

VI Report of the Republic of Croatia on the implementation of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

FORM FOR THE AARHUS CONVENTION IMPLEMENTATION REPORT

The following report was submitted on behalf of the Republic of Croatia in accordance with Decisions I/8, II/10 IV/4, VI/7.

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Signature:	
Date:	9 June 2025

IMPLEMENTATION REPORT

Party:	Republic of Croatia
National focus point	
Full name of the institution:	Ministry of Environmental Protection and Green Transition
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PROCEDURE OF THE REPORT

Provide brief information on the process of drafting this report, including what types of public authorities were consulted or contributed to its drafting, how the public was consulted and how the outcome/result of the public consultation was taken into account, and what material was used as a basis for drafting the report.

Answer:

Sixth National Report on the implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter: Aarhus Convention) covers the period from the last report, i.e. from 2021 to 2024.¹ The preparation of the report was coordinated by the Ministry of Environmental Protection and Green Transition (MZOZT) in cooperation with the Ministry of Justice, Administration and Digital Transformation and other public authorities, which are relevant for the implementation of the Aarhus Convention. Representatives of

¹Five National Reports on the Implementation of the Aarhus Convention have been prepared so far (2009, 2010, 2014, 2017 and 2021) <https://mzoe.gov.hr/o-Ministry-1065/action-4925/international-cooperation/multilateral-international-agreements-1138/1138>

environmental civil society organisations also participated in the Working Party. The draft Report was published on the national portal of the Government of the Republic of Croatia (hereinafter: Government) e-Consultation lasting 30 days. The final draft of the Report will be translated into English and published on the MZOZT website dedicated to the Aarhus Convention, which will be notified to the relevant authorities.

Please indicate any specific circumstance relevant to the understanding of the report, e.g. whether there is a federal and/or decentralised decision-making structure, whether the provisions of the Convention have a direct impact on its entry into force, or whether financial constraints constitute a significant impediment to implementation (optional).

Answer: /

Article 3

Indicate the legal, regulatory and other measures implementing the general provisions in paragraphs 2, 3, 4, 7 and 8 of Article 3.

Answer:

Several Croatian laws relate to the implementation of the general provisions of Article 3 as reported in previous National Reports. Since the end of V Report some legal acts related to environment have been amended, as well as others that are relevant to the implementation of the Convention, in order to bring them into line with European Union (EU) legislation and to improve the system. The Environmental Protection Act (OG² 80/13, 153/13, 78/15, 12/18, 118/18); hereinafter referred to as the ZOZO), Nature Protection Act (OG 80/13, 15/18, 14/19, 127/19, 155/23; hereinafter referred to as: ZZP), Air Protection Act (OG 127/19, 57/22, 136/24; hereinafter referred to as: ZZZ) and Water Act (OG 66/19, 84/21, 47/23; hereinafter referred to as: ZOV).

Right of Access to Information Act (OG 25/13, 85/15, 69/22; hereinafter referred to as: ZPPI) was amended in 2022 and the Directive on open data and the re-use of public sector information EU 2019/1024 (OD Directive) was transposed into Croatian law. The new legal solutions emphasised the importance of open data and the obligations for authorities to identify, prepare and open it for re-use, and established a list of thematic categories of high-value datasets that include geospatial data, environmental data, meteorological and statistical data, company and company ownership data, and data related to mobility.

At the end of 2023 and the beginning of 2024, the Better Regulation Policy Instruments Act (OG 155/23) and the Regulation on the methodology and procedure for the implementation of better regulation policy instruments (OG 19/24) were adopted. The new legislative framework further improves the developed standards in the field of public consultation and further develops the process of public consultation carried out by state administration bodies and other entities subject to public consultation when drafting laws and other regulations within their competence.

In these laws, all provisions are relevant for the implementation of the Convention, while the ZPPI establishes a more advanced standard of proactive publication of information and documents of public authorities for the purpose of consulting the public (Article 11): all public authorities and legal persons with public powers are required to consult the public for acts when they affect the public and private interest, as a rule, for a period of 30 days, the public is consulted through an official website or e-portal and must contain an explanation of the reasons and objectives pursued by the adoption of the act, the composition of the working group that drafted the act, and invite the public to submit its proposals and opinions. Public disclosure of the consultation report on the reasons for not accepting the comments is required.

² Official Gazette

Public authorities shall adopt and publish on their website a public consultation plan for the calendar year at the latest by the end of the previous calendar year and shall inform the public thereof. It should also include the title of the act, the expected time of its adoption or adoption, the indicative timing of the online consultation and the other envisaged ways in which the consultation is intended to take place, such as public hearings, distribution of draft legislation to the public concerned by e-mail, participation in working groups and others.

The new Act on Water for Human Consumption (OG 30/23), compared to the previous Act on Water for Human Consumption, further regulates the obligations and methods of informing the population regarding the quality of water for human consumption (Article 59). The way in which consumers are informed by water suppliers has changed, so that the water supplier is now obliged to provide each individual consumer with certain information relevant to the water supply once a year (Article 33). An obligation to inform consumers by the owner of the domestic water supply network or the manager of a residential or commercial building has also been introduced in the event of a derogation from the maximum permitted concentration of compliance parameter values resulting from an inadequate domestic water supply network (Article 55).

Since 1 July 2019, the Law Office of the Republic of Croatia has been responsible for the coordination of state administration bodies regarding the implementation of consultations with the interested public and administrative support for the work of the e-Consultations portal, which contains the Code of consultation with the interested public in the procedures for the adoption of laws, other regulations and acts, guidelines for the application of the Code and conducts the training of the coordinator for consultations: <https://consultations.gov.hr/>.

Pursuant to the ZPPI, an institution of the Information Commissioner was established, which, as an independent body, protects, monitors and promotes the right of access to information, and since 2016 monitors the application of Article 11 of the ZPPI, i.e. conducting public consultations in the adoption of laws and by-laws, as well as in the adoption of strategic planning documents that affect the interests of citizens and legal persons, about which it informs the public through its website: <https://pristupinfo.hr/>.

Please explain how these paragraphs have been implemented. Describe in particular:

(a) as regards paragraph 2, the measures taken to ensure that officials and authorities assist and provide the necessary instructions;

Answer:

The basic principles of conduct of state administration bodies and other state bodies, bodies of local and regional self-government units and legal persons with public powers are regulated by the General Administrative Procedure Act (OG 47/09, 110/21; hereinafter: ZUP) and when in administrative matters, directly applying regulations, they decide on the rights, obligations or legal interests of citizens, or legal persons or other parties, this law is also applied in procedures for seeking access to information.

Pursuant to the ZPPI, all public authorities are obliged to appoint an *information officer* who is responsible for resolving the exercise of the right of access to information (does the tasks of regular disclosure of information, resolves individual requests for access to information and re-use of information and improves the method of processing, sorting, storing and publishing information contained in official documents relating to the work of public authorities, the information officer is also obliged to provide the necessary assistance to applicants regarding the exercise of the right of access to information). The duty to provide information and explanations on administrative affairs is also regulated by the Civil Servants Act (OG 155/23, 85/24).

It is possible to submit to the State Inspectorate, via the website <https://dirh.gov.hr/submission-reporting/83>, a report used as a basis for carrying out an inspection or, where the inspector is not authorised to carry out an inspection, to inform the petitioner in writing where possible.

MZOZT, Institute for Environmental and Nature Protection (hereinafter: The Institute) manages national information systems for the environment and nature and provides information to the public through websites on the state of the environment and through information officers. The Institute

promotes environmental awareness in the public primarily through educational and promotional materials, portals and browsers, annual thematic reports and indicators, organizing actions on dates important for environmental protection, holding lectures in schools and through the website: <http://www.haop.hr>. This role is also played by www.biportal.hr, which is the national place for publishing spatial data of the nature protection sector, thus ensuring public access to up-to-date and verified spatial and non-spatial data on nature and nature protection in Croatia.

All applications, inquiries in the field of water intended for human consumption can be submitted to the Ministry of Health at email vode@miz.hr or pisarnica@miz.hr, and in the case of GMOs at gmo@miz.hr.

At the level of the Ministry of Health, an Expert Committee for water intended for human consumption was established, which prepares recommendations and instructions related to water intended for human consumption, especially in the part of new circumstances caused by pollution. All information for citizens is also visible on the website of the Ministry of Health at the following link:

<https://Health.gov.hr/o-Ministry/Scope-1297/Public> [health-protection/water-for-human-consumption/3017](https://Health.gov.hr/o-Ministry/Scope-1297/Public/health-protection/water-for-human-consumption/3017).

(b) as regards paragraph 3, measures taken to promote environmental education and awareness;

Answer:

Public authorities that are responsible for certain elements of the environment and sustainable development carry out environmental awareness campaigns in accordance with their financial capacities. Eco-schools, which are registered in Croatia in 328, play an important role: <https://www.eko.lijepa-nasa.hr/>.

Since 2019, Sustainable Development is a cross-curricular topic (OG 7/2019) in the national curriculum for primary and secondary schools of the Republic of Croatia. Each school has the freedom to integrate individual sustainable development projects into its school curriculum in accordance with its needs and interests.

The Agency for Education regularly carries out professional training in the field of education for sustainable development for teachers of biology, geography and chemistry at the state level once a year, and modular professional training for educational workers of all profiles at the inter-county level for a period of two years. He also conducts professional training of teachers, and in recent years educators, for the implementation of the GLOBE Programme (The Global Learning and Observations to Benefit the Environment). About 170 schools from Croatia are involved in the GLOBE programme (<https://www.globe.gov/web/croatia/home/schools>). In the past four years, students have taken measurements in the field of atmosphere, hydrosphere, pedosphere and biosphere, and in about sixty schools students carry out these measurements regularly (daily, weekly, monthly, as needed) and connect their observations into a whole by following the state of the environment. In addition, the Festival and the competition of Croatian GLOBE schools are being held at the inter-county and state level. The GLOBE Programme also includes some other institutions providing non-formal education and some citizens as part of the *Citizen Science* Programme.

The City of Osijek is the winner of the Eco city award for 2021 and 2022 as a city with the best solutions in environmental protection, clean energy and waste management policies, and in 2024, in cooperation with the municipal company Unika, and with the support of the Environmental Protection and Energy Efficiency Fund and Osijek-Baranja County, organized the 1st Waste Festival in Croatia Eco City Waste Fest, which brought together city companies, emergency services, associations, sports clubs and private companies dealing with waste management, in order to present the area of activity of the municipal company, city transport, police, firefighters and other services to visitors, primarily elementary school students, through interactive workshops, lectures, entertainment and educational content. The City of Osijek and the utility company Unikom d.o.o. are implementing educational and information projects, so as part of the project 'Educational and information campaign Eco City LegOSi', they created an interactive portal and application Moj Unikom <https://www.nacional.hr/unikomov-educational-project->

[education-eco-city-legosi/#google_vignette](#) in order to establish the best possible communication with citizens.

Local self-government as well as public institutions for the management of protected areas of nature are increasingly investing in education and cooperation with citizens on environmental protection, these are some of the new examples:

- The City of Osijek has established a system for reporting improperly discarded waste into the environment through an online form on the website.
- Čistoća Karlovac d.o.o., founded by the City of Karlovac, provides the general public with information regarding waste management in the form of education of schoolchildren and the general public; Households (leaflets, video education).
- Public institution Natura viva for the management of protected areas of nature in Karlovac County conducts educational workshops and lectures for the public. Currently, the Public Institution offers a 'Green and Blue Workshop' programme for primary, secondary and students. <https://naturaviva.hr/>
- Primorje-Gorski Kotar County has been cooperating and co-financing the School of Young Guardians of the Environment for many years, which is organized by the Eco Centre of Young Guardians of the Environment. The School of Young Guardians of the Environment' has been attended by more than 5,000 students, and environmental education activities in students' free time were also awarded with the State Award in 1993.

In 2022, the Office of the Information Commissioner participated in the Green Action project 'New instruments for cooperation with institutions in environmental matters in Croatia', while in November 2023 the Office organised tailor-made training on the right of access to information for environmental protection associations.

(c) as regards paragraph 4, the measures taken to ensure that there is adequate recognition and support for associations, organisations or groups promoting environmental protection;

Answer:

In Croatia, there are several mechanisms through which support is given to associations and organisations promoting nature and environmental protection, and all data at national level are aggregated and published in the annual *Reports on financial support for projects and programmes of civil society organisations* coordinated by the Office for Cooperation with NGOs: (<https://udruga.gov.hr/financing-programs-and-projects-associations-from-public-sources/2772>).

The Environmental Protection and Energy Efficiency Fund continuously co-finances NGO projects and, through annual tenders from 2021 to 2023, has approved EUR 924.124.91 for 118 projects and the same number of environmental associations.

Both regional and local self-government provide funds for co-financing projects of NGOs operating in the area of environmental protection. For example, through annual tenders from 2021 to 2024, the City of Osijek approved 30,690 euros for 31 projects in the field of environmental protection.

Through a public tender, the Dubrovnik-Neretva County co-finances projects aimed at popularizing environmental and nature conservation, i.e. educating citizens, especially young people, in the field of: protection of water, air, soil, biological and landscape diversity of Dubrovnik-Neretva County as well as in the field of waste management. Between 2021 and the end of 2024, 80,850 euro was approved for 62 projects: <https://www.dnz.hr/financing-programs-projects-association-2/>

In accordance with Article 45. The Public Health Institutes of the regional self-government units and the City of Zagreb annually carry out information media campaigns informing the population about the safety of water intended for human consumption and promoting the importance of using tap water or the water supply system in all buildings used by public authorities and citizens.

(d) with regard to paragraph 7, measures taken to promote the principles of the Convention; in international processes including:

- (i) measures taken for the purpose of coordination within and between ministries to inform officials involved in other relevant international fora of Article 3(7) and of the Almaty Guidelines, and indicate whether coordination measures are ongoing;***
- (ii) measures taken at national level to ensure access to information relating to international fora, as well as at what level access to information is ensured;***
- (iii) measures taken at national level to promote and enable public participation in international fora (e.g. inviting members of civil society organisations/associations to be part of a Party's delegation to international environmental negotiations or involving civil society organisations/associations in drawing up the Party's official position in such negotiations), as well as at what level access to information is ensured;***
- (iv) measures taken to promote the principles of the Convention in proceedings of other international fora;***
- (v) measures taken to promote the principles of the Convention in work, projects, decisions and other independent events in other international fora;***

Answer:

The principle of cooperation within the State in the implementation of environmental protection and cooperation with other States, as well as the notification of transboundary environmental impacts to other States and the exchange of environmental information is laid down in the ZOZO. Also, the ZZZ stipulates that the MZOZT initiates activities with the competent authority of another country in order to adopt joint plans and programmes to reduce air pollution by applying appropriate measures in the event of significant transboundary air pollution. Croatia promotes the principles of the Convention on Environmental Impact Assessment in a Transboundary Context (EIA) and the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context and, inter alia, through bilateral and multilateral bodies/international treaties to which Croatia is a party.

As a member of two international water management commissions (International Commission for the Protection of the Danube River - ICPDR) and Sava (International Commission for the Sava River Basin - Sava Commission), Croatia promotes transparency, public participation and cooperation with stakeholders and NGOs in the preparation of documents published on the website.

(e) as regards paragraph 8, the measures taken to ensure that persons exercising their rights shall not be punished, prosecuted or harassed in accordance with the Convention.

Answer:

This right is ensured through the constitutional principle of legality referred to in Article 16 of the Constitution of the Republic of Croatia (OG 56/90, 135/97, 8/98 – consolidated text, 113/00, 124/00 – consolidated text, 28/01, 41/01 – consolidated text, 55/01 – corrigendum, 76/10, 85/10 – consolidated text and 5/14, hereinafter: Constitution) and the principles of the right of appeal referred to in Article 18 of the Constitution.

With the aim of drawing up a draft Law on the protection of persons involved in public action, which will transpose Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on the protection of persons involved in public action from manifestly unfounded lawsuits or abusive court proceedings into national law, the Ministry of Culture and the Media set up an Expert Working Group in mid-2021 to formulate a policy to combat SLAPP lawsuits (Strategic Lawsuits Against Public Participation - SLAPP Lawsuits). The same is true of the European Democracy Action Plan adopted by the European Commission, one of the primary objectives of which is to support independent and independent media, inter alia, by combating SLAPP lawsuits, which are recognised as

a problem throughout the European Union. It includes representatives of the media sector (journalists and publishers), professional journalist associations, the Judicial Academy, the Croatian Bar Association, the academic community, the Office of the Ombudswoman, the Ministry of Culture and Media and the Ministry of Justice, Administration and Digital Transformation for dialogue, exchange of knowledge and experience, as well as education to jointly find effective ways to stop SLAPP lawsuits. Educational workshops for judges and journalists were held in the larger cities of the Republic of Croatia.

One of the key measures adopted in the National Plan for the Development of Culture and Media for the period 2023-2027 is to ensure the protection of journalists from unfounded and abusive court proceedings, through the establishment of a mechanism for early recognition and dismissal of manifestly unfounded or abusive court proceedings of SLAPP lawsuits, and such a provision will be implemented in the new Media Act whose adoption is planned.

<https://min-kulture.gov.hr/izdvojeno/izdvojena-lijevo/mediji-16434/stručna-radna-skupina-za-oblikovanje-politike-suzbijanja-slapp-tužbi/22216>

Describe any obstacles encountered during the implementation of any of the paragraphs of Article 3 listed above.

Answer:

Green Forum on behalf of environmental NGOs.

There is a problem with the involvement of a larger number of civil society representatives in the drafting of regulations, such as when amendments were made to the Law on the Right of Access to Information. They are also of the opinion that the new amendments of 2022 have sampled legal uncertainty and divergent decision-making by the chambers of the High Administrative Court on substantially identical issues.

They point out that the possibility of participating in e-consultations for NGOs has been significantly hampered since May 2024, as only persons authorised to represent and not other employees can comment in the e-Consultations system. They point out that the Code of consultation with the interested public is poorly implemented and mostly refers to e-Consultations. When there are working groups (level of involvement of the public concerned), it is questionable which civil society representatives are involved in terms of whether they have experience of a particular topic.

They point to the closure of the decision-making process especially at the local level. In addition, there have been a higher number of cases of public consultations during holidays and extended public holidays, with public consultations conducted below the statutory 30-day framework prevailing. Also, there has been a very high proportion of consultation outcomes that do not provide feedback on the result, i.e. do not provide information that proposals have been taken into account, and where there are few comments accepted.

It has been observed that the right of access to information to NGOs has been restricted in recent years by public authorities insisting that the request for the right of access to information be signed and submitted by a person authorised to represent the organisation. They find it particularly problematic for organisations that help citizens solve environmental problems/report via the Green Phone. Furthermore, officials interpret the provisions of the ZPPI itself very narrowly by rejecting a duly submitted application on the ground that the information requested is not information within the meaning of the ZPPI.

Since the amendments to the ZPPI in 2022, public authorities have practiced to declare requests for access to information as a request for re-use and not to provide information related, for example, to the part of the business that the public authority carries out on the market.

Access to information is also denied by the fact that misdemeanour proceedings initiated by the Information Commissioner are time-barred in the Misdemeanour Court. In this way, the Commissioner is not in a position to make effective use of the legal tools available to him under the provisions of the ZPPI. Furthermore, the process of exercising the right of access to information is often lengthy and

ineffective. The value of information is also reflected in its timeliness and this is one of the principles of the ZPPI. However, the envisaged procedure implies, at best, and if the public authority body prevents the realization of the right, that the NGO will obtain the information to which it is entitled only after a period of 90 days has elapsed (the adopted decision of the Information Commissioner on the complaint of the beneficiaries of the right), and if the Information Commissioner also adopts a decision allowing access to the information, the public authorities can initiate proceedings against the Information Commissioner (i.e. the decision), while the final judgment is sometimes awaited for a year and a half.

Since this is one of the most important rights, which is guaranteed in Croatia by the Constitution, it is necessary to ensure in practice the implementation of the principle of timeliness. The problem is also the fact that donors most often do not finance the services of lawyers, i.e. administrative and judicial proceedings, and NGOs that mostly finance their work through projects (rather than organizational support) have a problem with the exercise of rights due to the inability to finance procedures when it comes to access to justice.

Regarding education, Green Associations believe that there is a lack of systematic education on the rights to access environmental information, participation in environmental decision-making and access to justice in environmental matters. They are of the opinion that the Green Phone Network of the Republic of Croatia is the most systematic medium for the education of citizens who want to be informed about their rights guaranteed by the Aarhus Convention.

Please provide further information on the practical application of the general provisions of the Convention.

Answer: /

Provide important website addresses, if available: /

Article 4

Please indicate the legal, regulatory and other measures implementing the provisions on access to environmental information in Article 4.

Answer:

ZOZO, ZPPI and the Decree on information and participation of the public and the interested public in environmental protection matters (OG 64/08, 80/13, hereinafter: UISJ) are the basic regulations governing the implementation of Article 4 of the Treaty on the Functioning of the European Union. Certain measures are also further integrated into other regulations relating to certain areas of the environment. It is important to point out that Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental data has been fully transposed into national law. This also applies to the definitions in Art. 2. Of the Aarhus Conventions which have been transposed into the ZOZO and are compatible with the provisions of the ZPPI.

Provisions referred to in Article 3(9) The Aarhus Conventions are governed by the constitutional principle of equality of citizens and by the provisions of the ZPPI. Also, on the basis of the ZOZO and the ZPPI, everyone has access to information without the obligation to state interests and access to data and information is prescribed. The right to information is exercised by submitting a request. Article 18 The ZPPI stipulates that an application may be submitted to the competent authority orally or in writing, and if the application is submitted by electronic communication (e-mail, fax, etc.), it will be considered that a written application has been submitted. The written application must contain the name and registered office of the public authority to which the application is submitted, data that are important for recognizing the requested information, the name and surname and address of the natural person of the applicant, the company or the name of the legal person and its registered office. In order to facilitate the submission of requests for information by the beneficiary of the right of access to information, the beneficiary may optionally complete *the Information Request Form* (OG No 83/14). The user may indicate in the request for access to information an appropriate way to obtain the information (by directly providing the information, providing the information in writing, inspecting the documents and making

copies of the document containing the requested information, providing copies of the document containing the requested information in another appropriate way), and if he does not indicate, the information will be provided in the manner in which the request was submitted, or in the most economical way. In relation to the provisions of the ZPPI, the deadline for providing access to information under the ZOZO is not specified, i.e. it is prescribed that public authorities possessing environmental information, or to which environmental information relates, will provide access to information as soon as possible. Pursuant to the ZPPI, on the basis of a request for access to information, the public authority body will decide at the latest within 15 days from the date of submission of a valid request, and in certain legally prescribed cases that deadline may be extended by an additional 15 days.

The Office of the Information Commissioner, through the State School of Public Administration, continuously provides free training for information officers in public authorities and also maintains short webinars for information officers and other employees of public authorities who apply for the ZPPI in their work. Every year, the Office of the Commissioner organises an annual consultation of the Information Officer, which presents novelties in the field of the right of access to information and exchanges the experiences and practices of officials. Also, the Office of the Commissioner holds numerous trainings intended for individual groups of users of the right of access to information (students, journalists, associations).

(c) as regards paragraphs 3 and 4, measures taken to:

(i) provide exemptions from the requirement;

(ii) ensure the application of the public interest test at the end of paragraph 4;

Answer:

If a public authority refuses access to environmental information, it is obliged to reject the request by way of a decision, provided that the reasons for rejecting the request under the ZOZO (Article 158) differ somewhat from the reasons for refusing the requested information in accordance with the ZPPI (Article 15), which lists in more detail and in more detail the possible reasons for refusing the requested information. The ZOZO (Article 158(6)) expressly provides that the Information Commissioner is an appeal body in the event of refusal of a request for environmental information, while Article 5(1) of that Act provides that the provisions of the regulations governing the right of access to information shall apply to issues of the right of access to information in procedures under this Act that are not regulated by this Act and its implementing regulations. The fact that bodies whose scope of activity is nature protection, environment and energy rely on the general regime regulated by the ZPPI can also be seen on their websites, where information on the exercise of ZPPI rights is mostly published.

According to the ZOZO (Article 158), a public authority holding environmental information may not refuse a request for information if that request concerns discharges or other emissions into the environment. Also, when deciding on an application, it will assess whether the protection of the public interest is of greater importance than the interest achieved by disclosing the requested information. Thus, the ZPPI (Article 16) provides that the public authority competent to act on a request for access to information is required to carry out a proportionality and public interest test before taking a decision. Where a public authority finds that there is any of the restrictions referred to in Article 15(2), (3) and (4) ZPPI in relation to the requested information or part of it (e.g. personal data, business or professional secret, etc.), which means that the public authority has determined that there is a protected interest, it is necessary to further determine whether there is a public interest in the requested information (for example, in relation to the requested information were discussions in the media, a wider circle of people is interested in the requested information, the information is related to health, the environment, the detection of corruption, state security, etc.). The public authority then assesses the two competing interests in order to assess which interest prevails, the protected interest or the public interest. Also, restrictions on the right of access to information, as well as exemptions from them, are laid down in Article 15 of the ZPPI. In the process of exercising the right of access to information, the provisions of the ZUP also apply accordingly.

(d) as regards paragraph 5, the measures taken to ensure that a public authority which does not hold the environmental information requested takes the necessary steps;

Answer:

With regard to paragraph 5, Article 21 the ZPPI shall apply. Therefore, if a public authority does not possess information and has knowledge of the body in its possession, it is obliged, without delay and no later than eight days after receiving the request, to transfer the request to that authority, which will be notified to the applicant. Where a public authority receives a request for access to classified information which is not its owner, it shall forward the request to the owner without delay and at the latest within eight days of receipt of the request, and shall inform the applicant thereof. If a public authority receives a request for access to international information, it shall without delay, and at the latest within eight days of receiving the request, provide the same information to the owner, of which it shall inform the applicant. Exceptionally, the public authority body will act on the received request for access to international information, if the information itself unequivocally shows that it is intended for immediate publication.

In addition, in the process of exercising the right of access to information, the provisions of the ZUP apply accordingly.

(e) as regards paragraph 6, the measures taken to ensure that the condition that the information is filtered and made available is applied;

Answer:

These measures are provided for under Art. 15(5) of the ZPPI in particular, if part of the requested information is subject to a restriction (e.g. business, professional or tax secrecy), the remaining parts of the information will be made available.

(f) as regards paragraph 7, the measures taken to ensure that the refusal takes place within the time limit and in accordance with the other conditions attached to the rejection of the application;

Answer:

The public authority shall reject the request by decision (Art. 23(6) of the ZPPI) if the requested information concerns all proceedings conducted by the competent authorities in the pre-trial and criminal proceedings, and if information classified as classified is requested, the public authority may reject the request on the basis of the previously obtained opinion of the Office of the National Security Council. In exhaustively listed situations, a public authority body may restrict access to information with a prior test of proportionality and public interest (e.g. information is a business or professional secret, protected personal data, copyrighted work, if the information is limited by international agreements, if the information is in the process of being prepared or has arisen in the process of harmonizing or exchanging opinions in normative activity, or if the provision of information would adversely affect the course of judicial, administrative or other legally regulated proceedings). A public authority may also reject an application if it finds that there are no grounds for supplementing or correcting the information provided, or if information is requested which is not considered to be information within the meaning of the definition in the ZPPI.

The deadline for resolving the request, including its rejection, is 15 days. In legally prescribed situations, this time limit may be extended by an additional 15 days (Article 22 of the ZPPI), with written notification and justification to the applicant at the latest within 8 days of receipt of a valid application.

(g) as regards paragraph 8, the measures taken to ensure that the conditions for charging are complied with.

Answer:

Article 19 shall apply. It provides that access to information before public authorities is not subject to the payment of administrative and judicial fees. Pursuant to paragraph 3 of the aforementioned Article

of the ZPPI, the Information Commissioner adopted the Criteria for determining the amount of compensation for actual material costs and the costs of providing information (OG 12/14, 15/14, 141/22, 96/24). Criteria are based regulation for all public authorities when they charge real material costs and costs of providing information in procedures for exercising the right of access to information and the right of re-use of information.

Describe any obstacles encountered during the implementation of any of the paragraphs of Article 4.

Answer:

Green Forum on behalf of environmental NGOs.

They consider that the institute of exemption from requirements is very often abused, and that it should be used as an exception and not as a rule.

They point out that the provisions of the ZOZO are not fully aligned with the ZPPI as regards access to information, which is a prerequisite for the exercise of the right of access to information.

Please provide further information on the practical application of the provisions on access to information, e.g. are there statistics on the number of applications, the number of rejected applications and the reasons for them?

Answer:

According to Art. 60 by 31 January of the current year, all public authorities are required to submit to the Information Commissioner a report on the implementation of the ZPPI for the previous year. The Commissioner shall submit to the Croatian Parliament a report on the implementation of the ZPPI no later than 31 March of the current year for the previous year.

According to the 2023 ZPPI Implementation Report, the Information Commissioner received 15 complaints related to environmental information in 2023, down from 23 in 2022. Of the 15 appeals filed, 5 (33.33%) were filed for non-decision by the public authorities within the deadlines prescribed by the ZPPI, while 10 appeals (66.67%) were filed against the decision rejecting or rejecting the application. The complainants were citizens and environmental associations. Among the information that was the subject of interest of the applicant are those relating to noise protection, waste management, energy consent, etc.

They publish on their website all the reports on the implementation of the ZPPI, which provide information on the applications received and the outcome of their resolution. Analyses for the period 2021-2023 show that more than 1 000 requests per year were received and that only 1 request per year was rejected because the requested information was protected by the regulations governing the protection of personal data, the information was related to the application of the provision on abuse of rights and it was the intellectual property of the requested information <https://voda.hr/hr/access-information>.

Provide important website addresses, if available:

<https://pristupinfo.hr/dokumenti-i-publikacije-izvješća-o-provedbi-zppi/>

<https://voda.hr/hr/pristup-informacijama>

<https://www.obz.hr/index.php/pristup-informacijama>

<https://www.kazup.hr/index.php/dokumenti-1/pravonapristupinformacijama-otvorenipodaci>

Article 5

Indicate the legal, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information referred to in Article 5.

Please explain how each paragraph of Article 5 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination conditions in Article 3(9).

Answer:

There are a number of legal and regulatory measures that ensure the implementation of the provisions referred to in Article 5 in the Republic of Croatia, as reported in previous national reports.

The important definitions in Art. 2 and the conditions of non-discrimination in Art. 3(9) are set out in the reply to Art. 4 as well as in the reply to Art. 9. As already stated in the previous report in the ZOZO, the definition of ‘public concerned’ is better aligned with the provisions of the Aarhus Convention in the sense that the public is affected or likely to be affected by environmental decision-making, or has an interest in environmental decision-making (regardless of the place of work and life). This also applies to civil society organisations active in the field of environmental protection.

Also, and in particular, describe:

(a) as regards paragraph 1, the measures taken to ensure that:

(i) public authorities possess and supplement environmental information;

(ii) there is an adequate flow of information to the authorities;

(iii) in the event of an emergency, the information is distributed immediately and without delay;

Answer:

Several legal and regulatory acts, documents and implementing regulations that prescribe in detail the content, form and manner of keeping documentation for individual environmental components and the flow of information as stated in previous national reports. Thus, the ZOZO obliges public authorities, within the scope of their competences, to regularly publish environmental information through available electronic databases or through other appropriate means of information. The regulations of the UISJ, the Ordinance on the Register of Environmental Pollution (OG 3/22) and the Decree on the Environmental Protection Information System (OG 68/08 and 80/13, hereinafter: UISZO).

There was a connection between two environmental and nature information systems to make the information available on one platform in the Environmental and Nature Information System (ISZOP). Obligations, deadlines and methods of data delivery and validation, as well as supervision, are prescribed by the ZOZO and other regulations.

The Environmental Protection Inspectorate joined other inspections in the new institution, the State Inspectorate of the Republic of Croatia, in order to better connect the surveillance system (hereinafter: DIRH), which became operational on 1 April 2019. The DIRH annual reports are publicly available at: <https://dirh.gov.hr/access-to-information/plans-and-reports/plans-284/284>. Environmental inspection in accordance with the provisions of Article 257 of the ZOZO shall publish on the DIRH website information on coordinated inspections in quarterly periods, containing: the name of the supervised entity and the location of the inspection, the date of the inspection, information on the inspection services involved in the inspection, the state of implementation of the regulations, the inspection measures taken and the state of implementation of the ordered measures.

With regard to water information, HV collects, processes and interprets data on water and the aquatic environment in accordance with the Ordinance on the content, form and manner of keeping water documentation (OG 120/10 and 66/19). ZOV prescribes the public water documentation, which is also kept in digital form within the Water Information System (assessment of surface and groundwater quality and territorial sea under the influence of pollution from land, reports on exceptional and sudden pollution). On the basis of the collected data, an annual report on the quality of water in the Republic of Croatia is prepared. As regards the risk of water pollution, the Act prescribes the procedure for the flow of information between the Directorate of Civil Protection (within the Ministry of the Interior), the State Inspectorate as the central state administration body responsible for inspection activities in the field of

water management, the head of the Main International Alert Centre in the Republic of Croatia and Hrvatske vode.

The State Plan of Measures for the Case of Exceptional and Sudden Pollution of Water (OG 5/11 and 66/19) sets out the measures and procedures to be taken in cases of exceptional and sudden pollution of inland waters and defines the persons subject to implementation, the content of the lower plans of measures and the deadline for their preparation, the entities involved in the implementation of measures, the measures and procedures in cases of extraordinary and sudden water pollution, the sources of funding and the manner of informing the public.

The Emergency Plan for Sudden Marine Pollution (OG 92/08 and 80/13) sets out measures to anticipate, prevent, limit, prepare for and respond to sudden marine pollution by oil, oil mixture, hazardous and harmful substances, as well as to extraordinary natural events in the sea, in order to protect the marine environment.

Within the framework of protection against harmful effects of water, operational flood risk management and immediate implementation of flood protection measures is established by the State Flood Defence Plan (OG 84/10 and 66/19), the Main Implementation Flood Defence Plan and the Implementation Flood Defence Plans of the defended areas. Based on the ZOV, flood protection planning documents were prepared, the Flood Risk Management Plan, which is an integral part of the River Basin Management Plan (RBMP) until 2027 (OG No 83/24) and the Multi-Annual Programme for the Construction of Regulatory and Protective Water Structures and Reclamation Facilities for the Period up to 2030.

For effective flood protection, cooperation between all competent authorities in the protection and rescue system is essential, including Croatian Waters, local and regional self-government units, the operational forces of the civil protection system and the Civil Protection Directorate of the Ministry of the Interior, which, according to the State Flood Defence Plan, is the holder of fundamental powers in the field of protection against disasters and major accidents, including civil protection measures implemented as a result of floods. (Civil Protection System Act, OG 82/15, 118/18, 31/20, 20/21 and 114/22 and Protection and Rescue Plan in the Republic of Croatia, OG 96/10). Pursuant to the Ordinance on guidelines for the preparation of disaster and major accident risk assessments for the territory of the Republic of Croatia and local and regional self-government units (OG 65/16), local and regional self-government units adopt guidelines and disaster and major accident risk assessments for their territory.

For the health safety of water intended for human consumption, the supplier of the public water supply service is responsible, who must have a decision for the performance of the activity of public water supply (Article 16 of the Public Water Supply Act). of the Water Services Act, OG 66/19) and meet the conditions prescribed by the Decree on special conditions for the provision of water services (OG 70/23).

(b) as regards paragraph 2, the measures taken to ensure clarity as to how public authorities make environmental information available to the public and the actual availability of environmental information;

Answer:

The ZPPI stipulates that all public authorities have an *information officer* who is obliged to perform the tasks of regular publication of information within the competence, as well as the handling of individual requests for access to information, improve the way of processing, classifying and publishing information contained in official documents within the competence, and ensure the necessary assistance to applicants.

In addition, the ZOZO obliges public authorities, within the scope of their competences, to regularly publish environmental information, including national reports on the state of the environment. IPSOP databases are accessible to the public via the Institute's website, which contains a search engine for easier searching of environmental information (<http://www.haop.hr/hr/information systems>).

In order to encourage and facilitate the re-use of information, public authorities shall publish in electronic form, in an easily searchable manner, the information available for re-use on the Open Data Portal, together with metadata, in a machine-readable, accessible and open format, in accordance with open standards. They shall also publish high-value datasets for re-use, in machine-readable form,

through appropriate APIs and in the form of bulk downloads. The thematic categories of high-value datasets are: geospatial data; Earth observation and environment; meteorological data; statistics; companies and company ownership; mobility (Art. 28(1), (4) and (5) ZPPI).

The Open Data Portal managed and maintained by the state administration body responsible for the development of the digital society shall provide a list of data sets available for re-use together with metadata, which have been published in accordance with Article 28. The provisions of that article do not preclude the establishment and maintenance of specific thematic portals enabling the re-use of specific types of datasets, in particular in the case of priority, high-value datasets and datasets of libraries, museums and archives, research data and portals established by local and regional self-government units alone or jointly. The state administration body responsible for the development of the digital society shall keep records of the open data portal. Public authorities are obliged to inform the state administration body responsible for the development of the digital society about the establishment of these specific thematic portals within 30 days (Art. 28a. ZPPI).

In addition to publishing data on their website, including geoportal, Croatian Waters are defined as the subject of the NSDI and align relevant data from their domain with the Inspire Directive, through the service they share completely interested, free of charge, and meta data are included in the national spatial data infrastructure <https://geoportal.nipp.hr/>

Spatial data according to the ZPPI are also published on the Open Data Portal of the Republic of Croatia <https://prod-data.gov.hr/o-portal-open-data-and-sto-su-open-data>

Information on water levels, which are important especially for flood protection, as well as underwater situations, is published in real time on their website <https://vodostaji.voda.hr/> and teletext of Croatian Radiotelevision (page 461).

(c) as regards paragraph 3, measures taken to ensure progressive access to environmental information through electronic databases which are easily accessible to the public through public telecommunications networks;

Answer:

According to the PZO, ZZP and UISZO, one of the main tasks and objectives of the Institute is the establishment, management, development, coordination and maintenance of a single Information System for Environmental and Nature Protection (ISZOP), which includes all relevant data classified into 70 systems and databases ([http://www.haop.hr/hr/information systems](http://www.haop.hr/hr/information%20systems)).

Regarding pollution from industry and energy (emissions to air, water, sea, soil and waste movements), the Environmental Pollution Register (ROO) system was set up and consists of a database, a public ROO viewer (<https://roo.azo.hr/>) and the ENVI/ROO Portal (<https://envi.azo.hr/?topic=9>). The system was upgraded in 2023 with new searches and reports. The ROO browser provides access to verified ROO data at organisational unit (installation) level, which contributes to the transparency of the system and can be used as a data source for various analyses and basis for decision-making on environmental issues. ENVI is a public portal whose establishment Croatia, following the two previous ROO portals, has fulfilled its international obligation under the Protocol on Pollutant Release and Transfer Registers (more on the ENVI portal below). During 2020 - In 2023, the database was upgraded with new searches and reports that ensure faster data retrieval and overview for all institutions involved and the public.

The Register of installations where dangerous substances are present/Register of major accidents reported (RPOT/OPVN) database (<http://rpot.azo.hr/rpot/index.html>) is also important. It is a web-based solution consisting of a database with the corresponding application for data entry, verification, review, analysis and exchange. It shall contain information on the type and categories of dangerous substances present in areas of the installation which may cause or be caused by a major accident; the permitted quantities of dangerous substances and/or categories of dangerous substances and the criteria for classifying them as dangerous; information on the possibility of the appearance of a domino effect; the size of the threat zone in the event of a major accident or a sudden event and an estimate of the number of victims if any. The MVNO section contains data on major accidents/sudden

events/accidents avoided in the Republic of Croatia, on the areas of installations where they occurred; the type, manner and time of their occurrence; the dangerous substances that caused them; sources and possible causes; direct consequences and measures taken to prevent unintended consequences, and recommendations for new measures based on their experience.

The 'Industrija helpdesk' application from 2014 was improved in 2022-2023. The application provides answers to questions from the public and competent authorities on a number of topics in the field of Industry and Energy and Waste Management.

An electronic waste generation and flow logbook (e-ONTO) system is also publicly available, consisting of a relational database that aggregates data on waste streams and a related web application that ensures access, input, review, analysis and exchange of data: (<http://eonto.azo.hr/>).

Through the established on-line application Waste Prevention Portal, key information on waste prevention options, ways, measures, activities and results can be communicated. Within the Portal, an application was established for the organized voluntary collection of data on the implementation of waste prevention measures of local self-government units (<http://sprejecanjepada.azo.hr/>).

Since 2020, the ELOO waste location record system has been fully operational and is available to the general public. Through this system, citizens can report discarded waste locations via mobile applications to the municipal police department of the local self-government unit. The public has access to all reported discarded waste sites in the territory of the Republic of Croatia (<https://eloo.haop.hr/public/>).

The ENVI environmental portal was further developed with the aim of facilitating the availability to the public of all environmental and nature data in one place in a clear manner with the associated ENVI Atlas Internet GIS browser_ (<http://envi-portal.azo.hr/>; [ENVI Environmental Atlas http://envi-portal.azo.hr/atlas](http://envi-portal.azo.hr/atlas)).

The Air Quality Portal in the Republic of Croatia uses the unique European Common Air Quality Index (CAQI), which provides a wide range of public with easy insight into the current state of air quality with more than 70 automatic monitoring stations on the territory of Croatia, as well as health recommendations depending on the levels of the index: <http://iszz.azo.hr/iskzl/>.

All information on environmental impact assessment (EIA) procedures, assessment of the need for an environmental impact assessment (OPUO), strategic environmental assessment (SEA) of the strategy, plan and programme (SEA) under the responsibility of the IZOZT, as well as information on environmental permit procedures and consent procedures for safety reports and major accident prevention policy, can be found on the official webpages(<https://mzozt.gov.hr/o-ministry-1065/scope/administration-for-assessment-impact-to-environment-and-sustainable-waste-management-1271/assessment-impact-to-environment-puo-puo/7370/and> <https://mzozt.gov.hr/o-ministry-1065/scope/administration-for-assessment-impact-environment-sustainable-economy-waste-1271/risk-strong/1329>).

In accordance with the prescribed obligations, the counties also publish on their official websites information on the procedures of the OPUO and EIA (e.g. Primorje-Gorski Kotar County has a notice board: <https://www.pgz.hr/machine/administrative-authorities/administrative-department-for-spatial-editing-construction-and-protection-environment/advertising-board/?page=1&textSearch=&year=Sve&mjesec=Svi&species=Sve&competence=Svi&complete=Sve&category=Strate%C5%A1ka%20estimation%20influence%20on>).

Civil Protection Directorate of the Ministry of the Interior, pursuant to the Radiological and Nuclear Safety Act (OG 141/13, 39/15, 130/17, 118/18, 21/22 and 114/22) and Article 35 of the Civil Protection Act. The Euratom Treaty establishes annual monitoring programmes for radioactivity in the environment (in environmental samples, drinking water, food, feed, housing and work areas). The results of the measurements are available to the public on the CRC website: <https://civilna-zaštita.gov.hr/measurements-radioactivity-in-environment/4743> These results are submitted to the European database on environmental radioactivity monitoring; The Radioactivity Environmental database; <https://remap.jrc.ec.europa.eu/>.

Data on the operation of the Krško NPP and its impact on the environment and population, which is published in the form of quarterly reports in the Bulletin on the operation of the Krško NPP and its impact on the environment: <https://civilna-zaštita.gov.hr/areas-actions/radiological-and-nuclear-security/service-for-nuclear-security/department-for-environment-and-radioactive-waste/biltenets-ne-krško/175>.

The Nuclear Accident Early Warning System (SPUOG) is part of the European Radiological Data Exchange Platform (EURDEP); <https://remon.jrc.ec.europa.eu/About/Rad-Data-Exchange>.

Information related to the implementation of the Strategic Environmental Assessment procedure of the National Programme for the Implementation of the Strategy for the Management of Radioactive Waste, Disused Sources and Spent Nuclear Fuel (programme for the period up to 2025 with a view to 2060) as well as other information related to radiological and nuclear safety: <https://civilna-zaštita.gov.hr/radiological-and-nuclear-security/88>.

The Civil Protection Directorate has provided a dedicated website for natural radioactive gas radon, where basic information on radon exposure, radon exposure risks and the results of radon testing in the Republic of Croatia have been provided: <http://radon.civilna-zaštita.hr/>.

Hrvatske vode has developed a modern and interactive web browser for spatial data, intended for the general public, which enables interactive presentation and analysis of spatial data on the map, divided into thematic subgroups from different areas of activity of Hrvatske vode – the Register of Agglomerations, the Register of Protected Areas – Special Water Protection Areas. Preliminary Flood Risk Assessment, Flood Hazard Maps and Flood Risk Maps <https://voda.hr/hr/geoport>.

(d) as regards paragraph 4, the measures taken with a view to the publication and dissemination of national reports on the state of the environment;

Answer:

The ZOZO obliges public authorities to regularly publish environmental information, including national reports on the state of the environment, within the scope of their competences.

The key elements of the national report on the state of the environment are published in the annual publications Environment in the palm of your hand, which is based on indicators of the state of the environment and nature and shows trends for Croatia. In addition to publication on the Institute's website, it is distributed to relevant bodies and schools.

Within the IPSOP, a database of sustainable development and environmental protection documents (<http://dokumenti.azo.hr/Pretraživanje.aspx>) containing complete documents of national and regional (regional) and local reports on the state of the environment, including various other reports on environmental components and pressures, is available to the public via the Institute's website.

(e) Measures taken to distribute the information referred to in paragraph 5;

Answer:

Within the IPSOP, records are kept of all strategic and planning documents related to the environment, as well as records of reports, which are prepared according to the obligations under national and EU legislation and international agreements to which Croatia is a party.

With regard to international treaties, conventions and agreements, all competent authorities are normally consulted prior to their adoption or signature and, upon their acceptance by Parliament, are published in the Official Gazette. Where there is a reporting obligation, it is customary to set up a working group of representatives of the relevant bodies drawing up the draft report. The list of international environmental agreements can be found on the MZOZT website.

(f) as regards paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to regularly inform the public of the environmental impact of their activities and products;

Answer:

The HNPROO portal provides the public with information on operators exceeding the thresholds on discharges and transfer of pollutants, generated, collected and processed waste from ROO, and the pollutants themselves and their locations.

Operators, manufacturers and service providers implementing high environmental standards shall be allowed to award EMAS eco-certificates: <http://emas.azo.hr/>. The register of products awarded the EU Ecolabel by the Ministry of Science, Education and Sports and the national eco-label "Friends of the Environment" is available to the public and is communicated to the public through social networks. Information on EU Ecolabel products is also available through the common EU product database (<http://ec.europa.eu/ecat/>) but also to Croatian consumers through the Consumer Portal - Green Consumer (<https://www.szp.hr/all-consumer-topics-on-one/green-consumer/677>).

(g) Measures taken to publish and provide information as required by paragraph 7;

Answer:

The ZPPI is relevant, as is the ZOZO, which stipulates that the public has the right to participate in the procedures for establishing the starting point, the preparation and adoption of strategies, plans and programmes, and the preparation and adoption of regulations and general acts relating to the protection of the environment.

The Government Legislation Office manages the Database of Advisory Bodies which is part of the national e-Consultations portal and can be searched by state institution and type of working groups and commissions established for the purpose of drafting regulations and advising [on the implementation of a specific policy \(https://consultations.gov.hr/base-advisory-bodies/1118\)](https://consultations.gov.hr/base-advisory-bodies/1118).

An example of broad consultations is the River Basin Management Plan until 2027, aligned with the requirements of the EU Water Framework Directive. The deadline for receiving proposals, opinions and comments was 6 months from the date of publication of the draft document by e-mail or by regular mail. The publication was made via the e-Consultation, MZOZT and Hrvatske vode websites.

(h) as regards paragraph 8, the measures taken with a view to developing mechanisms aimed at making available to the public a sufficient amount of information on products;

Answer:

Article 219 of the PPE stipulates that the manufacturer or the person placing the product on the market shall, where required, before placing the product on the market, place on the packaging of the product, or on the technical documentation accompanying the product, a leaflet informing the consumer of the environmental impact of the product and packaging and indicating how the product and packaging are to be handled after use. The ZOZO also provides for financial penalties in respect of infringements of Article 219 of the ZZO.

The Waste Management Act (84/21 and 142/23) is also relevant; hereinafter referred to as: ZGO, and Ordinance on packaging and waste packaging, single-use plastic products and fishing gear containing plastic (OG 137/23).

The relevant Regulation is the Regulation on limit values for the content of volatile organic compounds in certain paints and varnishes used in construction and vehicle finishing products (OG 69/13), the Regulation on the quality of petroleum-derived liquid fuels and the method of monitoring and reporting and the methodology for calculating life cycle greenhouse gas emissions of supplied fuels and energy (OG 057/17), which prescribes that products, when placed on the Croatian market, have a legible label in Croatian containing information on the content and limit values.

Volatile organic compounds in paints and varnishes and Volatile organic compounds emissions (<http://iszz.azo.hr/hlap/>) and fuel quality at service stations and warehouses <http://iszz.azo.hr/kago> as well as product reports are available to the public. Information on authorised biocidal products is also available to the public, the list of which is regularly published by the Ministry of Health at the following link: https://healthje.gov.hr/area-1297/public_health-protection/chemicals-and-biocidal-preparations-1357/biocidal-preparations-1786/registration-of-biocidal-preparations-in-register-1862/1862, and the list of biocidal products authorised under Regulation (EU) No 528/2012 is published on the website of the European Chemicals Agency (<https://echa.europa.eu/hr/information-on-chemicals/biocidal-products>).

(i) as regards paragraph 9, measures taken with a view to establishing a national pollution inventory or cadastre system;

Answer:

The Environmental Pollution Register (ROO) system consists of a database, a public ROO Browser (<http://roo-preglednik.azo.hr/>) and the ENVI Portal (<https://envi.azo.hr/?topic=9>). The ROO browser provides access to verified ROO data at organisational unit level. Data on emissions, discharges and/or transfer of pollutants and generated, collected and treated waste are monitored through the database. The Croatian system covers significantly more pollutants with generally lower release and/or transfer thresholds than the PRTR Protocol. Through the public portal HNPROO, the GIS browser provides a spatial component and related information (<http://hnproo.azo.hr/Home.aspx>).

The air protection information system consists of several bases that include information on pollutant emissions from stationary sources, on volatile organic compounds, on fuel quality. Through the portal Air Quality in the Republic of Croatia, which uses the unique European Common Air Quality Index (CAQI), it provides a wide range of public with easy insight into air quality comparable to the state of air quality in the EU; <http://iszz.azo.hr/iskzl/>.

Through the Water Information System, Croatian waters collect, water and process data on pollutants (technological pollutants and agglomerations), which includes, among other things, data on the quantities of waste water discharged, waste water testing carried out and data on chemicals placed on the market for use in the territory of the Republic of Croatia, which, after use, reach the waters, in accordance with Annex 1A to the Ordinance on limit values for waste water emissions (OG 26/20). Data on water levels are also available to the general public through the 'Vodostaji' application, flood hazard and flood risk maps, the territorial organisation of Hrvatske vode, the water and water management plan, flood defence plans, various regulations and forms concerning these activities, legislative frameworks and all the necessary information on water management in the Republic of Croatia.

Access to a wider set of information from the Water Information System can be achieved through applications in the ZPPI procedure: <https://www.voda.hr/en/access-to-information>.

The Register of installations where dangerous substances are present/Register of Major Accidents Reported (RPOT/OPVN) provides the public with lists of areas of installations where dangerous substances are present, a list of areas of installations that may cause a domino effect, data on major accidents (mandatory reporting), sudden events and near misses (voluntary reporting), as well as various statistics (<http://rpot.azo.hr/rpot/index.html>).

Describe any obstacles encountered during the implementation of any of the paragraphs of Article 5.

Answer:

Green Forum on behalf of environmental NGOs.

Members of the Green Forum (Association for Environmental Protection, Sunce, Zelena akcija, etc.) have repeatedly emphasized the fact that it is important to publish on the websites of bodies (ministries and regional self-governments) that publish documentation related to environmental procedures (EIA, OPUO, SEA), changes to already published documents (environmental impact studies, environmental protection studies), and not only the first version of these documents. Often, the environmental impact

study is changed two or three times depending on the commission's instructions and/or requests from expert bodies whose opinions have been requested, however, the amended versions of the documents are not published on the website, which does not give the public and the public concerned access to all the information relevant to the decision to initiate an administrative dispute before a court against the decision of the competent authority, i.e. on the use of the right of access to justice, on the basis of all relevant and existing documentation. The same applies to the need to publish the mandatory opinions drawn up by the expert bodies in the procedure.

The latest example is the EIA procedure for the Kremešnica Lasinjska quarry, launched in 2021, for which a new supplemented Environmental impact assessment study was published after the publication of the Draft Decision, at the request of Zelena akcija.

Environmental associations often do not receive information from inspection services about the measures taken and the results of the inspection (record of the inspection carried out).

Although there are databases, registers and portals are often the case that these portals are not available in real time. Also, the use of the registry is not user friendly, the data is often generalized, so it is not possible to extract data for specific pollutions.

Please provide further information on the practical application of the provisions on the collection and distribution of environmental information in Article 5, e.g. are there statistics on the information disclosed?

Answer:

The data collected by the Office are processed for the purpose of preparing reports and annual data reviews and are published on the Office's website. ENVI system attendance statistics in the period from 1.1.2016. 8.12.2020: total number of visits 117,000 visits to the site and 50,500 sessions of which 2,07 sessions per user. The average user retention on the site is 3:31 minutes.

In 2020, just over one million wms and wfs requests were made with servisi.azo.hr. The requirements relate to the analysis, identification, review and retrieval of data from 150 data sources structured in 7 thematic areas.

The site haop.hr in the period from 1.1.2020. to 7.12.2020. had 118.000 page views and 46.600 sessions, of which 2.03 sessions per user.

Provide important website addresses, if available:

<http://www.haop.hr/en/thematic-areas/waste-registers-pollution-and-other-sectoral-pollutions/waste-management-0> - for waste management

<http://www.haop.hr/en/thematic-areas/waste-registers-pollution-and-other-sectoral-pollutions/installations-and-registers-2> - for installation area and pollution registers

<http://www.haop.hr/en/thematic-areas/waste-registers-pollution-and-other-sectoral-pollutions/sectoral-pollutions-0> - industry

<http://www.haop.hr/en/thematic-areas/air-climate-soil/climate-change/reports> - greenhouse gas inventories through greenhouse gas emission projections, policies and measures to reduce emissions and increase greenhouse gas outflows

<http://www.haop.hr/en/thematic-areas/air-climate-soil/air/reports> - from the area of air quality and air emissions.

<https://mzost.gov.hr/istaknute-teme/4928>

<https://envi-portal.azo.hr/atlas>

<https://voda.hr/hr/geoport>

Article 6

Indicate the legal, regulatory and other measures implementing the provisions on public participation in decision-making in certain activities referred to in Article 6. Please explain how each paragraph of Article 6 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination conditions in Article 3(9).

Answer:

Article 11 of the ZPPI stipulates that state administration bodies, other state bodies, local (territorial) self-government units and legal persons with public powers must consult the public when adopting laws and by-laws, and when adopting general acts and strategic or planning documents if they affect the interests of citizens and legal persons. Obligated entities shall adopt and publish on the official website the public consultation plan for the calendar year and, in the event of changes during the year, shall amend and publish the amendments to the plan and unambiguously inform the public thereof. The consultation must be carried out electronically, by state administration bodies must be carried out through the central state e-consultation portal, and by other obliged entities through their websites or portals. The consultation shall, as a general rule, be conducted for a period of 30 days, unless the regime attributed to carrying out the regulatory impact assessment applies. The consultation shall include the publication of a draft regulation, act or document, the publication of an explanation of the reasons and objectives pursued by its adoption of the composition of the working group that drafted the draft (if a decision of the head of the body sets up the working group), and an invitation to the public to submit proposals and opinions. After the consultation has been concluded, a report on the conduct of the consultation should be published, including the proposals and opinions received together with observations on the reasons for the acceptance or non-acceptance, and the same report should also be sent to the author of the regulation, act or document.

The amendments to the ZPPI introduced an obligation to publish the composition of the working group (if a working group was set up by decision of the head of the body) which drafted the legislation when publishing the draft legislation for public consultation. Also, the Regulation on the methodology and procedure for implementing better regulation policy instruments stipulates the obligation to publish the composition of the working group on the e-Consultations portal, if a working group or other advisory body has been appointed by the decision of the head. At the same time, the expert holder shall provide information on the composition of the working group to the Legislation Office for publication on the e-Consultations website in the database of advisory bodies.

The important definitions in Art. 2 and the conditions of non-discrimination in Art. 3(9) are set out in the reply to Art. 4.

Directive 2003/35/EC of the European Parliament and of the Council on public participation in respect of the drawing up of certain plans and programmes relating to the environment has been fully transposed into national law. Thus, the principle of public participation is defined by the ZOZO, the UISJ, which regulates the method of information and participation of the public, i.e. the public concerned, and the Decree on the environmental impact assessment of projects (OG 61/14, 3/17; hereinafter referred to as: UPUO), the Decree on Strategic Environmental Assessment of Strategies, Plans and Programmes (OG 3/17), the Decree on Environmental Permit (OG 8/14, 5/18), if the law requires participation of that public, in procedures: strategic assessments; the adoption of plans and programmes for which no strategic assessment is carried out; drafting laws, implementing regulations and other generally applicable legally binding rules that are likely to have a significant impact on the environment; environmental impact assessments of the project and environmental permits for the installation. It also regulates the manner of conducting public hearings, including public consultation and public presentation, as well as deadlines in this regard. In the procedures for granting approval to the Safety Report and the Major Accident Prevention Policy, as well as in the procedures for granting approval to the remediation programme in accordance with the provisions of the ZO, it is regulated to inform the public about the submitted applications. In addition to the information, the public is given access to these documents for a period of 30 days on the MZOZT website and is invited to submit an opinion. Any public opinion received in the proceedings shall be considered in the decision-making process and the decisions shall explain how it was taken into account in the decision-making process. Consents to

the Safety Report and the Major Accident Prevention Policy as well as consents to the resolution scheme are published on the MZOZT website (<https://mzozt.gov.hr/>).

In addition, some sectoral regulations further regulate public participation. Articles 8 and 9 of the Rules on the method of consulting and informing the public about the draft Water Management Strategy and the River Basin Management Plan (OG 48/14) prescribe the inclusion and information of the public in the process of adopting the Water Management Strategy and the River Basin Management Plan. In addition, the Rules on the content of the RBMP (OG 74/13, 53/16, 64/18 and 66/19) provide, in point A(9) of Annex I, that the RBMP is to contain a summary of the measures taken to inform and consult the public, their results and the resulting changes to the plan, and, in point 2 of Chapter II of Annex 10, that the Flood risk management plan should contain a summary of the measures/actions taken to inform and consult the public.

The ZZZ requires public participation, i.e. public consultation in articles relating to the assessment of eligibility for the ecological network, the designation of protected areas, the drawing up of management plans, as well as in the case of the reintroduction and repopulation of native species. If, in the process of granting a permit for the re-introduction of a missing native wild species or for repopulation, the Ministry determines that there is an ecological risk, the applicant shall submit a study assessing the impact of the re-introduction of a missing native wild species or its repopulation on nature, and the Ministry shall inform the public about the submitted application and the submitted study and conduct a public consultation. The Decree on the assessment of environmental and invasiveness risks of alien species (OG 102/24), which was adopted on the basis of the Act on the prevention and management of the introduction and spread of foreign and invasive alien species (OG 15/18 and 14/19), provides for informing and obtaining public opinion (public consultation) in the procedures for assessing the risk of invasiveness of an alien species for which it was not possible to exclude the ecological risk in the case of cultivation under controlled conditions, introduction into nature and/or placing on the market of the Republic of Croatia, establishment of planning acts for the management of foreign and invasive alien species, issuing permits for the use of invasive alien species of concern in the Republic of Croatia for the purpose of research and production of medical devices, and issuing permits for the use of invasive alien species of concern in the European Union.

Article 15 of the ZZZ lays down the obligation and manner of public participation in the process of adopting plans, programmes and reports at national, regional or local level.

Article 34 of the ZGO provides that the MZOZT, i.e. the competent county administrative authority, is to inform the public and participate in the procedures relating to applications for permits for the management of waste and the management of waste from the mining industry, and Article 129 of the ZGO prescribes content of the waste management information system, which is an integral part of the ISZOP.

Also, and in particular, describe:

(a) as regards paragraph 1, the measures taken to ensure that:

(i) the provisions of Article 6 shall apply in accordance with decisions as to whether the proposed activities listed in Appendix I to the Convention are to be permitted;

Answer:

The activities referred to in Appendix I to the Convention correspond to the list of projects in Annex I to the UPUO and the list of activities in Annex I to the Environmental Permit Regulation. The authorisation of the activities referred to in Annex I to the UPUO shall be subject to an administrative environmental impact assessment procedure prior to other authorisations or permits. The procedure for obtaining an environmental permit for new activities is carried out separately and after an environmental impact assessment has been carried out. The environmental permit procedure is not intended to permit activities, but to prescribe working conditions for activities that are already permitted. The environmental permit procedure must be carried out at the latest before the installation is put into operation.

The EIA procedure is carried out in accordance with the provisions of the ZOZO, the UPUO and the ZUP. The environmental permit procedure is carried out in accordance with the Environmental Permit

Regulation with the application of the ZUP when it comes to issues not covered by that regulation. During the procedure, the public has the right to access the documentation during the public hearing, which includes public access to the documentation and public presentation on the project, i.e. the professional background that is the subject of the procedure. Before the adoption of a decision by the competent authority in the environmental permit procedure, the public shall be given access to the draft decision by publishing it online.

(ii) the provisions of Article 6 apply to decisions on proposed activities outside the scope of Annex I, which may have significant effects on the environment;

Answer:

As stated in the previous report for the projects listed in Annexes II and III to the UPUO, which are projects or activities outside the scope of Appendix I to the Convention, an assessment procedure is carried out on the need for an environmental impact assessment of the project, in which it is determined whether the project is likely to have significant effects on the environment and, on that basis, it is decided whether an EIA and/or a Major Assessment should be carried out. For projects for which there is no assessment procedure on the need for assessment, i.e. EIA, there is no procedure for public participation in the procedure for obtaining approvals or permits. However, in accordance with the Physical Planning Act (OG 153/13, 65/17, 114/18, 39/19, 98/19 and 67/23) in the procedure for issuing the location permit, persons who are parties to the procedure (but only them) are given access to the conceptual design of the project, and in accordance with the Construction Act (OG 153/13, 20/17, 39/19, 125/19 and 145/24) in the procedure for issuing the building permit, the parties to the procedure are given access to the main design of the project. Also, for the purpose of informing the public and the interested public, the building permit is published on an electronic notice board for a period of at least 30 days for buildings classified in group 1, and for buildings classified in group 2a, in addition to the building permit, the public and the interested public are also informed of the submitted application for a building permit, its content, submitted documents and the procedure for issuing a building permit and certificates of the main design.

(b) Measures taken to ensure that the public concerned is informed early during the environmental decision-making process in an appropriate, timely and effective manner of the matters referred to in paragraph 2;

Answer:

As also stated in the previous report, the UISJ stipulates that the competent authority is responsible for the accuracy, timeliness, comparability and accessibility of the information it provides in environmental matters. In addition to the obligation to publish on the website, information may also be given by other means of information that are more appropriate in the specific case with regard to the local community or the individual citizen, in particular by public advertising in the press, i.e. in the official gazette of the local and regional self-government unit, advertising on the billboard for advertising in a particular place, advertising in the means of public information, electronic media, on appropriate notice boards, etc., and by issuing written materials.

Art. 8 of the UPUO also applies which states that the competent authority shall inform the public and the public concerned of the request of the developer for an environmental impact assessment of the project after having established that the request contains all the prescribed data and evidence and that the study contains all the chapters in accordance with Annex IV to the UPUO. Articles 10 and 16 are also relevant. of the Environmental Permit Regulation, which obliges the Ministry of Health to inform the public and the public concerned about the operator's request in the environmental permit procedure, i.e. in the procedure ex officio, in accordance with the UISJ.

The ZZP shall apply, as shall Articles 24(1) and (4), 39(1) and (4), 40(3), 42(4) and 63(4) of the Genetically Modified Organisms Act (OG No 126/19; hereinafter: ZGMO).

As regards decisions relating to the ecological network, the ZZP regulates that the competent ministry or the competent county administrative body informs the public about the request of the developer and

the outcome of the preliminary assessment procedure, the main assessment procedure, i.e. the procedure for determining the overriding public interest and the approval of the project under compensatory conditions, on its website.

Thus, in the procedure for the preliminary assessment of a strategy, plan and programme for which a strategic assessment or an assessment of the need for a strategic assessment is required, the public is informed of the outcome of the procedure by publishing the adopted act on the website of the body adopting the act. In the process of the main assessment of the strategy, plan and programme (carried out as part of the strategic environmental assessment), information and participation of the public and the public concerned is carried out as part of the public debate on the strategic study and the draft proposal for the plan or programme.

In the procedure for preliminary assessment of a project, the competent authority shall inform the public of the outcome of the procedure by publishing the adopted act on its website. In the procedure of the Main Project Assessment, the public will be informed about the request of the developer, the implementation of public consultation and the outcome of the procedure of the Main Project Assessment.

In the process of determining the overriding public interest and compensatory conditions, the public was informed about the request of the developer for 30 days, during which information about the submitted request was published on the website and during which written opinions, comments and suggestions of the public were collected. The outcome of the procedure was communicated to the public by publishing the adopted act on the website of the ministry conducting the procedure.

In the procedure for the designation of protected areas, on the proposal for the designation of a protected area, the public shall be informed in such a way as to enable public access to the proposed act and the professional basis with cartographic documentation. The public inspection procedure for the proclamation of national parks, nature parks, strict reserves and special reserves is organised and carried out by the competent ministry, and the public inspection procedure for other protected areas (nature monument, regional park, significant landscape, park-forest and monument of park architecture) is organised and carried out by the county administrative body/administrative body of the City of Zagreb responsible for nature protection. Public consultation lasts at least 30 days. The proponent of the act declaring the protected area is obliged to comment on the submitted comments during the public consultation, and the submitted comments and observations become an integral part of the documentation on which the proposal for the act of declaration is based.

In accordance with the ZZP, public institutions are required to make available to the public a proposal for a management plan for a protected area/environmental network area and a proposal for a programme for the protection, care and conservation of forests, in accordance with a special regulation governing environmental protection.

(c) Measures taken to ensure that the time limits for the public participation procedure adhere to the conditions referred to in paragraph 3;

Answer:

It is still stipulated that the minimum deadline is 30 days for public participation in the process of drafting laws and implementing regulations and other generally applicable legally binding rules that could have a significant impact on the environment, as well as the preparation of their amendments. This rule is repeated in the relevant legislation and by-laws.

At the end of 2023 and the beginning of 2024, the Law on Better Regulation Policy Instruments and the Regulation on the methodology and procedure for the implementation of Better Regulation Policy Instruments were adopted. The new legislative framework further improves the developed standards in the field of public consultation and further develops the process of public consultation carried out by state administration bodies and other entities subject to public consultation when drafting laws and other regulations within their competence.

(d) as regards paragraph 4, the measures taken to ensure that there is early public participation;

Answer:

The ZOZO (Article 163) stipulates that public authorities must, at an early stage of action when all options are open, inform the public or the public concerned about draft strategic documents, regulations and special regulations implemented in accordance with the ZOZO, by public notices, advertisements or other appropriate means and by electronic media, as stated in the previous report. This is provided for in both the UPUO and the Environmental Permit Regulation.

Early and effective public participation refers to the project approval process. In Croatia, development consent refers to the issuance of a building permit. Accordingly, the EIA procedure itself is positioned at an early stage of the project (before the location permit or other approval in accordance with a special regulation), thus achieving early public participation. Furthermore, Croatian legislation imposes the obligation that a project for which an EIA is carried out must be planned by means of spatial planning documents. Pursuant to the regulations governing spatial planning and construction for spatial plans of all levels, it is mandatory to conduct public consultation and public debate, and it is possible for the public to participate in all phases.

(e) as regards paragraph 5, measures taken to encourage potential applicants to identify the public concerned, to enter into an interview and to provide information relating to the objectives of their application before they apply for permission;

Answer:

There are no incentive measures, but in practice the authorities inform the public, most often through their websites, newspapers, radio stations and in other different ways by announcing projects and interventions that are under discussion or intend to make their decisions.

(f) as regards paragraph 6, the measures taken to ensure that:

- (i) The competent authorities shall provide the public concerned with all information relevant to the decision-making referred to in Article 6 that is available during the public participation procedure;***
- (ii) In particular, the competent authorities shall provide the public concerned with the information referred to in this paragraph;***

Answer:

Article 163 of the ZOZO shall apply, which regulates informing the public and the public concerned of the right and the manner of participation in procedures and the time limits applicable thereto and Article 166 of the ZOZO regulating the participation of the public and the public concerned in special procedures, as well as Articles 5, 7, 9, 10 and 11 of the UISJ and Article 16 of the Environmental Permit Regulation and Art. 13 of the UPUO.

(g) as regards paragraph 7, measures taken to ensure that public participation procedures provide the public with an opportunity to submit any comments, information, analyses or opinions that it considers relevant to the proposed activity;

Answer:

Within the central state e-Consultations portal, the public can directly enter comments on the text of draft laws and other regulations during the consultations. It is the obligation of the public authorities to draw up a consultation report and publish it on the same portal.

In EIA, SEA, OPUO and Major Assessment procedures, the public may provide comments in writing during information and participation and orally at a public hearing. Information on these procedures shall be published on the website of the competent authority, also in the daily press, and may be published by other means (e.g. radio broadcasts, official gazette of the local and regional self-government unit and in the locally usual way of public communication at least eight days before the start of the public hearing). In environmental permit procedures, the public may also provide written comments, opinions, suggestions during information and participation, orally at the public hearing, and additionally comments in writing when participating in the consultation of the draft decision.

(h) as regards paragraph 8, the measures taken to ensure that the decision takes into account the outcome of the public participation;

Answer:

ZOZO (Art. 162 - 166) lays down in general terms the rights and manner of participation of the public and the public concerned in the drafting of implementing regulations and/or generally accepted legally binding normative instruments as well as in relation to strategies and programmes relating to the environment, as also stated in the previous report. The ZOZO also stipulates that proposals and opinions of the public and the results of cross-border consultations on draft proposals for strategies, plans and programmes, i.e. on individual projects, must be taken into account when the SEA and EIA procedures are carried out (Articles 73 and 89). The ZZP (Art. 33) prescribes the manner of public participation in the procedure of the Major Appropriate Assessment for the ecological network for interventions and stipulates that public opinion shall be taken into account in the decision-making in these procedures. Article 21 of the UISJ is relevant as well as Art. 24. Of the ZGMO. The ZOZO stipulates that proposals for public opinion, as well as the results of cross-border consultations, shall also be taken into account in the environmental permit procedure (Article 106).

Within the central state e-Consultations portal, all comments received in the public consultation are visible to the public, as well as responses to comments and reports on the consultations carried out. Pursuant to the ZPPI, after the expiry of the deadline for submission of opinions and proposals, the public authority body is obliged to prepare and publish on the central state portal e-Consultations or on the website a report on public consultation, which contains received proposals and comments and observations with reasons for non-acceptance of individual proposals and comments. The public consultation report shall be submitted by the drafting entity to the body adopting or adopting the regulation, general act or document.

Pursuant to the Act on Better Regulation Policy Instruments, after the public consultation procedure has been carried out, and before the draft bill and other regulations are submitted to the procedure, in accordance with the Government's Rules of Procedure, the expert holder prepares and publishes on the e-Consultations portal a Report on the conducted public consultation, in accordance with the provisions of the law governing the right of access to information. In accordance with the Regulation on the methodology and procedure for the implementation of better regulation policy instruments, when preparing the report on the conducted public consultation, the expert holder analyses each proposal and opinion received in the consultation process. The proposal and the opinion shall be accepted, partially accepted, not accepted or acknowledged by the expert holder, with appropriate justification.

(i) as regards paragraph 9, the measures taken to ensure that the public is immediately informed of the decision in accordance with the appropriate procedures;

Answer:

As also stated in the previous multi-place report, it is stipulated how the public must be informed of the decision of the competent authority and of the reasons on the basis of which the decision was taken, including information on the procedure relating to public participation and the public concerned.

The MZOZT regularly uses judgments of the Administrative Court (on non-compliance with the rules on public involvement in decision-making processes in environmental matters) in order to improve the EIA procedure, as well as the environmental permit procedure. In this regard, the Decisions on the acceptability of the project and the decisions under the environmental permit procedure shall individually identify the interested public that submitted comments and provide a justification for any comments that have not been accepted. The solutions are available on the MZOZT website.

In the environmental permit procedure, the draft decision on the environmental permit shall be made available to the public prior to its adoption for a mandatory consultation period of 15 days, with an invitation to the public to comment or comment on it, which shall be taken into account. Only after the inspection of the draft permit has been completed can a decision on the environmental permit be issued, which must contain in the explanatory memorandum the responses to the comments from the public

hearing and the responses to the comments on the draft permit, if any. Also, the environmental permit decision may contain additional conditions determined on the basis of public participation, if their adoption was justified.

The 2017 amendments to the EIA require that the draft decision of the EIA procedure be published before the adoption of the decision.

(j) as regards paragraph 10, the measures taken to ensure that, when a public authority considers or supplements the working conditions of an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 which make the necessary changes shall apply, and where appropriate;

Answer:

The lists of projects in the Annex to the UPUO state that the EIA or OPUO procedure is also carried out for all changes and reconstructions of projects in the list. Since the reconstruction or upgrade is considered a new project, the procedure is the same as for the EIA, i.e. the assessment of the need for an environmental impact assessment.

In the process of amending the conditions of the issued environmental permit, which is carried out at the request of the operator due to a significant change in the operation of the installation in accordance with the ZOZO and the Environmental Permit Regulation, a procedure equivalent to the procedure for obtaining a new environmental permit is carried out. In the procedure of ex officio examination of the conditions of the environmental permit and in the procedure of amending and supplementing the conditions of the environmental permit, for which the competent authority (MZOZT) assesses that there are no significant changes in the operation, the application of the operator and in the procedure ex officio, the public is informed of the application and all relevant information is provided in accordance with the Regulation on the environmental permit, and the participation of the public and the public concerned is carried out by consulting the draft permit for a mandatory duration of 30 days (Article 16). Article 36(3) of the ZGMO shall also apply.

(k) as regards paragraph 11, measures taken to apply the provisions of Article 6 to decisions on whether to permit the deliberate release into the environment of genetically modified organisms.

Answer:

In their authorisation procedures, state administration bodies have the obligation to provide public access to the information contained in the applications, the content of the technical documentation and the risk assessments carried out, as well as to enter comments and opinions on the reasons for their approval decisions. (Articles 24(1) and (4) and 39(1) and (4) ZGMO). In the event of any modifications, new data and unplanned changes in deliberate release into the environment that could adversely affect biodiversity, the environment or human health, the state administration body responsible for environmental and nature protection shall, after carrying out a risk assessment, inform the public in accordance with Article 40(3) of the ZGMO. In the event of an unplanned spread of GMOs into the environment, the state administration body responsible for environmental and nature protection is obliged to report on the event and on the preparation and implementation of the programme for the elimination of the consequences of the uncontrolled spread of GMOs in the environment to the Croatian Government and the public in accordance with Article 42, paragraph 4 of the ZGMO. In accordance with Article 63(4) of the ZGMO, supplemented information on the restriction or prohibition of the cultivation of individual GMOs and/or groups of GMOs shall also be made available to the public.

Croatia has not ratified the GMO amendment to the Aarhus Convention, however, the provisions of the Aarhus Convention on Access to Information and Public Participation are fully integrated into the ZGMO as well as into other regulations.

Describe any obstacles encountered during the implementation of any of the paragraphs of Article 6.

Answer:

Green Forum on behalf of environmental NGOs.

There was an increased public interest in participating in public debates when drawing up spatial plans at local level. However, the current legislative framework does not provide an opportunity to influence the adopted spatial plans, which causes public dissatisfaction.

The Spatial Planning Act allows citizens to participate in the public debate, submit comments and comments, but in the event that their comments on the plan have not been adopted, until the violation of their rights and interests by an individual decision based on that spatial plan, citizens do not have the possibility to submit a regular or extraordinary appeal against the adopted plan. The latter means that there is no legal remedy enabling public comments on a spatial plan which have not been accepted by a local or regional authority to be addressed to another authority which would thus exercise control over the authorities responsible for drawing up the spatial plans.

Very often EIA procedures last more than a year, and the Decision is published under the same year when the EIA Application is submitted. As a result, the public is often denied access to the court because they do not see the information on the decision made in time. In such lengthy proceedings, the amended EIA study shall not be made available together with the Decision. The proposal of the Green Forum is to publish the updated EIA study and the report from the public hearing before the publication of the Decision, and if the procedures last longer than the legally prescribed deadlines to put a notice and a link to the entire EIA procedure as a new notice in the current year. Also, as regards the format of the reports from the public debate, the proposal of the Green Forum is to use a tabular format such as those in spatial planning.

It has been observed that public opinions, comments and comments are often rejected with insufficient justification by the competent authorities.

Taking into account the overall statistics when it comes to EIA and EIA procedures in which the public is involved, most procedures end with a positive decision of the competent authority that the procedure is environmentally sound and the public can be satisfied if the comments and comments made during the public consultation result in the introduction and/or tightening of the proposed environmental protection measures and environmental monitoring programmes.

SEAS analysis <https://sunce-st.org/news/results-analyze-seas-project/>

It is pointed out that very often EIA procedures last more than a year, however, the Decision is published in the same year when the EIA application is submitted. As a result, the public is often denied access to the court because they do not see the information on the decision made in time. We reiterate that in such lengthy procedures, even the supplemented Environmental impact assessment studies are not presented together with the Decision. The proposal of the Green Forum is to publish the updated Environmental impact assessment studies and the report from the public hearing before the publication of the Decision, and if the procedures last longer than the legally prescribed deadlines to put a notice and a link to the entire EIA procedure as a new notice in the current year. Also, as regards the format of the reports from the public debate, the proposal of the Green Forum is to use a tabular format such as those in spatial planning.

Please provide further information on the practical application of the provisions on public participation in decision-making in certain activities set out in Article 6, e.g. whether there are statistics or other information on public participation in decision-making in certain activities or decisions not to apply the provisions of this Article to proposed activities for national defence purposes.

Answer: /

Please provide important website addresses, if available: /

Article 7

Indicate appropriate practical and/or other provisions for public participation during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination conditions in Article 3(9).

Answer:

The important definitions in Art. 2 and the conditions of non-discrimination in Art. 3(9) are set out in the reply to Art. 4.

Articles 8(7), 10(1), 23 and 27 of the Regulation on Strategic Environmental Assessment of Strategies, Plans and Programmes (OG 3/17), are relevant as well as Art. 15 of the ZZZ. Articles 5, 125, 138, 140 and 199 of the ZOV also apply.

In SEA procedures, the public participates in the process of determining the content of the strategic study and informs the public about it. The purpose is to discuss at the earliest stage the issues relevant to the strategic assessment process with the public.

Explain what opportunities exist for public participation in environmental policy-making.

Answer:

Articles 17, 164 and 165 of the ZOZO apply as well as the UISJ. The public has the right to present its opinions, comments and proposals also on draft strategies, proposals for plans and programmes relating to the environment for which the ZOZO does not impose a strategic assessment obligation.

Public sector bodies also set up working groups to draw up specific strategic and planning documents and advisory bodies to provide opinions on documents. It is practiced that representatives of the business and civil sectors and representatives of scientific institutions are represented in these bodies. The Government Law Office, through its website, maintains a database of consultative bodies in which it is possible to search consultative bodies of state institutions by persons and institutions/organizations from which they come: <https://consultation.gov.hr/base-advisory-bodies/1118>.

Describe any obstacles encountered during the implementation of any of the paragraphs of Article 7.

Answer:

Green Forum on behalf of environmental NGOs.

According to the Green Forum, the big problem is that after the final SEA procedure there is no possibility of a remedy. The SEA procedure does not end with an order, that is to say, the SEA decision is not an administrative act. It was noted that in some cases there are uncertainties regarding the start and end of the work of working groups, which are established at local or national level for the purpose of drafting regulations.

Please provide further information on the practical application of the provisions on public participation in decision-making in certain activities set out in Article 7.

Answer:

The City of Zagreb, within its competence, regularly publishes information on the launch of the SEA, EIA and environmental permit requirements on the official website, on the notice board in the lobby of the City Administration building and on the notice board of the city district where the project is located, in the Official Gazette of the City of Zagreb, in daily newspapers at least 8 days before the start of the public hearing and public consultation.

Public presentations are regularly held in the area of the city district where the procedure is located. Representatives of: the holder of the project, the authorised person who prepared the documentation, the City District Council at whose location the project is located and other city offices and services, depending on the characteristics of the project. Public presentations are organised in the afternoon and

evening. The public and the public concerned shall be given the opportunity to submit their opinions, suggestions and comments during the public debate in the manner published in the notice of public debate (via telephone, fax, e-mail).

The counties shall regularly publish information on the initiation of an SEA, the OSP under their jurisdiction on the official website, on the notice board in the 'Županijski glasnik' and in the daily press at least 8 days before the start of the public consultation and public consultation. Equally, the requirements for the environmental permit and the implemented procedures of the Appropriate Assessment for the ecological network are regularly published on the official website (e.g. Osijek-Baranja County, Primorje-Gorski Kotar County).

Please provide important website addresses, if available:

Answer:

<https://mzozt.gov.hr/>
<https://savjetovanje.gov.hr/baza-savjetodavnih-tijela/1118>
<https://www.zagrebacka-zupanija.hr/javne-rasprave/>
<https://www.obz.hr/index.php/oglasnik/zaštita-okoliša-javne-rasprave-i-uvidi>
<https://www.obz.hr/index.php/savjetovanje-s-zainteresiranom-javnošću-obz>
<https://www.obz.hr/index.php/oglasnik/zaštita-okoliša-javne-rasprave-i-uvidi/9-explore/2255-2024-prethodna-ocjena-em>
<https://www.obz.hr/index.php/oglasnik/zaštita-okoliša-javne-rasprave-i-uvidi/9-explore/2254-okolišna-dozvola-2023>

Article 8

Describe what efforts are being made to promote effective public participation while public authorities are developing implementing regulations and other generally applicable legally binding rules that are likely to have a significant impact on the environment. Describe, to the appropriate level, the transposition of the relevant definitions in Article 2 and the conditions of non-discrimination in Article 3(9).

Answer:

Article 6 of this Report already describes how Article 11 ZPPI stipulates that state administration bodies, other state bodies, local (territorial) self-government units and legal persons with public powers must consult the public when passing laws and by-laws, and when adopting general acts and strategic or planning documents if they affect the interests of citizens and legal persons.

The important definitions in Art. 2 and the conditions of non-discrimination in Art. 3(9) are set out in the reply to Art. 4.

Opinions, comments and proposals can be given by all citizens without distinction, in accordance with the constitutional principle of equality of citizens referred to in Article 14 of the Constitution of the Republic of Croatia. Addendum to the Rules of Procedure of the Government of the Republic of Croatia of 2012 (OG 154/11, 121/12, 7/13, 61/15, 99/16, 57/17, 87/19, 88/20 and 68/24) in Art. 30(4) it is prescribed mandatory delivery of the report on the conducted consultation with draft bills, other regulations and acts is prescribed, when the public consultation was conducted in accordance with a special regulation.

Article 27 The Act on Better Regulation Policy Instruments stipulates that the bill proposed by the Government for adoption by the Croatian Parliament is accompanied by a Report on the conducted public consultation and that, along with the proposal of other regulations proposed to the Government for adoption, a Report on the conducted public consultation is submitted to the Croatian Parliament.

Describe any obstacles encountered during the implementation of any of the paragraphs of Article 8.

Answer: /

Please provide further information on the practical application of the provisions on public participation in the area covered by Article 8.

Answer: /

Please provide important website addresses, if available:

<https://savjetovanja.gov.hr/>

Article 9

Please indicate the legal, regulatory and other measures implementing the provisions on access to justice in Article 9.

Please explain how each paragraph of Article 9 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination conditions in Article 3(9).

Answer:

Articles 3 14, 15, 16, 18, 19, 26 and 29 of the Constitution shall apply and Article 8 of the ZPPI.

Based on Art. 3 of the Constitution, the preservation of nature and the human environment and the rule of law represent one of the highest values of the constitutional order of the Republic of Croatia. Everyone in the Republic of Croatia has rights and freedoms, regardless of their race, colour, sex, language, religion, political or other belief, national or social origin, property, birth, education, social position or other characteristics and they are all equal before the law (Article 14 of the Constitution).

In the Republic of Croatia, equality is guaranteed to members of all national minorities, and freedoms and rights can be restricted only by law in order to protect the freedom and rights of other people and the legal order, public morality and health. Any restriction of a freedom or right must be proportionate to the nature of the need for the restriction in each individual case (Art. 15(1) and 16 of the Constitution).

The Constitution guarantees the right to appeal against individual legal acts adopted in first instance proceedings before a court or other authorised body. The right of appeal may exceptionally be excluded in cases specified by law if other legal protection is ensured (Art. 18 of the Constitution).

Individual acts of the state administration and bodies vested with public powers must be based on the law. Judicial review of the legality of individual acts of administrative authorities and bodies vested with public powers is guaranteed (Art. 19 of the Constitution). All citizens of the Republic of Croatia and foreigners are equal before courts and other state and other bodies with public powers (Article 26 of the Constitution).

Everyone has the right to a fair and reasonable decision by an independent and impartial tribunal established by law on his or her rights and obligations, or on suspicion or accusation of a criminal offence (Art. 29(1) of the Constitution).

Right of access to information and re-use of information pursuant to Article 8 of the ZPPI, belongs to all users in the same way and under the same conditions. Users are equal in achieving it. Public authorities may not put users at a disadvantage, in particular by providing information to individual users rather than to others or in a way that is particularly favourable to them.

Art. 4, point 58 the meaning of the term ‘right of access to justice’ is defined by the ZOZO. This is the right to lodge a complaint with the competent body, i.e. the right to file a complaint with the competent court, which this Act establishes, subject to the prescribed conditions, for persons – citizens, other natural and legal persons, their groups, associations and organisations in order to exercise the right to a healthy life and a sustainable environment, and for the purpose of protecting the environment and individual environmental components and protecting against the harmful impact of burdens.

The principle of the right of access to justice is enshrined in Articles 19(1) and (2) and 154 to 172 of the ZOZO and Arts 25 and 26 of the ZPPI.

The provision on access to justice also contains the ZUP, which stipulates in Article 12 that an administrative dispute may be initiated against a second-instance decision, i.e. against a first-instance decision of a public law body against which no appeal is allowed. A Party shall have the right to object to an administrative contract or other conduct of a public law body or a public service supplier, which shall be decided upon by means of a decision in accordance with the provisions of Article 122. Against the decision on the objection, the party has the right to legal protection in the form of an appeal or the right to bring an action before the competent administrative court. The ZUP also provides for legal protection in the case of so-called 'administrative silence', i.e. in the case where a public law body fails to resolve or act on a party's request within the prescribed time limit.

Provisions on access to justice are also contained in the Administrative Disputes Act (OG 36/24, hereinafter: ZUS) which aims to ensure the legality and judicial protection of the rights and legal interests of natural and legal persons and other parties violated by individual decisions or actions of public law bodies.

Administrative disputes are resolved by four administrative courts (Osijek, Rijeka, Split and Zagreb) and the High Administrative Court of the Republic of Croatia. The action shall, in accordance with the provisions of Article 38 of the Code of Civil Procedure, be brought before the Court of Justice. of the ADA, may require: 1) the annulment or annulment of an individual decision, 2) the adoption of an individual decision that was not issued within the prescribed time limit, 3) the conduct that the defendant is obliged to perform in accordance with the regulations or an individual decision, 4) the annulment of an administrative contract or the performance of an obligation under an administrative contract. In the case referred to in points 1 and 2, the action may require the court to rule on the party's right, obligation or legal interest. In addition to the principal claim, the action may seek restitution of the matter and compensation for the damage caused by the defendant. A dispute may be brought after any other legal protection provided for by law has been exhausted.

The parties to the dispute are the applicant, the defendant and the interested party. A claimant is a natural or legal person who considers that his or her rights and legal interests have been violated by an individual decision, action of a public law body or failure to adopt an individual decision or action of a public law body within the time limit prescribed by law, or by the conclusion, termination or execution of an administrative contract. A claimant may be a person without legal personality or a group of persons if their rights and legal interests have been infringed by an individual decision or action of a public law body. An interested party is any person to whom the annulment, modification or adoption of an individual decision, action or omission of a public law body or the conclusion, termination or execution of an administrative contract would infringe his right or legal interest.

Costs of the dispute are eligible expenses incurred in the course of or on the basis of the dispute. The value of the subject matter of the dispute is considered invaluable. The costs of the dispute also include the remuneration of lawyers and other persons entitled to statutory remuneration. Each Party shall first meet the costs it has incurred through its own actions, unless otherwise provided for by law. Costs arising from actions taken ex officio by the court shall be advanced from the resources of the court.

The losing party shall bear all the costs of the dispute in its entirety, unless otherwise provided for by law. If a party succeeds in part, the court may, in the light of the success achieved, order that each party bear its own costs or that the costs be apportioned in proportion to the success of the dispute. The party which withdrew the claim, appeal or other motion which caused the costs to be incurred by the other parties shall also bear the costs incurred by those parties.

Reimbursement of costs is decided by the court at the request of a party. The party is required to specify in the request the costs for which it is seeking reimbursement, and to make the request for reimbursement at the latest by the end of the hearing. If the decision was taken without a hearing, the party is required to make a claim for reimbursement within 15 days of service of the decision closing the dispute. The court may decide on the costs of the dispute together with a decision on the main matter or a special order within 15 days of the date of delivery of the judgment. An appeal against that order is admissible.

The High Administrative Court shall initiate the procedure for assessing the legality of a general act at the request of a natural or legal person or a group of persons associated with a common interest who consider that their rights or legal interest have been infringed by a general act. The High Administrative Court may initiate the procedure for assessing the legality of a general act of its own motion, on the basis of a notification from natural or legal persons, a proposal from the Ombudsman or the Special Ombudsman, or at the request of the court.

Provisions on access to justice referred to in Article 9 The Aarhus Conventions are also contained in certain provisions of the laws of the Republic of Croatia, as will be stated below in the answers to certain questions, but if a certain provision of the Convention were to be contrary to a certain legal regulation of the Republic of Croatia, judges would be obliged to apply the provision of the Convention directly, since it is above the law by its legal force. Namely, international agreements that have been concluded and ratified form part of the internal legal order of the Republic of Croatia, and are above the law by virtue of their legal force (Article 141 of the Treaty on the Functioning of the European Union). of the Constitution).

Also, and in particular, describe:

(a) as regards paragraph 1, the measures taken to ensure that:

(i) any person who considers that his or her request for information has not complied with the provisions of Article 4 and has access to the procedure; assessments before a court of law or another independent and impartial body established by law; the body;

Answer:

Any person (citizen and other natural and legal person, their groups, associations and organisations) who considers that their request for information in environmental matters has been ignored, wrongfully rejected, either in part or in full, or if it has not been adequately answered, has the right to protection of their rights in accordance with the special regulation on the right of access to information (Article 19(1) of the ZOZO).

A public authority may, by decision, reject a request for environmental information in the cases referred to in Article 158(1) and (3) of ZOZO. An appeal may be lodged with the Information Commissioner against a decision issued by the competent administrative authority or the Ministry within 15 days from the date of delivery of the decision, in accordance with Article 25(1) of the ZPPI (Art. 158(6) ZOZO).

In accordance with Art. 25 ZPPI an appeal may also be lodged when the public authority body, within the prescribed time limit, does not decide on the request or objections of the applicant. The trustee shall issue a decision on the appeal and deliver it to the party, through the first-instance body, no later than 60 days from the date of submission of an orderly appeal, unless these are exceptional cases referred to in Article 25(5) and (6) of the ZPPI. When the Commissioner establishes that the complaint is well founded, he/she shall issue a decision ordering the public authority body to give the beneficiary access to the requested information, i.e. to decide on the beneficiary's request and set an appropriate time limit within which he/she is required to do so.

Article 25a of the ZPPI provides that the execution of the Commissioner's decision is mandatory, i.e. the Commissioner's final decisions granting access to information and the decisions ordering the public authority body to deal with requests for access to information are binding and enforceable. Enforcement of the decision is carried out by the Commissioner by adopting a decision on enforcement, which is ensured by imposing a fine on the responsible person of the public authority, which is enforced by suspending the responsible person from his salary.

According to Art. 26, para. 1 Article 26 of the ZPPI does not allow an appeal against the Commissioner's decision, but an administrative dispute may be initiated (Article 26 of the ZPPI) before the High Administrative Court of the Republic of Croatia, which must decide on the action within 90 days. The action has suspensive effect if the decision allows access to the information.

Administrative disputes against the Commissioner's decision may also be initiated by the public authority that issued the first-instance decision. Since the procedure by which the request for information

is rejected is an administrative procedure, in these proceedings the right of access to a court is also ensured by the application of the provisions of the ZUP as a general procedural law which, in accordance with the provision of Article 3(1) of the ZUP it applies to all administrative matters.

(ii) in circumstances where judicial review is possible, that person shall also have access to a rapid, free or inexpensive procedure laid down by law for examination by a public authority or assessment by an independent and impartial body other than a court or tribunal;

Answer:

In EIA, OPUO, Preliminary and Main Assessment procedures, which are carried out, among other things, in accordance with the PZO, ZZP and ZUP, a challenge to the decision is possible at the Administrative Court or MZOZT (when the county conducts the procedure). Also during the entire duration of the procedures, the public is given access to information, i.e. participation in the procedures. Furthermore, by publishing the draft decision in the EIA procedure, prior to its adoption, the public was informed of the content of the decision at issue.

(iii) Final decisions under this paragraph shall be binding on the authority holding the information and the reasons shall be given in writing, at least where access to the information has been refused;

Answer:

According to Art. 10 of the ZUS the final judgment of the court is binding on the parties to the administrative dispute and their successors in title. A final judgment of a court ruling on the legality of an act of general application is mandatory for everyone. Under Article 15(2), the defendant is bound by the court's legal position and observations. Furthermore, Articles 23, 24, 25, 25a and 26 of the ZPPI shall apply.

As regards the reasons which must be set out in writing, the following articles of the ZUS apply, Article 119 of the content of the judgment and Article 12 of the service of the judgment, and Article 12(5) relating to the order (content of the order). Furthermore, Articles 97 and 98 of the ZUP shall apply.

(b) Measures taken to ensure that, under national legislation, members of the public concerned who meet the criteria referred to in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law to challenge the substantive and procedural legality of a decision, act or omission subject to the provisions of Article 6;

Answer:

Articles 167 and 168 of the ZOZO shall apply as follows. Any natural or legal person who, due to the location of the project and/or due to the nature and impact of the project or who is affected or likely to be affected by environmental damage, can, in accordance with the law, prove that their right has been infringed, shall be considered to have a probable legal interest in procedures governed by the ZOZO in which the public concerned is to participate. It is understood that it has a sufficient (probable) legal interest in proceedings governed by the PZO which provide for the participation of the public concerned under the conditions set out in Article 167(2) and of civil society organisations active in the field of environmental protection.

Persons who, in their capacity as interested public, have participated in procedures regulated by the ZOZO have the right to challenge the relevant administrative act of the public authority, for which the ZOZO, or a special law, provides for the possibility of lodging an appeal or an action and to lodge an appeal with the ministry responsible for environmental protection, or to file an action with the competent court in accordance with the ZOZO and the ZUS, in order to challenge the legality of acts, acts or omissions.

Civil Society Association referred to in Article 167(2) ZOZO has the right to challenge the relevant administrative act of the public authority body, for which this Act or a special law provides for the possibility of lodging an appeal or an action, and to lodge an appeal with the Ministry responsible for

environmental protection, or to file an action with the competent court in accordance with the ZOZO and a special law, in order to challenge the legality of acts, acts or omissions.

The relevant administrative act of a public authority and the right to lodge a complaint with the ministry responsible for environmental protection, i.e. to file a complaint with the competent court, shall be notified to the persons in their capacity as interested public by notification of that act, if the information about the person is known to the public authority, i.e. by public notice or in another appropriate manner in accordance with the decree referred to in Article 160(2) ZOZO.

A party to administrative proceedings is a natural or legal person at the request of which proceedings have been initiated, against whom proceedings are being conducted, or who, for the protection of his rights or legal interests, has the right to participate in proceedings. In accordance with Article 53 of the ZUP, in the course of the proceedings, a person who has not yet participated in the proceedings asks to be recognised as a party to those proceedings, the officer shall examine his or her right as a party to the proceedings and issue a decision to that effect. An appeal against that order does not suspend the course of the proceedings.

Art. 84 of the ZUP stipulates that the parties and other persons who prove a legal interest have the right to be informed of the progress of the proceedings and to inspect the case file. A decision shall be made on the rejection of the request for inspection and reproduction of the file.

ZUS broadly defines who can be a party to a dispute. The applicant is a natural or legal person who considers that his rights and legal interests have been violated by an individual decision, action of a public law body, or by failing to adopt an individual decision or action of a public law body within the legally prescribed time limit or by concluding, terminating or executing an administrative contract. A claimant may be a person without legal personality or a group of persons if their rights and legal interests have been infringed by an individual decision or action of a public law body. A prosecutor may be a body governed by public law that has participated or should have participated in the decision-making, conduct or conclusion of an administrative contract. A claimant may also be a state body authorised by law, and an interested person is any person whose right or legal interest would be infringed by the annulment, modification or adoption of an individual decision, action or omission of action by a public law body, or the conclusion, termination or execution of an administrative contract. The person concerned is also a body governed by public law which considers that a judicial decision may have an effect on the rights and legal interests protected by that body governed by public law by law. The court shall, of its own motion or at the request of a party, invite the person concerned to participate in the dispute. The person concerned may be involved in the dispute at any time. The Tribunal shall without delay inform all parties of the involvement of the person concerned in the dispute.

(c) as regards paragraph 3, measures taken to ensure that, where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

Answer:

Rule 169 of the ZOZO shall apply as follows. A natural or legal person who fulfils the conditions relating to a legal interest and considers that it is a decision, act or omission of a public authority or an act or omission of a natural or legal person (for example: operators, polluters) in environmental matters violated the ZOZO, i.e. a special law regulating the protection of individual environmental components or protection from the impact of burdens and regulations adopted on the basis of these laws, have the right, before the competent court in accordance with this Act and special regulations, to challenge the legality of the decision, actions and omissions related to environmental protection and to challenge the legality of actions or omissions in environmental matters.

The request must be submitted in the prescribed form in accordance with the ZUS, within 30 days from the date of service to the parties, i.e. the date of publication on the website of the authority that issued the contested decision, i.e. from the date of expiry of the time limit for the execution of the act or the adoption of the decision. The application must state and state the reasons for the infringement. The application shall be supported by appropriate evidence.

In accordance with Article 156 of the ZUP a person who considers that another action of a public law body in the field of administrative law, which is not subject to a decision, violates a right, obligation or legal interest, may lodge a complaint as long as such action lasts or its consequences persist. Clauses 157 and 158 of the ZUP provides protection against the actions of public service providers. The conduct of a public service provider shall be understood as the taking or omission of acts by the public service provider which have an impact on the rights, obligations or legal interests of natural and legal persons and which are not dealt with in administrative proceedings. If the public service user considers that his rights or legal interests have been infringed as a result of the conduct of the public service provider, he may also lodge a complaint in order to protect his rights or legal interests with the body responsible for supervising the performance of those public services. An objection may be raised as long as the action or omission of the public service provider persists.

(d) as regards paragraph 4, the measures taken to ensure that:

(i) the procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

Answer:

According to the ZOZO, an appeal may be lodged against the decision or, if the appeal is not admissible, an administrative dispute may be initiated.

According to the ZUP, a party has the right to a legal remedy under Article 12 against a first-instance decision.

In addition, the ZUS applies, which provides for remedies, is applicable: appeal, complaint, renewal of the procedure, nullity of the decision and annulment and revocation of the decision, for decisions taken by the competent authorities at first instance, in accordance with the regulations on the state administration system. The ZUS prescribes remedies: appeals under Articles 126 to 136, renewal of the dispute under Articles 137 to 143 – request for an extraordinary review of the legality of the final decision under Articles 139 to 143.

In accordance with Articles 158 to 165, the legality of general acts is assessed and Article 166 provides for a special method of resolving administrative disputes by court settlement.

Article 42(2) of the ZUS it is prescribed that court may decide that an action has suspensive effect if the enforcement of the individual decision or administrative contract would cause the claimant damage that would be difficult to repair, if the law does not require the appeal not to suspend the enforcement of the individual decision (the ZOZO does not provide for this), and the suspension is not contrary to the public interest.

In accordance with Article 1047 of the Civil Obligations Act (OG 35/05, 41/08, 125/11, 78/15, 29/18, 126/21, 114/22, 156/22, 145/23 and 155/23), anyone may require another person to eliminate the source of the risk of significant damage to him or her or to another person and to refrain from any activity resulting in disturbance or threat of damage, if disturbance or damage cannot be prevented by appropriate measures. At the request of the person concerned, the court shall order that appropriate measures be taken to prevent the occurrence of damage or disturbance or to remove the source of danger, at the expense of the holder of the source of danger, if he does not do so himself.

If damage occurs in the performance of a non-profit-making activity for which the competent authority's approval has been obtained, only damages exceeding the usual limits (excessive damage) may be claimed. In this case, however, socially justifiable measures may be required to prevent or reduce the damage.

Furthermore, Articles 25, 25a, 26 and 59 of the ZPPI shall apply.

(ii) such procedures otherwise meet the requirements of this paragraph;

Answer:

The injunction is laid down in Article 170a in conjunction with Article 169 of the ZOZO. In proceedings challenging decisions, acts and omissions of public authorities and actions or omissions of legal and natural persons in environmental matters, the competent court may:

- order the operator, the polluter or the public authority to take all necessary measures, including the suspension of certain actions or activities;
- oblige the operator or polluter to pay an appropriate fee to the Environmental Protection and Energy Efficiency Fund;
- identify the necessary interim measures and order the operator, polluter or public authority to implement them;
- or make another appropriate decision in accordance with the law.

Judicial proceedings should be fair, equitable, timely and not prohibitively expensive, in accordance with Article 172 ZOZO, for which any court proceedings in the field of environmental protection are urgent, Art. 26(1) pursuant to the ZPPI, the High Administrative Court of the Republic of Croatia must decide on the action against the Commissioner's decision within 90 days and Article 8 of the ZUS that prescribes that court shall implement the administrative dispute expeditiously and without delay, avoiding unnecessary actions and costs, shall prevent abuse of the rights of the parties and other participants in the dispute, and shall issue a decision within a reasonable period of time.

With regard to equity and equality, ZUS lays down the measures in question within articles 5, 6, 7 and 9 and ZUP in Articles 5, 6, 7 and 8.

The costs of proceedings that should not be expensive are prescribed by the ZPPI within the meaning of Article 19(1) and (2) and it is stated that access to information in proceedings before public authorities is not subject to administrative and judicial fees. The public authority body shall, however, be entitled to claim from the beneficiary reimbursement of the actual material costs incurred in providing the information, as well as reimbursement of the costs of providing the requested information.

(e) as regards paragraph 5, the measures taken to ensure that the public is informed of access to administrative and judicial review procedures.

Answer:

Article 168(1), (2) and (3) of the ZOZO shall apply. One of the principles of the ZUP is the principle of assistance to the party and obliges the body conducting the proceedings to ensure that the ignorance and ignorance of the party and other persons are not to the detriment of the rights they are entitled to under the law (Article 7 of the ZUP). The principle of assistance to the ignorant party is also enshrined in Article 9. the ZUS; the court shall ensure that the ignorance and ignorance of the party and other participants in the administrative dispute is not to the detriment of their rights under the law.

The High Administrative Court shall decide on the legality of the general act in public session. When a court annuls a general act, or some of its provisions, by a judgment, if it finds that it does not agree with the law or the statute of a public law body, the decision is published in the Official Gazette.

If, in the course of proceedings before the Supreme Administrative Court, initiated following a request for a review of the legality of an act of general application, that act of general application expires, the court may assess the legality of the act of general application challenged. When, in the procedure, it finds that the general act did not agree with the law or the statutes of the public law body, the High Administrative Court will issue a judgment declaring the general act or certain of its provisions unlawful. This decision is published in the Official Gazette (Article 163 of the ZUS).

An application for amendment of an individual decision on the ground that an act of general application has been set aside or declared unlawful shall be submitted to the competent authority and an amendment of the individual decision which has infringed the applicant's right or interest in bringing proceedings by applying, in an appropriate manner, the provisions relating to the reopening of the proceedings within three months of the date of publication of the judgment in the Official Gazette (Article 164 of the ZUS).

All decisions taken in proceedings to assess the legality of an act of general application are published on the website of the High Administrative Court.

Describe any obstacles encountered during the implementation of any of the paragraphs of Article 9.

Answer:

Green Forum on behalf of environmental NGOs.

There was a case that the procedure was violated, so the EIA procedure was carried out for already implemented interventions in the environment. They consider that such subsequent EIA procedures and ex post EIA do not resolve the omissions that were made prior to the construction of the project. They point out that their implementation and adoption of a decision undermines the rule of law, and access to justice in such cases is very questionable and limited, since an administrative dispute would be pending on the basis of a decision for an environmental project that has already been fully implemented, so that judicial protection would in fact be completely ineffective.

Please provide further information on the practical application of the provisions on access to justice under

Article 9, e.g. are there statistics on environmental law and are there mechanisms to help remove or reduce financial and other barriers to access to justice?

Answer:

Reducing barriers to access to justice

According to Art. 19 (1) no court fees are payable on access to information in proceedings before public authorities.

According to Art. 22 of the Court Fees Act (OG 118/18 and 51/23) are payable in administrative proceedings only if the court rejects the claim or dismisses the action. Furthermore, parties initiating actions for compensation for environmental pollution damage are exempted from paying administrative fees in accordance with Article 11, paragraph 1, item 18 of this Act.

The reform of the administrative judiciary and administrative treatment contributed to improving the exercise of the right of access to justice. From a subsidiary point of view, the ZUP has become the general procedural law applicable to the handling of all administrative matters in order to harmonise the handling of administrative proceedings by bodies governed by public law. A new organisation of administrative justice has been introduced and four regional administrative courts and the High Administrative Court have been established. An oral adversarial hearing, the right to appeal and the possibility of judicial review of the findings of fact in administrative proceedings, the two-tier administration of justice and the assessment of the legality of a general act of a local and regional self-government unit, a legal person vested with public authority and a legal person performing a public service have been introduced into the administrative administration of justice. The more efficient work of administrative courts also contributes to greater transparency of the work of administrative bodies and institutions and plays an important role in the fight against corruption.

Statistics

According to the statistics of the High Administrative Court of the Republic of Croatia for the period 2021-2024, in relation to environmental issues (rules in the field of waste, water, environmental protection), 126 appeal cases were received, several actions against the decisions of the Information Access Commissioner in relation to the exercise of the right of access to information with regard to environmental protection and several proposals for the assessment of the legality of general acts of local self-government units relating to spatial plans, decisions on waste disposal, etc.

In cooperation with Biom, the Judicial Academy organised three one-day workshops entitled 'Successful prosecution of wildlife poisoning offences' (in Zagreb, Split and Rijeka) which were carried out as part of the BALKAN Detox project.

Two one-day workshops entitled 'Right to a healthy life and environment' were held in 2024. The workshops were attended by 29 participants from among judges and judicial advisors of administrative courts and deputy and prosecutor's advisors of municipal and county level.

The Judicial Academy and the State School of Public Administration are permanently engaged in the education of judicial officials in the field of environmental law (<https://www.pak.hr/>):

Please provide important website addresses, if available:

<http://www.pak.hr/>

<https://sudovi.hr/hr/vusrh>

Articles 10-22 are not for national implementation.

General comments on the objective of the Convention:

Please indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

The preservation of natural resources and the protection of the human environment are of high interest to the human community and the quality of life of present and future generations, and in the Republic of Croatia they are recognized as a constitutional value and enjoy special protection (Article 2, paragraph 4, indent 2 of the Constitution of the Republic of Croatia).

Changes to the 2010 Constitution Article 38(4) (OG 76/10) provides that ‘the right of access to information held by public authorities shall be guaranteed. Restrictions on the right of access to information must be proportionate to the nature of the need for restriction in each individual case and necessary in a free and democratic society, as provided for by law’.