

FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT

The following report is submitted on behalf of the Republic of Croatia in accordance with the decision I/8

Name of officer responsible for submitting the national report:	Branka Pivčević Novak, <i>focal point</i> Head of Department for Sustainable Development Ministry of Environmental Protection, Physical Planning and Construction
Signature:	
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IMPLEMENTATION REPORT

Party: REPUBLIC OF CROATIA

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Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

The authority responsible for implementation of the first two pillars of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter referred to as the Convention) in the Republic of Croatia (hereinafter referred to as the RC) is the Ministry of Environmental Protection, Physical Planning and Construction (hereinafter referred to as the MEPPPC), while the third pillar falls within the competence of the Ministry of Justice. The report preparation was coordinated by the MEPPPC in conjunction with public authorities responsible for the protection of environmental components.

In preparing the report a list of officially recorded requests for access to information submitted by phone to the environmental inspector on duty was used, including the records on verbal enquiries submitted to the inspector on duty on working days and the records on requests for environmental information submitted in writing directly to the environmental inspectorate (MEPPPC).

In preparing the report the Administrative Court of the RC was consulted, because according to Article 17, paragraph 3 of the Right of Access to Information Act (hereinafter referred to as the RAIA) [Official Gazette (hereinafter referred to as OG) 172/03] it is the last authority to be referred to by a dissatisfied party, if denied an information. On 22.09.2008 the information was received from the Administrative Court of the RC that there were no records available on any claims relating to implementation of the Convention.

The Draft Implementation Report was made available to the public and civil organizations on the web site of the MEPPPC and additionally presented at a public consultation. The final Implementation Report is a result of this cooperation.

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

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Article 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

There are a number of Croatian laws and subordinate regulations relating to the provisions of Article 3 of the Convention, as summarized below. Elements of relevance to implementation of the Convention are included in the Environmental Protection Act (OG 110/07, hereinafter referred to as the EPA), the Regulation on Information and Participation of the Public and the Public Concerned in Environmental Matters (OG 64/08, hereinafter referred to as the RIPP), the Regulation on Environmental Impact Assessment (OG 64/08, hereinafter referred to as the REIA), the Regulation on Strategic Environmental Impact Assessment of Plans and Programmes (OG 64/08, hereinafter referred to as RSEIA), the Regulation on the Establishment of the Croatian Environment Agency (OG 75/02, hereinafter referred to as the RECEA) and the Regulation on Environmental Information System (OG 68/08, hereinafter referred to as the REIS). Legislative measures governing the requirements under the Convention that relate to the university, primary and secondary-school education and kindergartens are contained in the Primary and Secondary-school Education Act (OG 87/08) and the Scientific Activities and University Education Act (OG 123/03, 198/03, 105/04, 174/04 and 46/07). General provisions contained in the paragraphs of Article 3 of the Convention listed are implemented both through the immediate application of the provisions of the RAIA and the General Administrative Proceedings Act (OG 53/91, hereinafter referred to as the GAPA). They are also implemented and correspondingly included in the following regulations in the field of water management: the Waters Act (OG 107/95 and 150/05, hereinafter referred to as the WA), the Ordinance on Water Management Documentation (OG 13/06, hereinafter referred to as the OWMD) and the Ordinance on the Mandatory Public Information Procedure and the Water Users' Participation in Preparing Planning Bases for Water Management (OG 70/08, hereinafter referred to as the OPIP). The problem area and implementation of environmental protection overlap partly with environmental protection and/or includes the same. It is therefore regulated by the Strategy and Action Plan for the Protection of the Biological and Landscape Diversity of the RC (OG 81/99, 143/08), the Nature Protection Act (OG 70/05, 139/08, hereinafter referred to as the NPA) including subordinate acts, and the Act on Genetically Modified Organisms (OG 70/05, hereinafter referred to as the AGMO) including the following subordinate acts: the Ordinance on Wildlife Crossings (OG 05/07), the Ordinance on Nature Impact Assessment (OG 89/07; hereinafter referred to as ONIA), the Regulation on Proclamation of

the Ecological Network (OG 109/07), the Ordinance on the Contents and the Method of Submitting the Notification for Deliberate Release of Genetically Modified Organisms into the Environment (OG 64/07) and the Ordinance on the Contents and Method of Implementing the Plan of Measures for Removing the Uncontrolled Spread of Genetically Modified Organisms into the Environment (OG 05/07). The right of access to information falling within the competence of the Ministry of Health and Social Welfare is governed by the following regulations: the AGMO, the Ordinance on the Form and Manner of Keeping the Unique Register of Genetically Modified Organisms and the Manner of Establishing Printout Costs (OG 125/07), the Ordinance on the Contents and Scope of Risk Assessment in Relation to Placing on the Market of Genetically Modified Organisms or Products which Contain and/or Consist of or Derive from Genetically Modified Organisms, the Methodology of the Preparation of Assessment and Requirements to Be Fulfilled by a Legal Person in Charge of the Preparation of Risk Assessment (OG 39/08), the Ordinance on the Method of Preparation and Contents of Noise Maps and Action Plans (OG 5/07, hereinafter referred to as the ONM) and the Act on Biocidal Products (OG 63/07 and 35/08), whose Article 45, paragraph 4 lays down the application of special regulations on the right of access to information, but contains no explicit provisions as to the public participation procedure.

As regards paragraph 2, we refer to Article 2 of the RAIA and to Article 22, paragraph 3, item 3, as well as to Article 73, paragraphs 1 and 2 of the State Administration System Act (OG 190/03). When settling the issues of rights, obligations or legal interests of citizens or legal entities or other parties in an administrative matter, all government bodies are required to act in accordance with the GAPA. This law is therefore subsidiarily applied in the procedure of requiring an access to information relating to water management, and it should be noted that its application is also referred to by Article 9 of the RAIA.

As regards paragraph 3 we refer to Article 17, paragraph 2 and Article 178 of the EPA.

As regards paragraph 4 we refer to Article 176 of the EPA and to Article 2 of the Ordinance on Awards and Prizes for Environmental Achievements (OG 26/02).

Each year public authorities grant financial supports for the operation of non-governmental organizations (hereinafter referred to as the NGOs) and for programmes and projects executed by associations dealing with the protection of environment and space and sustainable development. Since 1999 the MEPPPC has been providing financial supports to NGOs for their projects addressing mostly the raising of public awareness of the need to protect environment and the space, environmental education, education for sustainable development and waste management, education of local population with the aim to overcome the NIMBY effect and promotion of the best practices in the protection of environment and space of the RC. In the period from 2005 to 2007 an average of 40 projects executed by various organizations were financed by a total of 271,740.00 euro. In 2008 the financial support amounting to 407,609.00 euro was provided to 43 projects. In the forthcoming four years it is also planned to finance projects of various organizations with the amount of 407,609.00 euro.

In 1998 the Government of the Republic of Croatia (hereinafter referred to as the GRC) established the Office for Cooperation with NGOs responsible for specialized activities from the sphere of the GRC relating to creation of conditions for cooperation and partnership with non-governmental, non-profit sector and organizations of the RC respectively. The Office is entrusted with coordination of activities performed by the ministries, central state offices, and offices of the GRC, state administration organizations and local government bodies in connection with monitoring and improvement of cooperation with non-governmental and non-profit sector of the RC. In line with the Code of Good Practice, Standards and Benchmarks for the Allocation of Grants for Programmes and Projects of NGOs adopted by the Croatian Parliament in February 2007, the Office is actively involved in improving standards for financing programmes of organizations from the government budget. In carrying out the tasks specified, the Office cooperates closely with the Council for the Development of Civil Society as a consulting and expert body of the GRC. The Council is, among other things, tasked with a continuous monitoring and analysing of the public policies, expressing the views of the GRC on draft regulations relating to the development of a civil society, organization of inclusion of civil

society organizations in consultations and cooperation in prioritization of national programmes for granting financial supports from the government budget to project and programmes dealing with the organization of a civil society.

The purpose of the institution established by virtue of the Act on the National Foundation for Civil Society Development (OG 173/03) is the promotion and development of the civil society of the RC. Activities of the National Foundation are focused, among other things, on encouraging the active population, its involvement and participation in the development of the community, on capacity building of a civil society, strengthening public influence and publicity of operations performed by civil society organizations, including intensification of a public society influence in public decision-making processes. The National Foundation provides a professional and financial support to programmes promoting sustainability of the non-profit sector, intersectoral cooperation, civil initiatives, philanthropy, volunteerism and enhancement of a democratic institution of the society.

As regards paragraph 7, we refer to Article 130 of the EPA entitled *Reporting to International Bodies and Organizations*.

Public authorities use to include NGO representatives in processes of Croatia's accession to the European Union regarding individual chapters. The NGO representatives are also involved in projects financed by the European Union (CARDS, PHARE, etc.) and bilateral projects, including commissions/task forces for preparation of environmental documents.

In this connection Articles 117 and 117a of the WA are applied. The OWMD specifies in detail the contents, form and method of keeping water management documents, including access to data and information too.

Explain how these paragraphs have been implemented. In particular, describe:

*(a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;*

Answer:

We refer to Article 19 of the Civil Servants Act (OG 92/05) entitled *Duty of Providing Information and Explanations in Administrative Matters*.

All public authorities have adopted decisions to appoint one (or more) officials responsible for issues of exercising rights of access to information, including the provision of assistance and guidance to the public as regards the access to information, and decisions to establish a catalogue of information which they hold or control or have available, and which contain a systematized overview of information accompanied by a description of the contents, the purpose, the method and the time of exercising the right of access (Article 22 of the RAIA).

In this regard Articles 5 and 14 of the GAPA are relevant.

As to Article 2, we refer to Article 40 of the Regulation on Substances that Deplete the Ozone Layer (OG 120/05, hereinafter referred to as the RSDOL). The web site of the MEPPPC provides a link to the national network for air quality monitoring showing current data on air quality collected by the national network.

In compliance with Article 97 of the Regulation on Limit Values of Pollutant Emissions from Stationary Sources into the Air (OG 21/07, 150/08, hereinafter referred to as the RLVPEA), the web site of the MEPPPC contains a list of legal and physical entities entered into the Register of Plants Using Volatile Organic Compounds.

In conjunction with the Croatian Environment Agency (hereinafter referred to as the CEA) the MEPPPC started developing a database on the movement and quality of liquid petroleum fuels placed on the domestic market and on the facilities used for storage and distribution of liquid petroleum fuels

(petrol stations, terminals and storages). Pursuant to the provisions of the Regulation on Liquid Petroleum Fuels Quality (OG 53/06, hereinafter referred to as the RLPFQ) and the Regulation on Technical Environmental Standards for Volatile Organic Compound (VOC) Emissions Resulting from the Storage and Distribution of Petrol (OG 135/06, hereinafter referred to as the RTES), the suppliers of liquid petroleum fuels are required to submit data to the CEA, where they are collected and integrated into a database available on the web site of the MEPPPC or the CEA.

As to paragraph 2, officials of the Ministry of Agriculture, Fisheries and Rural Development (hereinafter referred to as the MAFRD) provide answers (information) as a rule immediately or as soon as possible. In the majority of cases the parties require prompt answers to their questions, which are given even before the specified time in line with day-to-day obligations. If questions put by submitters of requests for information seem unreasonable or too broad, the MAFRD officials contact the submitter of a request (in writing or verbally) and seek to clarify the question so as to give the party an adequate answer.

*(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;*

Answer:

With respect to implementation of Article 3, paragraph 3 of the Convention relating to measures taken to promote environmental education and awareness as part of the syllabus for trade schools, the Ministry of Science, Education and Sports (hereinafter referred to as the MSES) has specified the number of hours relating to environmental education of pupils. Besides, in trade schools pupils are trained as environmental technicians.

With the aim to implement the above mentioned measures, the syllabus of primary schools includes teaching units relating to education for environmental matters and sustainable development, as part of certain subjects of instruction, or the schools may implement special programmes by their own choice (eco-schools, eco-quizzes, international and regional environmental programmes).

As part of the preschool education, all kindergartens throughout the Republic of Croatia have introduced environmental education programmes for preschool children, including certain kindergartens with special eco-programmes aimed to promote environmental awareness of children which are a constituent part of UNESCO eco-schools.

Some public institutes and institutions of higher education participate in research relating to environmental protection and sustainable development through contracted scientific projects and programmes. This relates mostly to the area of natural and biotechnical sciences, and, to a lesser degree, to biomedicine and technical sciences, and there are also a small number of projects in the field of social sciences and humanities dealing with these topics.

The Environmental Protection and Energy Efficiency Fund (hereinafter referred to as the EPEEF) in conjunction with the *Školska knjiga* published picture-books for environmental education entitled *Save the Earth*. The picture-books are intended for children aged between 5 and 10 and present environmental topics such as the water, air and soil protection and a proper waste management in a modern way. They were distributed to kindergartens and lower classes of primary schools and a consultative meeting was held with teachers to help them carry out environmental education continuously. Through the Croatian Radio broadcast *The Earth is Breathing* the EPEEF is involved in the project *The Most Beautiful School Gardens* through which the children learn to preserve natural beauties of their area in their school gardens. In the programme *Eco-zone* the EPEEF in conjunction with the Croatian Radio and Television organized an eco-quiz and on that occasion distributed 6,000 energy-saving light bulbs and educational leaflets to the viewers. A puppet-show entitled *A Letter from the Greentown* is also sponsored by the EPEEF. This is an amusing and instructive fairy-tale about forest animals trying to save the polluted environment. The EPEEF publishes also an educational and promotional two-month journal *Eko revija* printed in 5,000 copies, which provides information on the EPEEF activities and contains articles about news in the field of environmental protection and power supply. The journal is distributed to schools, colleges, counties, towns and municipalities, various government and scientific institutions, and companies cooperating with the EPEEF.

In order to promote hazardous waste disposal activities, two short documentaries were made dealing with the remediation of the alkaline waters and red sludge pool on the location of the former alumina plant in Obrovac and the rehabilitation of asbestos waste deposited in the quarry in Vranjica where the football playground was built.

The EPEEF also co-finances the project of *on-line* training courses in environmental protection and sustainable development, and the software implementation of the electronic learning system was completed late in 2008. Such training courses offer the users, i.e. various companies and institutions, the possibility of an efficient education for application of sustainable development principles in their business operations.

Public authorities responsible for individual environmental components and sustainable development and the EPEEF conduct continuously campaigns of raising environmental awareness. This includes publication of promotional and educational material (picture-books, posters, brochures, leaflets, stickers, etc.) and educational and promotional TV and radio commercials aiming at popularization and provision of information on environmental components to the public. Public authorities mark dates of relevance to development of the awareness of environmental protection by organizing various events, printing special editions and giving awards to individual persons/students/scientists or representatives of NGOs. Monthly magazines dealing with water, nature, environment and environmental efficiency appear regularly and the necessary co-finance for expert meetings addressing environmental matters is regularly ensured. The State Institute for Nature Protection (hereinafter referred to as the SINP) has published manuals for biodiversity inventorying and monitoring, including blank forms that may be downloaded from the web site of the SINP and organized targeted educational actions.

The MEPPPC in conjunction with the Croatian Centre for Cleaner Production, the United Nations Environment Programme (UNEP) and the Central European Initiative (CEI) organized the *Regional Workshop on Sustainable Production and Consumption and Education for Sustainable Development*. The workshop was attended by the representatives of the federal and private sector, NGOs and experts from the entire region. One of the workshop objectives was to raise awareness of the importance of sustainable production and consumption and education for sustainable development as key challenges of the society. The general public was informed about the workshop and its outcomes on the web site of the MEPPPC. The workshop was followed by a CD containing the background document and workshop presentations intended for distribution.

At national and international conferences presentations were held with the aim to inform the domestic and international general public about activities carried out by the MEPPPC aiming to raise the awareness of the importance of education for environment, sustainable development and sustainable production and consumption.

Within the framework of the winter schools dealing with the European Union (EU) students are lectured on environmental protection in the EU and Croatia, and the same lectures are delivered to primary school pupils when celebrating the EU Day.

The CEA works on raising environmental awareness of the general public through the following mechanisms:

- organization of the so-called Open Door Days to make the general public familiar with its activities;
- organization of various educational actions on dates of relevance to environmental protection (school lectures, forums for the general public, prize competitions on environmental topics for children and adults, etc.), and
- regular appearance of the CEA representatives in mass media with the aim to educate the public in the importance of environmental protection and the right of access to environmental information.

The NGOs are also involved in raising environmental awareness of the public through implementation of their projects financed by the MEPPPC every year. Of the total number of project financed in this way about 65 % are targeted at raising public awareness and educating the public for the environment and sustainable development. The representatives of NGOs are invited to participate in expert

meetings, seminars and workshops organized as part of various projects. So, for example, the Environmental Inspectorate of the MEPPPC included the NGOs in the project “Enhanced Environmental Inspection for Enforcement of New Environmental Legislation” (PHARE 2005) with the aim to promote environmental education and awareness.

The Ministry of Culture, which is responsible for nature protection matters, co-finances nature protection projects of the NGOs and is thus involved in promoting the awareness of the nature and environmental protection. Some specialized NGOs take part in the preparation of strategic documents of nature protection as external consultants. The SINP cooperates (as a partner) with NGOs in execution of nature protection projects and in promoting awareness of the need to protect nature and the environment.

The Ministry of Regional Development, Forestry and Water Management (hereinafter referred to as the MRDFWM), Directorate for Water Policy and International Projects, reports that its representatives responsible for water management, in promoting the environmental education and awareness, participate in television and radio shows relating to issues that fall within the competence of the Directorate, and are actively involved in celebrations of the World Water Day and the Danube Day through adequate educational programmes, especially those intended for children, such as thematic art competitions.

In compliance with the Business Plan, Croatian Waters are a co-financier of NGOs dealing with water protection and a sponsor of all expert meetings in the field of water management, and also co-finance numerous scientific projects executed by colleges of all universities and by other scientists and experts in the field of waters. The company regularly supports by scholarships students (18) of all four colleges of civil engineering in the RC. The monthly *Croatian Water Management* distributed throughout the area of the RC (to local self-government units, schools, kindergartens, etc.) is published with the aim to inform and to make known the problem of waters and water management to the public. Another scientific journal published is entitled *Croatian Waters*. The celebrations of the *International Water Day* (22 March), the *Danube Day* (28 June) and the *Croatian Waters Day* (7 September) are organized particularly with the aim to raise public awareness of the importance of water and the environment. On these occasions awards are presented by Croatian waters for the best degree essay and the best scientific paper (a PhD and a master’s thesis).

The SINP promotes the public awareness of the state of nature by organizing diverse educational actions on the occasion of dates of relevance to the protection of nature and environment, exhibitions, school lectures and mass media releases and appearances.

(c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

Answer:

The MEPPPC and other public authorities responsible for environmental components regularly include representatives of NGOs into working groups and, in other ways, into drafting of regulations and various projects executed by public authorities. Financial support is provided to individuals or specialized institutions for organization of expert meetings or for printing of publications. The Ministry of Culture (hereinafter referred to as the MC), the Directorate for Nature Protection, grants *Ivo Horvat* nature protection awards (annual and life-achievement awards) to prominent persons and organizations deserving praise for promotion of nature protection.

During 2008 a representative of the MEPPPC, as a member of the Council for the Development of Civil Society of the GRC (set up as part of the Office for Cooperation with NGOs of the GRC) participated in the preparation of the *Code of Positive Practices in Consulting the Public Concerned in the Process of Formulating Public Policies*. The preparation of the Code started in the middle of 2007 and was continuously followed by public consultations. The development of new standards in

consulting the public concerned in the process of formulating public policies was foreseen by the Operational Plan for Implementation of the National Strategy for Establishment of a Stimulating Surroundings for the Development of Civil Society adopted at the session of the GRC held on 1 February 2007.

The CEA has been continuously cooperating with associations, organizations and groups promoting environmental protection. It often provides public support to their efforts involves them regularly into CEA activities and provides logistic assistance, if required.

The MSES invites applications for financial supports to projects executed by organizations in the field of extra-institutional education of children and adults. One of the fields of activity is P4: Enhancement of Quality of Life, Life Skills and Abilities of Children and the Young, that include the subfield *Promotion of Education for Sustainable Development*. In this way the MSES provides financial support to organizations promoting the quality of life and thus the preservation of the environment.

In this regard Article 6 of the WA and Article 3 of the OPIP are relevant.

Functioning as a project implementation unit within a decentralized system of implementing projects and programmes financed by the EU, the Office for Cooperation with NGOs of the GRC is a user institution of a grants scheme covering two projects closely linked with the success in implementation of the Convention and the pertaining legislative and institutional framework. During 2007 and 2008 the NGO Green Action (www.zelena-akcija.hr), which is a beneficiary of the grant scheme under CARDS 2004, was implementing the project entitled *Implementing Aarhus Convention and Increasing NGOs Capacity in Monitoring and Implementation of Accession Process and Reaching EU Environmental Policies and Standards* in conjunction with the European Environmental Bureau (EEB) from Bruxelles. This project aims to implement the Convention in Croatia, to increase NGOs capacities in monitoring and implementation of environmental policies, to improve communication between the EEB and the Green Action/Friends of the Earth Croatia, to network with the EEB, to monitor environmental legislation of the EU, to develop communication with the EEB experts relating to environmental problems/issues, with the NOGs dealing with environmental protection and with the public, to inform the public and participate in the process of screening and negotiating, to prepare a high-quality *position paper* about environmental problems encountered in the process of monitoring and implementing the environmental *acquis*, to improve cooperation with environmental organizations, with the Environmental Protection and Physical Planning Committee of the Parliament and the Government Council for Environmental Protection, to contribute to implementation of the Convention by establishing a public information system, to include the organization and the public in the environmental decision-making process in the RC, to set up local advisory councils for environmental matters, to enable public consultations and to involve the public in the decision-making process relating to environmental matters and the Convention through various activities, such as lectures, workshops, publications and consultations through the Info-centre and the Green Phone.

During 2007 and 2008 the NGO Green Istria (www.zelena-istra.hr), which is a beneficiary of the grant scheme under the CARDS 2004, was implementing the project *Mobilization of the Public for Participation in Environmental Impact Assessment Procedures*. In the context of the legal framework of environmental impact assessments and harmonization of legislation in this field with the European standards, and of facilitating an efficient public participation in the decision-making process, those affecting the environment prove to be far more powerful than those affected by environmental impacts. Therefore the Green Istria, in conjunction with 5 environmental protection organizations – Sun, Eko, Pan, Franjo Koščec, the Green Osijek and Divina Natura – launched a project intended to provide the general public with information about the latest regulations, possibilities and best practices through publications, seminars and info-centres, with the aim to establish better mechanisms or offer better opportunities for the public to participate in environmental impact assessment procedures, because the mere adoption of regulations does not ensure efficiency. Some of the results expected are a better understanding and application of the principle of public participation in environmental impact assessment procedures, increased public participation in the decision-making process on the local

level, increased capability of environmental organizations to monitor enforcement of regulations and more efficient environmental protection.

At the session held on 8 May 2008 the GRC adopted the Report on Financial Supports Provided to Projects and Programmes of Civil Society Organizations in 2007 (<http://www.uzuvrh.hr/vijest.aspx?pageID=1&newsID=503>). The report consists of three parts: In the first part financial supports provided to civil society organizations at the national level are presented. The data are analysed with respect to financial support providers, the form of support provided, and the area and subcategories of financing, including the results of the public opinion poll relating to invitation for applications for financing civil society projects and programmes. The second part shows data on the county level and in the third the financial support provided at the level of towns is presented.

From the Report it is evident that in 2007 63,884,795.53 euro was allocated from the government budget, which is a rise of 31.59 % in comparison with 2006. In addition to a very detailed analysis of supports provided by institutions – financial support providers and the areas of financing respectively, the Report contains also a detailed overview of the results of investigations dealing with the level to which procedures applied by all institutions in competing for financial supports were brought in line. The data obtained from all counties and towns indicate that 45,911,825.55 euro was allocated from the county and 59,691,694.24 euro from the town budgets.

Data collected by the Office for Cooperation with NGOs for the needs of the present Report indicate that in 2007 the amount of 169,488,315.31 euro was allocated from the budgets of the government, the counties and the towns for projects and programmes of civil society organizations.

As for the last three years, comprehensive data on all individual supports provided from the government budget and the budgets of the counties and towns will soon be made available in the public database on the web site of the Office for Cooperation with NGOs, including information on the organization name, the project name and project manager and the amount of the support granted. Moreover, the Report including the data on individual supports will be printed and distributed to the public concerned, which is an additional contribution to the transparency of information about supports provided to projects and programmes of civil society organizations.

- Overview of financial supports provided to programmes and projects of civil society organizations by the area of financing

Protection and promotion of culture, cultural and historical assets and nature conservation	20,879,244.71	32.7 %
Sports	15,814,897.42	24.8 %
Support to persons with special needs and socially handicapped persons	7,318,091.03	11.5 %
Democratization, development of civil society and volunteerism, strengthening of social cohesion and philanthropy	4,938,900.20	7.7 %
Technical culture	3,248,779.60	5.1 %
Participants in and victims of the Homeland War	2,606,867.36	4.1 %
Protection and preservation of health, mental and physical integrity and enhancement of the quality of life	2,046,358.83	3.2 %
Scientific and specialized services	1,702,897.69	2.7 %
Prevention of all forms of dependencies and unacceptable behaviour of children and the young	1,512,131.95	2.4 %
Protection and promotion of human rights	900,406.25	1.4 %
Tourism	593,070.65	0.9 %
Support to the young	479,225.54	0.7 %
Encouragement and recognition of creativity of children and the young in the country and abroad	47,4962.84	0.7 %

Environmental protection and sustainable development	417,187.50	0.6 %
Enhancement of life, life skills and abilities of children and the young	327,010.87	0.5 %
Students' organizations	225,958.73	0.3 %
Children supports	194,972.83	0.3 %
Others	166,603.26	0.2 %
Croatia's EU accession process	37,228.26	0.1 %
Total	63,884,795.53	100 %

- Overview of financial supports provided to programmes and projects of civil society organizations in the field of environmental protection and sustainable development:

Promotion of education for environmental protection and sustainable development	147,826.09	35.4%
Waste management	116,915.76	28%
Conservation of specially valuable areas	862,77.17	20.7%
Enhancement of the quality of environment and space of urban and rural areas	26,494.57	6.3%
Protection of the environment and space	26,087.00	6.3%
Projects for the protection of environment and space based on cooperation of various partners	13,587.00	3.3%
Total	417,187.50	100%

*(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally;*

Answer:

With respect to paragraph 7 of the Convention we refer to Article 14, paragraph 2 of the EPA.

The RC has been a Party to the Convention on Environmental Impact Assessment in a Transboundary Context since 1997 (OG, International Treaties 6/96) and is experienced in procedures based on the Convention mentioned and, consequently, in information and participation of the public from the adjacent countries. The experiences in promoting the principles of this Convention are shared, among other things, through bilateral and multilateral bodies/international treaties to which the RC is a Party.

In this context Chapters 4.1 and 9 of the Contingency Plan for Accidental Pollution of the Adriatic (OG 92/08) are relevant too.

Moreover, as regards paragraph 7, the public is being regularly informed about activities and participation of representatives of public authorities in meetings of the parties to international treaties in the field of environmental protection, conservation of biological and landscape diversity and environmental components in general, including the outcomes of such meetings, on the web sites of the public authorities and/or through mass media. The public is also regularly informed about activities directly contributing to enforcement of international treaties, such as instances of seizure and return of illegal shipments of alien strictly protected species to the country of their origin, in collaboration with the authorities of those countries in charge of the CITES.

*(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not to be penalized, persecuted or harassed.*

Answer:

This right is granted by the constitutional principle of lawfulness under Article 16 of the Constitution of the RC and the principle of the right of appeal under Article 18 of the Constitution of the RC.

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

Answer:

One of the general comments made by NGOs is that due to financial constraints they are sometimes not able to attend meetings held outside their headquarters. They also complain that information about meetings reach them so late that they do not manage to organize and prepare properly for specific topics of the meeting.

Problems by items:

(a) An obstacle to efficient implementation of Article 3, paragraph 2 is the insufficient number of officials in light of an ever-larger number of requests for environmental information and the increased scope of the related activities. Consequently, the quality of the information provided is not always acceptable, as pointed out by the NGOs.

(b) In the opinion of NGOs, more has to be done in promoting the environmental awareness in the context of the university education of students. In this regard courses should be introduced and held, such as e.g. *Economy and Environment* and *Environmental Law*.

(c) The NGOs find that criteria for allocation of funds and the decision-making procedure for granting supports lack clarity. They have also noticed that organizations whose project proposals were approved or rejected do not receive any feedback as to the reasons for the approval or rejection of support.

*Provide further information on the **practical application of the general provisions of the Convention.***

Answer:

The Dutch Government has funded the project *Implementation of Environmental Acquis Requirements in Respect of Access to Environmental Information and Public Participation in Environmental Approval Procedures* (January 2006 – October 2008) implemented by the MEPPPC. The project addressed the first and the second part (pillar) of the Convention, or specifically, EU directives on the right of access to environmental information and public participation in environmental matters. As to the third pillar of the Convention, it has not been transposed into the EU legislation yet, which means that the EU directive on access to justice has yet to be adopted. As part of the project, several seminars were held in four counties, with the aim to increase capacities of the officials at the local and regional level with respect to access to environmental information and public participation in environmental matters. Within the framework of the project manuals were prepared for the application of the provisions of the first two parts of the Convention, i.e. the EU Directive 2003/35/EC and the EU Directive 2003/4/EC. The manuals are available on the web site of the MEPPPC and are intended for officials at the federal, regional and local level responsible for providing environmental information to the public and for public participation in environmental matters, as well as to the NGOs and the public concerned wishing to learn more about the possibilities to be informed about and to participate in the decision-making related to environmental matters.

Within the framework of the Danube regional project *Enhancing Access to Information and Public Participation in Environmental Decision-making* financed by the UNDP/GEF and implemented by REC in conjunction with the representatives of the MEPPPC, the Ministry of Water Management, Croatian Waters, the CEA and a number of NGOs, the *Manual on the Method of Handling Requests for Information* was prepared to help the officials in handling the requests for information properly. The manual represents a summary of relevant provisions of the RAIA and the GAPA. As part of the project several workshops were held with the purpose of educating government officials and representatives of the non-governmental sector and the general public for the Convention itself, the rights and obligations of the participants and proper formulation of requests so as to reach the Convention goals successfully. Besides the manual mentioned, a brochure was prepared instructing the

public and the NGOs how to obtain environmental information. Both publications were distributed to NGOs and public authorities at the federal, regional and local level responsible for environmental protection.

In 2007, the MEPPPC, Directorate for Environmental Management – Department for Air Protection, translated, printed and distributed a guidebook for customs officials entitled *Preventing Illegal Trade in Ozone Depleting Substances*. The guidebook is primarily intended for the officials of the Ministry of Finance – Customs Administration, to make them familiar with the ways of recognizing attempts to import illegally substances that deplete the ozone layer. The educational comic book *Ozzy Ozone: Defender of Our Planet* was printed with the aim to raise the awareness of the importance of protecting the ozone layer and its importance to human health. This comic book was distributed to all eco-schools and all primary schools in the area of the RC, kindergartens, libraries, etc. Two educational TV commercials on the protection of the ozone layer and the climate change prevention were made and broadcast by television stations late in 2007. The International Ozone Layer Protection Day (16 September) was marked by placing jumbo posters at 20 locations throughout the RC, by radio and TV interviews and by publishing occasional articles in newspapers. In 2008 a new comic book instalment entitled *Ozzy Visiting Islands* dealing with the ozone layer protection and the climate change prevention was printed and distributed. The distribution of the comic book to target groups (eco-schools, primary schools) is in progress. On the occasion of celebrating 16 September – the ozone layer protection day, two TV commercials about the ozone layer protection were dubbed and broadcast in the programme of a number of television stations on the same day. The action of informing about the importance of protecting the ozone layer is going on by means of jumbo posters. The journal *EGE – Energy, Economy, Ecology, Ethics* (issue no. 1, 2008) published an article *Implementation of the Montreal Protocol in Croatia*. A leaflet *Everybody Can Do Something to Save the Ozone Layer* was printed too.

Within the framework of implementing the EC LIFE-Third Countries project *Capacity Building for Implementation of the United Nations Framework Convention on Climate Change and the Kyoto Protocol in the Republic of Croatia*, the Croatian centre *Knowledge for the Environment* published a brochure *The Drop that Made the Cup Overflow, Climate Change – the World and Croatia*, accompanied by a CD with the electronic version of the brochure and the methodically formulated teaching material in January 2007. A documentary about the climate change and global warming from the Croatian perspective is available on DVD as a 20-minute video. 13 seminars were held for primary and secondary-school teachers of geography, biology and chemistry and for civil society organizations in 9 counties, attended by more than 50 persons per each seminar. Participants in those seminars and institutions and libraries of major towns all over Croatia received over 1,400 copies of the brochure.

The MEPPPC, the EPEEF, the MELE and the UNDP prepared and published a brochure *Take Up a One-Tonne Challenge* containing recommendations on how to contribute to the CO₂ emission reduction on a daily basis and to mitigate climate change. The brochure *Climate Change – A Guidebook for Schools* was translated and published with the aim to encourage the young to preserve the climate and disseminate knowledge on climate change, and was distributed to primary and secondary schools throughout Croatia.

The leaflet *It's Up to You* was prepared so as to sensitize the school age young people for waste management issues and distributed to primary and secondary schools throughout Croatia.

The brochure *Resource Kit for Sustainable Consumption and Production* was translated and prepared for printing. An educational and promotional commercial on the climate change mitigation entitled *Changing Ourselves rather than the Climate* was prepared by the MEPPPC and the EPEEF and showed on the TV. On the occasion of the Earth Day the daily papers were supplemented by an educational leaflet, and an occasional commercial on the need to protect and preserve the environment was showed on the TV.

The MEPPPC officials participated in a number of round tables and forums and gave the following public lectures:

Round table: “Are We Prepared for Global Warming?” – Susedgrad Centre for Culture and Education (Zagreb, 25 April 2007)

Lecture: “Climate Change” (Rijeka, 5 June 2007)

Lecture: “Global Warming and Economy” (Bjelovar, 3 April 2007)

Lecture: “Climate Change and the Future” (Ravna Gora, 27 April 2007)

Lecture at the 2007 Science Festival: “Climate Change Challenges – the World and Croatia” (Zagreb, 28 April 2007)

Lecture: “Implementation of the Montreal Protocol in the RC” (Zadar, the First Climate Forum, 26-27 September 2007)

Lecture: “Protection of the Atmosphere” (Zagreb, 10 June 2008)

In the period from June 2007 to October 2008 the Sector for Atmosphere, Sea and Soil was publishing informative articles in the “National Geographic – Croatia” on a monthly basis, addressing the following topics: climate change, ozone layer protection, air quality, air emissions, production and use of fossil fuels and biofuels and the protection of marine environment of Croatia.

On its web site the MEPPPC made available *Instructions to Service Technicians Relating to Permit Issuance and Entering into the Register of Legal and Physical Entities Involved in Import/Export and Placing of the Controlled and Replacement Substances on the Market, Servicing, Collection, Reclamation and Recovery of Such Substances*, which should help the service technicians submit a full documentation needed for the permit issuance and entering into the Register and reduce the time required for their issuance.

Besides, legal and physical entities keep sending enquiries in writing or by electronic mail every day, which are then answered.

Since 2002 the MEPPPC has been printing a bilingual news brochure and a map of the sea water quality on Adriatic beaches in 1,000 copies each year. The brochure and the map contain seasonal information on bathing waters and are intended for hotels and tourist enterprises for distribution at domestic and international tourist fairs with the aim to promote the Croatian tourist industry, the clean coastal zone and high quality of bathing waters.

In 2007 and 2008 the CEA printed and distributed the following publications:

Leaflet “For Better Waste Management“(550 copies);

Leaflet “Landfill Inventory“(550 copies);

An overview of data contained in the 2007 Register of Permits and Records - Report (120 copies);

Hazardous waste transfer notes – the 2005 Report (120 copies);

Waste cadastre – the 2005 Report (150 copies);

The 2006 Annual Report (1,100 copies);

Brochure “The Environment in Plain View I”, 2007 (1,500 copies)

Leaflet “The Climate Change – A Burning Issue of the Day” printed on the occasion of the 2007 World Environment Day (550 copies);

Brochure “Protected Area Loads” (540 copies);

Leaflet “The Environmental Emission Cadastre (EEC) Waters/Sea” (550 copies);

Leaflet “The Database on Biodiversity of Protected Areas” (550 copies);

The 2005 Air Quality Report of the National Network for Continuous Air Quality Monitoring (150 copies);

The State of the Environment Report for the RC (1,100 copies);

Assessment Report on Availability of Environmental Information and Gaps with Regard to EEA Needs (300 copies);

The 2007 State of the Environment Report Highlights (500 copies);

Report “The 2007 Environmental Information System Catalogue” (300 copies);

Leaflet “The Protected Species Database” (500 copies);
Brochure “The Environment in Plain View I”, 2008 (500 copies);
Brochure “The Environment in Your Pocket I - 2008” (500 copies);
The 2004-2007 Performance Report (500 copies);
Leaflet “Waste Management Permits” (500 copies)
Report “An Overview of Data Contained in the Register of Permits and Records for 2008” (200 copies);
Report “The 2008 Environmental Information System Catalogue” (500 copies).

As part of the PHARE project *Institutional Building and Implementation of Natura 2000 Ecological Network in Croatia* the SINP is conducting a public campaign to raise awareness and understanding of the needs relating to application of EU directives (through publications, workshops, web site, mass media). Natura 2000 was presented through a number of workshops involving various stakeholders all over Croatia. Numerous information materials were printed – leaflets and brochures, and a web site established as a point of consultation by means of blank forms and interactive maps.

In 2007 and 2008 the SINP printed and/or posted on its web site the following publications:

The 2007-2008 State of the Nature Report
The Red Book of Fungi
The Red Book of Dragonflies
The Red Book of Sea Fishes
The Biodiversity of Croatia – Manuals for Inventorying and Monitoring the Status of Flora, Habitats, Marine Habitats, Fauna, Amphibians and Reptiles, Bats and Freshwater Fishes
Brochure “Biodiversity of Croatia”
Brochure “The Protected Geoheritage of Croatia”
Brochure “The Ecological Network in the Velebit Area”
Brochure “The Ecological Network along the Sava River”
NATURA 2000 – a series of leaflets and brochures
NATURA 2000 in Croatia
NATURA and Agriculture
NATURA and Forestry
NATURA and Environmental Impact Assessment
The Wolf Population Status Report
Conservation of Large Carnivores in Croatia, Bulletin No. 1, 2 and 3
Biodiversity

Give relevant web site addresses, if available:

Answer:

www.vlada.hr Government of the Republic of Croatia
www.mzopu.hr Ministry of Environmental Protection, Physical Planning and Construction (MEPPPC)
www.ifenel.hr Inspection for Enforcement of New Environmental Legislation
www.uprava.hr Central State Office for Administration (CSOA)
www.pravosudje.hr Ministry of Justice
www.azo.hr Croatian Environment Agency (CEA)
www.fzoeu.hr Environmental Protection and Energy Efficiency Fund (EPEEF)
www.min-kulture.hr Ministry of Culture, Directorate for Nature Protection (MC-DNP)
www.dzpp.hr State Institute for Nature Protection (SINP)
www.mingorp.hr Ministry of Economy, Labour and Entrepreneurship (MELE)
www.mzos.hr Ministry of Science, Education and Sports (MSES)
www.mrrsvg.hr Ministry of Regional Development, Forestry and Water Management, Directorate for Water Policy and International Projects (MRDFWM-DWPIP)
www.voda.hr Croatian Waters (CW)
www.mzss.hr Ministry of Health and Social Welfare (MHSW)
www.mps.hr Ministry of Agriculture, Fisheries and Rural Development (MAFRD)

www.uzuvrh.hr Office of the Government of the Republic of Croatia for Cooperation with NGOs (OCNGO)

www.narodne-novine.nn.hr Official web site of the Official Gazette

Article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in Article 4.

Answer:

Issues of access to information under Article 4 are governed by the EPA, the RIPP and the RAIA. Apart from these regulations relating to access to environmental information, the provisions of the GAPA, the WA, the OWMD and the OPIP are applied too.

Article 1 of the EPA lays down the *Subject Matter of the Act* which, among other things, covers the providing of access to environmental information, while Article 16, paragraph 1 defines the principle of access to environmental information.

The Air Protection Act (hereinafter referred to as the APA) (OG 178/04, 60/08) makes it obligatory to central state administration bodies, local and regional (district) self-government units and legal entities endowed with public powers to provide timely and free of charge data falling within their competence and any other data as required for maintaining the air quality information system and for preparation of plans, programmes and reports. Plans, programmes and reports are published in the OG or in official bulletins of the local and regional (district) self-government units.

Article 30 of the Regulation on Greenhouse Gas Emission Allowances and Emission Trading (OG 142/08) points to the fact that access to information and public participation relating to the sphere of the Ordinance are granted in compliance with a special regulation determining the access to information and public participation.

We also refer to Articles 8, 9, 12, 15, 18, 21, 25 and 35 of the Regulation on Implementation of Flexible Mechanisms under the Kyoto Protocol (OG 142/08).

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.

Answer:

All relevant definitions under Article 2 of the Convention have been transposed by Article 3, point 53, 7, 13 and 60 of the EPA, while Article 132 gives additional explanation of the definitions provided. We refer also to Article 3 of the RAIA.

As regards Article 3, paragraph 9 of the Convention, this issue is regulated by the constitutional principle of equality of citizens. Moreover, this criterion is ensured by Article 6 of the RAIA stating that the right of access to information belongs to all authorized persons in the same manner and under the same conditions, and that they are all equal in exercising that right. As regards public participation, the EPA does not differentiate between the general public and the public concerned, which makes this principle confirmed.

According to Article 3, point 1 of the OPIP, *the public* means one or more physical or legal entities, their associations, organizations or groups in line with special regulations and practices.

Also, and in particular, describe:

*(a) With respect to **paragraph 1**, measures taken to ensure that:*

(i) Any person may have access to information without having to state interest;

Answer:

With respect to Article 4, paragraph 1 of the Convention we refer to Article 131 of the EPA and Article 6 and Article 11, paragraph 4 of the RAIA.

(ii) Copies of the actual documentation containing or comprising the requested information are supplied;

(iii) The information is supplied in the form requested;

Answer:

We refer to Article 10 of the RAIA, Article 134, paragraph 4 of the EPA and Article 22 of the OWMD laying down the access to data and information relating to water management documentation.

The Request Form for Access to Information laid down by the Ordinance on the Structure, Contents and Keeping of an Official Register of Rights of Access to Information (OG 137/04) offers the submitter of request four options of access to information: direct supply of information (verbal), insight into documents and making copies of documents containing the information required, supply of a copy of the document containing the information required and other ways (filled in by the submitter of request).

*(b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;*

Answer:

In this regard Article 134, paragraphs 2 and 3 of the EPA and Articles 12, 14 and 15(3) of the RAIA are relevant.

*(c) With respect to **paragraphs 3 and 4**, measures taken to:*

(i) Provide for exemptions from requests;

(ii) Ensure that the public interest test at the end of paragraph 4 is applied;

Answer:

As regards the measures specified we refer to Article 135 of the EPA. In the procedure of exercising the right of access to information the provisions of the GAPA (Article 9), Article 8 of the RAIA and Article 26 of the OWMD are applied correspondingly.

*(d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;*

Answer:

As regards paragraph 5, Article 13 of the RAIA is applied. Besides, in the procedure of exercising the right of access to information the provisions of the GAPA (Article 9 of the RAIA) are applied correspondingly.

*(e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;*

Answer:

In this case Article 8, paragraph 4 of the RAIA is relevant.

(f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

Answer:

As regards paragraph 7 we refer to Article 15, paragraph 2 of the RAIA.

(g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

In this regard Article 19 of the RAIA is applied. Pursuant to the RAIA and the Decision on Establishment of the Information Catalogue of the MEPPPC, the person entitled to information shall pay the amount of 0.14 euro per each page of the document copied, if the number of copies exceeds 3.

In case of actual material costs of editing and supplying the data required (price of making copies, storing on electronic media, etc.), the CEA informs previously the submitter of request that the costs will be charged and issues an invoice (payment to be effected in favour of the government budget of the RC). From the beginning of 2006 to the half of 2008 the CEA issued invoices to the amount of 883.15 euro (actual material costs + postage).

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Answer:

The NGOs point to the problem that public authorities, especially those at the local level, fail to make all necessary and mandatory information available on their web sites. The NGOs also point to cases when documents and answers supplied were incomplete or were not provided at all. Certain public authorities still have neither an information catalogue nor the staff available for the provision of information, which makes the implementation of Article 4 more difficult.

*Provide further information on the **practical application of the provisions on access to information**, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?*

Answer:

As a rule, public authorities provide information according to their information catalogue under the RAIA, as published on their web sites. The officials of public authorities basically give answers (information) immediately or as soon as possible. In the majority of cases parties require prompt answers to their questions, and answers to questions are given even before the deadline, subject to current obligations. The officials of the ministries generally give answers (information) immediately or as soon as possible. In the majority of cases parties require prompt answers to their questions, and answers to questions are given even before the deadline, subject to current obligations. In case that a submitter of a request for information puts questions considered unreasonable or too general, the officials of public authorities contact the submitter of the request (in writing or verbally) and seek to clarify the questions so as to be able to give the party the adequate answer. A statistics of the requests received is kept in a special electronic register.

According to the words of the spokesperson's office, in 2007 and 2008 the MEPPPC received about forty requests on average relating to environmental information. The report on the requests received is prepared on a yearly basis and submitted to the Central State Office for Administration (CSOA). In terms of the implementation of the RAIA, the MEPPPC has taken all measures as required:

- appointment of an information officer;

- establishment of an information catalogue;
- keeping the requests in an electronic register, and
- regular presentation of all information belonging to the sphere of the MEPPPC on the web site.

The CEA keeps annual statistics on the number of requests and the complete analysis of the submitters of requests. The related reports are presented both to the CSOA and the general public. 138 requests were received in 2006, 292 requests in 2007 and 525 requests in 2008.

According to Article 25 of the RAIA, all public authorities are required to submit a report on implementation of the RAIA to the CSOA by 31 January for the previous year, based on the data contained in the information catalogue. The ministry responsible for general administrative matters (CSOA) submits a consolidated report on implementation of the RAIA to the GRC not later than 28 February for the previous year, and the GRC is bound to submit a report on implementation of the RAIA to the Croatian Parliament for adoption not later than 31 March for the previous year. After adoption, the report is published in the OG. These reports contain statistical data on the total number of requests received, the number of requests approved, the number of requests refused, the number of requests unresolved and the number of requests forwarded to competent bodies. In the reports the data are shown in relation to public authorities and specific examples of decisions to accept or refuse requests are addressed.

Within the framework of the project *Implementation of Environmental Access Requirements in Respect of Access to Environmental Information and Public Participation in Environmental Approval Procedures* financed by the Dutch Government two manuals on providing environmental information to the public and public participation in environmental matters were prepared and made publicly available on the web site of the MEPPPC.

With respect to paragraph 1, items (ii) and (iii), relating to measures taken to ensure that copies of the actual documentation containing or comprising the requested information are supplied, the environmental inspectorate has specified the office hours (each 1st and 3rd Monday of the month) when the inspectors on duty provide information requested.

In 2007 the MHSW received 23 requests for exercising the right of access to information. Out of 23 requests 12 were approved, 1 was refused, 2 were forwarded and for 8 no decision was taken. The report on implementation of the RAIA is available on the official web site of the CSOA www.uprava.hr.

Give relevant web site addresses, if available:

Answer:

Same as indicated for Article 3 of the Convention

Article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Relevant definitions under Article 2 and non-discrimination requirements under Article 3, paragraph 9 are mentioned in the answer under Article 4.

Provisions relevant to the collection of environmental information are contained in Articles 126-129 of the EPA, the RIPP and the Ordinance on the Pollutant Emission Register (OG 35/08). The CEA

ensures implementation of Article 5 of the Convention on the basis of the provisions set by the EPA, the RECEA and the REIS.

The non-discrimination requirement arises from the definition itself which reads as follows: “A person entitled to receive information is any domestic or foreign physical or legal person requiring access to information”. It should be noted that this definition is unambiguously accepted by the RAIA, the OWMD and the OPIP.

Provisions of Article 4 and 5 of the RAIA are applied too.

With respect to paragraph 2, Articles 19, 29, 31 and 40 of the RSDOL (OG 120/05) are applied. Other relevant articles are Article 28 of the Regulation on Monitoring Greenhouse Gas Emissions in the RC (OG 1/07), Article 35 of the Regulation on Implementation of Flexible Mechanisms under the Kyoto Protocol (OG 142/08) and Article 30 of the Regulation on Greenhouse Gas Emission Allowances and Emissions Trading (OG 141/08).

Also, and in particular, describe:

*(a) With respect to **paragraph 1**, measures taken to ensure that:*

(i) Public authorities possess and update environmental information;

(ii) There is an adequate flow of information to public authorities;

(iii) In emergencies, appropriate information is disseminated immediately and without delay;

Answer:

With respect to paragraph 1, Article 133 of the EPA is applied.

Relevant provisions are contained in Articles 9.a, 17, 20, 24, 25, 26 (in connection with Article 70 of the EPA) and 29 of the APA. The APA determines obligations to be fulfilled by the inspectorate and penalty clauses in case of the non-existence of adequate flow of information to public authorities.

Article 20 of the Ordinance on Air Quality Monitoring (OG 155/05), Article 10 of the Regulation on Limit Values of Pollutants in the Air (OG 133/05) and Articles 8, 9, and 10 of the Regulation on Alert Thresholds for Pollutants in Air (OG 133/05) are applied too.

We refer to Articles 26, 27, 28 and 29 of the Ordinance on Monitoring Pollutant Emissions from Stationary Sources into the Air (OG 1/06); Articles 1, 7 and 13 of the Ordinance on Issuing a Licence or Approval for Performing the Activities of Monitoring Air Quality and Emissions into the Air from Stationary Sources (OG 79/06); Chapter VI, Articles 97 and 101 of the Regulation on Limit Values of Pollutant Emissions from Stationary Sources into the Air (OG 21/07, 150/08); Articles 11, 12, 13, 16, 17 and 18 of the Regulation on the Quality of Biofuels (OG 141/05); Article 20 of the Regulation on Technical Environmental Standards for Volatile Organic Compound (VOC) Emissions Resulting from the Storage and Distribution of Petrol (OG 135/06); Articles 22, 24, 25 and 30 of the Regulation on Liquid Oil Fuels Quality (OG 53/06), and Articles 1, 2, 4, 6 and 8 of the Ordinance on the Exchange of Information on Data from Permanent Air Quality Monitoring Networks (OG 135/06).

Other relevant provisions are contained in Articles 14 and 15 of the Regulation on Limit Values for Volatile Organic Compounds Content in Certain Paints and Varnishes and Vehicle Refinishing Products (OG 94/07) and Articles 11 and 12 of the Regulation on Emission Ceilings for Certain Pollutants in the RC (OG 141/08).

Article 9, paragraph 2, indent 7 and Article 10, paragraph 2, indents 5, 26, 32, 33, 35 and 36 of the Regulation on the Sea Bathing Water Quality (OG 73/98) are also applied.

With respect to this paragraph, the Directorate for Inspection Affairs prepares reports on the work and measures taken by environmental inspectors, including reports on individual controls conducted by inspectors, on a yearly basis.

A more efficient flow of information and harmonization of data will be ensured through the Environmental Information System Programme which is just about to be completed by the CEA and which is structured and will operate in line with Articles 2, 7, 8 and 9 of the REIS. Article 128, paragraphs 2 and 3 of the EPA and Article 1, paragraph 5 of the OWMD are applied too.

Article 79 of the WA provides for that in case of a water pollution risk caused by an unexpected occurrence, defect or any other reason, the legal and physical entity respectively, whose acting or failure gave rise to such a risk, is required to inform correspondingly the nearest police administration without delay. Any person noticing a water pollution event or a risk of such pollution is required to inform correspondingly the nearest police administration. The pollution event or a risk of water pollution shall be notified by the police administration to the nearest water management inspector of the County and the nearest organizational unit of Croatian Waters respectively. Croatian Waters or another legal entity specified by water protection plan is required to take steps for the prevention or elimination of a water pollution event or a water pollution risk immediately after having been informed thereof. Croatian Waters are responsible for data collection and evaluation of the quality of surface and ground waters and the territorial waters exposed to land-based pollution. On the basis of the data collected an annual water quality report for the RC is prepared and submitted to the ministry responsible for water management and other competent bodies/institutions (e.g. the MEPPPC). These data are also used for reporting in line with obligations arising from international conventions and treaties on cooperation in water management. On written request and with the approval of the Chief Executive Officer (CEO) of Croatian Waters, they are also submitted free of charge to other parties concerned. Some data/annual reports are available on the web site of Croatian Waters. Croatian Waters collect data and prepare reports on unexpected and accidental pollution events. All the documents, annual reports and pollution data may be made available. Report copies and data may be made available upon written request and with the approval of the Croatian Waters CEO. As part of flood protection activities the public is daily informed on river water levels and possible flood risks, both by measuring devices and an organized water guard service carrying out 24-hour monitoring of flood protection facilities and accidental pollution events. The general public is informed through mass media (TV, radio, SMS, teletext) and the web site of Croatian Waters, which means that the information is passed to the public in a real time immediately before or after the contingency.

In this regard Article 15, paragraph 1, subparagraph 2, Article 16, paragraph 2 and Article 29 of the ONM and Article 17, paragraph 3 and Article 38, paragraph 4 of the AGMO are also applied.

*(b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;*

Answer:

With respect to paragraph 2, Articles 20, 22 and 28 of the RAIA are applied. Pursuant to Article 22, paragraph 4 of the RAIA the Minister of Environmental Protection issued the Decision on the Establishment of the Information Catalogue of the MEPPPC on 24 January 2005. By the same Decision an information officer was appointed who is responsible for taking any actions and measures as necessary for proper keeping of the information catalogue. In compliance with the same Article, other public authorities established catalogues of information that they hold, have available or control in accordance with their competences, and the information catalogue contains a systematized overview of all information including the description of the contents, the manner and the time in which the right of access may be exercised.

In this connection Articles 132 and 133 of the EPA, Articles 113-118 and 158 of the WA and the OWMD are relevant too.

Article 3 of the Ecological Production of Agricultural Products and Foodstuffs Act (OG 12/01) is also applied. The phytosanitary sector of the MAFRD is responsible for recording pesticides according to the provisions of the Pesticides Act (OG 70/05) which has been aligned in full with the Council

Directive 91/414/EC and the provisions of the related ordinances. Articles 20 and 21 of the Act mentioned are also relevant.

*(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;*

Answer:

As indicated under b), the obligation of making the environmental information available is regulated by Article 133, 127 and 129 of the EPA, the REIS and the Ordinance on Pollutant Emission Register.

Drafts of all regulations, reports and documents relating to environmental protection, data on monitoring the state, administrative documents that have a significant impact on the environment, risk studies and analyses and other data of relevance to environmental protection are made available in electronic databases which are accessible.

Air quality data obtained from the local network are of public nature and are made available on a yearly basis in official bulletins or on the web sites of local and regional (district) self-government units in form of a summary and in the manner understandable to the general public. The register of plants is available on the web site of the MEPPPC, and so are also the data obtained from the national network.

The following databases are available on the web site of the CEA:

- annual reports – emissions: pollutant emissions (according to the Convention on Long-range Transboundary Air Pollution – LRTAP), the pollutant emission register, the database on emissions of volatile organic compounds in the air, the National Greenhouse Gases Inventory;
- air quality – imissions: current measurement data; database on pollutants, annual reports on air quality monitoring in the area of the RC, the Air Quality Report, results of national network measurements in 2005 interpreted according to the Regulation on Limit Values of Pollutants in the Air (OG 133/05).

Air quality data from the local network are made publicly available on a yearly basis in official bulletins or on the web sites of local and regional (district) self-government units in form of a summary and in the manner understandable to the general public. The register of plants is available on the web site of the MEPPPC, and so are also the data obtained from the national network. Article 13 of the Regulation on Ozone in the Air (OG 133/05) is applied too.

In this connection Article 9 of the REIS and Article 24 of the OWMD are relevant too. By the decision on the establishment of the information catalogue kept by the ministry responsible for water management and by the decision on the establishment of the information catalogue kept by Croatian Waters as referred to in Article 25, the types and accessibility of information and the charge for access to information are defined. The information catalogue and the request form have been made available on the web site of the MRDFWM: www.mrrsvg.hr .

*(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;*

Answer:

With respect to paragraph 4, Articles 51, 52 and 133 of the EPA, Article 11 of the APA and Article 5 of the OWMD are applied.

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

Answer:

As indicated under b), the obligation of making the environmental information available is regulated by Article 133 of the EPA and by Article 20 of the RAIA. The documents mentioned may be easily found on the web sites of public authorities and are included in the information catalogue, marked with A degree of accessibility.

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

Answer:

With respect to paragraph 6, Article 17 of the EPA is applied.

For 34 projects dealing with the recovery and use of valuable properties of waste, the EPEEF has allocated the amount of 7,145,380.44 euro to the sector of economy for the purpose of constructing plants and purchasing the technology necessary for the recycling and recovery of the packaging waste, end-of-life tyres, electronic waste, etc. The EPEEF and the Croatian Bank for Reconstruction and Development (hereinafter referred to as the CBRD) have concluded an agreement for granting favourable CBRD loans to companies applying for the loans on the basis of ecological and power supply projects. The interest rate charged on the loans granted is 4 per cent, of which 2 per cent are co-financed by the EPEEF.

In this connection Article 175, paragraph 1 and Articles 117 and 118 of the EPA are relevant too. The Regulation on the Inclusion of Organizations into the Eco-Management and Audit Scheme (OG 114/08) has laid down in detail the method of including the organizations into the EMAS (the Regulation comes into effect on the day of the Croatia's EU accession).

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

Answer:

In this connection Articles 16 and 126 of the EPA and Article 4, paragraph 1 and 2 of the RAIA are relevant.

*(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;*

Answer:

With respect to paragraph 8, Article 177 of the EPA, Articles 14 and 15 of the Regulation on Limit Values for Volatile Organic Compounds Content in Certain Paints and Varnishes and Vehicle Refinishing Products (OG 94/07), Articles 17 and 20 of the Regulation on Liquid Oil Fuels Quality (OG 53/06) and Articles 5 and 6 of the Regulation on the Quality of Biofuels (OG 141/05) are applied.

In this regard Article 36, paragraphs 6 and 8 of the Wastes Act (OG 178/04, 111/06 and 60/08) and Article 4, paragraph 2 of the Ordinance on Packaging and Packaging Waste (OG 81/08) are also relevant. Pursuant to Article 10 of this Ordinance the Decision on Packaging Labelling Requirements (OG 155/05) was issued with the aim to define in detail the packaging labelling system in dependence of the packaging type.

In connection with Article 177 of the EPA, specific fines have been imposed by Article 218 of the same Act.

Articles 2, 6 and 24, paragraphs 3 and 5 of the Ordinance on the Environmental Label (OG 70/08) are relevant too.

Awards and prizes given for achievements in the field of environmental protection on the basis of Article 176 of the EPA and the Ordinance on Awards and Prizes for Environmental Achievements (OG 36/02) contribute to dissemination of information on products that meet high environmental standards.

*(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.*

Answer:

With respect to paragraph 9, Article 129 of the EPA is relevant and was used as a basis for the adoption of the Ordinance on the Pollutant Emission Register. Other relevant articles are articles 1, 3, 4, 5, 22 and 23 and Annexes 1 and 2.

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

Answer:

Certain problems were encountered in recording into the register of plants that use volatile organic compounds. However, the MEPPPC, the Croatian Chamber of Commerce and the Croatian Chamber of Crafts and Trades use their influence as far as possible to inform about the need to be entered into the register.

The NGOs find it necessary to earmark more funds for efficient enforcement of laws.

The NGOs point to difficulties encountered in searching for documents on web sites of public authorities and to incompleteness of certain information catalogues.

The NGOs point to the problem of the lack of precision in answers given to questions relating to major environmental polluters.

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Answer:

General information relating to execution of public tasks / provision of public services in the field of environment at the level of public authorities and sectoral ministries respectively are available on request on the web sites of these authorities, i.e. individual directorates (organizational units), depending on the level of availability of the specific document.

The environmental meta database has been published on the web site of the CEA and is publicly available to all the parties concerned. Besides, the web site of the CEA contains strategic and normative documents – laws, regulations, strategies and policies. In the field of waste management, for example, the following documents may be found on the web site of the CEA: the pollutant emission register, the landfill cadastre, a list of laboratories carrying out waste analyses, data contained in hazardous waste transfer notes and data on the transboundary movement of waste which are a part of the Environmental Information System. The records of waste exporters, agents and carriers kept are made available on the web site of the MEPPPC.

As part of flood protection activities the public is being daily informed about the river water levels and possible flood risks, both by measuring devices and an organized water guard service carrying out 24-hour monitoring of flood protection facilities and accidental pollution events.

Offices of spokespersons for each public authority provide answers to public enquiries by means of electronic mail, facsimile or directly by phone.

During 2007 and 2008 the office of the spokesperson for the MEPPPC answered yearly by e-mail about 300 questions relating to environmental management on average. In communicating with the general public the same office issued 258 press releases a year on average. These press releases are issued subject to the regional relevance, either at the federal or at the regional level (by counties), to addresses (by e-mail or facsimile) of television stations, the press, radio stations and Internet portals. Press releases and important environmental information are also published on the official web site of the MEPPPC which are highly visited. This web site is visited by about 100,000 persons a month on average and this number is ever-increasing. In addition to the central web site there are also some minor Internet subdomains publishing environmental information such as:

- environmental impact assessment <http://puo.mzopu.hr>
- monitoring sea bathing water quality on the beaches of the Croatian Adriatic www.mzopu.hr/more
- climate change monitoring <http://klima.mzopu.hr>
- national network for continuous air quality monitoring <http://zrak.mzopu.hr>

Visits to polluted areas and sites highly polluted with waste and training courses are being organized for journalists, who are also invited to participate in workshops organized by public authorities as part of various projects. Representatives of public authorities responsible for environmental protection and sustainable development and experts participate in radio and television shows dealing with topics belonging to their sphere of competence.

Recognizing that operation of environmental inspectorates and their coordination is a vital element of an efficient implementation of the environmental protection system, in 2007 the MEPPPC entered into the Agreement on Cooperation between Inspection Services of the MEPPPC, the MC, the MSTI, the MAFRD, the MRDFWM, the Ministry of the Interior, the MHSW and the State Inspectorate in the Field of Environment, with the aim to establish a formal framework of cooperation and coordination of inspectorates for all environmental components in application of environmental legislation.

In this regard Articles 185 and 212 of the EPA are applied.

In compliance with the Agreement mentioned and the experience accumulated in exercising coordinated inspection controls in the field of environmental protection in 2007, coordinated inspection controls for 2008 were defined and harmonized. Depending on the type of the operator's activities, these inspection controls involved inspectors of the National Water Management Inspectorate of the MRDFWM (WMI), the Veterinary Inspectorate of the MAFRD (VETI), the Fire and Explosion Protection and Fire Fighting Inspectorate of the Ministry of the Interior (FPI), the Sanitary Inspection Department of the MHSW (SI), the Service for Control in the Field of Mining (MI), Electric Power Supply (EPS), Pressure Vessels (PVI) and Safety-at-Work (SaWI) of the State Inspectorate and Environmental Inspection of the Inspection Directorate of the MEPPPC (EI).

Give relevant web site addresses, if available:

Answer:

Same as indicated for Article 3 of the Convention.

Article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Relevant definitions under Article 2 and the non-discrimination requirements under Article 3, paragraph 9 are specified in the answer given for Article 4.

The issue of public participation has been regulated by Article 16, paragraphs 3, 4 and 5, and Article 139, paragraphs 1 and 2 of the EPA, and by the RIPP.

Also, and in particular, describe:

*(a) With respect to **paragraph 1**, measures taken to ensure that:*

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

(ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

Answer:

(a) (i) Activities listed in Annex I to the Convention correspond to the list of activities given in the Annex to the REIA. In order for a proposed activity to be permitted, an administrative environmental impact assessment procedure is carried out, which precedes other approvals or permits. Given its formal nature, the environmental impact assessment procedure is carried out in compliance with the provisions of the GAPA. During the procedure the public has the right of access to documents in the course of public consultations, which includes public access to documents and public presentation of the activity.

(a) (ii) For activities not subject to the procedure of environmental impact assessment, no public participation in the procedure of obtaining an approval or a permit is envisaged. However, according to Article 111 of the Physical Planning and Building Act (OG 76/07), persons who are parties to the procedure (but only such persons) are granted access to the conceptual design of the activity in the course of issuing the location permit, while in the course of issuing the decision on construction requirements parties to the procedure are granted access to the main design of the activity according to Article 216 of the same Act.

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

Answer:

In this regard Articles 137 and 139-143 of the EPA and the RIPP are relevant. Also, Article 8 of the REIA, Article 7, paragraph 5 of the RSEAI, Articles 17 and 18 of the ONIA, Article 22 of the NPA and Articles 19, 35 and 38, paragraph 4 of the AGMO are applied.

*(c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;*

Answer:

In this regard Articles 138, 140-143 of the EPA, Articles 4, 18 and 22 of the RIPP, and Article 18 of the ONIA are applied. According to the NPA, information shall be made publicly available for at least thirty days.

Other relevant articles are Article 30 of the ONM, Article 19 of the AGMO and Article 30 of the Regulation on Greenhouse Gas Emission Allowances and Emission Trading (OG 142/08).

*(d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;*

Answer:

With respect to paragraph 4, Articles 139, 140, 141 and 142 of the EPA and Article 8, paragraph 1 of the REIA are applied. In procedures of a strategic environmental impact assessment in line with the RSEIA, public information is ensured at the stage of determining the strategic study contents already.

*(e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;*

Answer:

No special measures are taken to encourage prospective applicants to identify the public concerned and to encourage discussions before starting the activity. However, some persons performing an activity establish certain contacts on their own initiative and encourage discussions about the planned activity with the representatives of the public concerned and the local community, with the aim to find out their opinion before the start of the activity.

*(f) With respect to **paragraph 6**, measures taken to ensure that:*

- (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;*
- (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;*

Answer:

In this regard Article 140 of the EPA and Articles 5, 7, 9, 10 and 11 of the RIPP are applied.

*(g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;*

Answer:

With respect to paragraph 7, Articles 12, 13, 14, 15, 16, 19 and 21 of the RIPP, Article 18 of the ONIA and Article 30 of the ONM are applied.

Other relevant articles are Articles 19 and 35 of the AGMO.

*(h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;*

Answer:

With respect to paragraph 8, Articles 66, paragraph 1, Article 79, paragraph 4, Article 140, paragraphs 4 and 5, and Article 143, paragraphs 1, 4 and 5 of the EPA, Article 21 of the RIPP and Article 19 of the AGMO are applied. The ministry responsible for nature protection provides conditions for the public to submit comments in writing and proposals in the electronic format, and the response to comments and proposals received are made available on its web site within 30 days.

*(i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;*

Answer:

With respect to paragraph 9, Article 66, paragraph 3, Article 140, paragraph 5, and Articles 141-143 of the EPA; Article 5, paragraph 2, Article 6, paragraph 2, Article 7, Article 8, paragraph 2 and Article 9,

paragraph 4 of the RIPP, and Article 17 of the Ordinance on Nature Impact Assessment are applied. In this regard Article 36, paragraph 3 of the AGMO is relevant too.

*(j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;*

Answer:

In the lists of activities under the Annex to the REIA it is stated that an environmental impact assessment procedure covers also all alterations and reconstructions of the activities listed. Since any reconstruction or adding of a wing is considered a new activity, the procedure applied is identical to that of the environmental impact assessment or evaluation of the need for an environmental impact assessment.

Article 36, paragraph 3 of the AGMO is applied too.

*(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.*

Answer:

With respect to paragraph 11, provisions of Article 47, paragraph 2, Article 57, paragraph 1, subparagraph 5 and Article 60, paragraph 2 of the AGMO; Article 5 of the Ordinance on the Form and Manner of Keeping a Unique Register of Genetically Modified Organisms and the Manner of Determining Printout Costs, and Annex I to the Ordinance on the Contents and Scope of Risk Assessment in Relation to Placing on the Market of Genetically Modified Organisms or Products which Contain and/or Consist of or Derive from Genetically Modified Organisms, the Methodology of the Preparation of Assessment and Requirements to Be Fulfilled by a Legal Person in Charge of the Preparation of Risk Assessment are applied.

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Answer:

The NOGs feel very strongly that the knowledge and skills in formulation and conducting of participation processes are insufficient and that cases of encouraging good practices are few. The NGOs find it necessary to take additional measures for an efficient public participation which will be more than mere application of minimum requirements determined by law. They also find the power of public in participation processes low, because in the decision-making process public views have a status of a recommendation only and are not binding. In the opinion of the NGOs, the source of the problem lies in the imbalance between those who affect the environment and hold information on one hand and those who are affected and, as a rule, neither hold integral information nor are familiar with their own rights on the other.

The following are some of the specific comments:

- The NOGs point to the fact that their written comments often remain unanswered. They have noticed that important comments relating to environmental impact assessment documents and to plans and programmes are rarely accepted.
- They have also noticed a number of defects in application of statutory provisions relating to public participation: in several cases the deadline for the submission of comments was not respected and no public consultations were held.
- In some cases public participation was made impossible, because certain bills were rushed through the Parliament.
- The public was not involved in the drafting of two laws.

- The NGOs find the right of the public to integral information not ensured, because integral texts of the studies (EIS) are often made publicly available in paper form only.
- They point to the fact that the manner in which the monitoring results will be made available to the public and in which the public will be able to monitor them has not been defined.
- They raise an objection to the REAI, since it contains no obligation to inform the public about the date and venue of sessions of the Advisory Expert Committee and no provision that a session must be held in the place of the planned activity.
- They also object to the REAI on the grounds that the committee only may express its opinion on the most acceptable version of the activity, thus excluding the public from the discussion on possible solutions.
- The NGOs have noticed that, based on certain regulations, the public is included in the procedure too late, when the possibilities to affect the activity are minimized. In other words, regulations laying down the environmental impact assessment procedure provide for an early public information only, rather than early public participation. The same applies to the ONIA according to which the public is included in the procedure at the last, fourth stage of the nature impact assessment only.

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

Answer:

On its official web site the MEPPPC publishes the summaries of all environmental impact studies (for which the MEPPPC has set up the Advisory Expert Committee) and invites the public to take advantage of the possibility of public access and to participate in public consultations. The web site contains also information about plans and programmes likely to have a significant environmental impact and information relating to requests to review the need for an environmental impact assessment and to define the contents of an environmental impact study prior to its preparation.

In the course of preparing the Water Management Strategy adopted by the Croatian Parliament on 15 July 2008, numerous public consultations were held (public access to information, round tables, public presentations and discussions about the document) and the document was made available at all stages on the web sites of Croatian Waters and the ministry responsible for waters in the period from 2005 to 2008.

Give relevant web site addresses, if available:

Same as indicated for Article 3 of the Convention.

Article 7

List the appropriate practical and/or other provisions made for the public to participate 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 requirement in article 3, paragraph 9.

Answer:

Relevant definitions under Article 2 and the non-discrimination requirements under Article 3, paragraph 9 are indicated in the answer relating to Article 4.

In this regard Article 16, paragraph 3, Article 66, paragraph 1 and Article 142 of the EPA, Article 14 of the RIPP and Article 9a of the APA are relevant too.

Articles 5 and 124 of the NPA, Article 6 of the WA, Article 3 of the OPIP and Articles 2, 5, 6, 7, 8 and 11 of the Ordinance on the Procedure and Performance of Mandatory Public Information and Participation of Water Users in the Preparation of Water Management Planning Documents are applied. Chapter II of this Ordinance entitled *Method of Public Participation in Adopting Planning Documents* lays down practical provisions relating to public participation in the preparation of the Water Management Strategy, which applies *mutatis mutandis* to the adoption of management plans for water basins.

Here Article 30 of the ONM is relevant too.

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

Answer:

In this regard Article 16, paragraph 3 and Article 141 of the EPA and the RIPP are applied.

With the aim to ensure a response to requests for environmental information (among other things), the Office for Cooperation with the NGOs of the Government of the RC took measures to improve the legal framework of the national legislation. During May 2008 the Office for Cooperation with the NGOs in conjunction with the Council for the Development of the Civil Society completed the final round of public consultations about the draft Code of Positive Practices of Consulting the Public Concerned in Formulation of Public Policies. The preparation of new standards of consulting the public concerned in formulation of public policies is provided for by the Operational Plan for Implementation of the National Strategy for Establishment of a Stimulating Surroundings for the Civil Society Development adopted at the session of the GRC on 1 February 2007 and was announced by the 2001 Programme of Cooperation between the Government and the Non-governmental Non-profit Sector. The preparation of the Code started in the middle of 2007 and was constantly accompanied by public consultations. The first public consultation addressing the key issues related to the objectives and the contents of the future regulation aiming to lay down the consultations between the state and the civil society in the procedure of passing laws and other documents was held on 12 November 2007 in Zagreb. The invitation to participate in consultations on the contents of the future document was open on the web site of the Office for Cooperation with NGOs until 15 January 2008. On this occasion the contributions received from the Green Action, the Dalmatian Consumer from Split and the Croatian Esperanto Association were made publicly available. On the basis of the consultation the first draft Code was prepared and discussed at the 13th meeting of the Council for the Development of the Civil Society held on 23 April 2008, when it was proposed to be submitted to public consultations which took place during May 2008. Four public consultations on the draft Code of Positive Practices of Consulting the Public Concerned in Formulation of Public Policies took place in Zagreb on 9 May, in Rijeka on 12 May, in Osijek on 20 May and in Split on 26 May 2008. The consultations were attended by a total of 76 persons, mostly members of organizations. In the time between 23 April and 23 May 2008 the public was invited to submit proposals and comments to the draft Code accessible on the web site of the Office for Cooperation with NGOs of the GRC, which was done by five organizations: GONG, Partnership for Social Development, ZaMirNet, Citizens Advising Office and Human Rights Centre. Detailed reports on consultations, written opinions delivered through on-line advising, the list of participants in the public consultation and the final draft Code that included key proposals put forward at public consultations were made available on the web site of the Office for Cooperation with NGOs. Upon completion of the on-line advising procedure and regional public consultations on the draft Code all proposals received were considered and the amended draft Code was submitted to state administration bodies for opinion and presented for endorsement.

By enabling public participation in the preparation of water management planning documents, the public was given the opportunity to formulate water management policies.

Describe any obstacles encountered in the implementation of article 7.

Answer:

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Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer:

In implementation of projects of importance to the RC which are financed from the international loan (*Project for the Protection against Water Pollution in the Coastal Zone 1 and Internal Waters Project*) the direct communication with the general public consists of subjecting all project documents to public consultations in local and regional (district) self-government units covered by the project and conducting public opinion polls on the satisfaction of end users at the beginning and the end of the project. Besides, all documents are accessible on the web sites of Croatian Waters and the World Bank.

Give relevant web site addresses, if available:

Answer:

Same as indicated for Article 3 of the Convention.

Article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Relevant definitions under Article 2 and the non-discrimination requirements under Article 3, paragraph 9 are specified in the answer to Article 4.

In this regard Article 16, paragraph 3 and Article 141 of the EPA and Article 4, paragraph 2 of the RIPP are applied. Opinions, comments and proposals may be submitted by all citizens indiscriminately, in line with the constitutional principle of equality of all citizens as provided for in Article 14 of the Constitution of the RC.

Describe any obstacles encountered in the implementation of article 8.

Answer:

The Directorate for Nature Protection reports that comments are often not made within the specified time and therefore cannot be taken into consideration, although sufficient time is provided by the ministry responsible for nature protection.

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Answer:

When drafting regulations (laws, ordinances and by-laws) the MEPPPC makes regulation drafts available on its official web site and invites the public to participate in their adoption by submitting opinions, proposals and comments within 30 days.

The web site of the Ministry of Culture, which is responsible for nature protection, contains proposals and drafts of strategic documents, as well as drafts of other laws and subordinate acts that are in the process of preparation at that moment. Comments are collected within exactly specified time and they are subsequently processed and considered, which makes the activities of the Committee or working groups involved in preparation of documents fully transparent.

On its web site www.natura2000.hr the SINP informs the public of areas belonging to the NATURA network and invites the public to participate by its ideas, proposals or cooperation.

When preparing regulations that fall within its competence, the Ministry of Agriculture, Fisheries and Rural Development involves representatives of specialized and scientific institutions and stakeholders in the work of the Committee for Preparation of Regulations and specialized committees. Draft regulations are regularly submitted for opinion to other authorities, stakeholders, organizations and individuals.

Give relevant web site addresses, if available:

Same as indicated for Article 3 of the Convention.

Article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

In this regard Article 18, paragraph 2, and Articles 144-148 of the EPA are applied.

Also, and in particular, describe:

*(a) With respect to **paragraph 1**, measures taken to ensure that:*

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

Answer:

In this regard Article 18, paragraph 1, and Article 135, paragraph 6 of the EPA are applied.

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

Answer:

Not provided for by the law.

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

Answer:

In this regard Article 62 of the GAPA is relevant.

*(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out 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 any decision, act or omission subject to the provisions of article 6;*

Answer:

In this regard Article 145 of the EPA is applied.

*(c) With respect to **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:

In this regard Article 146, paragraph 1 of the EPA is applied.

In case that an official fails to fulfil his/her obligation relating to access to information or public participation, measures are taken in compliance with the Civil Servants Act (OG 92/05, 142/06, 77/07, 107/07 and 27/08).

*(d) With respect to **paragraph 4**, measures taken to ensure that:*

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

Answer:

A legal remedy provided for by the GAPA is an appeal against all decisions taken by competent authorities of the first instance according to regulations governing the system of state administration. A legal remedy provided for by the Administrative Dispute Act (OG 53/91, 9/92, 77/92) is the initiation of administrative proceedings by bringing a legal action against all decisions taken by second-instance authorities, including authorities considered central state administration bodies according to regulations governing the system of state administration and any other authorities established by special laws whose administrative acts are final in administrative proceedings and therefore no appeal against them is allowed.

In this regard Article 17 of the RAIA is applied.

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

Answer:

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*(e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.*

Answer:

The principle of legal remedy arises from the constitutional right of legal remedy as referred to in Article 18 of the Constitution of the RC. One of the principles of the GAPA is the principle of providing assistance to an ignorant party which makes it obligatory to the party conducting the

proceedings to take care that the lack of knowledge and learning of the party and other persons is not detrimental to rights that they are entitled to.

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Answer:

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Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Answer:

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Give relevant web site addresses, if available:

Answer:

www.uprava.hr Central Government Office for Administration

www.pravosudje.hr Ministry of Justice

Articles 10-22 are not for national implementation.

General comments on the Convention's objective:

If appropriate, 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 Convention provides an explicit and unique access to information, public participation and access to justice and thus makes it easier for the parties concerned and officials of the public authorities to take actions. Issues relating to water management have always attracted attention as one of the elementary conditions of life. At a time when water is becoming a priceless natural resource, the responsibility for its conservation rests both on the government institutions and on each individual.