

# SWiPE

Successful  
Wildlife Crime  
Prosecution  
in Europe.

## Analysis of the effectiveness of wildlife crime prosecution in Bosnia and Herzegovina National report



**TRAFFIC**



The SWiPE project has received funding from the LIFE Programme of the European Union.

PARTNERS



**TRAFFIC**

Pravosudna akademija



[Analysis of the effectiveness of wildlife crime prosecution in Bosnia and Herzegovina. National report]

**Publication information**

Published in March 2022  
WWF ADRIA  
Gundulićeva 63  
10 000 Zagreb  
Croatia

Through the LIFE SWiPE project (2020-2023)

Authors: WWF ADRIA, in cooperation with consulting in environmental and nature protection - Mrav

The following report was compiled through the LIFE funded “Successful Wildlife Crime Prosecution in Europe” LIFE19 GIE/BG/000846 project (“SWiPE”). LIFE SWiPE project is a consortium of partners including [WWF Bulgaria](#) (lead partner), [State Attorney’s Office of the Republic of Croatia](#), [Fauna & Flora International](#) (in [Romania](#)), [Judicial Academy Croatia](#), [WWF Adria - Serbia](#), [WWF Adria](#), [WWF Spain](#), [WWF Hungary](#) & [TRAFFIC](#), [WWF Italy](#), [WWF Poland](#), [WWF Romania](#), [WWF Slovakia](#), and [WWF Ukraine](#) (associated beneficiaries).

The project partners gratefully acknowledge funding support from the European Commission, the Environmental Protection and Energy Efficiency Fund and the Government of the Republic of Croatia Office for Cooperation with NGOs.

All content and opinions expressed in this publication are solely those of WWF ADRIA.

The designations of geographical entities in this publication, and the presentation of the material, do not imply the expression of any opinion whatsoever on the part of the consortium or the authors of this report or their supporting organizations concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Project webpage: [StopWildlifeCrime.eu](http://StopWildlifeCrime.eu).

© 2022 WWF ADRIA. All rights reserved. The photographs and the texts must not be reproduced or copied in electronic or any other form, nor proliferated without the prior approval of the author and the publisher.

Recommended citation: Successful Wildlife Crime Prosecution in Europe (2022). BOSNIA AND HERZEGOVINA. National report. Analysis of the effectiveness of wildlife crime prosecution in Bosnia and Herzegovina.

# Table of contents

List of Figures	3
List of Tables	3
Abbreviations and acronyms	4
I. Executive summary	5
II. About the project	7
II. 1. Aims and main objectives	7
II. 2. Definitions	7
III. Methodology	9
III.1. Scope of the report	9
III.2. General methodology for data collection	9
III.3. Methodological notes – specificities of survey in Bosnia and Herzegovina – accessibility, completeness and consistency of data	10
IV. General information about Bosnia and Herzegovina	11
V. Legislation concerning wildlife crime and competences	13
V.1. Legislation and provisions on wildlife crime	13
V.2. Analysis of the competent public authorities	40
VI. Analysis of infringements related to wildlife conservation	50
VI.1. Statistical analysis	50
VI.2. Effectiveness and problems at different stages of combating wildlife crime	58
VII. Conclusions and recommendations	60
VIII. Bibliography	63

## List of Figures

Figure 1. Number trend of charges, indictments and conviction judgements for environmental crimes in the Federation of BiH (2015–2020)	53
Figure 2. Number trend of charges, indictments and conviction judgements for environmental crimes in Republika Srpska (2015–2020)	54

## List of Tables

Table 1. General information about Bosnia and Herzegovina	11
Table 2. Overview of criminal offences and misdemeanours against protected species with a range of sanctions and competent authorities	26
Table 3. List of competent authorities with an overview of competencies	40
Table 4. Number of charges, indictments and conviction judgements for environmental crimes in the Federation of BiH (2015–2020)	53
Table 5. Number of charges, indictments and conviction judgements for environmental crimes in Republika Srpska (2015–2020)	54
Table 6. Structure of observed criminal offences in the Federation of BiH (2015–2020)	54
Table 7. Structure of observed criminal offences in Republika Srpska (2015–2020)	55
Table 8. Court decisions and imposed criminal sanctions for observed criminal offences in the Federation of BiH (2015–2020)	56
Table 9. Court decisions and imposed criminal sanctions for observed criminal offences in Republika Srpska (2015–2020)	56

# Abbreviations and acronyms

AEWA – the African-Eurasian Migratory Waterbird Agreement (AEWA)

BiH – Bosnia and Herzegovina

BD – Brčko District

CIC – International Council for Game and Wildlife Conservation

CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora

Art. – Article

EAS – Environmental Approximation Strategy

ESAP BiH – Environmental Strategy and Action Plan of Bosnia and Herzegovina (cro. *Strategija i akcijski plan zaštite okoliša Bosne i Hercegovine*)

EU – European Union

EUROPOL – European Union Agency for Law Enforcement Cooperation

FACE – European Federation for Hunting and Conservation

FBiH – Federation of Bosnia and Herzegovina

INTERPOL – *International Criminal Police Organization*

KEAP – Cantonal environment action plans (cro. *Kantonalni plan zaštite okoliša*)

FBiH CC – Federation of Bosnia and Herzegovina Criminal Code (cro. *Kazneni zakon Federacije Bosne i Hercegovine*)

RS CC – Republika Srpska Criminal Code (cro. *Kazneni zakon Republike Srpske*)

LEAP – Local environment action plans (cro. *Lokalni akcijski planovi zaštite okoliša*)

MVTEO – Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa Bosne i Hercegovine*)

RS – Republika Srpska

SEI – Stockholm Environment Institute

para. – paragraph

VSTV BiH – High Judicial and Prosecutorial Council of Bosnia and Herzegovina (cro. *Visoko sudsko i tužiteljsko vijeće Bosne i Hercegovine*)

FBiH CPA – Criminal Procedure Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o kaznenom postupku Federacije Bosne i Hercegovine*)

RS CPA – Criminal Procedure Act of Republika Srpska (cro. *Zakon o kaznenom postupku Republike Srpske*)

# I. Executive summary

Environmental and wildlife crimes are one of the most lucrative branches of organized crime in the world, along with trafficking in human beings, drugs and weapons. Despite the existence of various international conventions and legal instruments of the European Union, such activities cause a significant decline in biodiversity, and they can lead to the extinction of animal and plant species in Europe and the world. Within the LIFE project “Successful Wildlife Crime Prosecution in Europe” (hereinafter: the LIFE SWiPE project), the National Report named “Analysis of the effectiveness of combating wildlife crime in Bosnia and Herzegovina” was prepared. The Report contains an overview of the legislative and institutional framework of nature protection in Bosnia and Herzegovina, an analysis of collected data on wildlife crimes for the 2015 – 2020 period, and a set of recommendations for improving the system aimed at combating wildlife crimes in Bosnia and Herzegovina.

There are no official data in Bosnia and Herzegovina which could serve as a basis to determine the real scale of wildlife crime in that country. Most of the data and analyses are the result of the work of the non-governmental sector, and the topic of punishable acts to the detriment of birds in the country is the best researched. There are problems with collecting and managing information on the state of nature in the whole country.

It is assumed that there is a large disparity between the number of committed and detected wildlife crimes due to lack of awareness of institutions in Bosnia and Herzegovina and the general public about the importance and consequences of wildlife crimes, and insufficient capacity in nature protection institutions and the judiciary. The small number of proceedings initiated against perpetrators of punishable acts leads to the conclusion that direct surveillance on the ground is not effective.

The institutional and legislative framework for nature protection in Bosnia and Herzegovina is complex and uneven due to its fragmentation at four administrative levels - state, entity, cantonal and municipal, and the situation is similar in the judicial system. Due to the complex state structure, the process of adopting regulations and decisions making is slow and inefficient, and the division of competencies between individual levels of government and institutions is often not clear enough. The state level has no direct competence in the nature protection sector in Bosnia and Herzegovina, and there is no umbrella legislation on nature protection or a body that would coordinate nature protection issues at the state level.

By transposing international and European obligations into the domestic legal order some progress in the nature protection and justice sector in the country has been made, but it is limited and progressing at different speeds at the entity level. The analyses so far point out the lack of human, organizational, technical and financial capacities at all levels of government in the nature protection sector and in the judicial structures, as well as the lack of cooperation between institutions.

Entities do not prescribe the same criminal offenses and misdemeanours related to nature protection, while for similar criminal offenses different sanctions are prescribed. The courts pursue a lenient penal policy regarding wildlife crime.

There is much room for improvement in Bosnia and Herzegovina. Although lists of protected species have been adopted in both entities, most of the protected wild species

under international and European legislation do not enjoy the protection status in Bosnia and Herzegovina. With limited success in transposing the EU rules, the problem is poor or no implementation of existing nature protection regulations.

A unique and organized approach to combating wildlife crime can be achieved by adopting a national strategy and action plan for nature protection, drawing up a single protocol for coordinated work of the authorities involved in combating this type of crime, and harmonizing the case law.

The staffing capacity of all services responsible for combating wildlife crime needs to be strengthened, in particular the capacity of expert bodies for nature protection and inspectorates by employing additional persons. Also, it is necessary to ensure adequate financial and human capacities to strengthen surveillance and detection activities, as well as regularly train competent state and public officials (rangers, inspectors, police officers, prosecutors, and judges) on the topic of combating wildlife crime. It is necessary to raise the awareness of the competent authorities and the public of the significance and impact of this type of crime on nature and society as a whole.

## II. About the project

### II. 1. Aims and main objectives

Wildlife crime causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe in spite of a regulatory framework consisting of different international conventions and European Union (hereinafter: the EU) legal instruments. Wildlife crime is not a petty crime. It poses a considerable and increasing threat to the environment and also to economic and social development and security. Such activities are often committed by organized criminal groups and in many cases involving corruption. Due to the scale of the problem, there is an urgent need for the enhanced enforcement of laws and effective prosecution to counteract wildlife crime.

#### Project actions

Project activities aim to boost the awareness and capacity of prosecutors and selected law-enforcement authorities to provide effective environmental compliance assurance, enhance cross-border knowledge exchange, and increase cooperation between relevant authorities. Overall, the project will help to reduce the illegal killing of Europe's wildlife, support the recovery of threatened European biodiversity, the health of ecosystems, and decrease Europe's involvement in the illegal wildlife trade. With its activities, the project aims to contribute to increasing the number of successfully prosecuted offences.

#### Objectives:

- Compile data on wildlife crime in 11 target countries and transfer our data to already existing, reliable databases on wildlife crime (where these are available) to enable access to information, improve comparison of data across Europe and contribute to the work of law-enforcement officers.
- Increase awareness, knowledge and capacity of wildlife crime professionals (prosecutors and experts from enforcement agencies) in 11 target countries to improve national and cross-border governance in relation to wildlife crime investigations and prosecutions.
- Inform and drive meaningful changes to relevant national and European level policies to increase the recognition of wildlife crime, its seriousness and immense impact.
- Raise awareness of practitioners as well as the public on wildlife crime.

### II. 2. Definitions

Wildlife crime, including poaching, wildlife trafficking, or illegal poisoning, causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe and beyond.

There are various definitions of "wildlife crime". For example, United Nations Office on Drugs and Crime (UNODC) defines it as "harvesting and trade contrary to national (and international) laws". Wildlife crimes can be categorized differently, for instance, based on



the motivations of the crime, the species targeted and the methods used. National regulations may use a combination of these categorizations when describing these offences.

LIFE SWiPE project considers the term “wildlife crime” (hereinafter: WLC) as any form of illegal actions directly harming a protected species, which take place within the 11 project countries, covering species (animals and plants) protected under the CITES, the EU Wildlife Trade Regulations and animal species listed in the EU Habitats and Birds Directives. Below is a non-exhaustive list of wildlife crimes and some of the wildlife crime categorizations used:

- Poaching and illegal killing for sport;
- Predators or pest control and retaliation;
- Illegal catching\capturing, possession, supply and sale, export\import, illegal fishing;
- Illegal collection of eggs;
- Non-selective catching and killing (e.g., poisonous bait, unselective and illegal nets, unselective traps);
- Trapping, harming.

The term “wildlife crime” is used in this report instead. On the one hand, this concept is broader than the concept of environmental criminal offences as it also includes misdemeanours from sectoral laws related to nature, while on the other hand, it is narrower as it does not apply to all environmental criminal offences. This way, an attempt was made to outline the illegal activities pertaining exclusively to nature, i.e. the ones constituting the scope of the LIFE SWiPE project.

The consortium of partners includes [WWF Bulgaria](#) (lead partner), [State Attorney's Office of the Republic of Croatia](#), [Fauna & Flora International](#) (in [Romania](#)), [Judicial Academy of the Republic of Croatia](#), [WWF Adria - Serbia](#), [WWF Adria](#), [WWF Spain](#), [WWF Hungary](#) & [TRAFFIC](#), [WWF Italy](#), [WWF Poland](#), [WWF Romania](#), [WWF Slovakia](#), and [WWF Ukraine](#) (associated beneficiaries).

The project started in September 2020 and will run to the end of August 2023.

The project aims to discourage and ultimately reduce illegally killed European wildlife, supporting the recovery of threatened European biodiversity and the health of ecosystems.

The project addresses national and regional prosecutors, national and regional enforcement officials, as well as professionals from civil society organizations, other wildlife crime experts, staff of national ministries, judges and judicial academies, where relevant.

More information about the project, aims and partners can be found on the website - [stopwildlifecrime.eu](http://stopwildlifecrime.eu)

## III. Methodology

### III.1. Scope of the report

The report brings a comprehensive overview of wildlife crime on national level as it provides an assessment of WLC across different species and different types of crime and offences. This is done through the analysis of WLC data collected and through summarising the information obtained at semi-structured interviews focused on gaps in the processes of WLC detection and prosecution. The interviews were conducted with representatives of law enforcement agencies and other selected institutions / organizations that play an important role in the fight against wildlife crime.

### III.2. General methodology for data collection

Data collection was focused on gaining information on:

- a) Gaps in the processes of WLC detection and prosecution: This process was conducted through semi-structured interviews which were focused on obtaining information on institutional shortcomings, causes of latency, insufficient detection and reporting of WLC. It also covered questions on major obstacles to investigation, reasons for not initiating criminal proceedings, not bringing cases to courts, as well as possible legislative shortcomings and problems with application of law in practice at the national and international level. In relation to data the questions were aimed at access to information, data collection and exchange of information, institutional cooperation at the national and international level. Interviewees were also asked about what training would be needed in order to improve WLC detection and prosecution processes. The interviews were conducted with 1 or 2 representatives of each interviewed institution.
- b) Aggregated data obtained either from relevant institutions directly or from publicly available sources (websites, yearly reports, etc.). Aggregated data bring a basic information about the number of cases reported or investigated, the number and/or type of sanctions in the given period.
- c) Particular WLC cases: Data on WLC cases registered in the period 2015 - 2020 were obtained from relevant institutions directly or from publicly available databases.

#### Scope of data

- Type of incident: criminal offences; administrative offences; incidents documented by other than law-enforcement authority (e.g. by NGO, rangers, hunters).
- Species protected under:
  - CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) - all listed animals (incl. terrestrial, marine and freshwater species) and plant species.

- EU Habitats Directive - animal species.
- National law and regulation (normally related to hunting, fishing or nature conservation) - animal species.
- Scope of illegal actions: poaching; illegal killing for sport; control of predators/pests and retaliation; illegal catching, incl. for pets; illegal collection of eggs; trading (all part of the trade chain including transportation, trafficking, sale, possession, consumption; the financing of such activities; laundering of species); non-selective catching and killing that is potentially (and knowingly) endangering protected species i.e. poisonous bait, unselective and illegal nets, unselective traps; trapping and/or harming.
  - Types of crimes not included (but optional): harms to the ecosystem in general (i.e. fires and oil spills), other forms of environmental crime (i.e. illegal waste dumps); illegal killing of a non-protected species (i.e. shooting of wild boar); illegal fishing of a non-protected species, outside the fishing period or without fishing permit.
- Timeframe of cases collected: 2015 - 2020: All relevant cases at any stage of their development during the time frame 2015 - 2020 (e.g. in case of courts - any available cases, not only those which have been finalized but also those under the process).

### **III.3. Methodological notes – specificities of survey in Bosnia and Herzegovina – accessibility, completeness and consistency of data**

The project team carried out the following activities for the purpose of collecting data on processing wildlife crime:

- The initial SWIPE stakeholders workshop was held in November 2020. The representatives of the Center of Judicial and Prosecutorial Training of Federation of Bosnia and Herzegovina, the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina and District Public Prosecutor’s Office of Banja Luka attended the event.
- The interviews for the purpose of collecting data were held with prosecutors of the District Public Prosecutor’s Office of Banja Luka, Cantonal Prosecutor’s Office of Sarajevo Canton and Cantonal Prosecutor’s Office of Tuzla Canton, representatives of the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (CITES contact point), Ministry of Spatial Planning, Construction and Ecology of Republika Srpska, Republic Institute for the Protection of Cultural, Historical and Natural Heritage of Republika Srpska, Indirect Taxation Authority of Bosnia and Herzegovina, Federal Administration for Inspection Affairs of the Federation of Bosnia and Herzegovina, Border Police of Bosnia and Herzegovina, Una National Park, the NGO Centre for Environment and the NGO “Naše ptice”.

## IV. General information about Bosnia and Herzegovina

Table 1. General information about Bosnia and Herzegovina<sup>1</sup>

**Surface area:** 51,210 km<sup>2</sup> of land area

**Forest area:** forests cover 42.7% of the country's land area

**Biogeographical regions:** Mediterranean, Alpine and Continental

**Population:** 3,281 million inhabitants (2020)

**Population density:** 64 inhabitants/km<sup>2</sup> (2020)

**GDP per capita:** USD 6,079.738 (2020)

Bosnia and Herzegovina applied for EU membership in February 2016.



There is a long tradition of hunting in Bosnia and Herzegovina (hereinafter: BiH). Hunting associations are organised into three hunting organisations divided on a national basis: Hunting Association of Herceg Bosna, Hunting Association of Republika Srpska and Association of Hunting Organisations in BiH. These associations are voluntarily united at state level in the Council of Hunting Associations of BiH. All associations in BiH are members of the International Council for Game and Wildlife Conservation (CIC) and the European Federation for Hunting and Conservation (FACE). It is estimated that there are 40,000 to 50,000 hunters gathered in more than 200 hunting associations in Bosnia and Herzegovina.<sup>2</sup>

<sup>1</sup> Worldbank [website], <https://data.worldbank.org/country/bosnia-and-herzegovina>, (accessed 2 January 2022).

<sup>2</sup> Kotošan, D., Sarajlić, N., "Birds and Hunting in Bosnia and Herzegovina" (cro. *Ptice i lovstvo u Bosni i Hercegovini*), Ornithological Association "Naše ptice", Sarajevo, 2014, p. 6–7

Information on wildlife crime in BiH is scarce. There are no official data on the basis of which the scale of the problem could be determined.<sup>3</sup> Most of the data and analyses are the result of the work of the non-governmental sector, while individual cases of punishable acts to the detriment of nature have been recorded in newspaper articles.

The topic of punishable acts to the detriment of birds in BiH is the topic that is researched the most. It is estimated that between 22,000 and 47,000 birds are killed annually in BiH.<sup>4</sup> According to the types of prohibited activities, there are cases of killing for illegal trade and sale to restaurants, "pest" control in fishponds or on agricultural crops (for example by poisoning), catching songbirds and birds of prey, illegal killing for trophies (black grouse, waterfowl, birds of prey) and fishing baits (owls), killing for no particular reason (storks, spoonbills, cranes).<sup>5</sup>

Using poison in order to control predator populations took place in BiH after World War II. In this way, the nesting population of griffon vultures in BiH disappeared. The last population was destroyed in 1991 in an incident near Blagaj, near the Buna River, where 30 specimens were found dead. The poisoning occurred when the vultures fed on the carcass of a poisoned animal that was used as bait for wild dogs.<sup>6</sup> In the last 20 years, most cases of poisoning in BiH are attributed to the improper use of permitted pesticides on agricultural land, and there have been cases of the use of illegal and extremely dangerous pesticides that are resold on the black market.<sup>7</sup>

Bird poaching in BiH involves various groups, from local residents without a hunting permit, to domestic and foreign hunters, of which Italian citizens stand out.<sup>8</sup> In addition to the frequent occurrence of hunting in protected areas, the use of illicit means and methods of hunting has been recorded in BiH: hunting from motor vehicles and boats, use of baits and hunting calls, use of automatic weapons, hunting during the closure period.<sup>9</sup>

Among punishable offences against other species, illegal capturing and keeping of bears and wolves<sup>10</sup>, and poaching of bears have been documented.<sup>11</sup>

<sup>3</sup> Kotrošan, D., Sarajlić, N., "Birds and Hunting in Bosnia and Herzegovina" (cro. *Ptice i lovstvo u Bosni i Hercegovini*), p. 28.

<sup>4</sup> Brochet, A., et al., "Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean", Bird Conservation International, 26(1), 2016, pp. 1–28, p.4

<sup>5</sup> Kotrošan, D., Sarajlić, N., "Birds and Hunting in Bosnia and Herzegovina" (cro. *Ptice i lovstvo u Bosni i Hercegovini*), p. 27.

<sup>6</sup> Vulture Conservation Foundation, Balkan Anti-Poisoning Project: Country in Focus – Bosnia and Herzegovina [website], <https://4vultures.org/blog/balkan-anti-poisoning-project-country-in-focus-bosnia-and-herzegovina/>, (accessed on 2 January 2022).

<sup>7</sup> Vulture Conservation Foundation, Balkan Anti-Poisoning Project: Country in Focus – Bosnia and Herzegovina [website], <https://4vultures.org/blog/balkan-anti-poisoning-project-country-in-focus-bosnia-and-herzegovina/>, (accessed on 2 January 2022).

<sup>8</sup> Sarajlić N., Kotrošan D., "Protect the Adriatic Flyway – Hutovo blato" (cro. *Zaštitimo Jadranski seobeni put - Hutovo Blato*), Ornithological Association "Naše ptice", Sarajevo, 2018, p. 13

<sup>9</sup> Sarajlić N., Kotrošan D., "Protect the Adriatic Flyway – Hutovo blato" (cro. *Zaštitimo Jadranski seobeni put - Hutovo Blato*), Ornithological Association "Naše ptice", Sarajevo, 2018

<sup>10</sup> Pašić, J., Trbojević, I., "Bears in Captivity, Bosnia and Herzegovina" (cro. *Medvjedi u zatočeništvu Bosna i Hercegovina*), Banja Luka, 2018, p. 4–5.

<sup>11</sup> Vukadin, V., "Research into the Opinion of Hunters from Bosnia and Herzegovina on the Issue of the Presence of the Brown Bear (*Ursus arctos* L.) in the Hunting Area" (cro. *Istraživanje mišljenja lovaca iz Bosne i Hercegovine o prisutnosti smeđeg medvjeda (Ursus arctos L.) u lovištu*), Final thesis, Karlovac University of Applied Sciences, Karlovac, 2016, p. 31



# V. Legislation concerning wildlife crime and competences

## V.1. Legislation and provisions on wildlife crime

### Government system of Bosnia and Herzegovina

Bosnia and Herzegovina is characterised by a complex government system, which also translates to its nature protection sector. The government in Bosnia and Herzegovina is organized on two levels: the state level and the entity level. Bosnia and Herzegovina consists of administrative units called entities: the Federation of Bosnia and Herzegovina (hereinafter referred to as: FBiH) and Republika Srpska (hereinafter referred to as: RS), as well as a separate administrative unit – the Brčko District (hereinafter referred to as: the BD). The Federation itself has a complex structure and is divided into ten federal units, i.e. cantons. Both entities and the BD have separate legislative, executive, and judicial powers.

The state has limited competence regarding nature protection. Nature protection falls within the competence of entity authorities and the Brčko District. In the Federation, a part of nature protection matters is delegated to cantonal governments.<sup>12</sup>

The entities have a separate legal framework and institutions for matters regarding nature protection. In both entities, nature protection is separate from the management of natural resources such as forestry, hunting, and water resources.<sup>13</sup> Due to the complex state structure, the process of adopting legal regulations and decisions is slow and inefficient throughout Bosnia and Herzegovina.<sup>14</sup>

### Strategic and legal framework

As for strategic documents, Bosnia and Herzegovina adopted the first strategy and action plan for the protection of its biological diversity for the 2008–2015 period.<sup>15</sup> The strategy for the 2015–2020 period was adopted at the beginning of 2017.<sup>16</sup> The strategy and action plan for the upcoming period have not yet been adopted.

<sup>12</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2017, p. 1.

<sup>13</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 11.

<sup>14</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 23.

<sup>15</sup> Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa BiH*), "Strategy and Action Plan for the Protection of Biodiversity of Bosnia and Herzegovina (2015–2020)" (cro. *Strategija i akcijski plan za zaštitu biološke raznolikosti Bosne i Hercegovine (2015-2020)*), 2016, p. 1.

<sup>16</sup> Council of Ministers of Bosnia and Herzegovina, 102<sup>nd</sup> Session of the Council of Ministers of Bosnia and Herzegovina [website], [https://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja\\_sa\\_sjednica/default.aspx?id=25299&langTa g=hr-HR](https://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=25299&langTa g=hr-HR), (accessed on 2 January 2022).

Strategies and action plans related to nature protection used to be adopted at the entity level. Those strategies have in the meantime ceased to be valid, namely the Federal Environmental Strategy with an action plan, which also includes the Federal Nature Protection Strategy adopted for the 2008–2018 period<sup>17</sup>, and the RS Nature Protection Strategy adopted in 2011 for a six-year period.<sup>18</sup>

The Environmental Strategy of Bosnia and Herzegovina, the Federal Environmental Strategy, the Environmental Strategy of Republika Srpska, and the Environmental Strategy of the Brčko District for the 2022–2032 period (hereinafter referred to as: BiH ESAP) are currently being drawn up. Expert and technical support for the drawing up of these strategies is provided by the Stockholm Environment Institute (SEI) with the financial support of the Embassy of the Kingdom of Sweden in Bosnia and Herzegovina.<sup>19</sup> The content of these strategies and action plans should include both biodiversity and nature conservation. The said documents should be ready in 2022.<sup>20</sup>

Out of a total of ten cantons in the FBiH, five cantons have drawn up or are in the process of adopting Cantonal Environmental Action Plans (hereinafter referred to as: KEAP), integrating biodiversity values. The possibility of adopting Local Environmental Action Plans (hereinafter referred to as: LEAP) in municipalities in the FBiH is also provided for.<sup>21</sup>

Bosnia and Herzegovina is a signatory to the Stabilization and Association Agreement with the European Union (hereinafter referred to as: the EU).<sup>22</sup> As one of the steps in the EU accession process, strategies for the state level and the level of constitutional units of Bosnia and Herzegovina were drawn up, namely the “Strategy for the approximation of legal regulations pertaining to environmental protection, EAS – Bosnia and Herzegovina” in Bosnia and Herzegovina, as well as strategies in the Federation of Bosnia and Herzegovina, Republika Srpska, and the Brčko District, for the purpose of ensuring strategic planning of the process of transposition of EU regulations pertaining to environmental protection into the national legal order and their implementation within Bosnia and Herzegovina.<sup>23</sup> As for Bosnia and Herzegovina, in its 2013 Progress Report, the European Commission assessed that the lack of real political support for the EU programme results in very limited progress in terms of approximation to EU laws and standards, which is why the EU has requested the drawing up of the above documents pertaining to environmental protection. Unlike in other countries, due to the complexity of the constitutional order in

<sup>17</sup> Federal Ministry of the Environment and Tourism (cro. *Federalno ministarstvo okoliša i turizma*), “Environmental Strategy of the Federation of Bosnia and Herzegovina (2008–2018)” (cro. *Strategija zaštite okoliša Federacije Bosne i Hercegovine 2008-2018*), Sarajevo, 2008.

<sup>18</sup> Government of Republika Srpska (cro. *Vlada Republike Srpske*), “Nature Protection Strategy of Republika Srpska” (cro. *Strategija zaštite prirode Republike Srpske*), 2011.

<sup>19</sup> BiH ESAP 2030+, Bosnia and Herzegovina Environmental Strategy and Action Plan 2030+, About the BiH ESAP 2030+ Project [website], <https://esap.ba/bs/o-projektu/>, (accessed on 2 January 2022).

<sup>20</sup> BiH ESAP 2030+, Bosnia and Herzegovina Environmental Strategy and Action Plan 2030+, What is ESAP BiH 2030+ [website], <https://esap.ba/bs/o-projektu/>, (accessed on 2 January 2022).

<sup>21</sup> Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa BiH*), “Strategy and Action Plan for the Protection of Biodiversity of Bosnia and Herzegovina (2015–2020)” (cro. *Strategija i akcijski plan za zaštitu biološke raznolikosti Bosne i Hercegovine (2015-2020)*), 2016, p. 36.

<sup>22</sup> European Council, EU enlargement: Bosnia and Herzegovina [website], <https://www.consilium.europa.eu/hr/policies/enlargement/bosnia-herzegovina/>, (accessed on 2 January 2022).

<sup>23</sup> Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa BiH*), “Strategy for the approximation of regulations to the EU acquis pertaining to environmental protection of Bosnia and Herzegovina, EAS – Bosnia and Herzegovina” (cro. *Strategija usklađivanja propisa s pravnom stečevinom EU-a u području zaštite okoliša / životne sredine Bosne i Hercegovine, EAS – BiH*), 2017, p. 21.

Bosnia and Herzegovina, the approach to approximating regulations pertaining to environmental protection involves a set of four strategic planning documents – one applicable to the entire territory, and three applicable to territories within the constitutional units of Bosnia and Herzegovina.<sup>24</sup>

Compliance with the EU *acquis* pertaining to nature protection remains very limited.<sup>25</sup> Entity legislation is less in line with the obligations arising from the Habitats Directive and the Birds Directive. The Directive on the protection of the environment through criminal law has not been transposed into the national legal order of Bosnia and Herzegovina.<sup>26</sup>

According to experts, environmental legislation of Bosnia and Herzegovina is limited and poorly regulated at the state level.<sup>27</sup> Umbrella regulations, such as an environmental protection act and a nature protection act, have not been adopted at the state level. Although the need to adopt an environmental protection act at the state level was identified 20 years ago, such a regulation has not been adopted yet due to the complexity of technical details and disagreements at various levels of government in Bosnia and Herzegovina over the way the said sector should be regulated.<sup>28</sup>

The main legal sources for nature protection in Bosnia and Herzegovina are entity nature protection acts: the FBiH Nature Protection Act from 2013<sup>29</sup> and the RS Nature Protection Act from 2014<sup>30</sup>. These regulations govern the competencies of the authorities carrying out nature protection tasks, nature conservation measures, the assessment of the appropriateness of interventions in nature, habitat types and ecological focus areas, species and subspecies, the protection of wild birds, the protection and conservation of biodiversity, the establishment of the European network of protected areas – Natura 2000, cross-border traffic in protected wild species and subspecies, indemnification, financing of nature protection, supervision, and penal provisions.

As for significant bylaws pertaining to nature protection, lists of protected species have recently been adopted in both entities, namely the Ordinance on Protection Measures for Strictly Protected Species and Subspecies and Protected Species and Subspecies in the FBiH<sup>31</sup>, and the Regulation on Strictly Protected and Protected Wild Species in RS.<sup>32</sup> The said

<sup>24</sup> Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. Ministarstvo vanjske trgovine i ekonomskih odnosa BiH), "Strategy for the approximation of regulations to the EU *acquis* pertaining to environmental protection of Bosnia and Herzegovina, EAS – Bosnia and Herzegovina" (cro. *Strategija usklađivanja propisa s pravnom stečevinom EU-a u području zaštite okoliša / životne sredine Bosne i Hercegovine, EAS – BiH*), p. xvii.

<sup>25</sup> European Commission, SWD(2021) 291 final /2, 19/10/2021, COMMISSION STAFF WORKING DOCUMENT, Bosnia and Herzegovina Report 2021, p. 102.

<sup>26</sup> European Commission, Bosnia and Herzegovina Report for 2021, p. 101.

<sup>27</sup> Kobajica, S., "Criminological features of environmental crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), PhD thesis, University of Sarajevo, Sarajevo, 2021, p. 140.

<sup>28</sup> Omičević, A., "Review of the Legal and Institutional Framework for Environmental Protection in Bosnia and Herzegovina" (cro. *Pregled pravnog i institucionalnog okvira za zaštitu okoliša u Bosni i Hercegovini*), UNEP Bosnia and Herzegovina, 2011, cited in Kobajica, S., "Criminological features of environmental crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), PhD thesis, University of Sarajevo, Sarajevo, 2021, p. 140.

<sup>29</sup> Nature Protection Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o zaštiti prirode Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 66/13.

<sup>30</sup> Nature Protection Act of Republika Srpska (cro. *Zakon o zaštiti prirode Republike Srpske*), Official Journal of RS no. 20/14.

<sup>31</sup> Ordinance on Protection Measures for Strictly Protected Species and Subspecies and Protected Species and Subspecies (cro. *Pravilnik o mjerama zaštite za strogo zaštićene vrste i podvrste i zaštićene vrste i podvrste*), Official Gazette of the FBiH no. 21/20.

<sup>32</sup> Regulation on Strictly Protected and Protected Wild Species (cro. *Uredba o strogo zaštićenim i zaštićenim divljim vrstama*), Official Journal of RS no. 65/20.



regulations lay down which wild species are considered strictly protected and protected, as well as the measures for the protection of species and habitats, and prohibit activities that may endanger species or their habitats.

For some nature protection matters (such as access to information and public participation) basic regulations on environmental protection constitute an important source, namely the Environmental Protection Act of the FBiH from 2021<sup>33</sup> and the Environmental Protection Act of RS from 2012, last amended in 2020.<sup>34</sup>

As for other regulations governing certain nature protection matters, regulations on hunting and game management tasks have been adopted at the entity level, namely the Hunting Act of the FBiH from 2006, last amended in 2014<sup>35</sup>, and the Hunting Act of RS from 2009, amended in 2013.<sup>36</sup>

In accordance with the constitutional order of Bosnia and Herzegovina, the protection of the environment by criminal law falls within the competence of entities.<sup>37</sup> The Criminal Code of Bosnia and Herzegovina does not lay down environmental criminal offences.<sup>38</sup>

In the Federation of Bosnia and Herzegovina, environmental criminal offences are laid down by the Criminal Code of the FBiH (hereinafter referred to as: FBiH CC).<sup>39</sup> Chapter 26 of the FBiH CC "Environmental criminal offences, agricultural criminal offences, and criminal offences against natural resources" lays down 20 different environmental criminal offences. Environmental criminal offences in RS are laid down by the Criminal Code of RS (hereinafter referred to as: RS CC).<sup>40</sup> Chapter 29 of the RS CC "Environmental criminal offences" lays down 24 different environmental criminal offences.

The entity level also lays down rules regarding criminal procedures. In the Federation of Bosnia and Herzegovina, the Criminal Procedure Act of the FBiH (hereinafter referred to as: FBiH CPA)<sup>41</sup> applies, and in RS, the Criminal Procedure Act of RS (hereinafter referred to as: RS CPA) applies.<sup>42</sup>

The acts laying down the misdemeanour procedure are the Misdemeanour Act of the FBiH<sup>43</sup> and the Misdemeanour Act of RS.<sup>44</sup> These acts define misdemeanours and lay down

<sup>33</sup> Environmental Protection Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o zaštiti okoliša Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 15/21.

<sup>34</sup> Environmental Protection Act of Republika Srpska (cro. *Zakon o zaštiti životne sredine Republike Srpske*), Official Journal of RS nos. 71/12, 79/15, 71/20.

<sup>35</sup> Hunting Act (cro. *Zakon o lovstvu*), Official Gazette of the FBiH nos. 4/06, 8/10, 81/14.

<sup>36</sup> Hunting Act (cro. *Zakon o lovstvu*), Official Journal of RS nos. 60/09, 50/13.

<sup>37</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 90.

<sup>38</sup> Criminal Code of Bosnia and Herzegovina (cro. *Kazneni zakon Bosne i Hercegovine*), Official Journal of Bosnia and Herzegovina nos. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15, 40/15, 35/18, 26/21.

<sup>39</sup> Criminal Code of the Federation of Bosnia and Herzegovina (cro. *Kazneni zakon Federacije Bosne i Hercegovine*), Official Gazette of the FBiH nos. 36/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16, and 75/17.

<sup>40</sup> Criminal Code of Republika Srpska (cro. *Kazneni zakon Republike Srpske*), Official Journal of RS nos. 64/17, 104/18 – Decision of the Constitutional Court, 15/21, 89/21.

<sup>41</sup> Criminal Procedure Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o kaznenom postupku Federacije Bosne i Hercegovine*), Official Gazette of the FBiH nos. 35/03, 56/03 – correction, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09, 12/10, 8/13, 59/14, 74/20.

<sup>42</sup> Criminal Procedure Act of Republika Srpska (cro. *Zakon o kaznenom postupku Republike Srpske*), Official Journal of RS nos. 53/12, 91/17, 66/18, and 15/21.

<sup>43</sup> Misdemeanour Act (cro. *Zakon o prekršajima*), Official Gazette of the FBiH no. 63/14.

<sup>44</sup> Misdemeanour Act of Republika Srpska (cro. *Zakon o prekršajima Republike Srpske*), Official Journal of RS nos. 63/14, 36/15 – Decision of the Constitutional Court, 110/16, 100/17, 19/21 – Decision of the Constitutional Court.

permissible misdemeanour sanctions, the misdemeanour procedure, misdemeanour warrants, requests to initiate a misdemeanour procedure, misdemeanour decisions, appeals, and the execution of sentences. Misdemeanours and possible misdemeanour legal sanctions are contained in entity nature protection acts and hunting acts.

Inspection duties and powers are laid down by the Inspection Act of the Federation of Bosnia and Herzegovina<sup>45</sup> and the Inspection Act of Republika Srpska.<sup>46</sup>

Ranger duties and powers in protected areas are governed, in addition to entity nature protection acts, by the Regulation on the Organization, Functioning and Powers of the FBiH Nature Protection Surveillance Service<sup>47</sup> and the Ordinance on the Content, Establishment and Implementation of Management Measures in Protected Areas<sup>48</sup>, as well as the RS Ordinance on Internal Order in the National Park<sup>49</sup>.

The provisions on the national Prosecutor's Office of Bosnia and Herzegovina are contained in the Prosecution Act of Bosnia and Herzegovina<sup>50</sup>, while those on entity Prosecutor's Offices are contained in the Federal Prosecution Act of the Federation of Bosnia and Herzegovina<sup>51</sup> and the Public Prosecution Act of Republika Srpska.<sup>52</sup> In the Federation of Bosnia and Herzegovina, in addition to the federal prosecutor's office, there are ten cantonal prosecutor's offices whose powers are laid down by cantonal prosecution acts.<sup>53</sup>

The organization and the jurisdiction of the courts in Bosnia and Herzegovina are governed by the Courts Act of the FBiH, the entity Courts Act of the FBiH<sup>54</sup>, and the entity Courts Act of RS.<sup>55</sup>

The state level of Bosnia and Herzegovina is responsible for concluding international agreements. Bosnia and Herzegovina ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 2008.<sup>56</sup> The Decision on the

<sup>45</sup> Inspection Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o inspekcijama Federacije Bosne i Hercegovine*), Official Gazette of the FBiH nos. 73/14, 19/17.

<sup>46</sup> Inspection Act of Republika Srpska (cro. *Zakon o inspekcijama Republike Srpske*), Official Journal of RS no. 18/20.

<sup>47</sup> Regulation on the Organization, Functioning and Powers of the Nature Protection Surveillance Service (cro. *Uredba o organizaciji, načinu rada i ovlastima Nadzorne službe zaštite prirode*), Official Gazette of the FBiH no. 14/16.

<sup>48</sup> Ordinance on the Content, Establishment and Implementation of Management Measures in Protected Areas (cro. *Pravilnik o sadržaju, utvrđivanju i provedbi mjera upravljanja u zaštićenim područjima*), Official Journal of RS no. 83/15.

<sup>49</sup> Ordinance on Internal Order in the National Park (cro. *Pravilnik o unutrašnjem redu u nacionalnom parku*), Official Journal of RS no. 83/11.

<sup>50</sup> Prosecution Act of Bosnia and Herzegovina (cro. *Zakon o tužiteljstvu Bosne i Hercegovine*), Official Journal of Bosnia and Herzegovina nos. 24/02, 3/03, 37/03, 42/03, 9/04, 35/04, 61/04, 49/09.

<sup>51</sup> Federal Prosecution Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o Federalnom tužiteljstvu Federacije BiH*), Official Gazette of the FBiH, nos. 42/02, 19/03.

<sup>52</sup> Public Prosecution Act of RS (cro. *Zakon o javnim tužiteljstvima RS-a*), Official Journal of RS no. 69/16.

<sup>53</sup> Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početna obuka, Modul 1, Nosioci pravosudnih funkcija i društvo*), High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Public Institution Centre for Judicial and Prosecutorial Training of the FBiH, Public Institution Centre for Judicial and Prosecutorial Training of RS (cro. *Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine, Javna ustanova Centar za edukaciju sudaca i tužitelja u FBiH, Javna ustanova Centar za edukaciju sudaca i tužitelja u RS*), p. 69.

<sup>54</sup> Courts Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o sudovima u Federaciji BiH*), Official Gazette of the FBiH nos. 22/06, 63/10, 72/10, 7/13.

<sup>55</sup> Courts Act of Republika Srpska (cro. *Zakon o sudovima Republike Srpske*), Official Journal of Republika Srpska nos. 37/12, 14/14 – Decision of the Constitutional Court, 44/15, 39/16 – Decision of the Constitutional Court, and 100/17.

<sup>56</sup> Decision on the Ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (cro. *Odluka o ratifikaciji Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES)*), Official Journal of Bosnia and Herzegovina – International Agreements no. 11/08.

Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as: CITES) in Bosnia and Herzegovina, which implemented part of the obligations assumed under the Convention, was adopted almost 10 years after the ratification of the Convention.<sup>57</sup> Annexes containing a list of protected wild animal and plant species also constitute an integral part of this Decision. Bosnia and Herzegovina has not become a party to the African-Eurasian Migratory Waterbird Agreement (AEWA), a significant international document for nature protection.<sup>58</sup>

### Institutional framework

The institutional nature protection framework in Bosnia and Herzegovina is fragmented into four administrative levels: the state, entity, cantonal, and municipal level.<sup>59</sup> The capacities of the competent institutions in Bosnia and Herzegovina are insufficient to perform all tasks under their responsibility.<sup>60</sup> The nature protection system in Bosnia and Herzegovina is characterised by a large number of competent institutions and the associated confusion regarding the delimitation of competences between different authorities, lack of a system for information exchange between different authorities, insufficient capacity of the said bodies when it comes to performing the entrusted tasks, and significant staff shortages.<sup>61</sup>

At state level, certain nature protection tasks are performed by the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (hereinafter referred to as: MVTEO). The Ministry is responsible for performing tasks and duties falling within the competence of Bosnia and Herzegovina, related to defining policies and basic principles, as well as the harmonisation of activities and plans of entity authorities and institutions at the international level pertaining to environmental protection, development, and use of natural resources.<sup>62</sup> The Ministry should perform the task of an administrative body for CITES at state level, issue permits and certificates, keep records of international trade in CITES species specimens, cooperate with the competent entity bodies, represent Bosnia and Herzegovina at meetings of States Parties to the Convention, and liaise with the

<sup>57</sup> Decision on the Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Bosnia and Herzegovina (cro. *Odluka o uvjetima i načinu provedbe Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES) u Bosni i Hercegovini*), Official Journal of Bosnia and Herzegovina no. 31/18.

<sup>58</sup> Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa BiH*), "Strategy for the approximation of regulations to the EU acquis pertaining to environmental protection of Bosnia and Herzegovina, EAS – Bosnia and Herzegovina" (cro. *Strategija usklađivanja propisa s pravnom stečevinom EU-a u području zaštite okoliša / životne sredine, EAS – BiH*), p. 113.

<sup>59</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 14.; Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 141.

<sup>60</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 23.

<sup>61</sup> United Nations Economic Commission for Europe, "Environmental Performance Review, Bosnia and Herzegovina, Second Review" (cro. *Pregled stanja okoliša, Bosna i Hercegovina, Drugi pregled*), United Nations, 2011, p. 135.

<sup>62</sup> Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa Bosne i Hercegovine*), Competences (cro. *Nadležnosti*) [website], <http://www.mvteo.gov.ba/Content/Read/nadleznosti>, (accessed on 2 January 2022).

Secretariat and States Parties to the Convention.<sup>63</sup> The authorities competent for the Convention at entity level are the Ministry of Physical Planning, Construction and Ecology of Republika Srpska and the Federal Ministry of the Environment and Tourism of the Federation of Bosnia and Herzegovina.<sup>64</sup>

The Inter-Entity Environmental Authority is responsible for coordination and cooperation when it comes to all environmental matters between the entities.<sup>65</sup> Each entity has four board members elected for a four-year term. This authority has an advisory role. Decisions are adopted by consensus and are not legally binding but at best have the character of recommendations.<sup>66</sup>

The Ministry responsible for nature protection tasks in the FBiH is the Federal Ministry of the Environment and Tourism. Nature protection tasks falling within the competence of cantons are performed by cantonal ministries in charge of environmental affairs and cantonal nature protection institutes within the bounds of their competences established by the constitutional document and the Statute.<sup>67</sup>

Certain nature protection tasks fall within the competence of the Federal Ministry of Agriculture, Water Management and Forestry.<sup>68</sup> The Forestry and Hunting Sector within this Ministry is responsible for hunting matters in the FBiH. Cantonal ministries are also partly responsible for hunting matters.

The Ministry of Physical Planning, Construction and Ecology of RS is responsible for the nature protection sector in RS.<sup>69</sup> This Ministry performs administrative and professional tasks related to nature protection and the conservation of protected species.

The Ministry of Education and Culture of RS includes the Republic Institute for the Protection of the Cultural, Historical and Natural Heritage of the RS responsible for professional tasks of nature and natural assets protection in RS.<sup>70</sup> The Ministry of Agriculture, Forestry and Water Management is responsible for administrative and

<sup>63</sup> Art. 5.2 of the Decision on the Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Bosnia and Herzegovina (cro. *Odluka o uvjetima i načinu provedbe Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES) u Bosni i Hercegovini*), Official Journal of Bosnia and Herzegovina no. 31/18.

<sup>64</sup> Art. 2. of the Decision on the Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Bosnia and Herzegovina (cro. *Odluka o uvjetima i načinu provedbe Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES) u Bosni i Hercegovini*), Official Journal of Bosnia and Herzegovina no. 31/18.

<sup>65</sup> Decision on the Establishment of the Inter-Entity Environmental Authority (cro. *Odluka o osnivanju međuentitetskog tijela za okolinu*), Official Gazette of the FBiH no. 58/06.

<sup>66</sup> Bogdanović, S., et al., "Strategy for the implementation of the EAS – Bosnia and Herzegovina" (cro. *Strategija za provođenje EAS - BiH*), EU IPA 2008 PROJECT – STRENGTHENING OF BOSNIA AND HERZEGOVINA'S ENVIRONMENTAL INSTITUTIONS AND PREPARATION FOR PRE-ACCESSION FUNDS – EnvIS (cro. *PROJEKAT EU IPA 2008 - JAČANJE INSTITUCIJA ZA ZAŠTITU OKOLIŠA / ŽIVOTNE SREDINE U BOSNI I HERCEGOVINI I PRIPREMA ZA PREPRISTUPNE FONDove – EnvIS*) (EuropeAid/128786/C/SER/BA), 2014, p. 20.

<sup>67</sup> Art. 9 of the Federation of Bosnia and Herzegovina Nature Protection Act (cro. *Zakona o zaštiti prirode Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 66/13.

<sup>68</sup> Federal Ministry of Agriculture, Water Management and Forestry, Forestry and Hunting Sector (cro. *Federalno ministarstvo poljoprivrede, vodoprivrede i šumarstva, Sektor za šumarstvo i lovstvo*) [website], <https://fmpvs.gov.ba/sektor-za-sumarstvo-i-lovstvo/>, (accessed on 2 January 2022).

<sup>69</sup> Art. 29 of the Republic Administration Act (cro. *Zakon o republičkoj upravi*), Official Journal of Republika Srpska nos. 115/18, 111/21, 15/22.

<sup>70</sup> Art. 53 of the Republic Administration Act (cro. *Zakon o republičkoj upravi*), Official Journal of Republika Srpska nos. 115/18, 111/21, 15/22.



professional tasks pertaining to agriculture, water management, forestry, and hunting in RS.<sup>71</sup>

Entity nature protection acts lay down the obligation to establish expert bodies for nature protection matters at entity level. In RS, these tasks are entrusted to the Republic Institute for the Protection of Cultural, Historical and Natural Heritage. In the FBiH, the 2013 Nature Protection Act prescribes the establishment of a federal nature protection institute<sup>72</sup>, but such an institution has not yet been established, and all tasks are performed by the Federal Ministry of the Environment and Tourism, whose staff capacities are limited.<sup>73</sup>

Previously, there were environmental advisory councils in both entities, and their role was to improve cooperation and communication between stakeholders in the environmental sector, including the representatives of the civil sector in Bosnia and Herzegovina. After several years of pause, in early 2020, advisory council members<sup>74</sup> were elected in the FBiH, but it is not known whether the council actually meets, while in RS, the 2020 amendments to the Environmental Act abolished this council.<sup>75</sup>

Entity environmental laws lay down the obligation to monitor and draw up regular environmental reports. At the level of Bosnia and Herzegovina, data are collected and processed by the Agency for Statistics of Bosnia and Herzegovina, and the National Museum of Bosnia and Herzegovina is the unofficial national contact point that submits data related to nature protection to the Agency.<sup>76</sup>

Environmental funds have been established in both entities in order to fund nature protection activities.<sup>77</sup>

Protected areas in the FBiH are managed by public companies and institutions founded by the FBiH government or by cantonal governments, depending on the category of protection of individual protected areas.<sup>78</sup> Direct surveillance in protected areas is carried out by the chief ranger as well as rangers of the public company or institution managing the protected area. The organization, functioning, and powers of the surveillance service are laid down by the Regulation on the Organization, Functioning and Powers of the Nature Protection

<sup>71</sup> Art. 28. of the Republic Administration Act (cro. *Zakon o republičkoj upravi*), Official Journal of Republika Srpska nos. 115/18, 111/21, 15/22.

<sup>72</sup> Art. 189 of the Federation of Bosnia and Herzegovina Nature Protection Act (cro. *Zakon o zaštiti prirode Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 66/13.

<sup>73</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 14.

<sup>74</sup> Decision on the Appointment of Members of the Environmental Advisory Council (cro. *Rješenje o imenovanju članova savjetodavnog vijeća za okoliš*), 2020, Official Gazette of the FBiH no. 3/20.

<sup>75</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 146.

<sup>76</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 10.

<sup>77</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 10.

<sup>78</sup> Art. 151 of the Federation of Bosnia and Herzegovina Nature Protection Act (cro. *Zakon o zaštiti prirode Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 66/13.

Surveillance Service.<sup>79</sup> In the FBiH, direct surveillance is also performed by gamekeepers on hunting grounds<sup>80</sup> and fishkeepers on fishing grounds.<sup>81</sup>

In RS, direct surveillance in protected areas is performed by rangers responsible for the protected area. According to the Nature Protection Act of RS, the ranger service is established by an internal act of the protected area, which is issued by its management body. The act does not lay down the powers of rangers of the protected area.<sup>82</sup> Just as in the FBiH, direct surveillance in RS is performed by gamekeepers on hunting grounds and fishkeepers on fishing grounds. Users of a hunting ground (hunting associations, forestry companies, and other legal entities managing individual hunting grounds) are required to establish the gamekeeper service for their hunting ground, and users of a fishing zone are required to establish the fishkeeper service.

Inspection affairs in the Federation of Bosnia and Herzegovina fall within the competence of the Federal Administration for Inspection Affairs. Supervision over the implementation of the Nature Protection Act of the FBiH is performed by the Nature Protection Inspectorate in the Federal Administration for Inspection Affairs and the cantonal body for inspection affairs. The Inspectorate of the Federal Administration for Inspection Affairs is responsible for protected areas falling within the categories of a strict nature reserve, wilderness area, and national park, while the cantonal body for inspection affairs is responsible for protected areas falling within the categories of a nature park, natural monument and natural features, habitat/species management area, protected landscape, and protected area with sustainable use.<sup>83</sup> Supervision over the implementation of the Hunting Act of the FBiH is performed by hunting inspectors (federal, border, and cantonal).<sup>84</sup> Supervision over the implementation of the Freshwater Fisheries Act of the FBiH is performed by agricultural inspectors (federal, border, and cantonal).<sup>85</sup>

In RS, supervision over the implementation of the Nature Protection Act is entrusted to the inspectors of the Republic Administration for Inspection Affairs (hereinafter referred to as: Inspectorate) and local self-government units.<sup>86</sup> The Inspectorate is an independent republic administration that performs inspection, administrative, professional, and other tasks. In addition to the General Administration in Banja Luka, the Inspectorate has six territorial departments in larger cities. Nature protection tasks are divided between several inspections within the Inspectorate: within the urban/building and environmental inspection, there are environmental inspectors responsible for environmental protection<sup>87</sup>,

<sup>79</sup> Regulation on the Organization, Functioning and Powers of the Nature Protection Surveillance Service (cro. *Uredba o organizaciji načinu rada i ovlastima nadzorničke službe zaštite prirode*), Official Gazette of the FBiH no. 14/16.

<sup>80</sup> Art. 75 of the Hunting Act (cro. *Zakon o lovstvu*), Official Gazette of the FBiH nos. 4/06, 8/10, 81/14.

<sup>81</sup> Art. 69. of the Freshwater Fisheries Act (cro. *Zakon o slatkovodnom ribarstvu*), Official Gazette of the FBiH no. 64/04.

<sup>82</sup> Art. 79 of the Nature Protection Act of Republika Srpska (cro. *Zakon o zaštiti prirode Republike Srpske*), Official Journal of RS no. 20/14.

<sup>83</sup> Art. 211 of the Federation of Bosnia and Herzegovina Nature Protection Act (cro. *Zakon o zaštiti prirode Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 66/13.

<sup>84</sup> Art. 80 of the Hunting Act (cro. *Zakon o lovstvu*), Official Gazette of the FBiH nos. 4/06, 8/10, 81/14.

<sup>85</sup> Art. 50 of the Freshwater Fisheries Act (cro. *Zakon o slatkovodnom ribarstvu*), Official Gazette of the FBiH no. 64/04.

<sup>86</sup> Art. 94 of the Republika Srpska Nature Protection Act (cro. *Zakon o zaštiti prirode Republike Srpske*), Official Journal of RS no. 20/14.

<sup>87</sup> Art. 24 of the Inspection Act of Republika Srpska (cro. *Zakon o inspekcijama Republike Srpske*), Official Journal of RS no. 18/20.

veterinary inspectors responsible for the keeping, breeding, and welfare of animals<sup>88</sup>, and forestry inspectors responsible for the regulations pertaining to hunting, forestry, and national parks.<sup>89</sup> Supervision over the application of the Regulation on Strictly Protected and Protected Wild Species is performed by agricultural inspectors, forestry inspectors, water inspectors, and environmental inspectors from the Inspectorate, as well as inspectors from local self-government units.<sup>90</sup>

The Ministry of Security of Bosnia and Herzegovina is responsible for the protection of international borders and internal border crossings, as well as traffic regulation at border crossings of Bosnia and Herzegovina, prevention and detection of perpetrators of criminal offences with international or inter-entity elements, and international cooperation with INTERPOL and EUROPOL. Administrative organizations within this Ministry include the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, the Border Police of Bosnia and Herzegovina, the State Investigation and Protection Agency, the Agency for Forensic and Expert Examinations, the Agency for Education and Professional Training, and the Police Support Agency.<sup>91</sup>

The police in Bosnia and Herzegovina is organized at the entity level. In RS, the police operates within the Ministry of the Interior of RS. In the Federation of Bosnia and Herzegovina, cantonal ministries are responsible for police affairs, while the Federal Ministry of the Interior is responsible for inter-cantonal crime and the organization of joint actions of cantonal police departments.

The Customs Sector of the Indirect Taxation Authority of Bosnia and Herzegovina (hereinafter referred to as: the Customs Service) supervises cross-border traffic in wild species. The Customs Service checks whether specimens have the correct permits, certificates, or other acts issued by the MVTEO of Bosnia and Herzegovina, cooperates with the border veterinary and phytosanitary inspection during identifying checks of specimens and transport conditions, and informs the MVTEO of Bosnia and Herzegovina when CITES species are found or CITES is violated.<sup>92</sup> Inspectorates in charge of nature protection tasks, the border veterinary inspection, the border phytosanitary inspection, and police services also participate in the supervision of cross-border traffic.<sup>93</sup>

In the organization of the judicial system, competence is divided between the state of Bosnia and Herzegovina, the entities of the Federation of Bosnia and Herzegovina and Republika Srpska, and the Brčko District. However, the competence mostly belongs to the entities, where the judicial system, in addition to the Constitutional Courts, consists of three

<sup>88</sup> Art. 20. of the Inspection Act of Republika Srpska (cro. *Zakona o inspekcijama Republike Srpske*), Official Journal of RS no. 18/20.

<sup>89</sup> Art. 19 of the Inspection Act of Republika Srpska (cro. *Zakona o inspekcijama Republike Srpske*), Official Journal of RS no. 18/20.

<sup>90</sup> Art. 11. of the Regulation on Strictly Protected and Protected Wild Species (cro. *Uredba o strogo zaštićenim i zaštićenim divljim vrstama*), Official Journal of RS no. 65/20.

<sup>91</sup> Ministry of Security of Bosnia and Herzegovina (cro. *Ministarstvo sigurnosti Bosne i Hercegovine*), About us (cro. *O nama*) [website], <http://www.msb.gov.ba/onama/default.aspx?id=3053&langTag=bs-BA>, (accessed on 2 January 2022).

<sup>92</sup> Art. 53 of the Decision on the Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Bosnia and Herzegovina (cro. *Odluka o uvjetima i načinu provedbe Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES) u Bosni i Hercegovini*), Official Journal of Bosnia and Herzegovina no. 31/18.

<sup>93</sup> Art. 47 of the Decision on the Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Bosnia and Herzegovina (cro. *Odluka o uvjetima i načinu provedbe Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES) u Bosni i Hercegovini*), Official Journal of Bosnia and Herzegovina no. 31/18.

levels of ordinary courts, while prosecutor's offices are organized on two levels. The established judicial system reflects four separate and hierarchically non-interconnected systems.<sup>94</sup>

The Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina have been established at state level. The Prosecutor's Office of Bosnia and Herzegovina is responsible for conducting investigations in cases in which the Court of Bosnia and Herzegovina has jurisdiction.<sup>95</sup>

The Federal Prosecutor's Office of the FBiH is an independent national authority that takes measures regarding the investigation and prosecution of potential perpetrators of criminal offences in the Federation of Bosnia and Herzegovina<sup>96</sup>. A special department for combating organized crime has been established within the Federal Prosecutor's Office in the FBiH. In addition to the Federal Prosecutor's Office of the FBiH, there are also ten cantonal prosecutor's offices in the Federation of Bosnia and Herzegovina. They were established in 2002, by a decision of the High Representative to adopt cantonal prosecution acts for each canton, namely on a provisional basis. Those were later adopted by the cantonal assemblies in their unaltered state.<sup>97</sup> A cantonal prosecutor's office has territorial jurisdiction over the territory of its canton.

The prosecutor's offices in RS are the Republic Prosecutor's Office and district prosecutor's offices. The Republic Prosecutor's Office is an independent national authority that takes measures to detect and prosecute perpetrators of criminal offences.<sup>98</sup> District prosecutor's offices are established for the territories of district courts, and the Republic Prosecutor's Office is established for the territory of RS.<sup>99</sup> Six district prosecutor's offices have been established in larger cities in RS.<sup>100</sup> A special department for combating organized crime has been established within the Republic Prosecutor's Office.

Ordinary courts of the Federation of Bosnia and Herzegovina are organized at three levels: there are municipal courts, cantonal courts, and the Supreme Court of the Federation of Bosnia and Herzegovina.<sup>101</sup> Municipal courts are established for the territory of one or more municipalities in a canton, and cantonal courts are established for the territory of a canton, while the Supreme Court of the Federation of Bosnia and Herzegovina is the highest court

<sup>94</sup> Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početna obuka, Modul 1, Nosioci pravosudnih funkcija i društvo*), High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Public Institution Centre for Judicial and Prosecutorial Training of the FBiH, Public Institution Centre for Judicial and Prosecutorial Training of RS (cro. *Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine, Javna ustanova Centar za edukaciju sudaca i tužitelja u F BiH, Javna ustanova Centar za edukaciju sudaca i tužitelja u RS*), p. 75

<sup>95</sup> Art. 12 of the Prosecution Act of Bosnia and Herzegovina (cro. *Zakon o tužiteljstvu Bosne i Hercegovine*), Official Journal of Bosnia and Herzegovina nos. 24/02, 3/03, 37/03, 42/03, 9/04, 35/04, and 61/04, 49/09.

<sup>96</sup> Art. 1. of the Federal Prosecution Act of the FBiH (cro. *Zakon o Federalnom tužiteljstvu FBiH*), Official Gazette of the FBiH nos. 42/02, 19/03.

<sup>97</sup> Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početna obuka, Modul 1, Nosioci pravosudnih funkcija i društvo*), p. 68–69.

<sup>98</sup> Art. 1. of the Prosecution Act of Republika Srpska, Official Journal of RS 55/02, 85/03, 115/03, 37/06, and 68/07.

<sup>99</sup> Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početna obuka, Modul 1, Nosioci pravosudnih funkcija i društvo*), p. 71–72.

<sup>100</sup> Republic Prosecutor's Office of Republika Srpska (cro. *Republičko javno tužiteljstvo Republike Srpske*), Organizational structure (cro. *Organizacijska struktura*) [website], <https://rt.rs.pravosudje.ba/vstvf/B/108/kategorije-vijesti/6416/6422/6465>, (accessed on 2 January 2022).

<sup>101</sup> Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početna obuka, Modul 1, Nosioci pravosudnih funkcija i društvo*), p. 51.



of appeal in the Federation.<sup>102</sup> In the Federation of Bosnia and Herzegovina, municipal or cantonal courts have jurisdiction for criminal offences at first instance.<sup>103</sup> At second instance, decisions on appeals are adopted by cantonal courts or the Supreme Court of the Federation of Bosnia and Herzegovina, depending on whether the first instance court was a municipal or a cantonal court.<sup>104</sup> Since municipal courts have subject-matter jurisdiction for criminal offences for which the law imposes a monetary fine or a prison sentence of up to ten years as the main punishment, given the imposable sentences for environmental criminal offences, in criminal cases related to environmental criminal offences, decisions at first instance are generally adopted by municipal courts, and decisions on appeals are adopted by cantonal courts. In the Federation of Bosnia and Herzegovina, municipal courts have territorial jurisdiction for misdemeanours at first instance, while at second instance, decisions are adopted by the cantonal court having territorial jurisdiction.<sup>105</sup>

Ordinary courts in RS are organized in a similar way as in the Federation of Bosnia and Herzegovina. There are basic courts, district courts, and the Supreme Court of Republika Srpska.<sup>106</sup> Basic courts are established for the territory of one or more municipalities, and district courts are established for the territory of two or more basic courts.<sup>107</sup> In RS, basic or district courts have jurisdiction for criminal offences at first instance, while at second instance, decisions on appeals are adopted by district courts or the Supreme Court of RS, depending on whether the first instance court was a basic or a district court.<sup>108</sup> Since basic courts have the same subject-matter jurisdiction as in the Federation of Bosnia and Herzegovina, in criminal cases related to environmental criminal offences, decisions at first instance are generally adopted by basic courts, and decisions on appeals are adopted by district courts. In RS, decisions on misdemeanours at first instance are adopted by basic courts, and at second instance by the district court having territorial jurisdiction.<sup>109</sup>

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (cro. *Visoko sudsko i tužiteljsko vijeće BiH*; hereinafter referred to as: VSTV BiH) is an independent national authority responsible for appointing judges and prosecutors at all levels of judicial authority in Bosnia and Herzegovina (the state, entity, cantonal, district, basic, and municipal level, including the Brčko District, with the exception of constitutional courts of the entities of Bosnia and Herzegovina), as well as for decision-making regarding

<sup>102</sup> Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početna obuka, Modul 1, Nosioci pravosudnih funkcija i društvo*), p. 51.

<sup>103</sup> Delaić, M., Pilipović, R., i Petrović, D., "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012" (cro. *Analiza sudskih odluka iz područja zaštite okoliša u Bosni i Hercegovini u 2012. godini*), OSCE, ENVSEC, Auswärtiges Amt, 2012, p. 22.

<sup>104</sup> Delaić, M., Pilipović, R., i Petrović, D., "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012" (cro. *Analiza sudskih odluka iz područja zaštite okoliša u Bosni i Hercegovini u 2012. godini*), OSCE, ENVSEC, Auswärtiges Amt, 2012, p. 22.

<sup>105</sup> Delaić, M., Pilipović, R., i Petrović, D., "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012" (cro. *Analiza sudskih odluka iz područja zaštite okoliša u Bosni i Hercegovini u 2012. godini*), OSCE, ENVSEC, Auswärtiges Amt, 2012, p. 29

<sup>106</sup> Courts Act of Republika Srpska, Official Journal of RS nos. 111/04, 109/05, 37/06, 17/08.

<sup>107</sup> Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početna obuka, Modul 1, Nosioci pravosudnih funkcija i društvo*), p. 59.

<sup>108</sup> Delaić, M., Pilipović, R., i Petrović, D., "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012" (cro. *Analiza sudskih odluka iz područja zaštite okoliša u Bosni i Hercegovini u 2012. godini*), p. 22.

<sup>109</sup> Delaić, M., Pilipović, R., i Petrović, D., "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012" (cro. *Analiza sudskih odluka iz područja zaštite okoliša u Bosni i Hercegovini u 2012. godini*), p. 29

promotions, ethical codes, disciplinary liability and dismissals of judges and prosecutors, and judicial and prosecutorial training.<sup>110</sup>

### Provisions on wildlife crimes

Earlier in the report, it was pointed out that the Criminal Code of Bosnia and Herzegovina does not lay down environmental criminal offences, as well as that they are laid down in the Criminal Code of the FBiH and the Criminal Code of RS.

In the Federation of Bosnia and Herzegovina, environmental criminal offences are laid down in Chapter 26 “Environmental criminal offences, agricultural criminal offences, and criminal offences against natural resources”, Articles 303 to 322 of the FBiH CC. In RS, environmental criminal offences are laid down in Chapter 24 “Environmental criminal offences”, Articles 370 to 393 of the RS CC.

In the Federation of Bosnia and Herzegovina, misdemeanours are laid down by the Nature Protection Act (Chapter 17, “Penal provisions”, Articles 232 to 235), the Hunting Act of the FBiH (Chapter 11, “Penal Provisions”, Articles 82 to 86). In RS, misdemeanours related to nature protection are laid down by the RS Nature Protection Act (Chapter 12, “Penal provisions”, Articles 96 to 98), the Hunting Act of RS (Chapter 10, “Penal provisions”, Articles 75 to 77), and the Regulation on Strictly Protected and Protected Species (Article 12).

<sup>110</sup> Art. 17 of the Act on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (cro. *Zakon o visokom sudskom i tužiteljskom vijeću BiH*), Official Journal of Bosnia and Herzegovina no. 25/04.

Table 2. Overview of criminal offences and misdemeanours against protected species with a range of sanctions and competent authorities

Actions sanctioned	Relevant provision	Range of possible sanctions	Authority(ies) responsible for compliance monitoring, detection of abuses and investigation of offenders
<b>Republika Srpska</b>			
Criminal offences			
Destruction, capture, taking or possession of protected species of animals and plants	RS CC, Art. 375, Destruction or damage to protected natural values or goods	The basic form of the criminal offence ( <i>Whoever destroys, captures, takes or possesses protected species of animals, plants or some other protected natural value or protected good...</i> , Art. 375, para. 1) is punishable by a fine or imprisonment for up to three years. For qualified forms of this criminal offence ( <i>If the offense was committed against a strictly protected wild animal or plant species...</i> , Art. 375, para. 2), a prison sentence of one to five years is prescribed, i.e. ( <i>If the destroyed or damaged natural property or value is of exceptional importance...</i> , Art. 375, para. 3) a prison sentence of two to eight years is prescribed. Negligence for a criminal offence is also prescribed (Art. 375 para. 4).	Protected area guards/rangers (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection, investigative actions), RS Prosecutor's Office (criminal prosecution).
Destruction or significant degradation of habitat	RS CC, Art. 376, Destruction of habitats	For the basic form of the criminal offence ( <i>Whoever, contrary to regulations, destroys or causes significant deterioration of the habitat of a protected species of animals or plants</i> , Art. 376 para. 1), a monetary fine or a prison sentence of up to three years is prescribed.	Protected area guards/rangers (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-

		For qualified forms of this criminal offense ( <i>...according to the habitat, i.e. the area of reproduction, rearing, migration or hibernation of strictly protected wild species...</i> , Art. 376, para. 2, and <i>...whoever destroys or causes significant habitat degradation in the protected area of nature or in an ecologically significant area.</i> , Art. 376 para. 3), a prison sentence from six months to five years is prescribed. Negligence for a criminal offence is also prescribed (Art. 376 para. 4).	government units (detection), police officers (detection, investigative actions), RS Prosecutor's Office (criminal prosecution).
Illegal trade, import or export of protected species of plants or animals, their parts and derivatives	RS CC, Art. 379, Illegal removal and introduction of strictly protected plants or animals or genetically modified organisms	A prison sentence from six months to three years is prescribed for this criminal offence.	Inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection, investigative actions), RS Prosecutor's Office (criminal prosecution).
Torture and killing of protected animal species	RS CC, Art. 390 para. 2, Torture and killing of animals	Qualified form of the criminal offence of torture or illegal killing of animals under Art. 390 para. 1 represents the case when the committing resulted in <i>...the death of a large number of animals belonging to specially protected animal species...</i> , Art. 390 st. 2. A prison sentence from six months to five years is prescribed for this criminal offence. Negligence for a criminal offence is also prescribed (Art. 390 para. 2).	Protected area guards/rangers (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection, investigative actions), RS Republic and Cantonal

			Prosecutor's Offices (criminal prosecution).
Hunting of game during the closure period or in the area where hunting is prohibited, hunting by means or methods by which game is destroyed en masse	RS CC, Art. 392, Illegal hunting	<p>For the act <i>Whoever hunts game during the closure period or in the area where hunting is prohibited...</i>, a monetary fine or prison sentence of up to one year is prescribed (Art. 392 para. 1).</p> <p>For the act <i>Whoever hunts without authorisation in a regular hunting ground...</i>, a prison sentence of six months to three years is prescribed (Art. 392 para. 2).</p> <p>For qualified forms of this criminal offence <i>Whoever hunts permanently protected or temporarily protected game whose hunting is prohibited or whoever hunts without a hunting license a certain type of game for which such a permit is required or whoever hunts in a way or means by which game is destroyed en masse...</i>, a prison sentence of two to eight years is prescribed (Art. 392 para. 3).</p> <p>The confiscation of captured game and the means of committing this criminal offence is also prescribed.</p>	Protected area guards/rangers (detection), gamekeepers' service (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection, investigative actions), RS Republic and cantonal Prosecutor's Offices (criminal prosecution).
Hunting of fish and other freshwater animals during the closure period or in the area where it is prohibited, hunting in prohibited ways or by using prohibited means	RS CC, Art. 393, Illegal fishing	For the basic form of the criminal offence <i>Whoever hunts... at a time when it is prohibited or in areas where it is prohibited..., ...hunts...by using explosives, electricity, poison, stun and thus causes the death of fish..., ...catches fish in a manner harmful to its reproduction...</i> (Art. 393 para. 1), a monetary fine or a prison sentence of up to two years is prescribed.	Protected area guards/rangers (detection), fishkeepers' service (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection,

		For the qualified form of this criminal offence <i>if the offence... caused the death of fish or other freshwater animals on a large scale...</i> , Art. 393, para. 2), a prison sentence of six months to three years is prescribed. The confiscation of captured animals and the means of committing this criminal offence is also prescribed.	investigative actions), RS Republic and cantonal Prosecutor's Offices (criminal prosecution).
<b>Misdemeanours</b>			
Collection of protected wild species and their parts without a permit and contrary to regulations; Import, export, transfer and cultivation of endangered and protected wild species, their parts and derivatives; Taking actions that may endanger strictly protected species of plants, animals, fungi and their habitats	RS Nature Protection Act, Art. 96 para. 1 subpara. (g) and (d), para. 2 to 4, and Art. 97, para. 1 subpara. (z), (j) and para. 2 to 5.	For these misdemeanours, a fine in the amount of 200 KM to 20,000 KM is prescribed, depending on the identity of the perpetrator (legal entity, responsible person in the legal entity, entrepreneur or natural person). The possibility of imposing protective measures prohibiting the performance of certain economic activities for a period of 30 days to six months for legal entities is prescribed (Art. 96 para. 3) and the confiscation of objects used or intended for the committing, or resulting from the misdemeanour (Art. 96 para. 4, and Art. 97 para. 5).	Protected area guards/rangers (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection, investigative actions)
Use, destruction and undertaking of any activity that may endanger wild species and their habitats such as: possession, cultivation, trade, export, transport, including all their derivatives and forms of development; intentional harassment, especially during	Regulation on Strictly Protected and Protected Wild Species, Art. 12	For these misdemeanours, a fine in the amount of 200 KM to 10,000 KM is prescribed, depending on the identity of the perpetrator (legal entity, responsible person in the legal entity or natural person).	Protected area guards/rangers (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection, investigative actions)

breeding, migration and hibernation; capturing, keeping or killing strictly protected animal species, and destroying their habitat			
Hunting, persecution or deliberate disturbance of permanently or temporarily protected wildlife	RS Hunting Act, Art. 77	For these misdemeanours, a fine in the amount of 500 KM to 30,000 KM is prescribed, depending on the identity of the perpetrator (legal entity, responsible person in the legal entity or natural person).	Protected area guards/rangers (detection), gamekeepers' service (detection), inspectors of the Republic Administration for Inspection Affairs and inspectors of local self-government units (detection), police officers (detection, investigative actions)
<b>Federacija BiH</b>			
Criminal offences			
Torture and killing of protected animal species	FBiH CC, Art. 318 para. 2, Torture and killing of animals	Qualified form of the criminal offence of torture or illegal killing of animals under Art. 318 paragraph 1 is a case when the committing of an offence caused <i>the death of a large number of animals or animals whose species are specially protected</i> (Art. 318 para. 2). For this criminal offence, a monetary fine or a prison sentence of up to two years is prescribed.	Rangers in the protected area (detection), nature protection inspectorate in the Federal Administration for Inspection Affairs and cantonal body for inspection affairs (detection), police officers (detection, investigations), Federal and Cantonal Prosecutor's Office (prosecution)



<p>Hunting of game during the closure period, hunting of game whose hunting is permanently prohibited, hunting of protected animal species, hunting in ways or means that are prohibited or by which game is destroyed en masse</p>	<p>FBiH CC, Art. 319, Illegal hunting</p>	<p>For the basic form of criminal offence (<i>Whoever unlawfully kills, injures or catches during the closure period game in large numbers or in greater value, or game whose hunting is permanently prohibited... or whoever hunts a protected animal species...</i>, Art. 319 para. 1), a monetary fine or a prison sentence of up to one year is prescribed.</p> <p>For the qualified form of this criminal offence (<i>...by means or in a way that is prohibited or by which game is destroyed en masse...</i>, Art. 319 para. 2), a prison sentence from three months to three years is prescribed. The confiscation of captured animals and the means of committing this criminal offence is also prescribed.</p>	<p>Rangers in the protected area (detection), gamekeepers' service (detection), nature protection inspectorate in the Federal Administration for Inspection Affairs and cantonal body for inspection affairs (detection), police officers (detection, investigations), Federal and Cantonal Prosecutor's Office (prosecution)</p>
<p>Hunting of fish, other freshwater or seawater animals or organisms during the closure period or in the area where it is prohibited, hunting by using prohibited means</p>	<p>FBiH CC, Art. 320, Illegal fishing</p>	<p>For the basic form of the criminal offence (<i>Whoever hunts... at a time when it is prohibited or in the territory where it is prohibited..., ...by using explosives, electricity, poison, stun or other means or methods harmful to their reproduction or which are prohibited by regulations...</i>, Art. 320 para. 1), a monetary fine or a prison sentence of up to one year is prescribed.</p> <p>For the qualified form of this criminal offence (when <i>the death of fish or other freshwater or seawater animals or organisms on a larger scale was caused</i>, Art. 320 para. 2), a monetary fine or a prison sentence of up to two years is prescribed.</p>	<p>Rangers in the protected area (detection), fishkeepers' service (detection), nature protection inspectorate in the Federal Administration for Inspection Affairs and cantonal body for inspection affairs (detection), police officers (detection, investigations), Federal and Cantonal Prosecutor's Office (prosecution)</p>



		The confiscation of captured animals and the means of committing this criminal offence is also prescribed.	
<b>Misdemeanours</b>			
Deliberate capture, keeping and killing of strictly protected animals, damage to or destruction of their developmental forms, nests or litters, and breeding and resting areas, disturbance during breeding, rearing and hibernation, and deliberate destruction or taking of eggs; Deliberate disturbance of wild animals; Deliberate damage to or destruction of wildlife habitats; Use of non-selective means of capturing and killing protected animals and means that may cause local extinction or serious disturbance of the species population; Exterminated native wild species; Reduced populations of wild species, destruction of their habitats or changing conditions in which they live; Deliberately damage to or destruction of habitats of wild species, Collecting plants, fungi and animals and their	Nature Protection Act, Art. 232 and Art. 234	For these misdemeanours, a fine in the amount of 100 KM to 15,000 KM is prescribed, depending on the identity of the perpetrator (legal entity, responsible person in the legal entity or natural person).	Rangers in the protected area (detection), nature protection inspectorate in the Federal Administration for Inspection Affairs and cantonal body for inspection affairs (detection, misdemeanour prosecution), police officers (detection, misdemeanour prosecution), Indirect Taxation Administration of BiH (detection, misdemeanour prosecution)

<p>parts for the purpose of traffic without meeting the necessary conditions and possessing the necessary permits; Illegal import, export, trade in wild species, their parts or derivatives.</p>			
<p>Hunting outside the hunting ground; Hunting, banishment or deliberate disturbance of wildlife during a ban on hunting or closure period; Hunting female game at different stages of reproduction; Permitting to hunt species for which a permanent ban on hunting is prescribed, hunt protected species during the closure period or during a temporary ban on hunting; Game poisoning; Hunting by illicit means and methods; Illegal trafficking in wild animals</p>	<p>Hunting Act, Art. 82, 84 to 86</p>	<p>For these misdemeanours, a fine in the amount of 500 KM to 15,000 KM is prescribed, depending on the identity of the perpetrator (legal entity, responsible person in the legal entity or natural person). The possibility of imposing a measure of confiscation of means used or intended to commit a misdemeanour, revoking of a license to hold and carry a weapon for a period of two to five years and confiscation of property gains obtained by the committed misdemeanour is prescribed.</p>	<p>Gamekeepers (detection), hunting inspectorate in the Federal Administration for Inspection Affairs and cantonal body for inspection affairs (detection, misdemeanour prosecution), police officers (detection, misdemeanour prosecution), Indirect Taxation Administration of BiH (detection, misdemeanour prosecution)</p>

### Potential areas for improving wildlife protection provisions

It has already been pointed out in the report that the institutional nature protection framework in Bosnia and Herzegovina is excessively complicated, as it is fragmented into four administrative levels: the state, entity, cantonal, and municipal level. The situation with the organization of the judicial system in Bosnia and Herzegovina is similar. The division of competences between different levels of government and different institutions is often not clear enough.

The state level of Bosnia and Herzegovina does not have direct jurisdiction when it comes to the nature protection sector in Bosnia and Herzegovina, and there is no umbrella nature protection legislation. Regulation of nature protection is left to the constituent units. Furthermore, in the Federation of Bosnia and Herzegovina, cantons also have the possibility of independent regulation of certain matters related to nature protection. Therefore, all constituent units have independent legal nature protection frameworks that differ significantly from one another, which, given the size of the country, has no scientific or professional basis. In addition to the fragmented legislation of its constituent units, an additional problem in the Federation of Bosnia and Herzegovina are disparities between the regulations adopted by the federal and the cantonal level of government.

In the last ten years, Bosnia and Herzegovina has made limited progress regarding compliance with the EU acquis pertaining to nature protection, and no progress has been made when it comes to most matters related to the rule of law and the performance of the judicial system.

The legal nature protection framework in Bosnia and Herzegovina is not in line with the obligations arising from the Birds Directive and the Habitats Directive. Nature protection acts have not been revised since their entry into force in 2013 in the Federation of Bosnia and Herzegovina, and in 2014 in Republika Srpska. Most bylaws necessary for the implementation of the said nature protection acts have not been adopted. Some progress has been made in 2020 with the adoption of lists of protected species in both entities, but it should be noted that these lists for the most part do not transpose the species protected by European and international regulations.

According to the most recent European Commission Report from 2021, Bosnia and Herzegovina is at an early stage of preparedness when it comes to environmental matters. Horizontal legislation is, to a limited extent, in line with the EU acquis. Environmental sub-sector strategies and the legislative framework at different levels of government remain inconsistent across the country when it comes to the areas they cover, so the environmental sector is treated unevenly. The nationwide approximation strategy of the regulations with the EU acquis pertaining to environmental protection, adopted in 2017, needs to be updated and fully implemented, as well as supplemented by more concrete programmes for the compliance of environmental regulations at the entity level and the Brčko District level. The legal framework governing environmental inspections and its implementation need to be improved in line with the relevant EU acquis. Coordinated efforts are needed across the country to make progress regarding compliance with a number of horizontal environmental directives, such as the Environmental Crime Directive.<sup>111</sup> Compliance with the EU nature protection acquis remains very limited. No

<sup>111</sup> European Commission, Bosnia and Herzegovina 2021 Report, p. 101.

progress has been made when it comes to the adoption of a list of potential Natura 2000 sites and bylaws, as well as to the establishment of a biodiversity monitoring system in Bosnia and Herzegovina.<sup>112</sup>

As for the rule of law and the performance of the judicial system, the European Commission states that Bosnia and Herzegovina is at an early stage of preparedness, as well as that most of the priorities and recommendations have not been met.<sup>113</sup> The legislative and the institutional judicial framework have significant shortcomings.<sup>114</sup> Attention is drawn to the continuous lack of political commitment to conduct key reforms pertaining to the rule of law, as well as the need to adopt of a new Courts Act in Bosnia and Herzegovina and a new High Judicial and Prosecutorial Council Act. The Courts Act should provide greater legal certainty and specify the subject-matter jurisdiction of the courts. The new Act on the VSTV of BiH needs to strengthen the independence, professionalism, and accountability of the judicial system.<sup>115</sup>

### Special comments

The criminal codes of the constituent units are not harmonised with the Directive on the protection of the environment through criminal law, although it should be noted that there are differences in the degree of transposition of obligations referred to in this Directive, and that RS has made greater progress than the FBiH. The Criminal Code of Bosnia and Herzegovina does not lay down environmental criminal offences. Thus, there has been no attempt at compliance with the said Directive.

RS has largely transposed the obligations referred to in Article 3(f)<sup>116</sup>, 3(g)<sup>117</sup>, and 3(h)<sup>118</sup> of the Directive. The activities in question are punishable offences laid down in the Criminal Code of Republika Srpska.<sup>119</sup>

In RS, the obligations referred to in Article 3(f) of the Directive have been transposed by the provisions of Article 375 (Destruction or damage to protected natural assets or resources), Article 390, paragraph 2 (Torture and killing of animals), Article 392 (Illegal hunting), and Article 393 (Illegal fishing) of the Criminal Code of RS. The obligations referred to in Article 3(g) of the Directive have been transposed by Article 379 (Illegal removal and introduction of strictly protected plants or animals or genetically modified organisms), while the obligations referred to in Article 3(h) have been transposed by Article 376 (Destruction of habitats) of the Criminal Code of RS.

Shortcomings have been identified with regard to the transposition of the obligation referred to in Article 3(g) of the Directive, laying down prohibitions pertaining to trade in protected species.

<sup>112</sup> European Commission, Bosnia and Herzegovina 2021 Report, p. 102.

<sup>113</sup> European Commission, Bosnia and Herzegovina 2021 Report, p. 16.

<sup>114</sup> European Commission, Bosnia and Herzegovina 2021 Report, p. 16.

<sup>115</sup> European Commission, Bosnia and Herzegovina 2021 Report, p. 17.

<sup>116</sup> 3(f) killing, destroying, possession or taking of specimens of protected wild fauna or flora species, except for cases where the conduct concerns a negligible quantity of such specimens and has a negligible impact on the conservation status of the species

<sup>117</sup> 3(g) trading in specimens of protected wild fauna or flora species or parts or derivatives thereof, except for cases where the conduct concerns a negligible quantity of such specimens and has a negligible impact on the conservation status of the species

<sup>118</sup> 3(h) any behaviour that causes significant habitat disturbance within a protected area

<sup>119</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminalološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 158.

In RS, trade in strictly protected species is a criminal offence<sup>120</sup>, but according to the Directive, the subject-matter of protection should be expanded so as to make trade in protected species also prohibited.

The Programme for the approximation of the regulations of the Federation of Bosnia and Herzegovina to the EU acquis pertaining to environmental protection points out that the Criminal Code of the Federation of Bosnia and Herzegovina lays down environmental criminal offences, agricultural criminal offences, and criminal offences against natural resources, as well as possible sanctions, but does not transpose the requirements of the Directive.<sup>121</sup>

In the Federation of Bosnia and Herzegovina, the obligations referred to in Article 3(f) of the Directive have only partially been transposed, namely by Article 318, paragraph 2 (Torture and killing of animals), Article 319 (Illegal hunting), and Article 320 (Illegal fishing) of the Criminal Code of the FBiH, while criminal offences referred to in Article 3(g) and 3(h) of the Directive, pertaining to trade and habitat disturbance in protected areas, have not been transposed at all. An additional problem in the FBiH is the fact that the competence of institutions to implement the obligations referred to in this Directive has not been defined.<sup>122</sup>

For the Federation of Bosnia and Herzegovina, previous analyses state that the FBiH Nature Protection Act partially transposes the obligations of the Habitats Directive and the Birds Directive, but that additional harmonisation of the Hunting Act and other bylaws of the FBiH is needed.<sup>123</sup> It has been determined that certain definitions, obligations, and annexes of these two Directives have not been transposed, as well as that no bylaws dedicated to the implementation of the FBiH Nature Protection Act have been adopted.<sup>124</sup>

The non-adoption of bylaws pertaining to the identification, declaration, and management of ecological network areas, as well as the establishment of conditions for the import, export, introduction, removal or transport and breeding of wild species are also of interest for this report.<sup>125</sup> An indemnification ordinance for protected species has not been adopted yet, although its adoption was provided for by the FBiH Nature Protection Act that entered into force in 2013.<sup>126</sup>

The Ordinance on Protection Measures for Strictly Protected Species and Subspecies and Protected Species and Subspecies was adopted in 2020. This Ordinance contains an annex with a list of protected species in the FBiH. The list of protected species was not created

<sup>120</sup> Art. 379 of the Criminal Code of Republika Srpska (cro. *Kazneni zakon Republike Srpske*), Official Journal of RS nos. 64/17, 104/18 – Decision of the Constitutional Court, 15/21, and 89/21.

<sup>121</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 157.

<sup>122</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 157.

<sup>123</sup> Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izveštaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), Centre for the Environment (cro. *Centar za životnu sredinu*), Banja Luka, 2020, p. 78.

<sup>124</sup> Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izveštaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), p. 77.

<sup>125</sup> Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izveštaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), p. 79

<sup>126</sup> Art. 111(6) of the Federation of Bosnia and Herzegovina Nature Protection Act (cro. *Zakon o zaštiti prirode Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 66/13.

based on an evaluation of the actual situation in Bosnia and Herzegovina, and it does not protect a large number of species protected by European and international regulations.<sup>127</sup>

As for the transposition of the Birds Directive and the Habitats Directive, most of the earlier conclusions are valid in RS as well. The RS Nature Protection Act only partially transposes the provisions of these Directives, so additional harmonisation of the Act and the adoption of bylaws are needed.<sup>128</sup> Just as in the FBiH, bylaws pertaining to the identification, declaration, and management of ecological network areas, as well as the establishment of conditions for the import, export, introduction, removal or transport and breeding of wild species have not been adopted.<sup>129</sup> Although there is no indemnification ordinance for protected species in RS, nor is there an obligation to adopt it, the RS Nature Protection Act lays down the obligation to pay compensation for the damage caused by a violation of the act based on an expert assessment.<sup>130</sup> Just as in the FBiH, some progress has been made with the 2020 Regulation on Strictly Protected and Protected Wild Species. Although the list is somewhat more ambitious than the one in the FBiH, it was not created based on an evaluation of the actual situation in Bosnia and Herzegovina, and it does not protect a large number of species protected by European and international regulations.<sup>131</sup>

In both entities, lists of protected species and habitats in accordance with European and international requirements have not been adopted. For instance, date shells (*Lithopaga lithophaga*) are protected in the EU but are not protected in Bosnia and Herzegovina, where they are regularly offered in restaurants. Bylaws and species lists also differ between entities (e.g. the wolf is a protected species in the FBiH, while in RS, it is game without a prescribed closure period).

It should be noted that certain protected species are managed based on entity hunting regulations, and some are defined as game (hunting species) and their hunting is allowed. An earlier analysis regarding birds showed that lists of hunting species are extremely extensive in both entities relative to EU countries, as well as that they are inconsistent with one another and contain a large number of species that need to be protected under EU and international regulations.<sup>132</sup>

The misdemeanours laid down by entity nature protection acts are not harmonised, and the monetary fines for the same actions differ significantly between the entities.

The FBiH Nature Protection Act lays down an extremely large number of misdemeanours. However, it is difficult to apply its provisions in practice, since elements of misdemeanour are not clearly defined for some of them. Moreover, extremely low fines are laid down, so the FBiH Government initiated the procedure of amending the FBiH Nature Protection Act

<sup>127</sup> Annex 1 to Ordinance on Protection Measures for Strictly Protected Species and Subspecies and Protected Species and Subspecies (cro. *Pravilnik o mjerama zaštite za strogo zaštićene vrste i podvrste i zaštićene vrste i podvrste*), Official Gazette of the FBiH no. 21/20.

<sup>128</sup> Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izveštaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), p. 77.

<sup>129</sup> Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izveštaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), p. 77.

<sup>130</sup> Art. 86 of the Republika Srpska Nature Protection Act (cro. *Zakon o zaštiti prirode Republike Srpske*), Official Journal of RS no. 20/14.

<sup>131</sup> Annex 1 of the Regulation on Strictly Protected and Protected Wild Species (cro. *Uredba o strogo zaštićenim i zaštićenim divljim vrstama*), Official Journal of RS no. 65/20.

<sup>132</sup> Kotrošan, D., Sarajlić, N., "Birds and Hunting in Bosnia and Herzegovina" (cro. *Ptice i lovstvo u Bosni i Hercegovini*), p. 8–24.



in 2021.<sup>133</sup> The draft act proposes a two-fold to four-fold increase in the minimum and maximum penalties relative to the existing penalties. The explanation of these amendments states that monetary fines have proven to be ineffective and do not reflect the severity of the consequences of misdemeanours, as well as that the preventive purpose of the prescribed misdemeanours is not achieved given the low monetary fines and the possibility of releasing the perpetrators from the obligation to pay half of the imposed fine under the Misdemeanour Act of the FBiH. At the time of creation of the present report, the said amendments had not been yet adopted.

As for international conventions and agreements, some progress has been made with the 2017 ratification of the Bonn Convention on the Conservation of Migratory Species of Wild Animals.<sup>134</sup> Bosnia and Herzegovina has not become a party to the African-Eurasian Migratory Waterbird Agreement (AEWA) yet.

As for the CITES Convention, an earlier analysis from 2021 found that the national legislation is mostly in accordance with EU legislation when it comes to the field in question, as well as that it allows for effective implementation of the provisions of the Convention.<sup>135</sup> The same report states that implementing regulations on the housing, marking, and welfare of protected animals need to be adopted. Their adoption is laid down by the Decision on the Conditions and Manner of Implementation of CITES, adopted four years ago.<sup>136</sup>

In the 2021 report, the European Commission points out that no progress has been made when it comes to establishing a system for the monitoring of biodiversity in Bosnia and Herzegovina. An earlier analysis from 2017 states that problems with gathering and managing information on the state of nature have been identified in Bosnia and Herzegovina, as well as that the current legislation does not specify the manner of establishing and the functioning of such a system in sufficient detail.<sup>137</sup> There is no centralized environmental database at state level.<sup>138</sup>

As for the information systems, in both entities, there is no obligation to keep records of this type of punishable offence to the detriment of nature.

<sup>133</sup> The Government of the Federation of Bosnia and Herzegovina (cro. *Vlada Federacije BiH*), draft Act amending and supplementing the Nature Protection Act (cro. *Nacrt Zakona o izmjenama i dopuna Zakona o zaštiti prirode FBiH*), 2021,

[https://parlamentfbih.gov.ba/v2/userfiles/file/Materijali%20u%20proceduri\\_2021/NACRT\\_ZAK\\_IZMJ\\_DOPUNA\\_MA\\_ZAKONA\\_O\\_ZASTITI\\_PRIRODE\\_BOS.pdf](https://parlamentfbih.gov.ba/v2/userfiles/file/Materijali%20u%20proceduri_2021/NACRT_ZAK_IZMJ_DOPUNA_MA_ZAKONA_O_ZASTITI_PRIRODE_BOS.pdf), (accessed on 2 January 2022).

<sup>134</sup> Convention on the Conservation of Migratory Species of Wild Animals, Official Journal of Bosnia and Herzegovina – International Agreements no. 8/17

<sup>135</sup> Twinning project “EU Support to Indirect Taxation Authority (ITA) of Bosnia and Herzegovina, “Analysis of the shortcomings and needs of laws and regulations of Bosnia and Herzegovina in relation to the requirements of effective implementation of the CITES Convention” (cro. *Analiza nedostataka i potreba zakonskih i podzakonskih akata BiH u odnosu na zahtjeve učinkovite primjene CITES konvencije*), activity no. 01/06/2021 – 25/06/2021.

<sup>136</sup> Art. 56 of the Decision on the Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Bosnia and Herzegovina (cro. *Odluka o uvjetima i načinu provedbe Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES) u Bosni i Hercegovini*), Official Journal of Bosnia and Herzegovina no. 31/18.

<sup>137</sup> Mesaroš, G., “Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina” (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 10.

<sup>138</sup> United Nations Economic Commission for Europe, “Environmental Performance Review, Bosnia and Herzegovina, Second Review” (cro. *Pregled stanja okoliša, Bosna i Hercegovina, Drugi pregled*), United Nations, 2011, p. 40.

The competences and powers of rangers and inspectorates in the constituent units are not exhaustively regulated and can be supplemented.



## V.2. Analysis of the competent public authorities

Table 3. List of competent authorities with an overview of competencies

Authority	Scope of offences over which it has empowerment/ subject-matter jurisdiction	Type of empowerment (e.g., issuing permits, inspection, investigating, seizing specimens, arresting offenders, imposing administrative fines, bringing cases to courts), monitoring WLC)	Personnel resources dedicated to WLC (numbers of units and persons), if available
<b>Administrative authorities</b>			
<b>BIH</b>			
Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina	N/A	Licensing – issuing import licenses, import notices, export licenses or re-export certificates in connection with the implementation of CITES.	N/A
<b>FBiH</b>			
Federal Ministry of Environment and Tourism	N/A	Issuance of permits, monitoring of the state of nature – responsible for control of transboundary movement of protected wild species / subspecies in FBiH; makes decisions on the entry, amount, export or import and entry from the sea, and gives consent for re-export of wild species / subspecies, their parts and derivatives; keeps records of the manner and quantity of the use of protected wild species/subspecies for the purpose of determining and monitoring the state of populations.	N/A
Protected area managers, public companies and institutions founded by the	N/A	Direct surveillance – protected area surveillance, supervision of the implementation of conditions and nature protection measures in the area they manage.	NA

FBiH government or cantonal governments, depending on the category of protected area protection			
<b>RS</b>			
Ministry of Spatial Planning, Construction and Ecology	N/A	Issuance of permits – responsible for the control of transboundary movement of protected wild species / subspecies in RS, issues decisions for import, export, entry, amount or transit and breeding of endangered and protected wild plant and animal species, their parts and derivatives (with the previously obtained consent by the ministry responsible for agriculture, forestry and water management).	N/A
Republic Institute for the Protection of Cultural, Historical and Natural Heritage, Ministry of Education and Culture	N/A	Monitoring the state of nature – performs professional work on the protection of nature and natural resources, collects and processes data on nature and natural values, monitors the state and assesses the conservation of nature, wild species and their habitats.	N/A
Protected area managers, public companies and institutions founded by the RS government or assemblies of local self-government units, depending on the category of protection	N/A	Direct surveillance – protected area surveillance, supervision of the implementation of conditions and nature protection measures in the area they manage.	N/A
<b>Police departments, rangers, inspections, other services</b>			
<b>BiH</b>			

BiH Border Police, Ministry of Security of BiH	Criminal offences (BiH CC, FBiH CC, RS CC)	Investigation, filing of criminal charges, confiscation of objects and specimens of species – conducting police work related to the supervision and control of crossing the BiH border.	N/A
Indirect Taxation Authority of BiH	Misdemeanours related to entity nature protection acts related to illegal trade, import and export of wild species	Issuance of permits, inspections, issuance of misdemeanour warrants, i.e. submission of requests for initiating misdemeanour procedure, confiscation of objects and specimens of species – supervisory body for control and supervision of transboundary movement of wild species. Officials of the Indirect Taxation Authority of BiH check the import / export, re-import and re-export and transit of species from Annex I-IX of the Decision on the conditions and manner of implementation of CITES in BiH, and living specimens of non-native species.	N/A
Border Veterinary Inspectors, Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina	Misdemeanours related to entity nature protection acts related to illegal trade, import and export of wild species	Issuance of permits, inspections, issuance of misdemeanour warrants, i.e. submission of requests for the initiation of misdemeanour procedure – performing veterinary health controls in international traffic; registration and approval of imports of goods from neighbouring and other countries; control of import, export and transit including review of documents; identity verification and physical examination, issuance of documents accompanying the consignment and veterinary health certificates, imposition of mandatory penalties; reporting punishable offences, i.e. initiating misdemeanour procedures.	N/A
Phytosanitary Inspection, at the Republic Administration for Inspection Affairs of RS, at the Federal Administration for	Misdemeanours related to entity nature protection acts	Issuance of permits, inspections, issuance of misdemeanour warrants, i.e. submission of requests for initiating misdemeanour procedures – supervisory body for the control of shipments of plants, plant products and regulated objects during	N/A

Inspection Affairs of the FBiH, at the Inspectorate of the Office of the Mayor of the Brčko District of BiH	related to illegal trade, import and export of wild species	import, export and transport; issuing certificates of integrity of plant goods.	
<b>FBiH</b>			
Chief ranger and rangers of a public company or institution that manages a protected area	Misdemeanours related to the FBiH Nature Protection Act	Indirect surveillance in a protected area.	N/A
Federal Administration for Inspection Affairs	Misdemeanours from the FBiH Nature Protection Act and Hunting Act	Inspection, issuance of misdemeanour warrants, i.e. submission of requests for initiating misdemeanour procedure, confiscation of objects and specimens of species – surveillance of protected areas of the category of strict nature reserve, wilderness area and national park	N/A
Cantonal nature protection inspections	Misdemeanours related to the FBiH Nature Protection Act and the cantonal nature protection acts	Inspection, issuing misdemeanour warrants, i.e. submitting requests for initiating misdemeanour procedure, confiscating objects and specimens of species – surveillance of protected areas of the nature park category, natural monuments and natural features, habitat/species management area, protected landscape, protected area with sustainable use.	N/A
Police Officers, Federal Ministry of Interior	Criminal offences (FBiH CC)	Investigation, filing criminal charges, issuing misdemeanour warrants, i.e. submitting requests for initiating misdemeanour procedure, confiscating the subject of the offense and specimens of species.	N/A
<b>RS</b>			

Guards/rangers in protected areas	Misdemeanours related to the RS Nature Protection Act	Indirect surveillance in a protected area.	N/A
Inspectors of the Republic Administration for Inspection Affairs and local self-government units	Misdemeanours related to the RS Nature Protection Act, the RS Hunting Act and the Decree on Strictly Protected and Protected Wild Species	Inspection, issuing misdemeanour warrants, i.e. submitting requests for initiating misdemeanour procedure, confiscating the subject of the offense and specimens of species – supervising the implementation of the RS Nature Protection Act.	N/A
Police officers, RS Ministry of Interior	Criminal offences (RS CC)	Investigation, filing criminal charges, issuing misdemeanour warrants, i.e. submitting requests for initiating misdemeanour procedure, confiscating the subject of the offense and specimens of species.	N/A

## National judicial system and wildlife crime procedures

In Bosnia and Herzegovina, there is no special structure for criminal and misdemeanour procedures pertaining to wildlife crimes relative to standard procedures. No specialization of prosecutors, judges or courts for this type of punishable activity has taken place.<sup>139</sup> One-day courses on the basics of environmental law are occasionally organized for prosecutors and judges.

The description of the course of misdemeanour and criminal procedures in the FBiH is taken from the paper "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012"<sup>140</sup>.

### ***Criminal procedure***

In the FBiH, both municipal and cantonal courts can have jurisdiction at first instance, while at second instance, decisions on appeals against judgments of municipal courts are adopted by cantonal courts, and decisions on appeals against first-instance judgments of cantonal courts are adopted by the Supreme Court of the FBiH.

In RS, basic and district courts have jurisdiction for first-instance procedures, while district courts have jurisdiction for appeals against judgments of basic courts. The Supreme Court of RS has jurisdiction for appeals against judgements of district courts.

Every citizen has the right and obligation to report criminal offences to the competent authorities whenever they have knowledge of such offences. In the cases specified by law, the failure to report them constitutes a criminal offence. The competent authorities are required to act upon the filed criminal charges, and if the prosecutor believes that there are insufficient grounds for issuing an order to initiate an investigation, they shall inform the denouncer thereof and state the reasons for such a decision, namely along with information regarding the right to lodge a complaint with the competent prosecutor's office.

After becoming aware of a committed criminal offence or following the submission of a report on a criminal offence, or after conducting preliminary investigations, the competent prosecutor shall issue an order to conduct an investigation if there are grounds for suspicion that a criminal offence has been committed.

After gathering sufficient proof of reasonable doubt that the suspect committed the criminal offence with which they are charged, the competent prosecutor shall file an indictment, which is then forwarded to the competent court for confirmation. After the indictment has been confirmed, the criminal procedure shall take place before a competent court of first instance. An evidentiary procedure is also conducted, depending on whether the accused admits that they committed the criminal offence or not. Upon completion of the evidentiary procedure, the court of first instance shall issue their judgement that can either be a judgement of conviction or a judgement of acquittal. The competent court of second instance adopts a decision on the remedy, i.e. the appeal that may be brought against the judgement given at first instance. The judgment of the court of second instance

<sup>139</sup> Numić, S., "The Third National Report on the Implementation of the Aarhus Convention in Bosnia and Herzegovina (Draft)" (cro. *Treći nacionalni izvještaj o implementaciji Aarhuške konvencije u Bosni i Hercegovini (nacrt)*), 2018.

<sup>140</sup> Delaić, M., Pilipović, R., i Petrović, D., "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012" (cro. *Analiza sudskih odluka iz područja zaštite okoliša u Bosni i Hercegovini u 2012. godini*), OSCE, ENVSEC, Auswärtiges Amt, 2012.



is final, and the sentenced person has the right to extraordinary appeal in certain situations, as well as the right to appeal to the Constitutional Court of Bosnia and Herzegovina.

### ***Misdemeanour procedure***

A misdemeanour procedure may be initiated with the issuance of a misdemeanour warrant by an authorized body or by submitting a request for its initiation to the competent court of first instance.

After establishing that the misdemeanour referred to in the relevant regulation was committed, the authorized body shall issue a misdemeanour warrant specifying the misdemeanour sanction and instructions for the defendant regarding their right to request a court decision on the misdemeanour warrant, as well as what misdemeanour has been committed and the relevant legal provisions.

Judicial procedures are initiated at the request of the competent supervisory authority, or when the defendant raises an objection against the misdemeanour warrant, with the court deciding on its admissibility.

At first instance, misdemeanour procedures take place before municipal courts having territorial jurisdiction in the FBiH and basic courts in RS. At second instance, they take place before cantonal courts having territorial jurisdiction in the FBiH and district courts in RS. An oral hearing shall be held in the procedures at first instance, ending with the issuance of a court decision.

### **Other stakeholders**

No specialization of non-governmental organizations for wildlife crimes has taken place in Bosnia and Herzegovina.

WWF Adria and the "Udruga Dinarica" organization are involved in raising public awareness, educating institutions, advocating for change, and supporting policy-making related to nature protection in Bosnia and Herzegovina. WWF Adria is a non-governmental organization officially registered in Croatia and operating in the region from Slovenia to Albania, whose aim is to strengthen dialogue and communication between relevant sectors in the protection of the waters, protected areas, the sea, fisheries, and forestry. The non-governmental organization "Udruga Dinarica" officially became part of the WWF network in 2021. It helps solve environmental problems in Bosnia and Herzegovina by promoting cooperation among non-governmental organizations, governments, enterprises, and other environmental stakeholders, as well as by supporting the free exchange of information and public participation in environmental decision-making.

The Ornithological Society "Naše ptice" from Sarajevo is a non-governmental organization working in the field of ornithology, ecology, ringing, and protection of birds and their habitats. One of the matters they are working on is raising the awareness of the public and the decision-makers when it comes to punishable offences against protected birds.

The Centre for the Environment from Banja Luka is a non-governmental organization focused on environmental matters and nature protection. The organization is one of the initiators of the establishment of the Intervention Team for Large Carnivores in RS.

## Cooperation

In RS, the Ministry of Agriculture, Forestry and Water Management has established the Intervention Team for Large Carnivores.

At the beginning of 2022, the Board of Experts for Large Carnivores was established in the FBiH by the Federal Ministry of the Environment and Tourism. The Ministry also established the Intervention Team for Large Carnivores, namely with the support of WWF Adria and the LIFE EuroLargeCarnivores project.

Within the BalkanDetox LIFE project ending in 2025, the institutions of Bosnia and Herzegovina have committed to develop action plans against the poisoning of wild animals, as well as standardised operational protocols for the investigation, pathology, and toxicology of wild animal deaths, and they established a National Working Group against Poisoning. Working group members include the Ministry of Foreign Trade and Economic Relations, the Federal Ministry of the Environment and Tourism, the Federal Administration For Inspection Affairs, the Ministry of Agriculture, Forestry and Water Management of RS, the Federal Ministry of the Environment and Tourism, the Institute for the Protection of Cultural, Historical and Natural Heritage of RS, the Faculty of Veterinary Medicine of the University of Sarajevo, and the Ornithological Society "Naše ptice".<sup>141</sup>

## Shortcomings at organizational level

Previous analyses of the situation in Bosnia and Herzegovina highlight insufficient staff, organizational, technical and financial capacities at all levels of government in the nature protection sector and in judicial structures (e.g. insufficient number of experts, high workload relative to the number of employees, vacant positions), a lack of cooperation between institutions (e.g. exchange of data and information, coordination, and consultations) and unpreparedness of institutions to deal with international obligations and agreements (e.g. no "focal point" servants have been appointed, and no monitoring of the state of nature is being carried out).<sup>142</sup>

The latest (2021) European Commission report highlights the need to significantly strengthen capacities both when it comes to nature protection and the judicial system.<sup>143</sup> One of the requirements of the European Commission is consistent application of appointment practices by the institutions of Bosnia and Herzegovina, namely based on expertise and qualifications instead of predominantly ethnic criteria, as well as ensuring the application of quality criteria in performance assessment. The requirement to formalize the procedure of appointing national contact persons for Bosnia and Herzegovina in relation to the implementation of environmental protection conventions signed by Bosnia and Herzegovina is still to be met, and the functions of those persons need to be established.

As for CITES, the European Commission highlights that Bosnia and Herzegovina needs to identify institutions, ensure the necessary human and financial capacities, and establish structures to fully implement the requirements of this Convention. In the self-evaluation of the implementation of CITES, Bosnia and Herzegovina states the lack of professional,

<sup>141</sup> Balkan Detox LIFE, Stakeholders [website], <https://balkandetoxlife.eu/project/about-us/stakeholders/>, (accessed on 2 January 2022).

<sup>142</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 147.; Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izvještaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), p. 84.

<sup>143</sup> European Commission, Bosnia and Herzegovina 2021 Report, p. 16, 100.

technical, financial, and administrative capacities for the implementation of the Convention in all competent bodies, the lack of formal cooperation between the various institutions of Bosnia and Herzegovina that are involved, and the need to educate civil servants on the application of the Convention.<sup>144</sup>

Earlier analyses state insufficient staff capacities of inspectorates for various environmental and nature protection matters and highlight the need for training and coaching civil servants at all levels.<sup>145</sup> Some of the specific needs related to the said training and coaching have also been identified: servants need training on protected areas, the Natura 2000 ecological network, environmental criminal offences, and ethics and transparency pertaining to inspectorates and the judicial system (anti-corruption measures).<sup>146</sup>

There is no body for professional nature protection tasks in the Federation of Bosnia and Herzegovina, and these tasks are performed by the Federal Ministry of the Environment and Tourism, which does not have a sufficient number of employees or the required professional and technical capacities to perform them.<sup>147</sup>

Environmental advisory councils that previously existed in both entities have been abolished or do not function well.

In one of the interviews conducted for the purposes of the LIFE SWiPE project, it was pointed out that there are only five nature protection inspectors in the Federation of Bosnia and Herzegovina. The Federal Administration for Inspection Affairs employs two nature protection inspectors, and some of the cantons do not employ any, even though the said position is provided for in the establishment plan. It was also stated that legal support is not provided for cantonal inspectors when it comes to the filing of indictment proposals, which is not the case for federal inspectors. The people that were interviewed made similar claims about the state and capacities of inspectorates in RS.

During interviews, it was also stated that performing an analysis in cases of suspected animal poisoning was not possible in Bosnia and Herzegovina, as there are no reference laboratories for toxicological analyses. An additional problem regarding the gathering of evidence in RS is the waiting period (at least 3–4 weeks) for a court order required for the gathering of field evidence to be issued.

Several civil servants that were interviewed in both entities stated that the authorities combating wildlife crimes do not keep systematic records of their work (court cases are not updated, no records are kept of CITES cases). Difficulties in monitoring open misdemeanour and criminal cases were noted as well. Several interviewees pointed out that there was no formalized cooperation and information exchange between different institutions that should be working together to combat this type of crimes.

<sup>144</sup> CITES, CITES Implementation Report BiH 2015–2020 [website],

<https://cites.org/sites/default/files/documents/15-20BosniaandHerzegovina.pdf>, (accessed on 2 January 2022).

<sup>145</sup> Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izveštaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), p. 85.

<sup>146</sup> Themis Network Secretariat, "Training Needs Assessment", 2015.

<sup>147</sup> Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), p. 10.

There is no official shelter for large animals confiscated from perpetrators of punishable offences in the Federation of Bosnia and Herzegovina, so private shelters that are “legalized” during supervision are used.

# VI. Analysis of infringements related to wildlife conservation

## VI.1. Statistical analysis

### Scale and types of recorded wildlife crime offences

The following analysis was based largely on publicly available statistical data on criminal offences during the period of 2015–2020, in the way they are presented in the official records of the High Judicial and Prosecutorial Council of BiH, and without insight into specific cases. Similar records are not available on misdemeanour cases, so they are not the subject of analysis.

Here follows a presentation of publicly available data from the VSTV BiH related to criminal offences in connection with nature protection in Republika Srpska and the Federation of Bosnia and Herzegovina.

Republika Srpska:

- Destruction or damage to protected natural values or goods (Article 375 of the RS CC),
- Destruction of habitats (Article 376 of the RS CC),
- Illegal removal and introduction of strictly protected plants or animals or genetically modified organisms (Article 379 of the RS CC),
- Torture and killing of animals (Article 390 of the RS CC),
- Illegal hunting (Article 392 of the RS CC),
- Illegal fishing (Article 393 of the RS CC).

Federation of Bosnia and Herzegovina:

- Torture and killing of animals (Article 318 paragraph 2 of the FBiH CC),
- Illegal hunting (Article 319 of the FBiH CC),
- Illegal fishing (Article 320 of the FBiH CC).

According to the official records of the VSTV BiH, during the period of 2015–2020, the largest number of observed criminal offences was related to the criminal offence of illegal hunting and the criminal offence of animal torture. However, these figures should be taken with a grain of salt as only a negligible number of these cases is related to prohibited activities against strictly protected and protected species, while most cases of illegal hunting relate to big game (deer, roe deer) or in the case of torture, to dogs and domestic animals.

When looking at all environmental crimes, by far the most commonly recorded criminal offence in both entities is forest theft.

The criminal offences of “destruction or damage to protected natural values or goods”, “destruction of habitats” and “illegal removal and introduction of strictly protected plants

or animals” were not recorded in the observed period. These three criminal offences are prescribed by the RS CC, while in the FBiH these prohibited acts are not criminal offences. Out of the criminal offences that are the subject of this report, the FBiH CC prescribes only the criminal offences of torture of animals, illegal hunting and illegal fishing.

As part of the LIFE SWiPE project, the competent institutions of the FBiH and RS collected the data regarding eight cases related to protected species in the FBiH and RS (6 criminal and 2 misdemeanour cases), which are presented below. Due to the small number of submitted criminal and misdemeanour cases, it was not possible to analyse the penal policy in BiH solely on the basis of submitted judgements.

Submitted criminal cases:

- Killing of a protected species of bear (*Ursus arctos*) – an unknown perpetrator shot a bear; the procedure was conducted for the criminal offence of illegal hunting referred to in Article 392, paragraph 5 of the RS CC. An order was issued to suspend the investigation.
- Killing of a protected species of hawk (*Buteo rufinus*) – in 2019, an unknown perpetrator shot a bird; the procedure was conducted for the criminal offence of “destruction or damage to protected natural values or goods” referred to in Article 375, paragraph 2 of the RS CC. An order was issued to suspend the investigation.
- Killing of a protected species of bear (*Ursus arctos*) – in 2019, an unknown perpetrator set a trap in which a bear was caught; the procedure was conducted for the criminal offence of “illegal hunting” referred to in Article 392, paragraph 3 of the RS CC. The case is ongoing.
- Killing of a protected species of bear (*Ursus arctos*) – a bear was shot in 2016; the procedure was conducted for the criminal offence referred to in Article 319, paragraph 1 of the FBiH CC. The procedure was suspended because the relative statute of limitations for criminal prosecution in 2019 came into effect.
- Illegal capture and sale of a protected species of bear cub (*Ursus arctos*) – in 2015, known perpetrators caught a bear cub, which they resold; the procedure was conducted for the criminal offence of “illegal hunting” under Article 319, paragraph 1 of the FBiH CC. The judgement was delivered. The three perpetrators were sentenced to suspended prison sentences of six, three and three months, with a probation period of one year and confiscation of the profits realised from committing the criminal offence.
- Killing of a protected species of lynx (*Lynx lynx*) – a lynx was shot in 2014; the procedure was conducted for the criminal offence “illegal hunting” referred to in Article 319, paragraph 1 of the FBiH CC. The judgement was delivered. The two perpetrators were sentenced to six months of suspended prison with a probation period of one year.

The fact that in three of the six submitted criminal cases the perpetrator is unknown is a bad practice in the mentioned criminal cases.

Furthermore, one criminal case was suspended due to the rapid onset of the relative statute of limitations for criminal prosecution. Since the criminal offence is punishable by imprisonment for up to one year, according to the Criminal Code, the statute of limitations for criminal prosecution expires three years after the committing of the criminal offense.



In the case of illegal capture and sale of bears, the perpetrators were convicted of the criminal offence of “illegal hunting” since the FBiH CC does not provide for the criminal offence of illegal trade in protected species. The first perpetrator caught the bear and sold it to another perpetrator who further sold the bear to a third perpetrator.

Submitted misdemeanour cases:

- Illegal import of a protected species of jaguar (*Panthera onca*) – a jaguar was introduced into the customs territory of BiH by avoiding customs control measures and without the necessary permits, and the animal was kept in a private zoo for public display; the procedure was conducted for the violation of Article 3 paragraph 1 and Article 17 of the BiH Customs Offences Act. Three perpetrators were fined in the amount of 5 thousand KM (EUR 2500), for a legal entity, and 1 thousand KM (EUR 500) and 2 thousand KM (EUR 1000) for natural persons, with a probation period of one year, and the living jaguar was confiscated.

This case stands out as a good example of international cooperation between the competent authorities of the Republic of Serbia and BiH in detecting the case of illegal keeping of jaguars in a private zoo.

At the same time, the fact that in this case the perpetrator was convicted of violating customs regulations and not of committing a criminal offence is pointed out as a bad practice.

- Killing of a protected species of bear (*Ursus arctos*) – the hunting association approved the hunting of bears without the prior approval of the competent Ministry of Hunting; the procedure was conducted for the violation of Article 17 of the BiH Hunting Act. The hunting association was fined 10 thousand KM (EUR 5000), with a probation period of one year.

Of the six criminal cases, in three cases the procedures were suspended for the following reasons: an act committed out of self-defence, lack of evidence, relative statute of limitations. Judgments were delivered in two cases, while one case is still pending. A judgement was delivered in both submitted misdemeanour cases.

In the submitted cases where a judgement was delivered, the perpetrators were sentenced to suspended sentences.

In the case of illegal capture and sale of bears, three perpetrators were sentenced to three to six months in prison, with a probation period of one year for the criminal offence of “illegal hunting” from Art. 319 of the FBiH CC. In the case of the illegal killing of a lynx, two perpetrators were each sentenced to six months in prison with a probation period of one year.

Suspended fines were imposed in misdemeanour cases. In the case of illegal possession of jaguars, suspended fines were imposed for three perpetrators, in the amount of 5000 KM (EUR 2500) for a legal entity and 1000 KM (EUR 500) and 2000 KM (EUR 1000) for natural persons, all with a probationary period of one year. In the case of unauthorised shooting of bears, a suspended fine was imposed on a legal entity hunting company in the amount of 10,000 KM (EUR 5000), with a probationary period of one year.

## Results of wildlife crime prosecution

Environmental crime occupies a significant place in the total registered crime in BiH.<sup>148</sup> During the period of 2011–2017, environmental crimes were the third most frequently reported criminal offence, and the fourth most frequent when it comes to indictments and judgements in BiH.<sup>149</sup>

Table 1. Number of charges, indictments and conviction judgements for environmental crimes in the Federation of BiH (2015–2020)

(Source: VSTV BiH)

Year	Charges	Indictments	Judgments
2015	1137	940	967
2016	953	782	833
2017	662	512	623
2018	416	328	446
2019	440	285	347
2020	370	185	216
<b>Total</b>	<b>3978</b>	<b>3032</b>	<b>3432</b>

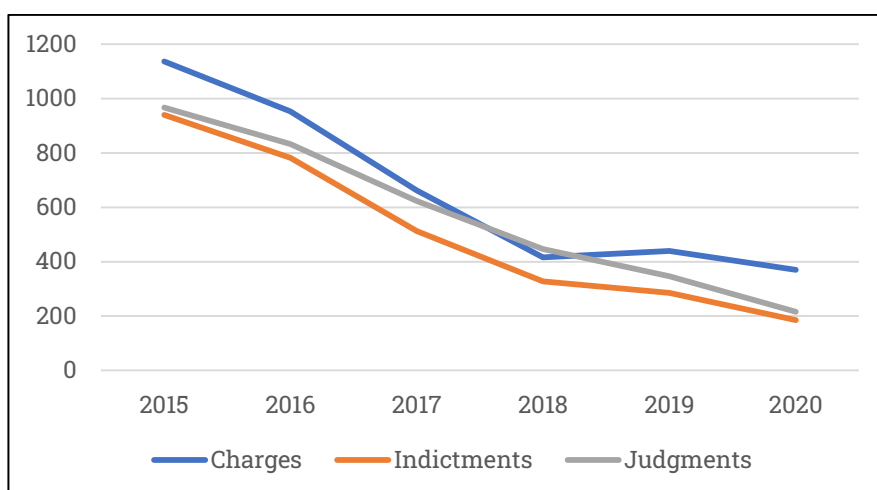


Figure 1. Number trend of charges, indictments and conviction judgements for environmental crimes in the Federation of BiH (2015–2020)

(Source: VSTV BiH)

During the observed period of 2015–2020, a decrease in the number of charges for environmental crimes in the Federation of BiH was recorded (Figure 1). In 2015, 1137 charges were recorded, while in 2020, 370 charges were recorded for all environmental crimes. In 2018 and 2019, the number of charges is about 400 reports per year. In the same way, the number of indictments and conviction judgements delivered decreased in the observed period, from 940 indictments and 967 judgements in 2015, and 185 indictments and 216 judgements in 2020. As with the number of charges for all environmental crimes, the downward trends are not as pronounced for the period from 2018 to 2019 (Table 4; Figure 1).

<sup>148</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 167

<sup>149</sup> Kobajica, S., "Criminological Features of Ecological Crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 167

Table 2. Number of charges, indictments and conviction judgements for environmental crimes in Republika Srpska (2015–2020)

(Source: VSTV BiH)

Year	Charges	Indictments	Judgments
2015	675	322	248
2016	563	278	261
2017	388	185	185
2018	50	57	114
2019	79	33	57
2020	60	16	22
<b>Total</b>	<b>1815</b>	<b>891</b>	<b>887</b>

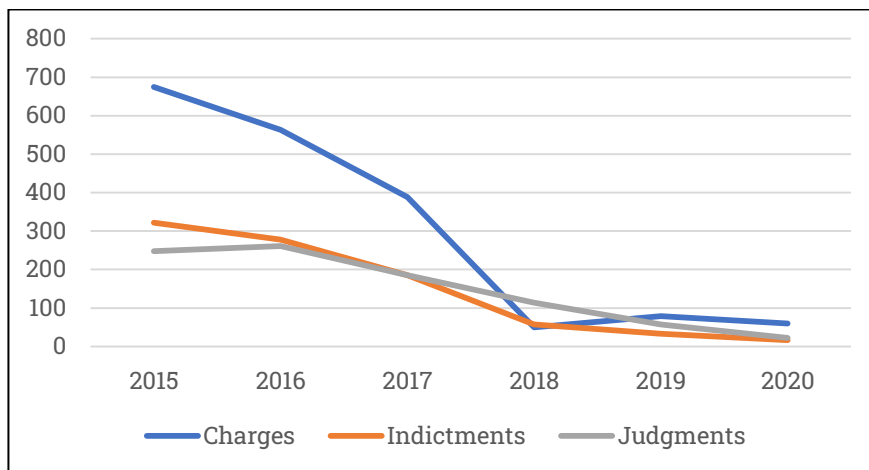


Figure 2. Number trend of charges, indictments and conviction judgements for environmental crimes in Republika Srpska (2015–2020)

(Source: VSTV BiH)

In the period of 2015–2018, there was a sharp decline in the number of charges for environmental crimes in Republika Srpska, while for the period after 2018 there is a slight increase. The number of indictments and conviction judgements delivered has been declining since 2015, with a declining downward trend compared to the downward trend in charges for environmental crimes (Table 5; Figure 2).

Table 3. Structure of observed criminal offences in the Federation of BiH (2015–2020)

(Source: VSTV BiH)

Criminal offence	Charges received	Indictments filed	Judgments
Torture and killing of animals (Article 318 of the FBiH CC)	110	57	47
Illegal hunting (Article 319 of the FBiH CC)	40	18	16
Illegal fishing (Article 320 of the FBiH CC)	19	12	9
<b>Total</b>	<b>169</b>	<b>87</b>	<b>72</b>
Other criminal offences prescribed by Chapter XXVI of the FBiH CC	3809	2945	3360

Table 6 shows the structure of individual environmental crimes in the Federation of BiH in the period of 2015–2020, which are of interest for this report. Of the three observed criminal offences, the criminal offense of “torture and killing of animals” from Article 318 FBiH CC is the most common among the total number of charges, while the other two criminal offences are less represented in the total number of charges. For all three criminal offences, about half of the charges result in indictments, while in the case of most indictments, a conviction judgement was delivered. These three criminal offences account for about 4% of the total number of charges for all environmental crimes in the FBiH, slightly less than 3% for indictments and 2% for conviction judgements. This information should be treated with caution, as the assumption is that most of these recorded offences do not relate to acts against strictly protected and protected species, although the legal descriptions of these offences contain incrimination to the detriment of protected species. The same is true for the observed criminal offences in Republika Srpska, which are shown in Table 7.

Table 4. Structure of observed criminal offences in Republika Srpska (2015–2020)

(Source: VSTV BiH)

<b>Criminal offence</b>	<b>Charges received</b>	<b>Indictments filed</b>	<b>Judgments</b>
Destruction or damage to protected natural values (Article 375 of the RS CC)	1	0	0
Destruction of habitats (Article 376 of the RS CC)	0	0	0
Illegal removal and introduction of strictly protected plants or animals or genetically modified organisms (Article 379 of the RS CC)	0	0	0
Torture and killing of animals (Article 390 of the RS CC)	63	22	26
Illegal hunting (Article 392 of the RS CC)	55	33	35
Illegal fishing (Article 393 of the RS CC)	16	7	7
<b>Total</b>	<b>135</b>	<b>62</b>	<b>68</b>
Other criminal offences prescribed by Chapter XXIX of the RS CC	1680	829	819

Table 7 shows the structure of individual environmental crimes in Republika Srpska in the period of 2015–2020, which are of interest for this report. The number of observed criminal offences in Republika Srpska is higher than in the Federation of BiH, as Republika Srpska has transposed most of the criminal offences from the Directive on the protection of the environment through criminal law. Of the observed offences, the largest number of charges was recorded for the offences of “torture and killing of animals” from Article 390 of the RS CC and the criminal offence “illegal hunting” from Article 392 of the RS CC. Three criminal offences were not recorded in the observed period; “destruction or damage to protected natural values” from Article 375 of the RS CC, “destruction of habitats” from Article 376 of the RS CC and “illegal removal and introduction of strictly protected plants or animals” from Article 379 of the RS CC. The observed criminal offences among the total number of charges,

indictments and conviction judgements for all environmental crimes in Republika Srpska account for about 7%.

In both entities, the structure of recorded environmental crimes in the observed period of 2015–2020 is dominated by the criminal offence of forest theft (Article 316 “forest theft” of the FBiH CC, i.e. Article 430 of the RS CC from 2013, now Article 224(a) of the RS CC, since in the meantime, this offence ceased being a part of environmental crimes).

For the purposes of this report, the mentioned criminal offence is not included in the more detailed review, and data and conclusions from previous research have been taken in connection with it. According to the research by Kobajica (2021), the criminal offence of forest theft during the period of 2007–2017 in the Federation of BiH accounted for 96% of the charges, 98% of accused persons and 97% of convicted persons<sup>150</sup>, while in Republika Srpska it accounted for 94% of the charges, and 93% of accused and convicted persons during the period of 2011–2017.<sup>151</sup>

### Sanctions

In the case of the three observed criminal offences in the Federation of BiH, the judgement delivered was a conviction judgements in more than 86% of cases. Of the total number of judgements, in 70% of cases the perpetrators were sentenced to suspended sentence, while no prison sentence was recorded for these three criminal offences (Table 8).

Table 5. Court decisions and imposed criminal sanctions for observed criminal offences in the Federation of BiH (2015–2020)

(Source: VSTV BiH)

Court decision and sanction imposed	Number of cases	Percentage
Conviction judgment – imprisonment	0	0%
Conviction judgement – monetary fine	14	17%
Conviction judgement – suspended sentence	58	70%
Conviction judgement – confiscation of property	0	0%
Conviction judgement – court reprimand	0	0%
Judgment of acquittal	10	12%
Judgement of abandonment	1	1%
<b>Total</b>	<b>83</b>	<b>100%</b>

In the case of the six observed crimes in Republika Srpska, the judgement delivered was a conviction judgement in 80% of cases. Of the total number of judgements, in 51% of cases the perpetrators were sentenced to suspended sentence, while in 22% of cases a fine was imposed, and only one prison sentence was recorded (Table 9).

Table 6. Court decisions and imposed criminal sanctions for observed criminal offences in Republika Srpska (2015–2020)

(Source: VSTV BiH)

Court decision and sanction imposed	Number of cases	Percentage
Conviction judgment – imprisonment	1	1%

<sup>150</sup> Kobajica, S., “Criminological Features of Ecological Crime in Bosnia and Herzegovina” (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 170

<sup>151</sup> Kobajica, S., “Criminological Features of Ecological Crime in Bosnia and Herzegovina” (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), p. 171–172

Conviction judgement – monetary fine	19	22%
Conviction judgement – suspended sentence	43	51%
Conviction judgement – confiscation of property	4	5%
Conviction judgement – court reprimand	1	1%
Judgment of acquittal	10	12%
Judgement of abandonment	7	8%
<b>Total</b>	<b>85</b>	<b>100%</b>

### Availability, completeness and consistency of data

It is assumed that the above analysis of criminal and misdemeanour cases submitted by the competent institutions of the FBiH and RS shows a random sample due to the small number of submitted cases. These cases cannot be compared with the data from the publicly available records of the VSTV BiH on the basis of which the statistics of criminal cases were compiled. The report on the implementation of CITES in BiH for the period of 2015–2020 is not complete (most questions were answered with “I don’t know”).

In the FBiH, criminal cases were collected in co-operation with the FBiH Judges and the Prosecutors Education Centre, which requested and submitted cases from the FBiH courts and prosecutors’ offices, while for RS, the data were requested directly from the RS prosecutor’s offices.

In the FBiH, misdemeanour cases were requested from municipal courts and competent inspections at the entity and cantonal levels, while in RS they were collected in cooperation with the Republic Institute for the Protection of Cultural, Historical and Natural Heritage of RS and requested by the competent RS inspections.

A significant number of courts stated that during the period of 2015–2021, they did not have misdemeanour cases related to protected species, while almost a third of the courts did not respond to repeated requests regarding misdemeanour cases. Similar responses were received from the Republic Administration for Inspection Affairs of RS and the Federal Administration for Inspection Affairs, while most cantonal inspections did not respond to the request.

It was identified that the competent misdemeanour courts in BiH do not categorize separately the cases related to protected species, which is established by law for other misdemeanour areas (e.g. violations of labour and labour relations or traffic safety) and that the submission of this information would require immediate insight into the case files, which they were unable to do.

A request for the delivery of cases was also sent to the VSTV BiH, which keeps a database of court decisions and publicly available records of criminal cases in BiH. Due to the structure of the database, the VSTV BiH was not able to identify cases related to protected species.

Cases of unselective fishing were not requested.



## VI.2. Effectiveness and problems at different stages of combating wildlife crime

### Detection

Based on the small number of cases submitted during the LIFE SWiPE project, available records of bodies and statements of experts employed in both entities in the area of combatting this type of crimes, it can be assumed that a large number of wildlife crimes in BiH remain unrecorded.

The assumption is that insufficient human, professional and technical capacities in BiH make it difficult to detect this type of crimes.

The interviews highlighted the insufficient number of employed nature protection inspectors and rangers in both entities. As additional problems, it was pointed out that the bodies that should detect these crimes do not have the necessary professional knowledge and that the motivation of institutions to punish perpetrators is low.

Specific comments in the interviews related to the application of CITES at border crossings, noting the following: insufficient number of experts in border services who could identify CITES species, lack of technical equipment to facilitate vehicle inspections, police officers are sometimes not motivated to act in case of this type of punishable offence due to their scope of work and because the perpetrators are generally unknown, the complex and unclear structure of government in both entities (two levels of inspections) makes it difficult for citizens to report.

Institutions of both entities do not keep systematic records of this type of crimes, which makes it difficult to identify and proactively monitor black spots in BiH.

### Investigation

In addition to the previously identified problems, the interviewed experts stated that certain legal solutions, lack of inter-institutional cooperation and coordination at all levels (within the entities, between the entities and internationally), and insufficient financial and technical capacity are obstacles to successful investigation in BiH.

The lack of financial resources for work leads to the fact that, generally, measures are taken only in cases where the perpetrators are caught committing a punishable offence. The supervisory authorities in both entities do not have the necessary sampling equipment.

It was pointed out that in BiH there are no reference laboratories for toxicological analyses and that the delivery of animal carcasses to neighbouring countries is difficult. In RS, the problem of gathering evidence for analysis has been highlighted, as a court order is required under the law, which takes at least 3–4 weeks.

Regarding cooperation and coordination of work, the interviewed experts pointed out some cases in which several institutions claimed that they are not competent to act and the lack of contact points for cooperation with institutions of neighbouring countries.

### Prosecution

In addition to the previously identified problems, specific comments of the experts related to poor communication between inspections and prosecutors, deficient and out-of-date

records of open cases, and a lack of legal support in filing indictment proposals and issuing misdemeanour warrants at lower levels of government.

Inspections are authorised to issue misdemeanour warrants or file indictment proposals with misdemeanour courts. There is no obligation to coordinate inspections with the prosecution in order to choose criminal or misdemeanour procedure in these cases. Due to the above, in some cases, the perpetrator is being prosecuted in misdemeanour procedure, despite the fact that the characteristics of a criminal offence have been achieved.

The interviewed experts stated that the cantonal inspectors, unlike the federal ones, did not have legal support during the procedure and in court.

### **Sanctions applied**

Some interviewed experts pointed out that both entities were characterised by a mild penal policy of the courts, while in the FBiH the low penalties prescribed by the FBiH Nature Protection Act were also highlighted. A similar conclusion regarding the mild penal policy of the courts was reached in previous reports on the situation in BiH, and this can also be assumed based on the analysis of records and individual cases submitted during the LIFE SWiPE project.

## VII. Conclusions and recommendations

In the last ten years, some progress has been made in the nature protection sector and the performance of the judicial system in BiH. This primarily refers to the beginning of the transposition of international and European obligations into the domestic legal order. Although measurable, this transposition is limited and advancing at different speeds at the entity level.

The complex structure of government poses a serious problem in the country, which then affects the protection of nature in BiH. Because of this, the process of adopting legal regulations and decisions is slow and inefficient throughout the country. The institutional framework for nature protection in BiH is fragmented and divided into four administrative levels with occasionally unclear competencies for individual issues – state, entity, cantonal and municipal levels of government.

Until this is changed and adjusted to the circumstances, it is not possible to ensure orderly and successful performance of nature protection activities in BiH. Since nature protection is the responsibility of the entities, no umbrella act on nature protection has been adopted at the state level, nor has an institution been established to coordinate nature protection in BiH. Non-harmonised legislation between the entities is also a problem, and in the Federation of BiH an additional problem is the inconsistency of regulations with the cantonal level of government.

In the current circumstances, it is possible that the establishment of a new institution at the state level, above the entities, would not lead to positive changes in the implementation of nature protection activities. Given the size of the state and its staff capacity, it is not logical that the performance of nature protection activities is organised at the level of constituent units, and not at the state level.

This report confirms previous analyses of the situation in BiH on insufficient human, technical, organisational and financial capacities at all levels of government in the nature protection sector. Since wildlife crimes are practically not even recorded in official records, and given the natural wealth of BiH, widespread hunting tourism and limited capacity of supervisory institutions, it can be assumed that there is a large disparity between the number of committed and detected cases of wildlife crime and that BiH is the black spot for this type of crime. The assumption is that the cause of the small number of detected and sanctioned cases is the lack of awareness of the institutions in BiH and the general public about the significance and consequences of wildlife crimes, and insufficient capacity in the institutions responsible for nature protection and the judicial system.

In both entities, there are no valid strategic documents and action plans related to nature protection, so it is not realistic to expect that a national strategy and action plan for the effective suppression of wildlife crime will be drafted in the near future.

There is a lot of room for the improvement of regulations in Bosnia and Herzegovina. The legislation of the FBiH and RS is not harmonised with the Directive on the protection of the environment through criminal law, the Birds Directive and the Habitats Directive. A number of bylaws for the implementation of entity nature protection acts have not been enacted.

Although lists of protected species have been adopted in both entities, they do not correspond to European and international commitments, and both lists lack a number of strictly protected and protected species. In relation to the above, it should be noted that certain protected species are managed on the basis of entity hunting regulations and that certain protected species are defined as game (hunting species) and are allowed to be hunted. An additional problem is that some wild species are not protected under either nature protection legislation or hunting legislation, and it is interpreted that they are allowed to be hunted or otherwise exploited.

Entities do not prescribe the same criminal offences and misdemeanours related to nature protection, while for similar punishable acts various penalties are prescribed. In some cases, the prescribed penalties are extremely low and need to be revised.

With limited success in transposing the EU rules, the problem is caused by poor or no implementation of existing nature protection regulations. There is no expert body for nature protection in the Federation of BiH, but rather all tasks are performed by a few people in the Federal Ministry of Environment and Tourism. All constituent units in BiH are characterised by a small number of employees in nature protection and a lack of experts in state bodies. Civil society and the academic community have certain professional capacities that are not used by the state. The collected data on the state of nature in BiH do not reflect the situation in practice (e.g. because the inventory list of certain areas has not been done, determining the number and distribution of certain wild species). An ecological network of protected areas has not been established in BiH. There are problems with collecting and managing information on the state of nature in the whole BiH. There is no centralised environmental database at state level. No regular trainings or education related to the suppression of wildlife crimes have been recorded in BiH. Despite the large number of bodies involved at different levels, the exchange of information and coordination has not been formally established, and there is no database of good practice cases that could serve as a guide for taking action.

The small number of proceedings initiated against perpetrators of punishable acts leads to the conclusion that direct surveillance on the ground is ineffective. The Criminal Code has not transposed all criminal offences from the Directive on the protection of the environment through criminal law. Most of the protected wild species under European and international legislation in Bosnia and Herzegovina do not enjoy the protection status, so it is possible to hunt, capture or kill them. Penalties for offences and misdemeanours related to nature protection are low due to the low standard of citizens and the lack of awareness of the legislator about the harmfulness of these offences. The judiciary authorities (prosecutors and the judiciary) are not achieving results that should be standard in a state governed by the rule of law. Their work is accompanied by a lack of transparency, poor efficiency and frequent corruption scandals. The courts pursue a lenient penal policy regarding wildlife crime. The perpetrators are in most cases sentenced to a suspended prison sentence or a suspended fine. Given the above, it is difficult to expect progress in the area of combatting crimes to the detriment of nature.

## **RECOMMENDATIONS TO IMPROVE THE SYSTEM FOR COMBATING WILDLIFE CRIMES STRATEGIC AND LEGAL FRAMEWORK**

- Adopt a national strategy and an action plan for nature protection.

- Modify the legislative framework for the purpose of its harmonisation with the Directive on the protection of the environment through criminal law, the Birds Directive and the Habitats Directive.
- Provide legal support to inspectors and rangers / protected area guards in the process of combatting wildlife crimes through legislative and organisational changes.
- Prescribe the competencies and powers of rangers / protected area guards and inspections through legislative changes.
- Adopt internal guidelines for the work of the prosecutor's office and courts for the purpose of setting penalties for wildlife crimes, which would include the guidelines on qualifying circumstances and the level of penalties depending on the severity of the violation. This would unify the practice of punishment by misdemeanour and criminal courts. Adopt guidelines on the terms mentioned in the description of "blanket" offences, in order to more clearly distinguish between wildlife misdemeanours and crimes.
- Ensure effective confiscation of unlawful material gains from perpetrators, and introduce a system for the monitoring of the collection of compensation of damage to the state.

#### **INSTITUTIONAL FRAMEWORK AND COOPERATION**

- Increase the staff capacity of all services responsible for combating wildlife crimes. In particular, strengthen the capacity of expert bodies for nature protection and inspections by employing additional persons.
- Create a protocol on uniform conduct and cooperation of the competent authorities during the process of detection, investigation and prosecution of wildlife crimes in order to increase the operational efficiency of the national chain of prosecution.
- Establish a single database on wildlife crimes and a database of good practice examples for servants and judges. This would allow the authorities responsible for nature protection policies, enforcement authorities, and the public to monitor the occurrence and characteristics of wildlife crimes, as well as the effectiveness of preventive measures through different levels of access to the database.

#### **TRAINING**

- Provide systematic and continuous training of civil and public servants (rangers / protected area guards, inspectors, the police, prosecutors and judges) on wildlife crimes. Systematic training related to the implementation of CITES provisions on the trade and traffic in wildlife species is particularly needed for all authorities involved in the chain of prosecution, and so is a basic criminal training module for the detection, investigation and prevention of offences against strictly protected wild species, as well as thematic training related to wildlife crimes for judges and prosecutors.
- Raise public awareness of and involvement in the combating of wildlife crimes, especially when it comes to the detection and reporting of punishable offences.

## VIII. Bibliography

Balkan Detox LIFE, Stakeholders [website], <https://balkandetoxlife.eu/project/about-us/stakeholders/>, (accessed 2 January 2022).

BiH ESAP 2030+, Bosnia and Herzegovina Environmental Strategy and Action Plan 2030+, About the BiH ESAP 2030+ Project [website], <https://esap.ba/bs/o-projektu/>, (accessed on 2 January 2022).

Bogdanović, S., et al., "Strategy for the implementation of the EAS – Bosnia and Herzegovina" (cro. *Strategija za provođenje EAS - BiH*), EU IPA 2008 PROJECT – STRENGTHENING OF BOSNIA AND HERZEGOVINA'S ENVIRONMENTAL INSTITUTIONS AND PREPARATION FOR PRE-ACCESSION FUNDS – EnvIS (cro. *PROJEKAT EU IPA 2008 - JAČANJE INSTITUCIJA ZA ZAŠTITU OKOLIŠA / ŽIVOTNE SREDINE U BOSNI I HERCEGOVINI I PRIPREMA ZA PRETPRISTUPNE FONDOVE – EnvIS*) (EuropeAid/128786/C/SER/BA), 2014, [http://aarhus.ba/sarajevo/images/docs/RS\\_EAS\\_BiH\\_BHS.pdf](http://aarhus.ba/sarajevo/images/docs/RS_EAS_BiH_BHS.pdf), (accessed on 2 January 2022).

Brochet, A., et al., „Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean“, Bird Conservation International, 26(1), 2016, pp. 1-28, <https://biosec.group.shef.ac.uk/wp-content/uploads/Brochet-et-al-2016-Scope-and-scale-of-illegal-killing-of-bird-in-Med.pdf>, (accessed on 2 January 2022).

Bužanin, O., Lalović, Lj., "Initial Training, Module 1, Judicial Office Holders and Society" (cro. *Početa obuka, Modul 1, Nosioc pravosudnih funkcija i društvo*), High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Public Institution Centre for Judicial and Prosecutorial Training of the FBiH, Public Institution Centre for Judicial and Prosecutorial Training of RS (cro. *Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine, Javna ustanova Centar za edukaciju sudaca i tužitelja u FBiH, Javna ustanova Centar za edukaciju sudaca i tužitelja u RS*), [http://pak.hr/cke/pdf%20eng/Modul%201%20BIH\[1\].pdf](http://pak.hr/cke/pdf%20eng/Modul%201%20BIH[1].pdf), (accessed on 2 January 2022).

CITES, CITES Implementation Report BiH 2015-2020 [website], <https://cites.org/sites/default/files/documents/15-20BosniaandHerzegovina.pdf>, (accessed on 2 January 2022).

Delaić, M., Pilipović, R., i Petrović, D., "Analysis of court decisions pertaining to environmental protection in Bosnia and Herzegovina in 2012" (cro. *Analiza sudskih odluka iz područja zaštite okoliša u Bosni i Hercegovini u 2012. godini*), OSCE, ENVSEC, Auswärtiges Amt, 2012, [http://aarhus.ba/sarajevo/images/docs/Analiza\\_sudskih\\_odluka\\_ZO%202012.pdf](http://aarhus.ba/sarajevo/images/docs/Analiza_sudskih_odluka_ZO%202012.pdf), (accessed on 2 January 2022).

United Nations Economic Commission for Europe, "Environmental Performance Review, Bosnia and Herzegovina, Second Review" (cro. *Pregled stanja okoliša, Bosna i Hercegovina, Drugi pregled*), United Nations, 2011, [https://unece.org/DAM/env/epr/epr\\_studies/native/EPR\\_2\\_BiH\\_Nezvanican\\_prevod.pdf](https://unece.org/DAM/env/epr/epr_studies/native/EPR_2_BiH_Nezvanican_prevod.pdf), (accessed on 2 January 2022).

European Commission, SWD(2021) 291 final /2, 19/10/2021, COMMISSION STAFF WORKING DOCUMENT, Bosnia and Herzegovina Report 2021, <https://europa.ba/wp->



[content/uploads/2021/10/izvjestaj-o-bosni-i-hercegovini-za-2021-godinu\\_1636467943.pdf](https://www.fzofbih.org.ba/wp-content/uploads/2021/10/izvjestaj-o-bosni-i-hercegovini-za-2021-godinu_1636467943.pdf),  
(accessed on 2 January 2022).

European Council, EU enlargement: Bosnia and Herzegovina [website],  
<https://www.consilium.europa.eu/hr/policies/enlargement/bosnia-hercegovina/>,  
(accessed on 2 January 2022).

Federal Ministry of the Environment and Tourism (cro. *Federalno ministarstvo okoliša i turizma*), "Environmental Strategy of the Federation of Bosnia and Herzegovina (2008–2018)" (cro. *Strategija zaštite okoliša Federacije Bosne i Hercegovine 2008-2018*), Sarajevo, 2008,  
<https://fzofbih.org.ba/wp-content/uploads/2019/08/Strategija-zastite-okolisa-FBiH.pdf>, (accessed on 2 January 2022).

Federal Ministry of Agriculture, Water Management and Forestry, Forestry and Hunting Sector (cro. *Federalno ministarstvo poljoprivrede, vodoprivrede i šumarstva, Sektor za šumarstvo i lovstvo*) [website], <https://fmpvs.gov.ba/sektor-za-sumarstvo-i-lovstvo/>,  
(accessed on 2 January 2022).

Kobajica, S., "Criminological features of environmental crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), PhD thesis, University of Sarajevo, Sarajevo, 2021.

Convention on the Conservation of Migratory Species of Wild Animals, Official Journal of Bosnia and Herzegovina – International Agreements no. 8/17 (cro. *Službeni glasnik BiH - Međunarodni ugovori br. 8/17*), <http://bih-chm-cbd.ba/wp-content/uploads/2021/01/Bonska-141-163-1.pdf>, (accessed on 2 January 2022).

Kotrošan, D., Sarajlić, N., "Birds and Hunting in Bosnia and Herzegovina" (cro. *Ptice i lovstvo u Bosni i Hercegovini*), Ornithological Association "Naše ptice", Sarajevo, 2014,  
<https://ptice.ba/wp-content/uploads/2018/04/Ptice-i-lovstvo-u-BiH.pdf>, (accessed on 2 January 2022).

Criminal Code of Bosnia and Herzegovina (cro. *Kazneni zakon Bosne i Hercegovine*), Official Journal of Bosnia and Herzegovina nos. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15, 40/15, 35/18, 26/21.

Criminal Code of the Federation of Bosnia and Herzegovina (cro. *Kazneni zakon Federacije Bosne i Hercegovine*), Official Gazette of the FBiH nos. 36/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16, and 75/17, <https://www.paragraf.ba/propisi/fbih/krivicni-zakon-federacije-bosne-i-hercegovine.html>, (accessed on 2 January 2022).

Criminal Code of Republika Srpska (cro. *Kazneni zakon Republike Srpske*), Official Journal of RS nos. 64/17, 104/18 – Decision of the Constitutional Court, 15/21, 89/21.

Mesaroš, G., "Assessment of the initial situation pertaining to biodiversity information management and reporting in Bosnia and Herzegovina" (cro. *Procjena početnog stanja u području upravljanja informacijama o biodiverzitetu i izvještavanju u Bosni i Hercegovini*), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2017, [http://e-prirodafbih.ba/static/portal/pdf/BiH\\_Assessment\\_BHS.pdf](http://e-prirodafbih.ba/static/portal/pdf/BiH_Assessment_BHS.pdf), (accessed on 2 January 2022).

Ministry of Security of Bosnia and Herzegovina (cro. *Ministarstvo sigurnosti Bosne i Hercegovine*), About us (cro. *O nama*) [website], <http://www.msb.gov.ba/onama/default.aspx?id=3053&langTag=bs-BA>, (accessed on 2 January 2022).

Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa Bosne i Hercegovine*), Competences (cro. *Nadležnost*) [website], <http://www.mvteo.gov.ba/Content/Read/nadleznosti>, (accessed on 2 January 2022).

Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa BiH*), "Strategy for the approximation of regulations to the EU acquis pertaining to environmental protection of Bosnia and Herzegovina, EAS – Bosnia and Herzegovina" (cro. *Strategija usklađivanja propisa s pravnom stečevinom EU-a u području zaštite okoliša / životne sredine Bosne i Hercegovine, EAS – BiH*), 2017, <https://www.fmoit.gov.ba/upload/file/2017/EAS-%20FINALNA%20VERZIJA%20%20KOREKCIJE%20MAJ%202017.pdf>, (accessed on 2 January 2022).

Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (cro. *Ministarstvo vanjske trgovine i ekonomskih odnosa BiH*), "Strategy and Action Plan for the Protection of Biodiversity of Bosnia and Herzegovina (2015–2020)" (cro. *Strategija i akcijski plan za zaštitu biološke raznolikosti Bosne i Hercegovine (2015-2020)*), 2016, [https://www.fmoit.gov.ba/upload/file/okolis/NBSAP%20BiH\\_20160315\\_bos.pdf](https://www.fmoit.gov.ba/upload/file/okolis/NBSAP%20BiH_20160315_bos.pdf), (accessed on 2 January 2022).

Numić, S., "The Third National Report on the Implementation of the Aarhus Convention in Bosnia and Herzegovina (Draft)" (cro. *Treći nacionalni izvještaj o implementaciji Aarhuške konvencije u Bosni i Hercegovini (nacrt)*), 2018., <https://www.fmoit.gov.ba/upload/file/2018/TRE%C4%86I%20NACIONALNI%20IZVJE%C5%A0TAJ%20%20IMPLEMENTACIJI%20AARHUSKE%20KONVENCIJE%20U.pdf>, (accessed on 2 January 2022).

Decision on the Establishment of the Inter-Entity Environmental Authority (cro. *Odluka o osnivanju međuentitetskog tijela za okolinu*), Official Gazette of the FBiH no. 58/06, <http://www.fbihvlada.gov.ba/bosanski/zakoni/2006/odluke/265bos.htm>, (accessed on 2 January 2022).

Decision on the Ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (cro. *Odluka o ratifikaciji Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES)*), Official Journal of Bosnia and Herzegovina – International Agreements no. 11/08.

Decision on the Conditions and Manner of Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Bosnia and Herzegovina (cro. *Odluka o uvjetima i načinu provedbe Konvencije o međunarodnoj trgovini ugroženim vrstama divljih životinja i biljaka (CITES) u Bosni i Hercegovini*), Official Journal of Bosnia and Herzegovina no. 31/18.

Omićević, A., "Review of the Legal and Institutional Framework for Environmental Protection in Bosnia and Herzegovina" (cro. *Pregled pravnog i institucionalnog okvira za zaštitu okoliša u Bosni i Hercegovini*), UNEP Bosnia and Herzegovina, 2011, cited in Kobajica, S., "Criminological features of environmental crime in Bosnia and Herzegovina" (cro. *Kriminološka obilježja ekološkog kriminaliteta u Bosni i Hercegovini*), PhD thesis, University of Sarajevo, Sarajevo, 2021.

Pašić, J., Trbojević, I., "Bears in Captivity, Bosnia and Herzegovina" (cro. *Medvjedi u zatočeništvu Bosna i Hercegovina*), Banja Luka, 2018, [https://www.bearsinmind.org/Uploaded\\_files/Zelf/bears-in-captivity-bih-report-2018.pdf](https://www.bearsinmind.org/Uploaded_files/Zelf/bears-in-captivity-bih-report-2018.pdf), (accessed on 2 January 2022).

Pilipović, R., et al., "Shadow Report: Checking the Actual State of Environmental Laws in Bosnia and Herzegovina and the Way Forward" (cro. *Izveštaj iz sjene: Provjera stvarnog stanja ekoloških zakona u BiH i putevi za napredak*), Centre for the Environment (cro. *Centar za životnu sredinu*), Banja Luka, 2020, <https://czzs.org/wp-content/uploads/2020/09/Izvjestaj-iz-sjene.pdf>, (accessed on 2 January 2022).

Ordinance on Protection Measures for Strictly Protected Species and Subspecies and Protected Species and Subspecies (cro. *Pravilnik o mjerama zaštite za strogo zaštićene vrste i podvrste i zaštićene vrste i podvrste*), Official Gazette of the FBiH no. 21/20, [https://www.fmoit.gov.ba/upload/file/2020/PRAVILNIK%20O%20MJERAMA%20ZA%20C5%A0TITE%20ZA%20STROGO%20ZA%20C5%A0TI%20C4%86ENE%20VRSTE%20I%20PODVRSTE%20I%20ZA%20C5%A0TI%20C4%86ENE%20VRSTE%20I%20PODVRSTE%2021\\_20.pdf](https://www.fmoit.gov.ba/upload/file/2020/PRAVILNIK%20O%20MJERAMA%20ZA%20C5%A0TITE%20ZA%20STROGO%20ZA%20C5%A0TI%20C4%86ENE%20VRSTE%20I%20PODVRSTE%20I%20ZA%20C5%A0TI%20C4%86ENE%20VRSTE%20I%20PODVRSTE%2021_20.pdf), (accessed on 2 January 2022).

Ordinance on the Content, Establishment and Implementation of Management Measures in Protected Areas (cro. *Pravilnik o sadržaju, utvrđivanju i provedbi mjera upravljanja u zaštićenim područjima*), Official Journal of RS no. 83/15.

Ordinance on Internal Order in the National Park (cro. *Pravilnik o unutrašnjem redu u nacionalnom parku*), Official Journal of RS no. 83/11.

Republic Prosecutor's Office of Republika Srpska (cro. *Republičko javno tužiteljstvo Republike Srpske*), Organizational structure (cro. *Organizacijska struktura*) [website], <https://rt-rs.pravosudje.ba/vstvfo/B/108/kategorije-vijesti/6416/6422/6465>, (accessed on 2 January 2022).

Decision on the Appointment of Members of the Environmental Advisory Council (cro. *Rješenje o imenovanju članova savjetodavnog vijeća za okoliš*), 2020, Official Gazette of the FBiH no. 3/20, <https://fbihvlada.gov.ba/bosanski/zakoni/2020/Rjesenja/1h.htm>, (accessed on 2 January 2022).

Sarajlić N., Kotrošan D., "Protect the Adriatic Flyway – Hutovo blato" (cro. *Zaštitimo Jadranski seobeni put - Hutovo Blato*), Ornithological Association "Naše ptice", Sarajevo, 2018, <https://ptice.ba/bs/zastitimo-jadranski-seobeni-put-hutovo-blato/>, (accessed on 2 January 2022).

Themis Network Secretariat, "Training Needs Assessment", 2015.

Twinning project "EU Support to Indirect Taxation Authority (ITA) of Bosnia and Herzegovina, "Analysis of the shortcomings and needs of laws and regulations of Bosnia and Herzegovina in relation to the requirements of effective implementation of the CITES Convention" (cro. *Analiza nedostataka i potreba zakonskih i podzakonskih akata BiH u odnosu na zahtjeve učinkovite primjene CITES konvencije*), Activity no. 01/06/2021 – 25/06/2021.

Regulation on the Organization, Functioning and Powers of the Nature Protection Surveillance Service (cro. *Uredba o organizaciji načinu rada i ovlastima nadzorničke službe zaštite prirode*), Official Gazette of the FBiH no. 14/16.

Regulation on Strictly Protected and Protected Wild Species (cro. *Uredba o strogo zaštićenim i zaštićenim divljim vrstama*), Official Journal of RS no. 65/20, [http://nasljedje.org/docs/pdf/uredba\\_o\\_strogo\\_zasticenim\\_i\\_zasticenim\\_divljim\\_vrstama.pdf](http://nasljedje.org/docs/pdf/uredba_o_strogo_zasticenim_i_zasticenim_divljim_vrstama.pdf), (accessed on 2 January 2022).

Council of Ministers of Bosnia and Herzegovina, 102<sup>nd</sup> Session of the Council of Ministers of Bosnia and Herzegovina [website], [https://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja\\_sa\\_sjednica/default.aspx?id=25299&langTag=hr-HR](https://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=25299&langTag=hr-HR), (accessed on 2 January 2022).

The Government of the Federation of Bosnia and Herzegovina (cro. *Vlada Federacije BiH*), Draft Act amending and supplementing the Nature Protection Act (cro. *Nacrt Zakona o izmjenama i dopuna Zakona o zaštiti prirode FBiH*), 2021, [https://parlamentfbih.gov.ba/v2/userfiles/file/Materijali%20u%20proceduri\\_2021/NACRT\\_ZAK\\_IZMJ\\_DOPUNAMA\\_ZAKONA\\_O\\_ZASTITI\\_PRIRODE\\_BOS.pdf](https://parlamentfbih.gov.ba/v2/userfiles/file/Materijali%20u%20proceduri_2021/NACRT_ZAK_IZMJ_DOPUNAMA_ZAKONA_O_ZASTITI_PRIRODE_BOS.pdf), (accessed on 2 January 2022).

Government of Republika Srpska (cro. *Vlada Republike Srpske*), "Nature Protection Strategy of Republika Srpska" (cro. *Strategija zaštite prirode Republike Srpske*), 2011, <https://rhmrzr.com/wp-content/uploads/2019/01/strategija-zastite-prirode.pdf>, (accessed on 2 January 2022).

Vukadin, V., "Research into the Opinion of Hunters from Bosnia and Herzegovina on the Issue of the Presence of the Brown Bear (*Ursus arctos* L.) in the Hunting Area" (cro. *Istraživanje mišljenja lovaca iz Bosne i Hercegovine o prisutnosti smeđeg medvjeda (Ursus arctos L.) u lovištu*), Final thesis, Karlovac University of Applied Sciences, Karlovac, 2016, <https://repozitorij.vuka.hr/islandora/object/vuka:320/datastream/PDF/view>, (accessed on 2 January 2022).

Vulture Conservation Foundation, Balkan Anti-Poisoning Project: Country in Focus – Bosnia and Herzegovina [website], <https://4vultures.org/blog/balkan-anti-poisoning-project-country-in-focus-bosnia-and-herzegovina/>, (accessed on 2 January 2022).

Worldbank [website], <https://data.worldbank.org/country/bosnia-and-herzegovina>, (accessed on 2 January 2022).

Federal Prosecution Act of the FBiH (cro. *Zakon o Federalnom tužiteljstvu FBiH*), Official Gazette of the FBiH nos. 42/02, 19/03.

Inspection Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o inspekcijama Federacije Bosne i Hercegovine*), Official Gazette of the FBiH nos. 73/14, 19/17.

Inspection Act of Republika Srpska (cro. *Zakon o inspekcijama Republike Srpske*), Official Journal of RS no. 18/20.

Public Prosecution Act of RS (cro. *Zakon o javnim tužiteljstvima RS-a*), Official Journal of RS no. 69/16.

Criminal Procedure Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o kaznenom postupku Federacije Bosne i Hercegovine*), Official Gazette of the FBiH nos. 35/03, 56/03 – correction, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09, 12/10, 8/13, 59/14, 74/20, [https://advokat-prnjavorac.com/zakoni/Zakon\\_o%20krivicnom\\_%20postupku\\_FBiH.pdf](https://advokat-prnjavorac.com/zakoni/Zakon_o%20krivicnom_%20postupku_FBiH.pdf), (accessed on 2 January 2022).

Criminal Procedure Act of Republika Srpska (cro. *Zakon o kaznenom postupku Republike Srpske*), Official Journal of RS nos. 53/12, 91/17, 66/18, and 15/21,

<https://www.paragraf.ba/propisi/republika-srpska/zakon-o-krivicnom-postupku-republike-srpske.html>, (accessed on 2 January 2022).

Hunting Act (cro. *Zakon o lovstvu*), Official Gazette of the FBiH nos. 4/06, 8/10, 81/14.

Hunting Act (cro. *Zakon o lovstvu*), Official Journal of RS nos. 60/09, 50/13.

Misdemeanour Act (cro. *Zakon o prekršajima*), Official Gazette of the FBiH no. 63/14.

Misdemeanour Act of Republika Srpska (cro. *Zakon o prekršajima Republike Srpske*), Official Journal of RS nos. 63/14, 36/15 – Decision of the Constitutional Court, 110/16, 100/17, 19/21 – Decision of the Constitutional Court.

Republic Administration Act (cro. *Zakon o republičkoj upravi*), Official Journal of Republika Srpska nos. 115/18, 111/21, 15/22, <https://www.paragraf.ba/propisi/republika-srpska/zakon-o-republičkoj-upravi.html>, (accessed on 2 January 2022).

Freshwater Fisheries Act (cro. *Zakon o slatkovodnom ribarstvu*), Official Gazette of the FBiH no. 64/04.

Courts Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o sudovima u Federaciji BiH*), Official Gazette of the FBiH nos. 22/06, 63/10, 72/10, 7/13.

Courts Act of Republika Srpska (cro. *Zakon o sudovima Republike Srpske*), Official Journal of Republika Srpska nos. 111/04, 109/05, 37/06, 17/08.

Courts Act of Republika Srpska (cro. *Zakon o sudovima Republike Srpske*), Official Journal of Republika Srpska nos. 37/12, 14/14 – Decision of the Constitutional Court, 44/15, 39/16 – Decision of the Constitutional Court, and 100/17.

Prosecution Act of Bosnia and Herzegovina (cro. *Zakon o tužiteljstvu Bosne i Hercegovine*), Official Journal of Bosnia and Herzegovina nos. 24/02, 3/03, 37/03, 42/03, 9/04, 35/04, and 61/04, 49/09.

Prosecution Act of Republika Srpska (cro. *Zakon o tužiteljstvima Republike Srpske*), Official Journal of RS nos. 55/02, 85/03, 115/03, 37/06, and 68/07.

Act on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (cro. *Zakon o visokom sudskom i tužiteljskom vijeću BiH*), Official Journal of Bosnia and Herzegovina no. 25/04.

Environmental Protection Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o zaštiti okoliša Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 15/21, [https://www.fmoit.gov.ba/upload/file/2021/Zakon%20o%20zaštiti%20okolisa%2015\\_21.pdf](https://www.fmoit.gov.ba/upload/file/2021/Zakon%20o%20zaštiti%20okolisa%2015_21.pdf), (accessed on 2 January 2022).

Nature Protection Act of the Federation of Bosnia and Herzegovina (cro. *Zakon o zaštiti prirode Federacije Bosne i Hercegovine*), Official Gazette of the FBiH no. 66/13, [https://www.fmoit.gov.ba/upload/file/2020/0\\_Zakon%20o%20za%20zaštiti%20prirode%2001.%20nov%20F%20BIH%2066-13.pdf](https://www.fmoit.gov.ba/upload/file/2020/0_Zakon%20o%20za%20zaštiti%20prirode%2001.%20nov%20F%20BIH%2066-13.pdf), (accessed on 2 January 2022).

Nature Protection Act of Republika Srpska (cro. *Zakon o zaštiti prirode Republike Srpske*), Official Journal of RS no. 20/14, [https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/Documents/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%20%D0%BE%20%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%B8%20%D0%BF%D1%80%D0%B8%D1%80%D0%BE%D0%B4%D0%B5\\_019904312.pdf](https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/Documents/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%20%D0%BE%20%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%B8%20%D0%BF%D1%80%D0%B8%D1%80%D0%BE%D0%B4%D0%B5_019904312.pdf), (accessed on 2 January 2022).



Environmental Protection Act of Republika Srpska (cro. *Zakon o zaštiti životne sredine Republike Srpske*), Official Journal of RS nos. 71/12, 79/15, 71/20.