

ENVIRONMENTAL AND SOCIAL ASSESSMENT FOR EBRD



STAKEHOLDER ENGAGEMENT PLAN – DRAFT

October 2016

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| Project: | Port of Brcko, Bosnia and Herzegovina – Environmental and Social Assessment for EBRD |
| Report: | Stakeholder Engagement Plan |
| Prepared by: | ENOVA d.o.o. Sarajevo (Consultant) |
| Financed by: | European Bank for Reconstruction and Development |

Table of Contents

| | |
|---|-----------|
| 1. INTRODUCTION | 2 |
| 1.1 Description and Context of the Project | 2 |
| 1.2 Objective and Scope of the Stakeholder Engagement Plan | 3 |
| 2. REGULATORY REQUIREMENTS FOR STAKEHOLDER ENGAGEMENT PLAN | 4 |
| 2.1 Brcko District Legislation Requirements | 4 |
| 2.2 EBRD Policies | 4 |
| 3. PREVIOUS STAKEHOLDER ENGAGEMENT | 5 |
| 4. STAKEHOLDER ENGAGEMENT PROGRAM | 5 |
| 4.1 Purpose and Responsibility for SEP Implementation | 5 |
| 4.2 Available Communication Tools | 6 |
| 4.3 Planned Information and Communication Arrangements | 6 |
| 5. GRIEVANCE MECHANISM | 10 |
| 6. FORMAL REQUEST FOR INFORMATION IN LINE WITH LOCAL LEGISLATION | 11 |
| 7. MONITORING AND REPORTING | 11 |
| APPENDIX 1: PROJECT GRIEVANCE FORM | 12 |
| APPENDIX 2: FORMAL ACCESS TO INFORMATION REQUEST FORM | 13 |
| APPENDIX 3: FLOWCHART FOR PROCESSING GRIEVANCES..... | 14 |

1. INTRODUCTION

1.1 Description and Context of the Project

The European Bank for Reconstruction and Development (the “EBRD” or the “Bank”) is considering providing finance to the state of Bosnia and Herzegovina for financing the upgrade of road and railway access to the Port of Brcko and modernization of facilities within Port of Brcko. The Project will be implemented by the Government of Brcko District (“BD”).

The Project consists of the following five components:

- **Component A: Construction of railway track to Brcko harbour on the section of harbour crane path:** This component includes the extension of the existing 2,500 m of the railway within the Port for the length of 263 m. The aim and purpose of this component is to provide direct links to the quay of the Port from the direction Railroad Station Brcko Novo. The construction of this connection will enable avoiding unnecessary switching operations at the Port to significantly reduce the time to set up loading / unloading of railway cars at the quay and reception and dispatch of trains to the Railroad Station Brcko Novo. This would reduce the duration of one cycle of delivery / dispatch of railway car between the Port and Railroad Station Brcko Novo.
- **Component B: Reconstruction of industrial railway track on the line from the Port of Brcko to the Train station Brcko Novo and reconstruction of connections to industrial zone:** This component includes removal of 400 m of double track and construction/ reconstruction of 4,500 m of railway tracks that connect the Port with the Railroad Station Brcko Novo. This will allow significant improvement of mobility, safety and transport cost and time. The Railroad Station Brcko Novo is connected to the industrial zone via railway.
- **Component C: Construction of the asphalt plateau with drainage of rainfall:** This component includes construction of asphalt plateau and rainfall drainage system in the harbour crane area, which will enable improved vehicle manipulation over railway tracks in the harbour crane path. The bearing structure of the asphalt plateau is made up of reinforced concrete slab with a thickness of 55 cm, laid directly over 39 piles with a diameter of 800 mm. The total length of the plateau will be approx. 85 m, and the width will vary between 10.72 m and 14.04 m.
- **Component D: Reconstruction of the access road from Bijeljinska cesta to the Port of Brcko:** This component includes reconstruction of the existing connecting road which is 900 m long and connects the Brcko Port with the network of public roads of BiH.
- **Component E: Supply and installation of portal (harbour) crane:** This component includes purchase and installation of a portal crane of the capacity of 16.0 / 27.5 tonnes. The Port of Brcko has two portal (harbour) cranes with load capacity 6.5 tonnes and over 50 years old. The reason for the purchase of new crane is the age of existing cranes and requirements for handling larger loads in relation to the capacity of existing cranes.

(the “Project”).

Stakeholder Engagement Plan
Port of Brcko – Environmental and Social Assessment for EBRD

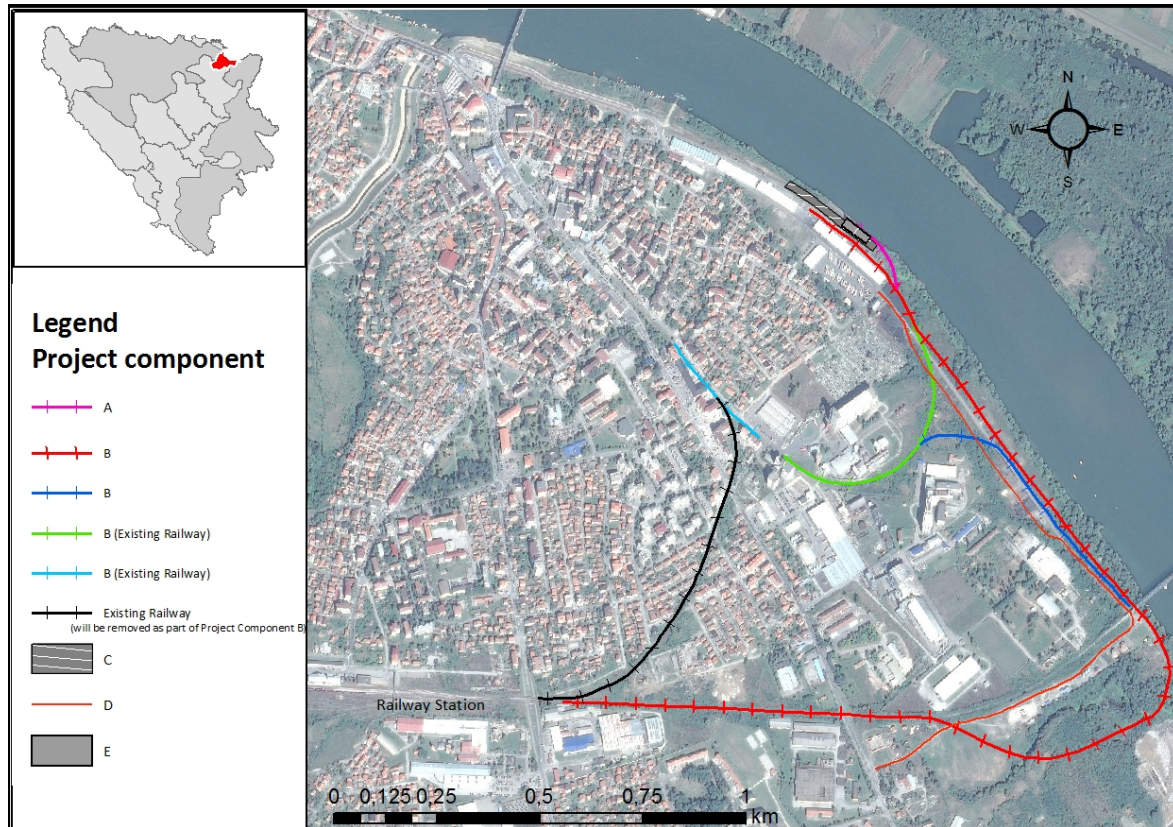


Figure 1: Overview of Project Components (source: ENOVA)

1.2 Objective and Scope of the Stakeholder Engagement Plan

This Stakeholder Engagement Plan (SEP) was developed by the Government of Brcko District (BD Government) in order to clearly communicate to all interested parties the stakeholder engagement program which is to be implemented throughout the entire Project cycle.

In addition to providing clear and understandable information to all stakeholders, Project activities and their potential impacts, the objective of this SEP is to improve and facilitate Project-related decision-making and create opportunities for active involvement of all stakeholders in a timely manner, and to provide possibilities for all stakeholders to express their opinions and concerns that may influence Project decisions, in line with local regulations and the requirements of the EBRD.

This SEP will be updated as necessary to reflect Project progress and to ensure that the public is informed on potential future environmental and social impacts associated with the Project.

2. REGULATORY REQUIREMENTS FOR STAKEHOLDER ENGAGEMENT PLAN

2.1 Brcko District Legislation Requirements

The BD government is required to apply the provisions of the *Law on Free Access to Information in BiH*¹ – i.e. to provide access to information to all stakeholders, including every natural person or legal entity. In the framework of its capabilities, it is also obliged to undertake all necessary measures to provide assistance to natural persons or legal entities seeking to exercise their rights. Exceptionally, access to information may be limited under certain circumstances, by establishing an exception in each separate case, solely in the manner, situation and under the conditions defined by the mentioned Law (such as the protection of the decision making process of public authorities or the protection of privacy of a third person, etc.).

In addition, the *Law on Environmental Protection of BD*² stipulates that all stakeholders (citizens and organizations) shall participate in matters of environmental protection, and must be enabled adequate access to all information related to environmental protection as well as the opportunity to participate in decision making. This Law also regulates the environmental permit procedure and prescribes that public hearings must be organized for projects that require an Environmental Permit³. The public hearing is announced through local media and the public is encouraged to submit comments within 30 days.

According to the *Law on Spatial Planning and Construction of BD*⁴, public consultations are required in the procedure of adopting spatial planning documents. The draft document must be disclosed for public review, for not less than 30 days, and must be announced in the media of relevant local communities. The project implementer is obliged to inform the public about the time and place of public consultations, and provide assistance in formulating complaints. All opinions, comments and suggestions received during public consultations must be taken into account, and must be responded to prior to the finalization of the spatial planning documents.

The *Law on Local Community Offices*⁵ foresees organized forms of communication between the inhabitants of local communities and BD institutions on matters related to the promotion of quality of life of residents in local communities; particularly in the fields of infrastructure development, urban planning, reconstruction, economic development and assistance to socially vulnerable categories and implementation of projects that contribute to the improvement of the quality of life of residents in local communities.

2.2 EBRD Policies

The provisions of EBRD's Environmental and Social Policy (2014)⁶ and Public Information Policy (2014)⁷ for public consultations and access to information have fully been taken into account in the preparation of this SEP.

- **EBRD's Environmental and Social Policy (2014)**

EBRD has adopted a comprehensive set of specific Performance Requirements (PRs) that projects are expected to meet. EBRD's **PR 10: Information Disclosure and Stakeholder Engagement** recognises the importance of an open and transparent engagement between the client, its workers, local communities directly affected by the project and other stakeholders as an essential element of good international

¹ Official Gazette of BiH, No. 28/00, 45/06, 102/09, 62/11

² Official Gazette of BD, No. 24/04, 01/05, 19/07, 09/09

³ For the Project, the Department of Economic Development, Sports and Culture within the BD Government obtained in November 2012 the Environmental Permit for:

- construction of railway rack to Brcko harbour on the section of harbour crane path,
- construction of industrial railway track on the line from the train station Brcko Novo to the Port,
- construction of the asphalt plateau with drainage of rainfall, and
- reconstruction of the access road from Bijeljinska cesta to the Port.

The Environmental Permit was issued by the Department of Spatial Planning and Property Affairs of the BD Government.

⁴ Official Gazette of BD, No. 17/08

⁵ Official Gazette of BD, no. 3/03, 19/07

⁶ Available at: <http://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html>

⁷ Available at: <http://www.ebrd.com/what-we-do/strategies-and-policies/public-information-policy.html>

Stakeholder Engagement Plan

Port of Brcko – Environmental and Social Assessment for EBRD

practice and corporate citizenship. Stakeholder engagement involves stakeholder identification and analysis, stakeholder engagement planning, disclosure of information, consultation and participation, grievance mechanism, and ongoing reporting to relevant stakeholders.

In accordance with PR 10, clients are required to develop and implement a Stakeholder Engagement Plan appropriate to the nature and scale or the risks, impacts and development stage of the project, and conduct stakeholder engagement on the basis of providing local communities that are directly affected by the project and other relevant stakeholders with access to timely, relevant, understandable and accessible information.

- **EBRD's Public Information Policy (2014)**

EBRD's Public Information Policy sets out how EBRD discloses information and consults with its stakeholders so as to promote better awareness and understanding of its strategies, policies and operations. The Bank informs the public of project development through posting on its website Project Summary Documents which contain summary information on the environmental and social issues associated with projects and the associated mitigation measures.

3. PREVIOUS STAKEHOLDER ENGAGEMENT

A public hearing for presentation of the Application for the Environmental Permit was held on 3 October 2012 by the Department of Spatial Planning and Property Affairs of the BD Government. The draft Application for the Environmental Permit was previously disclosed on the website of the BD Government (for 30 days) for purposes of enabling the public to submit opinions and comments, after which the public hearing was organized.

The public hearing was attended by representatives of the BD Government, the Institute for Protection, Ecology and IT Banja Luka, the inspector for environmental protection and the interested public.

No other stakeholder engagement activities have been undertaken to date.

4. STAKEHOLDER ENGAGEMENT PROGRAM

In order to adequately respond to the needs of different groups, communication and information channels have been designed for all identified stakeholders in accordance with their needs. The BD Government recognizes that meaningful and timely engagement with local communities, Project Affected People ("PAP") and other stakeholders can ensure the success of the Project. The engagement process will be used to obtain comments and suggestions for the development of the Project, which may enhance the Project design and lead to extended local benefits.

Project stakeholders have been identified in order to address the consultation requirements. These stakeholders need to be informed about the Project activities and consulted throughout the entire Project cycle. They include persons or groups that are:

- directly and/or indirectly affected by the Project;
- have certain interests in the Project and its activities;
- have the ability to affect the Project itself and its final outcome.

4.1 Purpose and Responsibility for SEP Implementation

A Project Implementation Team (PIT) will be established for the purpose of this Project, consisting of the Mayor, representatives of relevant BD Government Departments and representatives of the company Port of Brcko. The PIT will monitor compliance with all national and EBRD/EU requirements, including the provisions of this SEP.

All contractors in charge of carrying out specific Project activities will also be required to implement the relevant provisions of SEP. The provisions of SEP implementation, including the grievance mechanism, entrusted to contractors will be laid out in the tender documentation and contracts signed with the

contractors.

4.2 Available Communication Tools

The BD Government utilizes the following channels of stakeholder engagement, communication and information disclosure:

- Publishing information on its official websites (<http://www.bdcentral.net/>), which contains relevant contact information, daily information, event announcements, service information, daily agenda of the BD Government, press releases, and contact forms for submitting questions or grievances;
- Public hearings as required by legal regulations;
- Telephone, mail, fax or e-mail inquiries;
- Public announcements communicated to the media (radio, daily newspapers, etc.).

4.3 Planned Information and Communication Arrangements

The BD Government will carry out public consultations and information dissemination that will reflect main issues of relevance to the Project. All stakeholders will be timely informed about the Project's scope and contacts for further information inquiries, as well as the availability of the publicly available documents.

Documents and information to be disclosed

The BD Government intends to disclose the following documentation and information regarding the Project:

- This **Stakeholder Engagement Plan (SEP)**;
- **Non-technical Summary (NTS)** of the Project's Environmental and Social Assessment;
- **Environmental and Social Action Plan (ESAP)**;
- **Summaries of Monitoring Reports and summaries of Annual Environmental and Social Reports** (described in Chapter 5: Monitoring and Reporting);
- **Information on community health and safety risks and impacts and updates regarding the implementation progress of the Project**
- **Project Grievance Form** (see *Appendix 1: Project Grievance Form*) and **Information Request Form** (see *Appendix 2: Formal Access to Information Request Form*);
- **Land Acquisition Plan** (which will be developed prior to land acquisition activities).

The documents will be available in local languages (as well as English where available) immediately upon the commencement of the Project on the website of the BD Government, as well as in printed copies in the BD Government at the following address:

Brcko District Government Address: Bulevar mira 1,
Address: Street Lučka bb, 76100

These documents and information will remain in the public domain for the entire duration of the Project cycle.

Informing the public on planned construction works

The extent, timing and duration of planned construction works, and any expected disruptions and inconveniences (such as traffic and access restrictions during the works) will be publicly disclosed (2 weeks prior to the commencement of construction works) through:

- website of the BD Government;
- public bulletin board in the premises of the BD Government;
- public bulletin boards in relevant Local Community Offices;
- local media.

During the construction works, the contractors will submit monthly information to the BD Government regarding the progress of works, which will be disclosed on the website of the BD Government.

Planned meetings

Stakeholder Engagement Plan

Port of Brcko – Environmental and Social Assessment for EBRD

The BD Government will schedule and hold the following meetings with the representatives of different stakeholder groups:

- **Public consultative meetings** will be held as necessary during Project preparation and implementation, i.e. prior to and during the construction works. Such meetings will be aimed at providing regular gatherings of all stakeholders and will be open for all interested parties. During these meetings, the participants will be able to present their opinions and remarks with regards to the Project, as well as to suggest possible solutions of the issues raised, which will be documented and addressed appropriately in the Project Implementation Monitoring Reports in regards to the received grievances and follow up action taken to be prepared by the PIT.
- **Local Community consultative meetings** are aimed at engaging individuals, households and businesses affected by the construction activities into the consultation process, and will be organized on a needs basis in Local Communities.
- **Individual consultative meetings** are aimed at engaging individual stakeholder groups regarding specific issues, and will be organized on a needs basis. This type of meetings can be initiated by the BD Government or by any identified stakeholder groups/individuals.

Timetable for public meetings

The timetable and the venue designated for public consultative meetings will be precisely defined by the PIT after the Project's start date is determined. All stakeholders will be informed about the exact date, time and venue where a consultative meeting will be held, at least 7 days in advance, through disclosure through the websites and bulletin boards of the BD Government, as well as local media.

The identified stakeholder groups and communication/engagement requirements are provided in Table 1 below.

Stakeholder Engagement Plan
Port of Brcko – Environmental and Social Assessment for EBRD

Table 1: Stakeholder Groups, Specific Issues, Objectives and Communication Requirements

| Identified stakeholder | Specific issues | Communication and engagement objective | Communication and engagement requirements |
|---|--|---|---|
| Project Affected People Individuals, households and (owners or users) who will be directly affected by land acquisition for needs of the Project | According to current findings, land acquisition of private land plots will need to be carried out for needs of the Project, solely for the reconstruction of industrial railway track on the line from the Port of Brcko to the train station Brcko Novo and reconstruction of connections to industrial zone. The exact number of land plots to be acquired for needs of the Project will be defined in subsequent stages of the Project. | Providing timely information on land acquisition activities | <ul style="list-style-type: none"> Households will be individually visited and informed about the impacts of the Project on their property Delivering relevant documentation to Local Community Offices on whose territory land acquisition is planned Public consultative meetings, and Local Community meetings as necessary Disclosure through the websites of the BD Government and local media |
| Local residents and businesses in the vicinity of the Project area Local communities, residents and businesses located in the proximity of the planned construction works (access restrictions and/or disturbances) | During construction works, residents and businesses located in the vicinity of the planned construction works may experience restricted access and disturbances related to increased noise due to machinery operation, increased dust, noise, etc. | Providing timely information on construction activities and potential traffic disruptions. | <ul style="list-style-type: none"> The extent, timing and duration of planned works, and any expected disruptions and inconveniences, will be publicly disclosed through the websites of the BD Government public bulletin boards in the premises of the BD Government and local media Public consultative meetings, and Local Community meetings as necessary |
| Affected vulnerable individuals/ groups People who, by virtue of gender identity, sexual orientation, religion, ethnicity, indigenous status, age, disability, economic disadvantage or social status may be more adversely affected by Project impacts than others and who may be limited in their ability to claim or take advantage of project benefits, in particular people affected by land acquisition activities. | No particular vulnerable groups were identified to date. | Proactively providing information and assistance in interpreting and understanding the provided information and documentation | <ul style="list-style-type: none"> Access to information for any vulnerable groups will be facilitated by the PIT in cooperation with the Department of Health and Other Services, as appropriate for each person/family according to their specific needs and/or situation Individual meetings as necessary |

Stakeholder Engagement Plan
Port of Brcko – Environmental and Social Assessment for EBRD

| Identified stakeholder | Specific issues | Communication and engagement objective | Communication and engagement requirements |
|---|---|---|---|
| Interested NGOs in various field of activities and other civil society organizations demonstrating an interest for the Project and/or possessing the ability to influence the Project | No NGOs have expressed a particular interest in the Project to date. Note: Any organisations interested in the Project can send their contact details to the PIT to be included in the Table of Interested Organizations in this SEP and notified directly about Project events. | Providing timely information, communication and consultations. | <ul style="list-style-type: none"> • Disclosure through the website of the BD Government and local media • Public consultative meetings, and individual consultative meetings as necessary |
| Employees of the BD Government Departments Stakeholders of high significance for the Project's success who are directly or indirectly engaged in Project planning and implementation | - | Providing timely information about the planned Project activities | <ul style="list-style-type: none"> • BG Government's internal bulletin board • Trainings as necessary |
| Government authorities and relevant institutions/organizations in Brcko District , including: <ul style="list-style-type: none"> • the company Port of Brcko • Harbour Master of Brcko District • Brcko District inspection authorities • BD Government Departments in charge of issuing Project related permits | - | Consultations with relevant government authorities concerning the Project activities (environmental permitting, water and urban planning permits, etc.) | <ul style="list-style-type: none"> • Regular contacts through internal communication channels • Public consultative meetings |
| Contractors or subcontractors for construction, monitoring and supervision of works, and their employees | - | Understanding the requirements of SEP which will need to be implemented by contractors, including the grievance mechanism | <ul style="list-style-type: none"> • Information through tender procedure and contracts • Communication via supervising engineers • Toolbox talks at construction sites on relevant occupational health and safety topics • Monthly reports on progress of works to be submitted by contractors during construction works • Trainings as necessary |

5. GRIEVANCE MECHANISM

The PIT will establish a Grievance Registry, and will ensure that all stakeholders are fully informed of the grievance mechanism by communicating the availability of this registry, its function, the contact persons and the procedures to submit a complaint in the affected areas.

Any comments or concerns can be brought to the attention of the PIT or the Contractor verbally (personally or by telephone) or in writing by filling in the grievance form (see *Appendix 1: Project Grievance Form*) (by personal delivery, post, fax or e-mail to the address/number given below), without any costs incurred to the complainant. Grievances may also be submitted anonymously.

All grievances will be recorded in the Grievance Registry and assigned a number, and acknowledged within 5 calendar days (the flowchart for processing grievances is enclosed in *Appendix 3: Flowchart for Processing Grievances*). The Registry will have all necessary elements to disaggregate the grievance by gender of the person logging it as well as by type of grievance. Each grievance will be recorded in the registry with the following information:

- description of grievance,
- date of receipt acknowledgement returned to the complainant,
- description of actions taken (investigation, corrective measures), and
- date of resolution and closure / provision of feedback to the complainant.

If the grievance/complaint is vague and not clear enough, the PIT will assist and provide counsel in formulating/redrafting the submission, in order for the grievance/complaint to become clear, for purposes of an informed decision by the PIT, in the best interests of persons affected by the Project.

The PIT will make all reasonable efforts to address the complaint upon the acknowledgement of grievance. If the PIT is not able to address the issues raised by immediate corrective action, a long-term corrective action will be identified. The complainant will be informed about the proposed corrective action and follow-up of corrective action within 25 calendar days upon the acknowledgement of grievance.

If the PIT is not able to address the particular issue raised through the grievance mechanism or if action is not required, it will provide a detailed explanation/ justification on why the issue was not addressed. The response will also contain an explanation on how the person/ organization that raised the complaint can proceed with the grievance in case the outcome is not satisfactory.

At all times, complainants may seek other legal remedies in accordance with the legal framework of BD, including formal judicial appeal.

A separate grievance mechanism is available for workers.

Contact information for enquiries and grievances:

Project Implementation Team, the BD Government

Address: Bulevar mira 1, 76100 Visoko

Tel.: +387 49 240-600

E-mail: www.bdcentral.net

6. FORMAL REQUEST FOR INFORMATION IN LINE WITH LOCAL LEGISLATION

In parallel to the above described mechanism for submitting grievances and enquiries, all interested parties may submit also a formal request for information in line with the provisions of the *Law on Free Access to Information in BiH* described in more detail in the previous chapters of this SEP.

In case the PIT receives a formal request for access to information, it will apply the provisions and procedures set out by the mentioned Law. The request for access to information may be submitted personally (with the receipt seal, date and signature), by regular mail, fax and electronic mail.

In case the PIT does not have the information requested, and in case it does not have access to the information requested, it is required, within 8 calendar days of receipt, to forward the request to the competent institution or legal entity, as well as notify the requester about the undertaken measure. Within 15 calendar days of receiving the request, the PIT is obliged to notify the requester whether he/she has been granted access to the requested information.

In case the PIT grants access to requested information completely or partially, it will notify the requester.

The official form for requesting access to information can be found in *Appendix 2: Formal Access to Information Request Form* to this SEP.

7. MONITORING AND REPORTING

The results of the stakeholder engagement process will be included in Monitoring Reports to be prepared by the PIT. The first report will be produced 3 months after the beginning of the Project, and will continue on a quarterly basis. The reports will be made public on the website of the BD Government with the following information:

- Place and time of carried out consultative meetings (including other types of engagement activities) with information on the participants;
- Issues and concerns raised during consultative meetings and information on how the issues raised during the meetings were taken into consideration by the PIT, including the implemented corrective measures meant to address the grievances;
- Number and types of grievances raised in the reporting period, with indication of opened, resolved and closed grievances.

In addition, the PIT will submit Annual Environmental and Social Reports to EBRD summarising environmental and social impacts, health and safety performance, disclosure and consultation performance and implementation of the external grievance mechanism. Summaries of these reports will be published on the website of the BD Government.

The PIT will be responsible for monitoring all Project related stakeholder engagement activities, ensuring the fulfilment and updating of this SEP, and reporting to EBRD.

Appendix 1: Project Grievance Form

| | | |
|---|---|--|
| Reference Number | | |
| Full name (optional) <input type="checkbox"/> I wish to raise my grievance anonymously. <input type="checkbox"/> I request not to disclose my identity without my consent. | | |
| Contact information Please mark how you wish to be contacted (mail, telephone, e-mail). | <input type="checkbox"/> By Post: Please provide mailing address: _____ _____ _____ <input type="checkbox"/> By Telephone: _____ <input type="checkbox"/> By E-mail | |
| Preferred language of communication | <input type="checkbox"/> Bosnian / Serbian / Croatian <input type="checkbox"/> English (if possible) | |
| Description of Incident for Grievance | | |
| Description of Incident for Grievance | | What happened? Where did it happen? Who did it happen to? What is the result of the problem? |
| | | |
| Date of Incident / Grievance | | |
| | <input type="checkbox"/> One-time incident/grievance (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem) | |
| What would you like to see happen? | | |
| | | |

Signature: _____
Date: _____

Please return this form to:
BD Government
Project Implementation Team
 Address: Bulevar Mira 1, 76100 Brcko District
 Bosnia and Herzegovina
 Tel: +387 49 240-600
www.bdcentral.net

Appendix 2: Formal Access to Information Request Form

(in accordance with the Law on Free Access to Information of BiH)

| ACCESS TO INFORMATION REQUEST |
|--|
| <hr/> |
| Name and last name of requester |
| <hr/> |
| Address |
| <hr/> |
| Telephone/telefax/e-mail |
| Date <hr/> |
| Brcko District Government Address: Bulevar Mira 1, 76100 Brcko District Bosnia and Herzegovina Tel: +387 49 240-600 www.bdcentral.net |
| SUBJECT: ACCESS TO INFORMATION REQUEST On the basis of the Law on Free Access to Information in BiH, I request access to the following information: <hr/> <hr/> <hr/> |
| (Indicate precisely which information you are requesting and describe as precisely as possible). |
| Indicate in which manner would you like to access the information: a. direct inspection, b. duplication of the information, c. delivery of information to the home address, d. delivery of information electronically – by e-mail (if possible). |
| Requester <hr/> |

Appendix 3: Flowchart for Processing Grievances

