit, approval of annual quotas and issuing permits for the import of individual substances that deplete the ozone layer. In addition, the framework is defined for keeping records on export, import and consumption of these substances and the reporting. A number of weaknesses have been identified in these practices, especially in terms of proving the eligibility of legal entities and entrepreneurs to perform duties of managing the substances that deplete the ozone layer, installation, servicing and checking of discharge of refrigerating, air-conditioning equipment and fire extinguishing systems.

Therefore, amendments to the Law on Air Protection introduce the requirement of obtaining a permit for each service technician individually, as well as the obligation of keeping records on the amount of collected, recycled and processed substances, and this creates a basis for the introduction of good management practices for handling refrigerating, air-conditioning equipment and fire extinguishers by the service technicians, which includes: certification of service technicians after completing the compulsory training and passing the theoretical and practical part of the exam, preventive maintenance and control of refrigerating

and air conditioning equipment with record keeping, timely replacement of obsolete equipment, the effective collection programs, recovery and treatment of refrigerants, the use of substitutes that do not deplete the ozone layer, professional handling of operating materials, refrigeration and air conditioning equipment.

Amendments to the Law on Air Protection were initiated, taking into account that Bosnia and Herzegovina is a signatory to a number of international treaties and conventions pertaining to the protection of the air, and in this regard it was necessary to establish a system for collecting data on air quality in Republika Srpska and making an inventory, in order to report to the competent authorities in accordance with assumed international obligations.

Taking into account that the Hydrometeorological Institute of Republika Srpska, in accordance with the Law on Air Protection, is responsible for air quality monitoring in Republika Srpska, as well as for establishing an information system for monitoring of the air quality values, in the proposed amendments the Institute is designated as a reference centre of Republika Srpska for air quality, air emissions and climate change mitigation, and in this regard it is in charge of exchange of data on air quality and emissions, for the reporting purposes in accordance with assumed international obligations.

In addition, in preparation of amendments to the Law on Air Protection, the proponent was guided by the “polluter pays” principle, as one of the basic principles of environmental protection, which is regulated by a number of EU directives pertaining to the environmental protection.

In order to prevent, reduce, and to the extent possible, stop the pollution that is a consequence of industrial activities in accordance with the “polluter pays” principle and the “pollution prevention” principle, it is necessary to establish a general framework for the control of industrial activities, as well as the control of substances that deplete the ozone layer. In accordance with these principles the environment polluter pays a fee for environmental pollution when it causes or may cause environmental pollution by performing its activities. In this way it will be ensured that the funds, generated from the aforementioned fees, are used for the development of the best available techniques, in order to create conditions for the improvement of air quality, protection of health and the environment.

Taking into account the aforementioned, the proponent of the Law, in the original version of the Draft, has regulated the basic issues pertaining to the calculation and payment of a fee for environmental pollution, including the pollution of the environment from sources of pollution, such as emissions of individual sources of pollution and substances that deplete the ozone layer, then the eligible payers of the fee, the criteria for the calculation of the fee, the basis for calculation of the fee and the manner of its calculation and payment, which was discussed at the session of the Committee for Economy and Finance of the Government of Republika Srpska, which was held on 23 November 2015 and it was submitted to the Government of Republika Srpska for adoption.

Taking into account subsequently delivered opinion of the Ministry of Industry, Energy and Mining, number: 05.02/020-2249-3/15 of 18 November 2015, whereby the stated Ministry expressed disagreement with certain provisions of the Draft, the Law was withdrawn from the regular procedure of adoption at the session of the Government of Republika Srpska.

Comments of the Ministry of Industry, Energy and Mining were related to the section XIX Economic instruments and funding air quality protection and improvement, provisions of Article 15 of the Draft, which regulate the introduction of the obligation of payment of a fee for environmental pollution originating from the emissions from individual sources of pollution (individual sources of emissions of SO<sub>2</sub>, NO<sub>2</sub> and particulate matter). In the submitted comments, a need was emphasized to the proponent for the necessary exemptions from the obligation to pay the aforementioned fee, for those facilities that are in the process

of implementation of projects for reaching legal targets for emission limit values. In addition, it was suggested that Article 71 of the basic text of the Law, which stipulates the purpose of using the funds to finance the protection and improvement of air quality, should emphasize the priority of distribution of the collected funds in a manner that these funds are primarily used for co-financing investments that will contribute to significant reduction of air pollution and for the fulfillment of obligations assumed under international treaties.

Moreover, the Ministry of Industry, Energy and Mining, in its Opinion no. 05.05/020-2249-4/15 of 17 March 2016, further stressed that the aforementioned fee needs to be introduced in a way of gradual increase of its value, and that prior to the introduction of the fee, it is necessary to make the assessment of the burden that will be imposed on the eligible payers.

In this regard, the Ministry of Physical Planning, Civil Engineering and Ecology, in its letter, number 15.04-020-2221/15 of 28 April 2016, submitted to the Ministry of Industry, Energy and Mining, the calculation of the fee for environmental pollution, for emissions from individual sources of pollution, for the biggest air polluters in Republika Srpska, which was done on the basis of annual emissions of SO<sub>2</sub>, NO<sub>2</sub> and particulate matter, according to the data from the annual Report on balance of emissions of air pollutants, which the eligible payers submit to the proponent as the competent authority, according to the values of parameters applied in the Federation of BiH and which are regulated in the Regulation on types of fees and criteria for the calculation of fees for air pollutants (“Official Gazette of Federation BiH”, no. 66/11 and 107/14).

Subsequently, the Ministry of Industry, Energy and Mining, submitted the Opinion no.: 05.05/020-2249-7/15 of 14 June 2016, stating that they have no objections to the Draft Law, however while taking into account all the views expressed in previously delivered opinions. Along with this opinion, an opinion of the subsidiary company “Mining and power plant Ugljevik”, joint-stock company Ugljevik, no. 8295/16 of 31 May 2016 was enclosed, stating that the proposed fees are totally unacceptable for the subsidiary “Mining and power plant Ugljevik”, joint-stock company Ugljevik, not only for the reasons of amount and methodology for their calculation, but also because of a complete disregard of essential facts important for the survival of the aforementioned company and neglect of the key role of subsidiary company “Mining and power plant Ugljevik”, joint-stock company Ugljevik in the power energy system of Republika Srpska, as well as the existential importance of this company for the entire region and Republika Srpska.

Taking into account the aforementioned opinions of the Ministry of Industry, Energy and Mining and the subsidiary company “Mining and power plant Ugljevik”, joint-stock company Ugljevik, which pointed out a need of exempting the aforementioned company from the obligation to pay a fee for environmental pollution, as well as the proposal that the funds generated for financing the protection and improvement of air quality be used primarily for funding implementation of obligations assumed under international treaties, which, *inter alia*, refers to subsidiary company “Mining and power plant Ugljevik”, joint-stock company Ugljevik, that, just like the other power plants in Bosnia and Herzegovina, joined the National Emission Reduction Plan for Bosnia and Herzegovina, which was adopted in accordance with the obligations of all signatories of the Treaty establishing the Energy Community, this authority, as a processor of this Law, due to the aforementioned objections, has decided to make corrections of the Draft Law, in a way of exempting the provisions that regulated the introduction of fees for environmental pollution emissions from individual sources of pollution, which would be paid by the polluters who own or use individual source of emission of SO<sub>2</sub>, NO<sub>2</sub> and particulate matter (dust).

Namely, the aforementioned proposals of the Ministry of Industry, Energy and Mining to exempt the company “Mining and power plant Ugljevik” from the obligation to

pay the fee in the amendments to the Law on Air Protection, and to prescribe that funds generated for financing the protection and improvement of air quality be primarily used to finance the fulfillment of obligations assumed under international treaties, which is primarily related to the aforementioned legal entity, would put other eligible payers at disadvantage, and would lead to the negative financial impacts on their businesses, and therefore would bring into question the constitutionality of provisions of this Law, taking into account that the Constitution of Republika Srpska stipulates equality before the law, and in that respect the equal status of enterprises and other organizations, prohibition of monopolies, and that the duty to pay taxes and other duties is universal.

## **V EXPLANATION OF THE PROPOSED SOLUTIONS**

In Article 1, the change in Article 3 of the Law on Air Protection was made in such a way that the term “fluorinated greenhouse gases” has been replaced by “substitutes”, thus precisely specifying the difference between substances that deplete the ozone layer and greenhouse gas substances. This article was also amended to add a new point an) which defines the term “discharge/source”.

In Article 2, the change in Article 13 of the basic text of the Law was made in a way of changing the existing paragraph 4 and by specifying the information to be provided to the RS Hydrometeorological Institute, and a new paragraph 5 was added prescribing the obligation of the authorized legal entities that have a permit for air quality monitoring to ensure the direct automatic transmission of data from the measuring stations to the central data collection system (server) of the RS administrative organization in charge of hydrological and meteorological affairs. These changes were necessary in order to ensure full implementation of Article 18 of the amendments to this Law, and in order to meet the conditions for the establishment of air quality information system.

In Article 3 a change of Article 37, paragraph 2 was made in the manner of changing the baseline year within the framework of the RS programme, aimed at a greater degree of compliance with the Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001, on the emission ceiling for certain atmospheric pollutants.

In addition, in the Kyoto Protocol, which was ratified by Bosnia and Herzegovina on 16 April 2007, the year 1990 was set as the baseline year for the calculation of emissions, and therefore in Article 37 it is necessary to replace 2000 with 1990.

Within Article 4, a new Article was added, which regulates that large combustion plants that are included in the Plan for reducing emissions of pollutants for Electric Power Industry of Republika Srpska gradually reduce emissions of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and particulate matter, in accordance with the Treaty establishing the Energy Community concluded in 2005 and the legislation adopted for its implementation. This change had to be made in order to implement the Treaty establishing the Energy Community, which regulates the implementation of the relevant directives on energy and environmental protection. With the aforementioned Treaty, Bosnia and Herzegovina has committed to implement the Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on the emission ceiling for certain atmospheric pollutants, which refers to a large the combustion plant, by 31 December 2027.

In accordance with the Decision of the Ministerial Council of the Energy Community on the application of Directive 2001/81/EC of 24 October 2013, Bosnia and Herzegovina has adopted a National Emission Reduction Plan for Bosnia and Herzegovina, which implements provisions of the Treaty establishing the Energy Community and of the aforementioned Directive, in order to reduce emissions of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and particulate matter, for large combustion plants. An integral part of the National Plan is the

Report on the Plan of reduction of pollutants for Electric Power Industry of Republika Srpska, which was adopted by the Government of Republika Srpska with the Conclusion no. 04/1-012-2-2939/15 of 25 December 2015, and with the same Conclusion it acknowledged the National Emission Reduction Plan for Bosnia and Herzegovina.

Within Article 5, Article 44 of the Law was deleted, which was prescribing the obligation of the minister in charge of environmental protection, in cooperation with the Ministry in charge of energy affairs, to issue a regulation on technical measures and requirements pertaining to emission factors for volatile organic compounds, which originate from the process of storage and distribution of oil and oil derivatives, or for storage, loading and unloading installations at depots and for the tanks, loading and unloading installations in retail stores. Deletion of the aforementioned provision was made with regard to the fact that the field of oil and oil derivatives, and in this regard the process of storage and distribution of oil and oil derivatives, are not the responsibility of the Ministry of Physical Planning, Civil Engineering and Ecology, and this will be regulated by a special regulation governing this area, as stipulated in Article 7 of the amendments to this Law.

Within Article 6, the Article 45, paragraph 2 of the Law was amended, by changing the legal basis for the adoption of the Rulebook on the emission of volatile organic compounds, in terms of changing the content of the aforementioned regulation.

Within Article 7, a supplement to Article 47 was made, and new paragraphs 2, 3 and 4 were added, stipulating the establishment of the Inventory of emissions and emission projections, competencies for managing the Inventory, and the obligation of the Minister to issue a special regulation on the methodology for making an Inventory of emissions and emission projections and method of data collection.

Within Article 8, Article 48 of the Law was amended, by defining that the technical requirements pertaining to the quality of fuels placed on the market and used in stationary and mobile sources of pollution, permissible amount of pollutants in fuels, fuel testing methods, the method of determining the quality and proof of compliance with the prescribed limit values, as well as technical measures to be applied in order to reduce emissions of volatile organic compounds originating from the process of storage and distribution of oil derivatives, shall be regulated by a special regulation.

The aforementioned change was made due to the fact that the fuel quality is not the responsibility of the Ministry of Physical Planning, Civil Engineering and Ecology, which will be regulated by a special regulation governing this area.

Within Article 9, Article 50 of the Law was amended by adding new paragraphs 10, 11, 12 and 13, defining the entities that are required to submit data to the RS Hydrometeorological Institute, on the activities by sectors, of discharging or removal of greenhouse gases, as well as the obligation of appointing personnel for performing the duties related to the submission and verification of the aforementioned data.

The change of the aforementioned Article was made so as to provide conditions for full implementation of Article 69 of the Law, as well as for reporting purposes in accordance with assumed international obligations, which, in accordance with this Law, shall be made by the RS Hydrometeorological Institute, which is a reference centre for Republika Srpska for air quality, air emissions and climate change mitigation.

Within Article 10, Article 51 of the Law was amended, for the purpose of creating the legal basis for adoption of a single regulation, the provisions of which will refer to substances that deplete the ozone layer, regulated by this Article, but also on fluorinated greenhouse gases, definition of which was foreseen by a special regulation referred to in Article 52 of the Law. The aforementioned change was made in view of the similarity and the nature of these substances, which, as a consequence, have a negative impact on climate change.

Within Article 11, Article 52 of the Law was amended in a manner of more detailed prescribing of the conditions to be met by legal entities and entrepreneurs that carry out installation, maintenance, servicing and testing the discharge from the equipment and heat pumps, which contain or rely on the substances that deplete the ozone layer or fluorinated gases, as well as the activity of collection and recovery of controlled substances from such equipment and systems and the equipment containing solvents. At the same time, the above specified changes specified the proofs required for the issuance of the aforementioned permit.

Article 12 stipulates that two new Articles shall be added after Article 52.

New Article 52a prescribes the period for which the permit referred to in Article 52 of the Law is issued, then the conditions for a revision of the permit, as well as the manner of proceeding of legal entities and entrepreneurs in the event of changes in meeting the conditions for the issuance of the aforementioned permit.

New Article 52b stipulates the obligation of professional training and exam taking of persons handling substances that deplete the ozone layer, as well as the conditions to be met by public higher education institutions which carry out their professional training. This Article also regulates the legal basis for the adoption of a Rulebook, which will stipulate the manner and procedure of professional training, testing, as well as the detailed conditions to be met by the institutions that provide professional training.

In Article 13 there was a substitution of the phrase “fluorinated greenhouse gases” with the term “substitute” throughout the Law, in accordance with the amendment specified in Article 1 of this Law.

Within Article 14, the Article 54 of the Law was amended, by determining that the register of legal entities and entrepreneurs, who have obtained a permit referred to in Article 52 of the Law, or persons engaged in import/export and placing on the market the substances that deplete the ozone, shall be maintained by the Fund for environmental protection and energy efficiency of Republika Srpska, thereby prescribing the manner and the obligation of submitting the data aimed at keeping the register.

The aforementioned change was made due to the fact that the Ministry does not have the necessary capacity for keeping the register, and taking into account that the Fund is already keeping the records of eligible payers of a fee for environmental pollutants and waste disposal fee, in accordance with the provisions of the Law on Environmental Protection Fund of Republika Srpska (Official Gazette of Republika Srpska, no. 117/11 and 63/14). At the same time, the data, the submitting of which is foreseen with the amendments of this Article, are necessary for the Fund for the purpose of calculating fees for the polluters of the environment.

Article 15 stipulates that after Article 54 a new Article 54a is added, defining Inventory of unintentionally discharged persistent organic pollutants, which was previously regulated in Article 51, paragraphs 4 and 5 of the Law.

Within Article 16, the Article 57, paragraph 1, point g) of the Law was amended by prescribing that the operator, that keeps the records on performed measuring, the results and frequency of measuring, shall submit this information in the form of a report to the RS Hydrometeorological Institute, as administrative organization in charge of hydrological and meteorological affairs. This change was made with regard to Article 15 of the Law on amendments to the Law on Environmental Protection (Official Gazette of Republika Srpska, no. 79/15), which stipulates that the Register of discharge and transfer of pollutants shall be kept by the RS Hydrometeorological Institute, instead of the Ministry.

Within Article 17, Article 59, paragraph 1 of the Law was amended by making the reference to the Law on accreditation of BiH, which stipulates the requirements for accreditation, as well as the competent authority which implements a system of accreditation,

so as to allow the provision of services in the area of accreditation in accordance with international standards and practices.

By Article 18, paragraph 4 of Article 67 of the Law was deleted, which stipulated the obligation of the RS Hydrometeorological Institute to make available the data from the air quality information system free of charge, at the request of local governments. This change was made because these are the data that are public, and in relation to which the Institute has an obligation to inform the public, as well as other bodies and organizations, in the manner prescribed by the Law.

Within Article 19, the Article 69 was amended stipulating that the Hydrometeorological Institute of Republika Srpska shall be the reference centre for air quality, air emissions and climate change mitigation, and that it shall exchange the data on air quality and emissions, for reporting purposes, in accordance with the assumed international obligations, and with the prior approval of the Ministry. The aforementioned change was made due to the fact that the RS Hydrometeorological Institute is in charge of air quality monitoring in the RS network, within its competencies, in accordance with the Law on Air Protection.

Article 20 includes the change of title of Section IX, so that now it reads: "Economic instruments and funding air quality protection and improvement".

Article 21 stipulates that after Article 70 new articles 70a, 70b, 70c, 70d, 70e, 70f, and 70g shall be added.

New Article 70a prescribes the obligation of the polluters to pay a fee for environmental pollution.

New Articles 70b and 70c define the environmental pollution, then the legal entities and natural persons that cause pollution, criteria for calculation of the fee.

New Article 70d prescribes the basis for calculation of fee for environmental pollution.

New Article 70e defines the formula for the calculation of fees for imported substances that deplete the ozone layer.

New Article 70f stipulates that the fee for environmental pollution shall be established by a Decision of the Fund for Environmental Protection and Energy Efficiency of Republika Srpska, as well as the content of the Decision.

New Article 70g stipulates the obligation of submitting a proof of payment to the Fund, as well as proceeding of the Fund in the event of non-payment of the fee.

Article 22 introduced penalties for legal entities that exceed the emission limit values of pollutants into the air, and the reference to the Article 44, paragraph 1 of the Law in Article 75, paragraph 1, point d) was deleted, given that the said provision was deleted in Article 3 of this Law.

Articles 23 and 24 provide for harmonization of penal provisions, that is, Articles 77 and 78 with the amendments stipulated in Article 10 of this Law, and the introduction of penal provisions for entrepreneurs that exceed the limit values for emissions of air pollutants.

Article 25 stipulates that after Article 78 a new Article 78a shall be added, thus introducing penal provisions for legal entities and natural persons who do not act in accordance with Article 2 of this Law.

Article 26 stipulates changes of point c) within Article 79 of the Law, with respect to the changes defined in Article 9 of this Law, and a new point d) was added, having regard to Article 70d, paragraph 3 of this Law.

Article 27 stipulates changes in Article 80, paragraph 1, points d) and e) of the Law, new point g) was added, and paragraphs 2 and 3 were deleted, due to the changes defined in Articles 4, 6, 7, 8 and 11 of this Law.

Article 28 prescribes the entry into force of this Law.

## **VI PARTICIPATION OF PUBLIC AND CONSULTATION IN DRAFTING OF THE LAW**

In drafting this Law, the requirements of Article 4 of the Guidelines on the procedure of the RS Administrative Authorities and consultations in drafting laws (Official Gazette of Republika Srpska, no. 123/08) were met. It is estimated that the Law is of public interest and it will be published on the website of the Ministry of Physical Planning, Civil Engineering and Ecology for the purpose of submitting comments and suggestions.

## **VII IMPACT ASSESSMENT OF LAWS, REGULATIONS AND OTHER GENERAL ACTS IN TERMS OF INTRODUCTION OF NEW, MODIFIED OR ABOLISHING EXISTING FORMALITIES IMPOSING A LOAD ON BUSINESS OPERATIONS**

Ministry of Economic Relations and Regional Cooperation got acquainted with the Draft and with the completed Form on the implementation of the simplified regulatory impact assessment in the preparation and drafting of the draft/proposal of the regulation and after having scrutinised the submitted materials, establishes the following:

In terms of harmonization of the regulation with the strategic documents and the work programme of the Government of Republika Srpska and the National Assembly of Republika Srpska, the proponent stated that the development of this law is planned in the Work Programme of the Government of Republika Srpska and the Work Programme of the National Assembly of Republika Srpska for 2015.

In reference with **the current situation and issues**, the proponent indicated partial compliance of the legislation of Republika Srpska with EU legislation in the field of air protection and the need for further harmonization in the part pertaining to protection of the ozone layer. In addition, there is an obligation of harmonizing the current law with the Decision on amendments of the Decision of the Council of Ministers on the conditions and manner of implementation of the Montreal Protocol and gradual phasing out of substances that deplete the ozone layer, which is in line with the Programme for gradual phasing out of the use of chlorofluorocarbon in BiH until 2030, which the Government of the Republika Srpska adopted with its Conclusion no. 04/1-02-2-2646/13 of 12 December 2013. In addition, in the practice, a number of weaknesses has been observed in terms of proving qualifications of legal entities and entrepreneurs, to perform duties of management of substances that deplete the ozone layer, installation, servicing and testing discharge of refrigeration, air conditioning equipment and fire extinguishing systems. There is also an obligation to comply with the Decision of the Constitutional Court, no. U-24/14 of 7 October 2015, which established the unconstitutionality of Article 20, paragraph 2 of the Law on Environmental Protection Fund Republika Srpska. The aforementioned Article foresees the adoption of specific acts, which define the types of pollution, criteria for calculation of fees and eligible payers, the amount and method of calculating the payment of fees, based on which the Decisions on the payment of fees would be issued to be paid by polluters of the environment, and in the opinion of the Constitutional Court, all important issues related to the fee should be regulated by law.

In reference to **the objectives to be achieved by passing the law**, the proponent indicated that the overall objective of adoption of this Law is ensuring a higher level of environmental protection and human health protection. The specific objectives include: further alignment with EU legislation in the field of air protection, reporting to the Ozone Secretariat on annual consumption of controlled substances, gradual phasing out of substances that deplete the ozone layer, introduction of the obligation of training personnel to perform

duties of management of substances that deplete the ozone layer and further regulating the obligation of payment of a fee for environmental pollution.

In terms of **the consultation process**, the proponent stated to have consulted the Ministry of Finance, Ministry of Justice, Ministry of Agriculture, Forestry and Water Management, Ministry of Industry, Energy and Mining, Ministry of Education and Culture, RS Secretariat for Legislation, RS Administration for Inspection Affairs, RS Hydrometeorological Institute, Fund for environmental protection and energy efficiency of Republika Srpska, public scientific and research Institute of protection and ecology, Economic and Social Council of Republika Srpska, Chamber of Commerce of Republika Srpska. In addition, in accordance with the Guidelines for republic administrative authorities on public participation and consultations in drafting legislation, the Draft was published on the website of the Ministry of Physical Planning, Civil Engineering and Ecology.

In part of the Form referring to the identification of options for the solution of the problem, the proponent stated that the provisions of this Law implement regulatory changes that exclusively imply a legal matter, and this subject matter cannot be regulated in a different way.

In reference to the **impact on the business environment**, the proponent stated that the Draft ensured expansion of the activities and further standardization of the conditions for obtaining permits for legal entities and entrepreneurs who perform duties of management the substances that deplete the ozone layer, installation, servicing and testing the discharge of refrigeration, air conditioning equipment and fire extinguishing systems, which will imply an obligation for payment of the administrative fee, which will be subsequently introduced by a special regulation. In addition, the Draft introduced the obligation of professional training of personnel handling the substances that deplete the ozone layer, and it stipulates that such persons shall bear the costs of professional training and exams, and it is envisaged that the professional training of these persons shall be performed by public higher education institutions. In addition, given that one of the objectives of this Law is gradual phasing out of substances that deplete the ozone layer, the Law will result in withdrawal of certain products from the market, in accordance with the deadlines defined in the HCFC Program.

As regards the **impact on the public budget**, the proponent stated that the Draft will enable collection of the fee for environmental pollution, which will lead to an influx of funds into the public budget, and that it will not cause additional costs for the authorities in charge of enforcement of the regulation.

In reference to **the impact on health and social status of citizens**, the proponent indicated that this Law will have a positive impact on the health status of the citizens, because the provisions of this Law protect the right of citizens to a healthy environment.

In reference to the **impact on the environment**, the proponent indicated that the proposed solution provides for the protection of air quality and the environment. In addition, funds generated from the payment of fee for environmental pollution will be used specifically for the protection and improvement of air quality.

In reference to the **impact on sustainable development**, the proponent indicated that the Draft creates a basis for the sustainable use of natural resources aimed at sustainable development.

When it comes to **enforcement of the regulations**, the proponent stated that in dealing with administrative affairs the Law will be implemented by the Ministry of Physical Planning, Civil Engineering and Ecology and the Fund for Environmental Protection and Energy Efficiency of Republika Srpska, while the inspection supervision over the implementation of the Law will be carried out by the competent inspection. In addition, all entities whose activities are covered by this Law shall be obliged to adhere to the prescribed rules.

Draft Law on amendments to the Law on Air Protection foresees the introduction of a **new formality** – authorization for professional training of persons handling substances that deplete the ozone layer, as well as obtaining certificates of qualification of persons handling substances that deplete the ozone layer. The method and procedure of professional training, knowledge testing and issuing of certificates of qualification of persons handling substances that deplete the ozone layer, as well as the detailed conditions to be met by institutions that carry out the training, shall be prescribed in details in a bylaw.

Ministry of Economic Relations and Regional Cooperation established that the proponent, when applying the simplified process of regulatory impact assessment, has completed the Form and acted in accordance with the methodology prescribed in points VI and VIII of the Decision on implementation of impact assessment process in the drafting of regulations.

## **VIII FUNDING AND ECONOMIC JUSTIFICATION FOR ADOPTION OF THE LAW**

Implementation of this Law does not require additional funds from the budget of Republika Srpska.

**ANNEX**

**THE LAW ON AIR PROTECTION**

(The text of the proposed amendments incorporated in the basic text of the Law)

### Article 3

The terms used herein shall have the following meaning:

- a) “air” is air in the troposphere, which does not include indoor air,
- b) “greenhouse gases” are gases that absorb and reemit infrared radiation and reach the atmosphere as a result of natural processes, but also due to human activities,
- c) “fuel” means any solid, liquid or gaseous combustible material used for combustion in a mobile source of pollution and combustion plant, with the exception of municipal and hazardous waste,
- d) “upper limit of assessment” is a prescribed level of pollutants below which the assessment can be carried out by a combination of measurements and estimation methods based on mathematical models and/or other appropriate estimation methods,
- e) “tolerance limit” is the tolerable percentage of exceeding of the limit value under prescribed conditions,
- f) “limit value” is the highest permissible level of pollutants in the air, determined on the basis of scientific findings, in order to avoid, prevent or reduce harmful effects on human health and/or the environment and that, once reached, cannot be exceeded,
- g) “emission limit value” is the maximum permissible value of concentration of pollutants in waste gases from stationary and mobile sources of pollution that can be discharged into the air in a given period,
- h) “lower limit of assessment” is a prescribed level of pollutants below which the assessment can be carried out only by using assessment methods based on mathematical models and/or other assessment methods,
- i) “contribution to pollution from natural sources” include emissions of pollutants resulting from natural events such as seismic and geothermal activities, forest fires, extreme weather events, including pollen, which are not directly or indirectly caused by human activities,
- j) “long-term goal” is the level of pollutants which is set as a target for a longer period, or if by applying the appropriate measures limit value cannot be achieved within the set deadline,
- k) “emission” means the discharge of pollutants in gaseous, liquid or solid form from a source of pollution into the air,
- l) “emissions of greenhouse gases” means the release of greenhouse gases from the individual and/or diffuse sources into the air,
- m) “pollutant” means any substance (discharged directly or indirectly by a person into the air) present in the air, which has harmful effects on human health and the environment as a whole,
- n) “interested public” is the public affected or is likely to be affected by operations of a plant or by performing of activities, including non-governmental organizations dealing with the protection of the environment, which are registered with the competent authority,
- o) “indicative measurements” are the measurements for which less stringent requirements are set in terms of data quality in relation to those required for fixed measurements,
- p) “the public” includes one or more natural persons or legal entities, their associations, organizations or groups,
- q) “concentration, notified to the public” is the level of pollutant which, if exceeded, poses a danger to the health of particularly vulnerable parts of the population in terms of short-term exposure, which requires an immediate and appropriate informing of the public,

r) “concentration hazardous to human health” is the level of pollutant, which, if exceeded, poses a danger to human health from short-term exposure, and the occurrence of which requires undertaking of immediate appropriate prescribed measures,

s) “critical level” is the level of pollutant based on scientific findings, above which a direct adverse effect may occur on some receptors, such as trees, other plants or natural ecosystems, but not on humans,

t) “maximum emission” is the maximum amount of pollutants expressed in kilotons, which in the RS can be emitted in a calendar year in accordance with the ratified international treaties,

u) “level of pollutant” is concentration of a pollutant in the air or its deposition on surfaces in a given period, by which the quality of air is expressed,

v) “unintentional discharge of persistent organic pollutants” are substances which are persistent, bioaccumulative and toxic, emitted from stationary and mobile sources of pollution, such as: polychlorinated dibenzodioxins and polychlorinated dibenzofurans, polycyclic aromatic hydrocarbons, hexachlorobenzene and polychlorinated biphenyls,

w) “authorized legal entity” is an expert organization accredited as a laboratory for testing, which owns the permit for performing air monitoring and/or measurement of emissions, issued by the ministry in charge of environmental protection (hereinafter: the Ministry)

x) “operator” means any company, other legal entity or entrepreneur that has an environmental permit issued in accordance with the regulations governing environmental protection and that operates the plant, controls it or is authorized to make economic decisions in the field of technical functioning of the plant,

y) “primary rural locations” are the measuring points remote from significant sources of air pollution that are used to provide data on the basic concentrations of pollutants in places that are not directly exposed to air pollution,

z) “primary urban locations” are the measuring points in urban areas where the exposure levels of general urban population to pollutants are representative,

aa) “air quality assessment” means any method used to measure, calculate, forecast and assess the level of pollutants in order to identify areas according to the level of pollution,

ab) “plans and programs” are instruments setting out measures in order to reach the limit and target values, in the event that they are exceeded,

ac) “mobile pollution source” is an internal combustion engine installed in the transportation vehicle or operating machinery,

ad) “combustion plant” is a technical system (combustion chamber), in which fuel is oxidized in order to use the heat thus produced,

ae) “ozone precursors” are substances which contribute to the formation of ground-level ozone,

af) “ground-level ozone” is the ozone found in the lowest layers of the troposphere,

ag) “substances that deplete the ozone layer” are substances that have the potential to damage the ozone layer greater than zero, namely: chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane (methyl chloroform) methyl bromide, bromochlorohydrocarbons, chlorofluorohydrocarbons and bromochloromethane, whether alone or in a mixture, new, collected, recycled or treated, which are controlled in accordance with the Montreal Protocol on Substances that Deplete the Ozone Layer,

ah) “stationary pollution source” is a stationary technical unit, including a combustion plant, in which one or more activities are performed that can lead to air pollution, as well as any other activity which has a technical connection with the activities carried out in this place and that can produce emissions and pollution,

ai) “tolerance value” is the limit value plus the margin of tolerance,  
aj) “total particulate matter” include the total mass of pollutants which arrived from the atmosphere to the surface (e.g. soil, vegetation, water, buildings and other similar places) in a given area, within a given period,

ak) “fixed measurements” include the measurements at fixed locations by continuous or periodic sampling for the purpose of determining the level of pollutants in accordance with the relevant data quality targets,

**al) “substitutes” are fluorinated greenhouse gases, which include: hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride that have the potential to deplete the ozone layer equal to zero”**

am) “target value” is the level of pollutants determined in order to avoid, prevent or reduce harmful effects on human health and/or the environment as a whole, which will be achieved within the set deadline **and**

**“an) “discharge/source” is the controlled discharge point of SO<sub>2</sub>, NO<sub>x</sub> or particulate matters (dust) into the air, which may include one or more of the smoke pipes from which pollutants are discharged into the air, which are located in a common chimney, or whose central axis are not more than 5 m apart, other than for large combustion plants where each block individually is considered as a source, regardless of the method of discharge in the air”.**

#### Article 13

(1) The Ministry shall ensure the implementation of regulations on the air quality control in the RS Network.

(2) The Ministry shall carry out coordination of activities of the RS Network and cooperate with other bodies of the RS Administration, which, on the basis of special regulations, participate in the air quality monitoring, in particular with the authorities in charge of the protection of human health, protection of nature, monitoring of meteorological conditions and similar, as well as with the local governments’ authorities.

(3) Air quality monitoring in the RS Network shall be carried out by the RS administrative organization in charge of hydrological and meteorological affairs and the authorized legal entities, within their competencies.

**(4) The authorized legal entities referred to in paragraph 3 of this Article shall be obliged to submit the following data on performed measuring to the RS administrative organization in charge of hydrological and meteorological affairs:**

**a) data on the results of measurements of concentrations of pollutants at stations for air quality monitoring (hourly or half-hourly averages) in digital form,**

**b) data on the results of the analysis of suspended particles,**

**c) data on the results of measurements of meteorological parameters at the site,**

**d) evidence of calibration of measuring equipment made by reference laboratory,**

**e) data on location, measuring equipment and reference methods of measurement,**

**f) reports on the measurements performed, the level of pollution and the air quality assessment and**

**g) copy of the permit for performing the air quality monitoring.**

**(5) Authorized legal entities that have a permit for air quality monitoring shall be required to ensure the direct automatic transmission of data from the measuring stations to the central data collection system (server) of the RS administrative organization in charge of hydrological and meteorological affairs, aimed at timely warning and informing the public and producing a report on the state of air quality**

#### Article 37

(1) The RS Programme for gradual reduction of the maximum annual emissions in RS of pollutants (hereinafter: the RS Programme) shall be adopted by the Government for a period of four years.

(2) The RS Programme shall include:

a) information on the adopted policy instruments for air protection and measures to reduce emissions of pollutants referred to in Article 26, paragraph 3 of this Law,

b) quantified assessment of the effects of policies and measures referred to in point a) of this paragraph in relation to the emission of pollutants from the year **1990**, which is taken as the baseline,

c) a rough estimate of the possible significant changes in the geographical distribution of maximum emissions in RS

d) other information and documents.

(3) The RS Programme must be accessible to the public and to the interested public.

#### Article 42a

**Large combustion plants, which are covered by the Plan for reducing emissions of pollutants for Electric Power Industry of Republika Srpska, shall gradually reduce emissions of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and particulate matter, in accordance with the Treaty establishing the Energy Community and the legislation adopted for its implementation.**

#### Article 44

**Shall be deleted.**

#### Article 45

(1) Legal entity and entrepreneur that utilize organic solvents in their production process shall apply measures to decrease the value of the emission of volatile organic compounds below the prescribed values.

**(2) The Minister shall issue a regulation governing the procedure for preventing or reducing the direct or indirect environmental effects of emissions of volatile organic compounds, particularly air emissions, emission limit values of volatile organic compounds from installations and the activities using organic solvents, requirements for the installations that use them, as well as the schemes for reducing emissions of volatile organic compounds.**

(3) Scheme for reducing emissions of volatile organic compounds is a prescribed alternative way of reducing emissions of volatile organic compounds.

#### Article 47

(1) Maximum emissions in RS are determined for acidifying and eutrophying pollutants and ozone precursors, for: sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds and ammonia (NH<sub>3</sub>), aiming to improve and protect the environment and human health from the harmful effects of acidification, eutrophication and ground-level

ozone, in order to achieve long-term goals, which include maintaining critical levels and protection of the population.

**(2) For the purpose of monitoring emissions in RS referred to in paragraph 1 of this Article, an Inventory of emissions and emission projections shall be established.**

**(3) RS administrative organization in charge of hydrological and meteorological affairs shall keep the Inventory of emissions and emission projections referred to in paragraph 2 of this Article.**

**(4) Minister shall prescribe a methodology for making an Inventory of emissions and emission projections and method of data collection**

#### Article 48

**Technical requirements pertaining to the quality of fuels placed on the market and used in stationary and mobile sources of pollution, permissible amount of pollutants in fuels, fuel testing methods, the method of determining the quality and proof of compliance with the prescribed limit values, as well as technical measures to be applied in order to reduce emissions of volatile organic compounds originating from the process of storage and distribution of oil derivatives shall be regulated by a special regulation.**

#### Article 50

(1) Greenhouse gases include: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>).

(2) Prevention and reduction of air pollution that is affecting climate change is being implemented through:

a) application of measures for reducing greenhouse gases emissions and  
b) monitoring emissions of greenhouse gases from sources and by monitoring the removal of these gases through sinks.

(3) Measures referred to in paragraph 2, point a) of this Article shall be accomplished:

a) through the development and use of clean technologies that prevent or reduce greenhouse gas emissions,  
b) by encouraging the use of renewable energy sources,  
c) by encouraging energy efficiency and  
d) through activities of increasing removal of greenhouse gases from the atmosphere.

(4) Measures referred to in paragraph 2, point a) of this Article can be implemented within the framework of the Clean Development Mechanism of the Kyoto Protocol.

(5) Implementation of the Clean Development Mechanism, which approves the programs and projects implemented under the clean development mechanism, shall be performed by the Body established by the Government.

(6) The criteria and method of approving the programs and projects implemented within the framework of the Clean Development Mechanism are determined by the regulation of the Government.

(7) Data on emissions and removals of greenhouse gases referred to in paragraph 2, point b) of this Article shall make the Inventory of greenhouse gas emissions.

(8) The RS administrative organization in charge of hydrological and meteorological affairs shall keep the Inventory of greenhouse gas emissions.

(9) The data referred to in paragraph 7 of this Article shall be public.

**(10) The ministries and other bodies in charge of environmental protection, industry, agriculture, forestry, water, official statistics, and public forest enterprise**

**“Šume Srpske” and Public Institution “Vode Srpske”, that collect or possess data on activities by sectors, in view of discharging or disposing of greenhouse gases, necessary for keeping of the Inventory referred to in paragraph 7 of this Article, as well as for the purpose of reporting referred to in Article 69 of this Law, shall deliver these data to the RS administrative organization in charge of hydrological and meteorological affairs.**

**(11) The data referred to in paragraph 10 of this Article shall be delivered free of charge until the end of December of the current year for the previous calendar year.**

**(12) The entities referred to in paragraph 10 of this Article shall be obliged, by the means of a special act, to appoint persons for performing duties in connection with the submission and verification of data on activities, in view of discharging or disposing of greenhouse gases.**

**(13) The Minister shall prescribe the methodology of keeping the Inventory of greenhouse gas emissions and the method of data collection**

#### Article 51

**(1) The Government shall issue a regulation that stipulates:**

- a) the method of gradual phasing out of substances that deplete the ozone layer,**
- b) handling of these substances, substitutes, as well as new controlled substances,**
- c) treatment of products which contain the substances or which are produced by using these substances,**
- d) the method of verifying emissions and control of emissions of these substances,**
- e) handling of these substances after cessation of use of the products and equipment containing them,**
- f) the manner of their collection, recycling and processing and**
- g) the procedure for issuing consents for import, export and placing on the market the substances that deplete the ozone layer.**

**(2) The regulation referred to in paragraph 1 of this Article shall also include:**

- a) a list of substances that deplete the ozone layer,**
- b) a list of products which contain the substances or which are produced by using these substances,**
- c) forms on the records of controlled substances,**
- d) forms of annual reports,**
- e) forms of the applications to be submitted to the Ministry in the process of import and export of substances that deplete the ozone layer and**
- f) the form of the registration sheet for keeping the register referred to in Article 54 of this Law.**

#### Article 52

**(1) Legal entities and entrepreneurs shall obtain a permit from the Ministry to carry out the following activities:**

- a) installation, maintenance or servicing and testing the discharge of substances that deplete the ozone layer or the substitutes from stationary refrigeration and air conditioning equipment and heat pumps, which contain these substances or which are produced using these substances, as well as fire protection systems and fire extinguishers, and**

- b) collection and recovery of substances that deplete the ozone layer from such equipment and systems and equipment containing solvents.**

**(2) The permit referred to in paragraph 1 of this Article shall be issued to the legal entity or entrepreneur who meets the following conditions:**

**a) it is registered for performing activities referred to in paragraph 1 of this Article,**

**b) employs at least one qualified person in the manner prescribed in Article 52b this Law for handling of substances that deplete the ozone layer and/or substitutes and**

**c) is in the possession of equipment for carrying out the activities foreseen in the permit.**

**(3) The request for a permit referred to in paragraph 1 of this Article shall be accompanied by:**

**a) proof of registration for performing of the activities referred to in paragraph 1 of this Article,**

**b) copy of the certificate of competency for employed persons handling substances that deplete the ozone layer, substitutes and new controlled substances and**

**c) proof of possession of equipment for carrying out activities referred to in paragraph 1 of this Article.**

**(4) If a legal entity or entrepreneur referred to in paragraph 1 of this Article also performs the activity of recovery of substances that deplete the ozone layer, during servicing, in addition to the request referred to in paragraph 3 of this Article, it shall also have submit:**

**a) proof of possession of devices for the collection, recovery and physical-chemical analysis of used substances and**

**b) proof that it has the space for temporary storage of collected and recovered substances that deplete the ozone layer or the substitutes, as well as the waste gases, which, by their physical and chemical properties do not correspond to the quality of new substances.**

**(5) The Ministry may require additional data, information or documentation for issuing of a permit.**

**(6) The permit may include one or more of the activities referred to in paragraph 1 of this Article.**

**(7) If a legal entity or an entrepreneur has one or more organizational units (business units or other business premises), the permit referred to in paragraph 1 of this Article shall also apply to each organizational unit for which it is determined that it fulfils the conditions set out in paragraph 2 of this Article.**

#### **Article 52a**

**(1) A permit referred to in Article 52, paragraph 1 hereof shall be issued for a period of five years and may be extended for the next five years.**

**(2) The request for extension of the permit shall be submitted to the Ministry not later than two months before the expiry of the period referred to in paragraph 1 of this Article.**

**(3) Renewal of the permit referred to in paragraph 1 of this Article shall be made by submitting a proof, which substantiates that there has been no change of the conditions based on which the permit, which is subject to renewal, was issued.**

**(4) In the event of a change in terms of meeting of the conditions for permit referred to in paragraph 1 of this Article, legal entity or entrepreneur shall notify the Ministry accordingly, within eight days from the day of change occurrence.**

**(5) The permit may be revoked from the authorized service centre or its validity cannot be extended if an inspection establishes that it has ceased to fulfil the conditions**

**laid down in this Law, or if it fails to remedy the ordered measures within the period specified in the decision on inspection.**

**(6) The Ministry shall publish on its website the list of legal entities and entrepreneurs that have been granted permits with the identified activities foreseen by the permit.**

#### **Article 52b**

**(1) Professional training and exams for the purpose of knowledge tests shall be conducted by persons performing the following activities:**

**a) collecting, verifying emissions, installation and servicing of refrigeration and air conditioning equipment, fire equipment and fire extinguishers,**

**b) collecting of substitutes from high-voltage switchgear at the locations of their owners or users,**

**c) collecting substitutes-based solvents at the locations of owners or users of these substances and**

**d) collecting of substances that deplete the ozone layer or the substitutes from air conditioning systems in motor vehicles at legal entities or natural persons involved in servicing of motor vehicles.**

**(2) Professional training and knowledge tests for the persons referred to in paragraph 1 of this Article shall be performed by public higher education institutions that must have at their disposal:**

**a) appropriate premises for carrying out lectures,**

**b) technical equipment and teaching aids for carrying out theoretical and practical training and**

**c) qualified expert trainers with adequate qualifications and educational degree required for teaching.**

**(3) The institutions referred to in paragraph 2 of this Article shall obtain authorization from the Ministry to carry out professional training of persons referred to in paragraph 1 of this Article.**

**(4) The authorization referred to in paragraph 3 of this Article is an administrative act and shall be issued for a period of five years.**

**(5) The persons referred to in paragraph 1 of this Article shall bear the costs of professional training and exams, the amount of which shall be determined by the public higher education institution referred to in paragraph 2 of this Article, in accordance with a special regulation.**

**(6) The Minister shall prescribe the manner and procedure of professional training, knowledge testing and issuing of certificates of qualifications for the persons referred to in paragraph 1 of this Article, as well as more detailed conditions to be met by the institutions that carry out their professional training.**

#### **Article 53**

**On the territory of the RS the following shall be prohibited:**

**a) production of substances that deplete the ozone layer,**

**b) import and/or export of substances that deplete the ozone layer, which are established by the ratified international treaty, as well as products and equipment containing these substances from the countries or to countries that are not parties to that treaty,**

- c) import and/or export and placing on the market of substances that deplete the ozone layer and **substitutes** without the permit,
- d) import and/or export and placing on the market new products and equipment containing controlled substances, which deplete the ozone layer, except chlorofluorocarbon,
- e) emission of substances that deplete the ozone layer and **substitutes**,
- f) filling of products and equipment containing **substitutes** with the substances that deplete the ozone layer,
- g) washing out with the substances that deplete the ozone layer,
- h) import and/or export, placing on the market and use of disposable reservoir that stores substances that deplete the ozone layer and **substitutes**,
- i) placing on the retail market the substances that deplete the ozone layer and **substitutes** and
- j) import and/or export and placing on the market used products and equipment containing substances that deplete the ozone layer.

#### Article 54

**(1) The legal entities and entrepreneurs that have obtained the permit referred to in Article 52 of this Law, shall keep the records on the types and quantities of collected and used substances that deplete the ozone layer and the substitutes, as well as the quantities of recovered and/or processed substances that deplete the ozone layer.**

**(2) Legal entities and entrepreneurs engaged in import/export and placing on the market the substances that deplete the ozone layer and the substitutes shall keep the records on imported or exported quantities of substances that deplete the ozone layer, the quantities placed on the market, as well as on consumed quantities in own production or in service activity.**

**(3) The entities referred to in paragraph 1 and 2 of this Article shall be obliged to provide the aforementioned information to the Fund for Environmental Protection and Energy Efficiency of Republika Srpska (hereinafter: the Fund) until the end of February of the current year for the previous calendar year, using special forms prescribed by the act of the Government referred to in Article 51 of this Law.**

**(4) The Fund shall keep the Register of legal entities and entrepreneurs referred to in paragraph 1 and 2 of this Article (hereinafter: the Register).**

**(5) The Register shall be kept on a special form to be prescribed by the act of the Government referred to in Article 51 of this Law.**

**(6) The list of legal entities and natural persons from the Register shall be published on the website of the Fund**

#### Article 54a

**(1) Information on unintentionally discharged persistent organic pollutants shall be contained in the Inventory of unintentionally discharged persistent organic pollutants, which shall be maintained by the RS administrative organization in charge of hydrological and meteorological affairs.**

**(2) The information referred to in paragraph 1 of this Article shall be public.**

## Article 57

- (1) The operator shall be obliged to:
- a) submit the data on the stationary pollution source and on any changes to it (reconstruction) to the Ministry and the competent body of the local government,
  - b) ensure regular monitoring of emission and keeping the records thereof,
  - c) ensure continuous measurements of emissions if it is prescribed for certain pollutants and/or sources of pollution independently, using automatic devices for continuous measurement, with the consent of the Ministry,
  - d) ensure control emission measurements through an authorized legal entity, if it performs emission measurements independently,
  - e) provide for prescribed periodical emission measurements, through an authorized legal entity, twice a year, if it doesn't perform continuous measurement of emissions,
  - f) ensure the air quality monitoring following the orders of the competent inspection authority, independently or through an authorized legal entity,
  - g) keep a record of the measurements carried out with data on measurement sites, results and frequency of measurements and to submit the data in the prescribed form to the **RS administrative organization in charge of hydrological and meteorological affairs** and to the competent body of local government, namely:
    - h) for measurements under paragraph 1, points b) and c) of this Article– on a quarterly basis within 15 days from the expiry of the quarter,
    - 2) for measurements under paragraph 1, point e) of this Article–within 30 days from the date of measurement,
    - 3) for measurements on an annual basis–in the form of an annual report no later than 31 January of the current year for the previous calendar year,
  - i) keep a record on the type and quality of raw materials, fuel and waste in the process of incineration, and
  - j) keep a record on the operation of the devices for preventing or reducing emissions of pollutants, as well as measuring devices for measuring emissions.
- (2) The operator shall, at its own expense, implement measures to reduce emissions of pollutants established in the Plan, for its stationary sources of air pollution.

## Article 59

**(1) The authorized legal entities referred to in Article 58, paragraph 1 and 2 of this Law may perform measuring after obtaining a permit from the competent Ministry, if they meet the conditions in terms of personnel, equipment and premises, and if they are technically qualified pursuant to the requirements of BAS ISO/IEC 17025 standard, in accordance with a special regulation**

(2) The Minister shall prescribe in detail the conditions for issuance of permits referred to in paragraph 1 of this Article, as well as the conditions to be met by the legal entity referred to in Article 15, paragraph 4 of this Law.

(3) The permit for the measurement of air quality and/or emissions shall be revoked if the authorized legal entity ceases to meet the prescribed conditions and if it is determined that the authorized legal entity's activities are not performed in accordance with the issued permit and the regulations referred to in Article 9, paragraph 3, Article 18, paragraph 2 of this Law and Articles 41 and 42 of this Law, respectively.

#### Article 67

(1) The information system of air quality is an integral part of a unified information system for environmental protection and it includes:

- a) data of the RS Network and local networks for air quality monitoring, as well as the data obtained from the measurements by the operators,
- b) data on the substances that deplete the ozone layer,
- c) data from the inventory of greenhouse gas emissions and removals by sinks,
- d) data from the Inventory on unintentional discharge of persistent organic pollutants,
- e) measures and plans for the protection and improvement of air quality,
- f) measures and plans for climate change mitigation,
- g) measures and plans for the protection of the ozone layer,
- h) data on exceedances of concentrations hazardous to human health and measures to protect human health and the environment in such cases,
- i) data on the RS administration authorities and on the authorized legal entities who perform the activities of air quality monitoring and measuring levels of pollutants and emissions,
- j) data from the registry of sources of air pollution,
- k) information on performed inspections and imposed measures
- l) other information relevant to air quality.

(2) The air quality information system for the RS shall be managed by the RS administrative organization in charge of hydrological and meteorological affairs.

(3) The RS authorities and organizations, operators and authorized legal entities shall promptly and free of charge provide the information within their competence, as well as other information necessary for the maintenance of the information system on air quality to the RS administrative organization in charge of hydrological and meteorological affairs for the purpose of developing plans and reports, in accordance with this Law.

(4) **Shall be deleted.**

(5) The RS administrative organization in charge of hydrological and meteorological affairs shall collect and enter the data into the air quality information system in accordance with this Law.

#### Article 69

**The RS administrative organization in charge of hydrological and meteorological affairs of the RS is a reference centre for air quality, air emissions and climate change mitigation, which exchanges data on air quality and emissions for reporting purposes, in accordance with international obligations, with the prior approval of the Ministry.**

### **IX ECONOMIC INSTRUMENTS AND FUNDING AIR QUALITY PROTECTION AND IMPROVEMENT**

#### Article 70a

**Polluter of the environment shall be obliged to pay a fee for environmental pollution, in accordance with the law governing the environmental protection and funding and this Law.**

#### Article 70b

**Pollution in terms of this Law is pollution that comes from substances that deplete the ozone layer.**

#### **Article 70c**

**(1) The fee for environmental pollution shall be paid by legal entities and entrepreneurs that cause environmental pollution, which includes importers of substances that deplete the ozone layer.**

**(2) The fee for environmental pollution, for imported substances that deplete the ozone layer, shall be calculated per kilogram of imported substance.**

**(3) The fee referred to in paragraph 2 of this Article shall be paid by legal entities and entrepreneurs engaged in import of substances that deplete the ozone layer, for the purpose of placing them on the market of the RS or for their needs.**

**(4) The obligation to pay a fee under paragraph 2 of this Article shall be incurred at the time of import of substances that deplete the ozone layer.**

#### **Article 70d**

**(1) The basis for calculating a fee for environmental pollution, for imported substances that deplete the ozone layer, is the annual quantity of substances that deplete the ozone layer, according to the data submitted to the Fund by importers of substances that deplete the ozone layer, in accordance with Article 54, paragraph 2 hereof.**

**(2) In addition to the data referred to in paragraph 1 of this Article, the Fund may request from the eligible entities to submit certified copy of permits for the import of substances that deplete the ozone layer for the year for which the fee is calculated, issued by the authority in charge of issuing permits, as well as other evidence to confirm the accuracy of the data referred to in paragraph 1 of this Article.**

**(3) The amount of the fee for one kilogram of imported substance referred to in paragraph 1 of this Article shall be determined by the Government by a special regulation.**

#### **Article 70e**

**The fee referred to in Article 70d of this Law, shall be calculated according to the formula:  $N = NO \cdot E$  where:**

**a) NO – is the amount of fee for imported substances that deplete the ozone layer in convertible marks,**

**b) N – fee for one kilogram of imported substance and**

**c) E – the amount of imported substances that deplete the ozone layer for the reporting period, i.e. the calendar year.**

#### **Article 70f**

**(1) The fee for environmental pollution shall be determined by the decision of the Fund, which sets out the method and deadlines for payment of fee.**

**(2) The decision referred to in paragraph 1 of this Article, for the substances that deplete the ozone layer, shall contain the final calculation of the amount of fee for the**

**previous accrual period that is determined on the basis of the data referred to in Article 54, paragraph 2 of this Law and the amount of fee per kilogram of imported substance.**

#### **Article 70g**

- (1) The eligible payer shall be obliged to submit the proof of payment of fee for environmental pollution to the Fund.**
- (2) If the eligible payer has not paid the amount of fee determined by the decision referred to in Article 70f of this Law within the prescribed deadline, the Fund shall send a notice to the eligible payer, reminding it to settle the liability accrued for payment and notifying it on the manner and deadline for the payment of the debt.**

#### Article 74

(1) In performing the inspection, the inspector, in addition to general authorities prescribed by the law governing the inspections, also has the authority:

a) to prohibit the work in case that the identified irregularities are not eliminated within the set deadline for elimination of the irregularities,

b) to prohibit the operation of stationary pollution source or order taking of other appropriate protection measures until the emission and levels of air pollutants are reduced to the limit value,

c) to order obtaining results of measurement of the emissions and/or levels of air pollutants through an authorized legal entity and prohibit operations if the results of the measurements are not submitted for review within the given deadline,

d) to order, in the course of the inspection, performing of the control measurements of emissions and/or levels of air pollutants through another authorized legal entity when the operator independently or through designated authorized legal entity performs the measurement, and the results of the measurements performed provide a basis for it,

e) to propose revoking of the permit for performing measurement of emission and/or air quality monitoring if these tasks are not performed in accordance with the law,

f) to prohibit operations of stationary pollution source or other activity that is performed contrary to this Law,

g) to prohibit handling of substances that deplete the ozone layer and **substitutes**, as well as the products containing such substances or which have been produced by using such substances, contrary to this Law,

h) to prohibit the activities of servicing and exclusion from use, or collection, recycling and processing of products containing substances that deplete the ozone layer, or **substitutes** if it is established that such activities are performed by a person without the permit or propose revoking of the permit for performing these activities, if a person ceases to meet the prescribed condition and

i) to prohibit the import and/or export of substances that deplete the ozone layer and **substitutes** for which no permit has been issued.

#### Article 75

(1) A fine ranging from 2,000 KM to 20,000 KM shall be imposed on a legal entity if it:

- a) exceeds the limit and/or target values of air pollutant levels (Article 19)
- b) exceeds the tolerance values of air pollutants levels (Article 20)
- c) exceeds the emission limit values of air pollutants (Articles 41 and 42)**
- d)** produces substances that deplete the ozone layer (Article 53, paragraph 1, point a)
- e)** imports and/or exports substances that deplete the ozone layer, or products and equipment containing these substances, which are established in a ratified international treaty from the countries or to the countries not parties to that treaty (Article 53, paragraph 1, point b),
- f)** imports and/or exports and places on the market substances that deplete the ozone layer and fluorinated greenhouse gases without a permit (Article 53, paragraph 1, point c),
- g)** imports and/or exports and places on the market used products and equipment that contain substances that deplete the ozone layer (Article 53, paragraph 1, point j)
- h)** designs, builds and/or produces, equips and maintains air pollution sources that discharge pollutants into the air in an amount greater than the emission limit values (Article 55, paragraph 1)
- i)** fails to remedy the defect or disruption, or does not adapt the operations to the new situation or fails to suspend the technological process so that the emission could be reduced to permissible limits as soon as possible in accordance with Article 55, paragraph 2 of this Law,
- j)** fails to take technical and technological measures or fails to suspend technological process so as to reduce the concentration of pollutants to the prescribed limit values in accordance with Article 55, paragraph 3 of this Law,
- k)** fails to apply measures that may lead to the reduction of odour, although the concentration of emitted substances in the waste gas is below the emission limit values in accordance with Article 55, paragraph 4 of this Law,
- l)** newly built or reconstructed stationary source of air pollution starts with the operations without a permit referred to in Article 56, paragraph 1 of this Law,
- m)** fails to ensure regular emission monitoring and fails to keep the relevant records (Article 57, paragraph 1, point b)
- n)** fails to provide for continuous measurements of emissions when it is prescribed for certain pollutants and/or sources of pollution independently, by automatic devices for continuous measurement (Article 57, paragraph 1, point c)
- o)** fails to ensure the control measuring of emissions through an authorized legal entity, if it performs the emission measurements independently (Article 57, paragraph 1, point d)
- p)** fails to ensure prescribed occasional emission measurements, through an authorized legal entity, twice a year, if it does not perform continuous measurement of emissions (Article 57, paragraph 1, point e) and
- q)** fails to ensure air quality monitoring following the order by the competent inspection authority, either independently or through an authorized legal entity (Article 57, paragraph 1, point f).

(2) For the offense referred to in paragraph 1 of this Article, the responsible person in the legal entity shall be fined from 1,000 to 3,000 KM.

#### Article 77

(1) A fine ranging from 1,500 KM to 15,000 KM shall be imposed on a legal entity if it:

a) fails to draw up the Plan of operator for reducing emissions from stationary sources referred to in Article 39, paragraph 1 and 2 of this Law,

**b) performs activities of installation, maintenance, servicing or testing the discharge of equipment containing substances that deplete the ozone layer or the substitutes, or which was produced by the use of such substances, as well as the activity of collection and recovery of such substances and such equipment without the permit of the Ministry (Article 52, paragraph 1),**

c) imports and/or exports and places on the market new products and equipment which use the controlled substances that deplete the ozone layer, except chlorofluorocarbon (Article 53, paragraph 1, point d)

d) emits substances that deplete the ozone layer and **substitutes** (Article 53, paragraph 1, point e)

e) fills the systems that use **substitutes** with the substances that deplete the ozone layer (Article 53, paragraph 1, point f)

f) washes out with the substances that deplete the ozone layer (Article 53, paragraph 1, point g)

g) places on the market and uses disposable reservoirs that store substances that deplete the ozone layer and **substitutes** (Article 53, paragraph 1, point h)

h) places on the retail market the substances that deplete the ozone layer and **substitutes** (Article 53, paragraph 1, point i)

i) fails to submit the data on the stationary source of air pollution and any changes thereof (reconstruction) to the Ministry and the competent body of the local government (Article 57, paragraph 1, point a)

j) fails to keep the records on performed measurements with the data on measurement sites, results and frequency of measurements (Article 57, paragraph 1, point g)

k) fails to keep the records on the type and quality of raw materials, fuels and waste in the incineration process (Article 57, paragraph 1, point h)

l) fails to keep the records on operations of devices for preventing or reducing the emission of pollutants, as well as measuring devices for the emission measurements (Article 57, paragraph 1, point i)

m) fails to perform measurement of air quality and/or emissions in compliance with Article 58 of this Law,

n) starts performing measurements prior to obtaining a permit from the Ministry (Article 59, paragraph 1)

o) fails to perform the measurement of air quality and/or emissions in compliance with Article 60, paragraph 1 of this Law and

p) starts performing measurements without the permit of the Ministry (Article 60, paragraph 2).

(2) For the offense referred to in paragraph 1 of this Article the responsible person in the legal entity shall be fined from 500 to 1,000 KM.

(3) For the offense referred to in paragraph 1 of this Article, a protective measure of prohibition to carry out certain activities may be imposed to a legal entity, and a prohibition for the responsible person to perform certain duties, for a period of not less than 30 days nor longer than six months.

## Article 78

(1) A fine ranging from 1,000 KM to 10,000 KM shall be imposed to an entrepreneur if it:

- a) exceeds the limit and/or target values of air pollutants levels (Article 19)
- b) exceeds the tolerance values of air pollutants levels (Article 20)
- c) fails to draw up a Plan of operator for reducing emissions from stationary pollution sources referred to in Article 39, paragraphs 1 and 2 of this Law,
- d) exceeds the emission limit values of air pollutants (Article 41 and 42)**
- e) fails to apply measures to reduce emissions of volatile organic compounds (Article 44, paragraph 1 and Article 45, paragraph 1)
- f) performs activities of installation, maintenance, servicing or testing the discharge of equipment containing substances that deplete the ozone layer or the substitutes, or which was produced by the use of such substances, as well as the activity of collection and recovery of such substances and such equipment without the permit of the Ministry (Article 52, paragraph 1),**
  - g) produces substances that deplete the ozone layer (Article 53, Paragraph 1, point a),
  - h) imports and/or exports substances that deplete the ozone layer, or products and equipment containing these substances, which are established in a ratified international treaty from the countries or to the countries not parties to that treaty (Article 53, paragraph 1, point b),
  - i) imports and/or exports and places on the market substances that deplete the ozone layer and **substitutes** without a permit (Article 53, paragraph 1, point c),
  - j) imports and/or exports and and places on the market new products and equipment that contain controlled substances that deplete the ozone layer except chlorofluorocarbon (Article 53, paragraph 1, point d)
  - k) emits the substances that deplete the ozone layer and **substitutes** (Article 53, paragraph 1, point e)
  - l) fills in the systems that use **substitutes** with the substances that deplete the ozone layer (Article 53, paragraph 1, point f)
  - m) washes out with the substances that deplete the ozone layer (Article 53, paragraph 1, point g)
  - n) places on the market and uses disposable reservoirs that store substances that deplete the ozone layer and **substitutes** (Article 53, paragraph 1, point h)
  - o) places on the retail market the substances that deplete the ozone layer and **substitutes** (Article 53, paragraph 1, point i)
  - p) fails to remedy the defect or disruption, or does not adapt the operations to the new situation or fails to suspend the technological process so that the emission could be reduced to permissible limits as soon as possible in accordance with Article 55, paragraph 2 of this Law,
  - q) fails to take technical and technological measures or fails to suspend technological process so as to reduce the concentration of pollutants to the prescribed limit values in accordance with Article 55, paragraph 3 of this Law,
  - r) fails to apply measures that may lead to the reduction of odour, although the concentration of emitted substances in the waste gas is below the emission limit values in accordance with Article 55, paragraph 4 of this Law,

s) fails to submit the data on the stationary source of air pollution and any changes thereof (reconstruction) to the Ministry and the competent body of the local government (Article 57, paragraph 1, point a)

t) fails to ensure regular emission monitoring and fails to keep the relevant records (Article 57, paragraph 1, point b)

u) fails to provide for continuous measurements of emissions when it is prescribed for certain pollutants and/or sources of pollution independently, by automatic devices for continuous measurement (Article 57, paragraph 1, point c)

v) fails to ensure the control measuring of emissions through an authorized legal entity, if it performs the emission measurements independently (Article 57, paragraph 1, point d)

w) fails to ensure prescribed occasional emission measurements, through an authorized legal entity, twice a year, if it does not perform continuous measurement of emissions (Article 57, paragraph 1, point e)

x) fails to ensure air quality monitoring following the order by the competent inspection authority, either independently or through an authorized legal entity (Article 57, paragraph 1, point f).

y) fails to keep the records on performed measurements with the data on measurement sites, results and frequency of measurements (Article 57, paragraph 1, point g)

z) fails to keep the records on the type and quality of raw materials, fuels and waste in the incineration process (Article 57, paragraph 1, point h)

aa) fails to keep the records on operations of devices for preventing or reducing the emission of pollutants, as well as measuring devices for the emission measurements (Article 57, paragraph 1, point i) and

ab) starts performing measurements without the permit of the Ministry (Article 60, paragraph 2).

(2) For the offense referred to in paragraph 1 of this Article, a protective measure of prohibition to carry out certain activities may be imposed to an entrepreneur, and a prohibition for the responsible person to perform certain duties, for a period of not less than 30 days nor longer than six months.

#### **Article 78a**

**(1) A fine ranging from 1,500 KM to 7,000 KM shall be imposed on a legal entity for the offense if it:**

**a) fails to submit the data to the RS administrative organization in charge of hydrological and meteorological affairs in the prescribed manner (Article 13, paragraphs 4 and 5)**

**b) fails to submit the data to the Fund in the prescribed manner and within the prescribed deadline (Article 54, paragraph 3) and**

**c) fails to pay the fee in the prescribed manner and within the prescribed deadlines (Article 70f).**

**(2) For the offense referred to in paragraph 1 of this Article, the responsible person in the legal entity shall be fined from 500 KM to 2,000 KM.**

**(3) For the offense referred to in paragraph 1 of this Article, a fine shall be imposed on the entrepreneur in the amount from 1,000 to 5,000 KM**

## Article 79

At the proposal of the Ministry, within the period of one year from the date of entry into force of this Law, the Government shall issue:

- a) regulation on the requirements for air quality monitoring on the territory of the RS referred to in Article 9, paragraph 3 of this Law,
- b) regulation on the air quality control and values referred to in Article 11, paragraph 3 and Article 18, paragraph 2 of this Law and
- c) a regulation governing the treatment of substances that deplete the ozone layer and the substitutes referred to in Article 51, paragraph 1 of this Law and**
- d) the regulation referred to in Article 70d, Paragraph 3 of this Law.**

## Article 80

(1) Within one year from the date of entry into force of this Law, the Minister shall issue:

- a) Rulebook on keeping the records on concentrations and sources of exceedances of air quality values referred to in Article 24, paragraph 3 of this Law,
  - b) Rulebook on measures to prevent and reduce air pollution and improve the air quality referred to in Articles 41 and 42 of this Law,
  - c) Rulebook on the emission of volatile organic compounds referred to in Article 45, paragraph 2 of this Law,
  - d) Rulebook on the method and procedure for professional training, knowledge testing and issuing of certificates of qualification of persons handling substances that deplete the ozone layer and the substitutes, as well as the detailed conditions to be met by institutions that perform their training referred to in Article 52b of this Law,**
  - e) Rulebook on the methodology for making an Inventory of emissions and emission projections and the method of collecting the data referred to in Article 47, paragraph 4 of this Law,**
  - f) Rulebook on the procedure and conditions for issuing permits for the air quality monitoring referred to in Article 59, paragraph 2 and article 60, paragraph 3 of this Law **and**
  - g) Rulebook on the methodology of keeping the Inventory of greenhouse gases and the method of collecting the data referred to in Article 50, paragraph 13 of this Law.**
- (2) Shall be deleted.**
- (3) Shall be deleted.**