

**WORKSHOP ON ILLEGAL TRAFFIC
BRATISLAVA, SLOVAK REPUBLIC
3 TO 5 OCTOBER 2006**

QUESTIONNAIRE NO. 1

Country: BOSNIA AND HERZEGOVINA
Government entity completing the questionnaire: INDIRECT TAXATION AUTHORITY OF BOSNIA AND HERZEGOVINA
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I. Procedures established to manage transboundary movements of hazardous wastes and other wastes

(a) Relevant rules, regulations, laws and administrative measures

1. Have you received training in your country on: i) the Basel Convention and its procedures; ii) the EU law and its procedures; iii) the UN Recommendations on the Transport of Dangerous Goods; and/or iv) the Globally Harmonized System of classification and labelling of chemicals (GHS)?

No, we have not.

2. Has your country enacted legislation that regulates the transboundary movement of hazardous wastes and other wastes? If yes, please specify.

There is not a separate law on transboundary traffic of hazardous and other wastes. That issue was regulated by the Law on Waste Management at the level of entities in Bosnia and Herzegovina (Republic of Srpska and Federation of Bosnia and Herzegovina) and in District Brčko.

3. Has the national legislation enacted in your country been harmonised with the requirements established by the Basel Convention and relevant EU legislation?

Yes, it has been to a great extent. There was enacted a set of laws on environment protection, such as: Common Law on Environment Protection, Law on Protection of Nature, Law on Protection of Air, Law on the Fund for Environment Protection and other sub-acts for the implementation of these laws.

4. Has your country prohibit the import of hazardous wastes for disposal? **Yes, it has.**
5. Does your national legislation consider any wastes other than those covered by the Basel Convention and EU legislation, as hazardous?

Yes, the list of wastes (based on the features of waste and its origin), including hazardous waste, has been enlarged compared to the List of the Basel Convention.

6. Does your national legislation impose any additional requirements to those contained in the Basel Convention for the export, transit, or import, of hazardous wastes? **No, it does not.**
7. What procedure do applicable rules require you to follow when a shipment of hazardous wastes or other wastes: i) is exported from your country; ii) is transiting through your country; and iii) is imported into your country?

The verification procedure in order to check: if the consignment is accompanied with all necessary documentation (permits, approvals, transport documentations), if the data from JCI are compatible with the documentation, if the consignment is properly marked, if the itinerary for transport of the consignment has been followed, etc.

8. Which governmental agency in your country has the main responsibility for managing transboundary movements of hazardous wastes and other wastes? Are there other governmental agencies involved? If yes, please specify: i) the role played by each entity (for example, data collection, verification of notifications and other data, investigation, prosecution), and ii) the legislation under which that role is conferred.

These are Indirect Taxation Authority and State Border Service. Depending on the case and type of waste, where applicable, the inspections from proper ministries are involved, as well as police and prosecuting authorities, and everybody within his/her competences takes certain actions; the information, data and other notices are being exchanged to solve a problem.

9. Has a task force been established to coordinate their activities? If yes, what is the structure and procedures of the task force? If no, how is the exchange of information and cooperation between these agencies organised? Are there bottlenecks? **No, it has not.**

Do the governmental agencies identified in paragraph 6 cooperate/coordinate with other entities at the European/international level? How is the exchange of information between these entities organised? Has your country faced difficulties with this cooperation?

10. **The Indirect Taxation Authority of Bosnia and Herzegovina maintains cooperation with the customs administrations of some countries in customs matters on the basis of bilateral agreements signed with those customs administrations. If required, there is established cooperation in transboundary traffic of waste. Furthermore, there has been established cooperation in implementation of the Basel Convention through the Secretariat of Basel Convention and international workshops.**

11. Does your country contribute to an international customs network? What are your experiences with this network? **Yes, it does.**

12. How do you receive/transmit information from/to the Focal Point and/or the Competent Authority of the Basel Convention? Have you faced any difficulties in this communication?

The information from/to the focal point of the Basel Convention are received/transmitted either in writing or verbally – as it is the most appropriate for a particular situation, in order to achieve a goal relating to data transmission.

13. How do you receive information concerning: i) wastes other than those listed in the Annexes to the Basel Convention that are considered hazardous by other countries; and ii) import bans of other countries relating to hazardous wastes? Have you faced problems in receiving this type of information?

The answer is same as above.

(b) Practical aspects, including safety measures

14. Have you received training in your country on how to handle cargos that contain hazardous wastes and other wastes? **No, we have not.**

15. Has your country a training academy for customs officers? If yes, do the curricula of the academy include environmental modules? Is the environmental authority in your country involved in the training of the academy?

There is not a training academy for customs officers in Bosnia and Herzegovina. However, the customs officers are being educated, through technical seminars and other forms of education, for implementation of customs procedures relating to transboundary traffic of goods including, to a certain extent, transboundary traffic of wastes.

16. What procedure do you have to verify whether a cargo conforms to the accompanying documentation, when the cargo is: i) exported from your country; ii) transiting through your country; or iii) imported into your country?

Same answer as for the question number 7.

17. Do the procedures to be applied depend on the means of transport, the type of container and packing used?

There is not a significant difference.

18. What percentage of the i) imported, ii) transiting, and iii) exported, cargo is checked in your country? How do you make the selection?

iii) Exported cargo checked in Bosnia and Herzegovina: 6,295 tonnes in 2002; 7,094 tonnes in 2003 and 6,560 in 2004 (information provided by the focal point for the Basel Convention). Bosnia and Herzegovina has neither facilities nor capacity for recycling of waste and consequently for imported wastes intended only for the activities of return of material (information provided by the focal point for the Basel Convention).

19. Do you have any safety measures for handling suspicious cargos in place? **No, we do not.**
20. Have you faced problems in identifying the type of wastes contained in a cargo? If yes, please specify what type.

21. Do you keep any records of i) the amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification; and ii) the amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods? Has your country created databases containing the latter information? If yes, please explain how do the databases operate?

There is not a specific database apart from the data provided by customs administrations (JCI) relating to transboundary traffic of goods. The competent ministries for environment protection have their own databases (based on data on given permits and notices on their implementation).

II. Procedures established to prevent, identify, monitor and manage cases of illegal traffic of hazardous wastes and other wastes

22. Has your country enacted legislation that prevents and punishes illegal traffic of hazardous wastes and other wastes? If yes, please specify.

There has not been enacted a law on this issue. However, the Law on Waste Management foresees violations and fines regarding illegal traffic of hazardous and other wastes.

23. How is illegal traffic of hazardous wastes and other wastes defined in your national legislation? What are the penalties under your national legislation?

The Law on Waste Management foresees violations and fines regarding illegal traffic of hazardous and other wastes. On the basis of this Law, the fines for legal persons range from 500 € to 5,000 €. The fines for responsible (natural) person range from 250€ to 850€.

24. Has the national legislation regulating the illegal traffic of hazardous and other wastes been harmonised with the requirements established by the Basel Convention and relevant EU legislation, in particular, Waste Shipment Regulation 259/93?

Yes, it has and to a great extent.

25. Have you identified any gaps in the national legislation regulating the illegal traffic of hazardous and other wastes?

The transboundary traffic of hazardous and other wastes has not been adequately regulated particularly regarding issues of waste control before packing and marking, taking measures by customs and other authorities in cases of suspected cargo or identifying illegal transboundary traffic of hazardous wastes and cooperation of competent authorities in handling these cases.

26. What procedure do you apply when you have determined that a cargo may be illegal traffic? For example, do you turn it back? Do you seize the suspect shipment and conduct an investigation? Do you contact the country of export / transit / import?

We do not have experience in similar cases. However, in that case we would inform the competent ministry for environment protection to advise us on further actions.

27. Do different procedures apply depending on whether your country is: i) the export state; ii) the transit state; or iii) the import state? If so, what procedures apply in each case?

Same answer as above.

28. Which governmental agency is responsible and which are the procedures to be followed for investigating suspected cases of illegal traffic of hazardous wastes and other wastes in your country? Are there other entities involved? If yes, please specify.

Same answer as above. Furthermore, the inspections from competent ministries for waste control and police and prosecuting authorities can be involved in similar cases, depending on the situation and its development.

29. If several governmental agencies are involved, what are the responsibilities of each agency? How is the exchange of information and cooperation between these agencies organised? Are there bottlenecks?

Each agency would act within its competences . Those institutions would agree on the way in which they would exchange information and which would ensure achievement of a goal.

30. Are there joint inspections with: i) other agencies and ii) other countries? Has your country faced any problems when carrying out joint inspections? If yes, how can these inspections be improved?

There have not been such activities.

Are there any other comments that you would like to make?
