

Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

The following report is submitted on behalf of the Republic of Croatia in accordance with decisions I/8, II/10 and IV/4.

Name of officer responsible for submitting the national report:

Dr.sc. Tomislav Corić, minister

Ministry of Economy and Sustainable Development of the Republic of Croatia

Signature:

Date:

Implementation report

Please provide the following details on the origin of this report

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I. Process by which the report has been prepared

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

Answer:

The 5th National Report on the Implementation of the Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (hereinafter: Aarhus Convention) covers the period since the previous report (2017 – 2020)¹. The preparation of the report was coordinated by the Ministry of Economy and Sustainable Development (hereinafter: MESD) in cooperation with the Ministry of Justice and Public Administration and other public authorities relevant for the implementation of the Aarhus Convention. The draft report was published on the national portal that is hold by the Croatian Government e-Savjetovanje (e-Consultations) for a period of 30 days. The final version of the Report was translated into English and is available on MESD website dedicated to the Aarhus Convention, while the relevant bodies and organisations have been notified of the publication of the Report.

¹ Four National Aarhus Convention Implementation Reports were prepared prior to this Report (for 2009, 2010,

II. Particular circumstances relevant for understanding the report

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 direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer: /

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

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

Answer:

A number of Croatian laws are applicable in connection with the implementation of the general provisions of Article 3, as already mentioned in the previous National Reports. However, since the completion of the 4th Report, certain laws related to the environment and some other laws relevant for the implementation of the Convention have been amended to align with European Union (EU) legislation and improve the system. The Environmental Protection Act (hereinafter: EPA; OG² 80/13, 78/15, 12/18, 118/18), Nature Protection Act (OG 80/13, 15/18, 14/19, 127/19; hereinafter: NPA), Air Protection Act (OG 127/19; hereinafter: APA), and the Water Act (OG 153/09, 63/11, 130/11, 56/13, 14/14; hereinafter: WA) have been amended.

All the provisions relevant for the implementation of the Convention can be found in the mentioned acts, while the Act on the Right of Access to Information (OG 25/13,85/15; hereinafter: ARAI) establishes an improved standard of proactive disclosure of information and documents held by public authorities for the purpose of consultation with the interested public (Article 11).

Pursuant to Articles 15 and 20 of the Water for Human Consumption Act (OG 56/13, 64/15, 104/17, 115/18, 16/20), the Ministry in charge of health must publish updated information on its website. all chemical and indicator parameters in water for human consumption, i.e. to inform consumers in an appropriate manner through the available media and give them appropriate recommendations in case of any deviations. The website and, where appropriate, other media shall provide information on any tolerances, measures taken, deadlines and health risks of water for human consumption, with emphasis on the particularly vulnerable population.

Since 1 July 2019, the Office for Legislation of the Government of the Republic of Croatia has been responsible for coordinating state administration bodies regarding the implementation of consultations with the interested public and administrative support for the e-Consulting portal, guidelines for the application of the Code and conducts training of counseling coordinators: <https://savjetovanja.gov.hr/>.

Based on ARAI (OG 25/13, 85/15) institution of the Information Commissioner was established as an independent body that protects, monitors and promotes the right to access information. Since 2016 it monitors the application of Article 11 of the ARAI, i.e. the implementation of public consultations in the adoption of laws and regulations, as well as in the adoption of strategic planning documents affecting to the interests of citizens and legal entities, and informs the public about it through a specialized website: <https://pristupinfo.hr/>. According to the latest Analytical Report of the Information Commissioner Implementation of public consultations in state administration bodies and offices of the Government of the Republic of Croatia in 2019, it was determined that consultations were conducted for 95.62% of laws and regulations while for bylaws consultations were conducted for 86.45% ordinances, while consultations for other types of acts - plans, standards, criteria and guidelines are conducted much less frequently.

² Official Gazette

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:

The basic rules of procedure of state administration bodies and other state bodies, the bodies of local and regional self-government units and legal entities vested with public authority are regulated under the General Administrative Procedure Act (OG 47/09, hereinafter: GAPA). When administrative matters concerning the rights, obligations or legal interests of citizens, i.e. legal persons or other parties, are being resolved through direct implementation of the regulations, this act also applies to procedures related to the requests for access to information.

Pursuant to the ARAI, all public authorities shall appoint an *Information Officer* responsible for ensuring the proper exercise of the right to access information (carries out tasks of regular disclosure of information, as well as the tasks of resolving individual requests for access to and re-use of information, and improves the manner of processing, classification, safe-keeping and disclosing of information contained in official documents regarding the work of public authorities, the Information Officer also provides the necessary assistance to applicants in regard to the exercise of the rights to access information). The obligation to provide information and clarifications concerning administrative matters is also regulated under the Civil Servants Act (OG 49/12 – consolidated text, 37/13, 38/13, 01/15, 138/15, 61/17, 70/19, 98/19).

It is possible to submit a report to the State Inspectorate via the website <https://dirh.gov.hr/podnosenje-prijava/83>, which are used as a reason for performing inspection supervision or in cases when the inspector is not authorized to perform inspection supervision, the applicant is notified in writing. In January 2019 Croatian Agency for Environment and Nature was merged with the Ministry of Environmental Protection and Energy, now MESD, as an organizational unit of the Institute for Environmental and Nature Protection (hereinafter: the Institute) which keeps the national Environmental and Nature Information Systems provides information to the public through the Information Officer and through the website provides insight into the state of the environment.

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

Public authorities responsible for specific environmental components and sustainable development conduct environmental awareness raising campaigns, each in accordance with its financial possibilities. An important role is played by Eco-schools, of which 328 are registered in Croatia: <https://www.eko.lijepa-nasa.hr/>. In cooperation with other state administration bodies, the Ministry responsible for education ensures distribution of promotional materials on environmental topics. More than 100 schools from Croatia are involved in the GLOBE Program (The Global Learning and Observations to Benefit the Environment - Global Learning and Observation for Environmental Benefit). Students of these schools regularly perform measurements in the field of atmosphere, water, soil and cover, and integrate environmental monitoring into the whole. This is accompanied by trainings and competitions: <https://www.globe.gov/web/croatia/home/schools>.

Modular teacher education is also organised: Education for sustainable development. The Environmental Protection and Energy Efficiency Fund (hereinafter: EPEEF) since 2018 leads the national campaign "Za Ljepšu našu" with the slogan "Nisam za bacit" (I'm not for throwing) with the aim of educating citizens about the importance of separating waste on the doorstep and creating the so-called circular instead of linear economy: <https://zaljepsunasu.hr/>.

Institute promotes environmental awareness among the public primarily through educational and promotional materials, campaigns carried out on dates relevant for environmental protection, as well as lectures held in schools and through its website (<http://www.haop.hr>). Same role has www.bioportal.hr, which is the national place for publishing spatial data of the nature protection sector, that ensures public access to up-to-date and verified spatial and non-spatial data on nature and nature protection in Croatia. In relation to the water protection Hrvatske vode developed the Children's Educational Project with picture books and they organised presentations in the kindergartens and

primary schools; they organised competition Youth for Croatian Waters; and a play "Water is life": <https://www.voda.hr/hr/djecji-kutak-0>

A large joint one-day action of cleaning the sea, submarine and coastal areas along the coast is the largest environmental volunteer project in Croatia, supported and co-financed by public authorities (Blue Purge - Let's do it Mediterranean).

The City of Zagreb has established an *e-monitoring (e-redar)* system for monitoring all city works in real time on an interactive digital map and on the e-application My Zagreb for direct communication of citizens with the City Administration, and as support in finding numerous news, services and information from all areas including environmental protection of the City of Zagreb (it enables reporting of communal irregularities in the City of Zagreb, including the location of improperly discarded waste).

The Office of the Information Commissioner has actively participated in various events on improving access to environmental information.

(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;

Several mechanisms exist in Croatia to provide support to associations and organisations promoting environmental and nature protection and all the data at the national level is consolidated and published in *Annual Reports on Financing of Civil Society Organisations' Projects and Programmes* coordinated by the Government Office for Cooperation with NGOs: (<https://udruga.gov.hr/financiranje-programa-i-projekata-udrug-iz-javnih-izvora/2772>).

EPEEF continuously co-finances CSO projects and through annual tenders from 2018 to 2020 approved HRK 2.7 million for 64 projects in the field of environmental protection.

Local and regional self-government units, and various companies (banks, shops, etc.) have "green tenders" intended for CSOs. An example is the Zagreb County, which through public tenders finances education projects on environmental protection and sustainable development, promotion of sustainable lifestyles through waste reduction and protection and preservation of environmental components (air, soil and water). From 2017 to 2020 HRK 1,150,000 was approved for 69 projects: <https://www.zagrebacka-zupanija.hr/natjecaji/?kategorija=natjecaji&odjel=upravni-odjel-za-prostorno-uredenje-gradnju-i-environmental-protection>.

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

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

Answer:

The principle of nationwide cooperation in the implementation of environmental protection as well as cooperation with and informing of other states of trans-boundary environmental impacts and the exchange of environmental information are prescribed under

the EPA. Pursuant to the APA, the MESD is required to initiate activities in cooperation with the competent authority from another state for the purpose of adopting common plans and programmes for reducing air pollution by implementing appropriate measures in the event of significant trans-boundary air pollution. Croatia promotes the principles of the Convention on Environmental Impact Assessment in a Trans-boundary Context (ESPOO Convention) and the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, among other, by participating in bilateral and multilateral bodies/international treaties as either a member/party.

The Republic of Croatia, as a member of the two international water management commissions for the large Danube basins (International Commission for the Protection of the Danube River - ICPDR) and the Sava (International Sava River Basin Commission - Sava Commission) promotes transparency, public participation and cooperation with stakeholders and CSOs in preparation documents that are published on the website.

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

Answer:

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

IV. Obstacles encountered in the implementation of article 3

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

Answer:

V. Further information on the practical application of the general provisions of article 3

Provide further information on the *practical application of the general provisions of article 3*.

Answer: /

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

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VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

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

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. 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 an interest;

- (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
- (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;

The EPA, ARAI and the Regulation on information and participation of the public and the public concerned in environmental matters (OG No. 64/08, hereinafter: RIPPCEM) are the core regulations governing implementation of Article 4. Certain measures are additionally integrated into other regulations related to particular environmental areas. It is important to note that Directive 2003/4/EC of the European Parliament and of the Council on Public Access to Environmental Information has been fully transposed into the national legislation. Definitions from Art. 2 of the Aarhus Convention have been transposed into the EPA and the ARAI.

The provisions of Art. 3, para. 9 of the Aarhus Convention are regulated under the constitutional principle of equality of citizens and under the provisions of the ARAI. Furthermore, the EPA and the ARAI prescribe that all persons have the right of access to information without having to state their particular interest, as well as the manner in which the data and information can be accessed. The right of access to information is exercised by submitting a request. Article 18 of the ARAI prescribes that the request can be submitted to the competent authority verbally or in writing, and if the request has been made through electronic communication (e-mail, fax, etc.) it shall be considered a written request. A written request has to contain the name and address of the public authority to which the request is submitted, data relevant for recognising the requested information, name, surname and address of the natural person submitting the request, company name, i.e. name of the legal entity and its address. In order to facilitate submission of the request for access to information to the person exercising the right to access to information, he/she may optionally complete the Request for access to information form, which is an integral part of the Ordinance on the structure, contents and manner of keeping the official register on exercising the right of access to information (OG No. 83/14). The user may in the request for access to information specify the appropriate way of receiving information (direct provision of information, provision of information in writing, access to the document and photocopying the document that contains the requested information, delivery of the copies the document that contains the requested information, any other appropriate manner), and if it is not specified the information will be delivered in the manner in which the request was submitted, i.e. the most economical way. With regard to the ARAI provisions, the deadlines for exercising the right of access to information in line with the EPA is not determined, that is, it is prescribed that public authorities which hold environmental information, or which environmental information concerns, allow access to information in the shortest possible time. In accordance with the ARAI, pursuant to the request for access to information the public authority shall issue its decision within 15 days from the date of submission of an orderly request, and in certain cases prescribed by law this deadline may be extended by additional 15 days.

- (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:

if the public authority rejects the request to provide environmental information it has to do so by means of a decision, however, the grounds for rejecting the request according to the EPA (Art. 158) somewhat differ from the rejection grounds according to the ARAI (Art. 15), which lists in more detail and more elaborately the possible grounds for rejecting to provide the requested information. In the EPA (Art. 158, para. 6) it is explicitly prescribed that the Information officer is the appeal body in cases of rejection of requests to provide environmental information, while Article 5, paragraph 1 of the same Act prescribes that the provisions of the regulation governing the right of access to information shall apply to information access matters in procedures which are carried out pursuant to this Act but are not regulated under this Act and its implementing regulations. That the bodies the scope of which covers nature protection, environment and energy rely on the general regime regulated by the ARAI is observable also on their websites at which mainly information is

published related to the realisation of rights in accordance with the ARAI.

Pursuant to the EPA (Art. 158), a public authority which holds environmental information shall not be able to reject a request for information if that request is related to releases or other emissions into the environment. Furthermore, in the process of deciding whether to approve or reject a request, the public authority which holds environmental information shall assess whether the protection of public interest is of greater significance than the interest which would be realised by disclosing the requested information. Thus, in Art. 16 the ARAI prescribes that the public authority in charge of acting upon a request for access to information shall, prior to reaching a decision, conduct the proportionality and public interest tests. When the public authority determines that there exists a restriction referred to in Article 15, para. 2, 3 and 4 of the ARAI (e.g. personal information, trade or professional secret, etc.) with regard to the requested information or part of information, which means that the public authority established the existence of a protected interest, it is necessary to ascertain whether public interest exists for the requested information (for example, discussions in the media related to the requested information, a wider circle of people is interested in the requested information, information is related to health, environment, exposure of corruption, national security, etc.). The public authority then evaluates the two conflicting interests in order to assess which interest prevails, the protected interest or the public interest. Also, the restrictions on the right of access to information, as well as the exemptions from the same, are prescribed under Art. 15 of the ARAI and Art. 26 of the Ordinance of Water Management Documentation (OG 13/06). In the procedure for exercising the right of access to information, appropriate provisions of the GAPA are also applied.

(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:

Art. 21 of the ARAI is applied with respect to paragraph 5. Pursuant to the same, if a public authority does not possess the information, but is aware of public authority body that does possess the respective information, it shall, without delay, but no later than eight days from the date of receipt of the request, transfer the request to the respective body and notify the submitter thereof. If the public authority body receives a request for access to international information, it shall, without delay, but no later than eight days from the date of receipt of the request, transfer the request to the information holder, and notify the submitter thereof. Exceptionally, the public authority shall act upon the request for access to international information, if it is evident that information was intended for direct publication. Furthermore, in the procedure for exercising the right of access to information in an appropriate manner, the provisions of the GAPA are applied as well.

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

Answer:

These measures are implemented pursuant to Art. 15, para. 5 of the ARAI. More precisely, if a part of the requested information is subject to restriction (e.g. represents a trade, professional or tax-related secret), the remaining parts of the information will be made available.

(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:

The public authority body shall issue a decision on rejecting the request (Art. 23, para. 5 of the ARAI) if the requested information relates to any procedures carried out by the competent authorities in preliminary and criminal procedures for the duration of such procedures, and in cases when information is requested that is classified by a degree of secrecy, the public authority may reject the request in accordance with the previously obtained opinion from the Office of the National Security Council. In the specified situations the public authority may restrict access to information after having conducted the Proportionality Test and the Public Interest Test (e.g. information is a trade or professional secret, protected personal information, intellectual property, in cases when information is restricted pursuant to international treaties, if the information is in the process of development or arises in the procedures of alignment or in the exchange of positions and

opinions in the adoption of regulations and other acts, or if the disclosure of the information would prevent the efficient, independent and unbiased unfolding of court, administrative or other legally regulated proceedings). The public authority may also reject the request if it establishes that there are no grounds for amendment or correction of the provided information, or if the requested information is not considered information in accordance with the definition under the ARAI.

The deadline for approving or rejecting a request for access to information is 15 days. This deadline may be extended by additional 15 days (Art. 22 of the ARAI) in situations prescribed by law on the basis of a written notification and clarification delivered to the requesting party no later than 8 days from the date of receipt of an orderly request.

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

Answer:

Art. 19 of the ARAI is applied, which prescribes that access to information in procedures before the public authorities does not require the payment of administrative and court fees. On the basis of the indicated ARAI Article, the Information Officer adopted the Criteria for setting the amount of fees and the manner of covering the actual material expenses incurred by providing information (OG No. 12/14 and 15/14). The Criteria are the fundamental regulation for all public authorities in the procedures of exercising the right of access to information and the right to re-use the information when collecting the fee for the actual material expenses and the expenses of delivery of the requested information.

VIII. Obstacles encountered in the implementation of article 4

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

Answer: /

IX. Further information on the practical application of the provisions of article 4

*Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Answer:

Pursuant to Art. 60 of the ARAI, public authorities are obliged to submit to the Information Officer a report on the implementation of the ARAI for the previous year no later than by 31 January of the current year. The Information Officer submits the report on the implementation of the ARAI to the Croatian Parliament no later than by 31 March of the current year for the previous year.

In 2019, 38 complaints related to access to environmental information were filed and 4 complaints were carried over from previous years. Of the 38 appeals filed, 30 related to the silence of the administration (79%), while 7 appeals were lodged against the decision rejecting / rejecting the request, and one appeal was lodged against the decision rejecting the complaint. The complainants were environmental associations, civic initiatives, natural persons and one company, and the complaints most often concerned issues of local and regional self-government with special emphasis on the system of separate waste collection, the actions of public authorities in the area of environmental protection and management of natural resources, the impact of the activities of public authorities and private legal entities on human health and pollution, the results of inspections related to environmental issues. Compared to previous years, there was an increase in the number of complaints filed (35 were received in 2018), as well as an expansion of users of the right to access information, public authorities and the types of information requested. Regardless of the gradual awareness of citizens and associations in relation to the legal possibilities of exercising the right to access environmental information, it is pointed out that the media representatives did not file a single complaint in the reporting year.

There is a negative phenomenon of an increase in the number of complaints due to the silence of the administration, which doubled compared to 2018 (from 13 to 30

complaints) and amounts to 79% of all complaints received.

Compared to other bodies, umbrella institutions in the field of environmental and nature protection, such as MESD and EPEEF, are an example of good practice in terms of proactive disclosure of information, including applications that allow users access to environmental data and the work of institutions, however, timely and up-to-date publication of reusable information is further encouraged. It was concluded that some improvements in the work of public authorities were made during 2019, but certain problems remain that require greater and continuous engagement of public authorities, starting with the head of the body, information officers and other persons involved in the process of exercising the right of access and the re-use of information, in order to make information actually available to users. In general, public authorities in 2019 were more responsible according to their obligations established by law, but compared to the previous reporting period, no significant positive developments were recorded.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

<http://www.pristupinfo.hr/dokumenti-i-publikacije/>

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in 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:

There is a number of legal and regulatory measures ensuring implementation of the provisions of Article 5 in the Republic of Croatia which have been mentioned in the previous National Reports.

Relevant definitions from Art. 2 and non-discrimination requirements from Art. 3, para. 9, are mentioned in answers related to Articles 4 and 9. As already stated in the previous report, the new EPA includes a definition of the “public concerned” which is better aligned with the provisions of the Aarhus Convention in the sense that the public concerned is defined as the public which is affected or likely to be affected by environmental decision-making or which has an interest in environmental decision-making (regardless of the place of work or residence). This also refers to CSOs active in the field of environmental protection.

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:

A number of laws and subordinate regulations, documents and implementing regulations prescribe in detail the content, form and manner of keeping records on specific environmental components and information flows, as mentioned in the previous National Reports. Thus, the EPA requires that public authorities, within the scope of their competence, regularly publish environmental information using the available electronic databases or other appropriate information methods. The following regulations are also relevant in this context: Regulation on information and participation of the public and the

public concerned, Ordinance on the Environmental Pollution Register (OG 87/15) and the Regulation on the Environmental Information System (OG 68/08, hereinafter: Regulation on the EIS).

The two environmental and nature information systems are merged in order to make the information available on one platform in the Environmental and Nature Information System (ISZOP). Obligations, deadlines and methods of data submission, as well as validation, as well as supervision, are prescribed by the EPA and other regulations.

The Environmental Protection Inspectorate joined other inspections in the new institution, the State Inspectorate of the Republic of Croatia, for the purpose of better interconnection of the inspection system (hereinafter: DIRH), which started operating on 1 April 2019. DIRH annual reports are publicly available at: <https://dirh.gov.hr/pristup-informacijama/planovi-i-izvjesca/planovi-284/284>. Pursuant to the provisions of Article 257 of the EPA, the Environmental Protection Inspectorate publishes on the DIRH website information on coordinated inspections in quarterly periods, containing: name of the supervised entity and location of supervision, date of supervision, information on inspection services involved in supervision, the state of implementation of regulations, inspection measures taken, and the state of execution of ordered measures. As far as water data is concerned, Croatian waters collects, processes and interprets the data on water and water environment in accordance with the Ordinance on the Content, Form and Manner of Keeping Water Management Documents (OG 120/10). The Water Act (WA) prescribes public availability of water documents that are also kept in digital form as part of the Water Information System (assessment of the quality of surface and ground waters and territorial sea affected by pollution from land, reports on sudden and accidental pollution). On the basis of the collected data, an annual report on the water quality in the Republic of Croatia is prepared. With respect to the danger of water pollution, the WA prescribes the procedure for ensuring the flow of information between Civil Protection Directorates (within the Ministry of the Interior), State Inspectorate as the central state administration body responsible for inspection activities in the field of water management, head of the Main International Alert Center in the Republic of Croatia and Croatian waters.

The National Plan of Measures for Sudden and Accidental Water Pollution (OG No. 5/11) determines measures and actions undertaken in cases of sudden and accidental pollution of inland waters and defines persons obliged to carry them out, the content of lower-order plans of measures and the deadline for their development, entities participating in the undertaking of measures, measures and actions in cases of sudden and accidental water pollution, sources of financing and the manner of public information.

The Contingency Plan for Accidental Marine Pollution (NN 92/08) establishes the measures for predicting, preventing, restricting and preparedness for as well as response to accidental marine pollution by oil and/or oil mixture, hazardous and noxious substances, as well as unusual natural marine phenomenon for the purpose of protecting the marine environment.

Within the framework of the protection from the adverse impact of water, operative flood risk management and direct implementation of flood protection measures are set by the National Flood Defence Plan (OG 84/10), the Master Flood Defence Implementation Plan and Flood Defence Implementation Plans for defended areas. In line with the WA flood defence planning documents have been developed; the Flood Risk Management Plan, which is a constituent part of the River Basin Management Plan for 2016-2021 (OG No. 66/16) and the Multi-annual Programme for Construction of Water Regulation and Protection Facilities and Amelioration Facilities (OG 117/15).

Cooperation of all competent bodies in the protection and rescue system is necessary for effective flood defence, including Croatian waters, local and regional self-government units, operational forces of the civil protection system and the Directorate of Civil Protection of the Ministry of the Interior which is according to the National Flood Defence Plan the holder of core authorities in the field of protection from disasters and major accidents, including those civil protection measures that are implemented due to flooding. (Civil Protection System Act, OG 82/15, 118/18, 31/20) and the Protection and Rescue Plan of the Republic of Croatia (OG No. 96/10). Pursuant to the Ordinance on guidelines for the preparation of disaster and major-accident risk assessments for the territory of the Republic of Croatia and local and regional self-government units (OG 65/16), local and regional self-government units adopt Guidelines and Disaster and Risk Assessments disaster for their area.

The provider of the public service of water supply is responsible for safety of drinking water intended for human consumption, which has to possess an approval for the

performance of public water supply activities (Article 16 of the of the Water Services Act, OG 66/19) and comply with requirements prescribed by the Ordinance on Special Requirements for Performing Public Water Supply Activities (OG No. 28/11 and 16/14).

(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:

The ARAI prescribes that all public authorities shall appoint an *Information Officer* who has the responsibility to regularly publish information falling within the scope of competence of the relevant public authority, as well as to handle individual requests for access to information, improve the manner of processing, classifying and publishing information contained in official documents falling within the scope of competence of the relevant public authority and ensure the necessary assistance to the applicants.

Furthermore, the EPA requires that the public authorities, each within the scope of its competence, regularly publish environmental information, including also the national reports on the state of the environment. The CEIS databases are available to the public through Institute's website that contains a search engine to make it easier to search for environmental information (<http://www.haop.hr/hr/informacijski-sustavi>).

(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:

Pursuant to the EPA, NPA and the Regulation on the EIS, one of the main tasks and objectives of Institute is the establishment, management, development, coordination and maintenance of a uniform Environmental and Nature Information System (ISZOP) which includes all relevant environmental information classified into 70 systems and databases (<http://www.haop.hr/hr/informacijski-sustavi>).

Regarding pollution from industry and energy, the Environmental Pollution Register (ROO) system has been established, consisting of a database, a public ROO Browser (<http://roo-preglednik.azo.hr/>) and the HNPROO Portal (<http://hnproo.azo.hr/>). The ROO browser provides access to verified ROO database data at the organizational unit level, which contributes to the transparency of the system and can be used as a data source for various analyzes and a basis for making decisions on environmental issues. HNPROO is a public portal with the establishment of which the Republic of Croatia has fulfilled its international obligation under the Protocol on Pollutant Release and Transfer Registers. It provides a GIS browser service, ie on-line insight into the spatial component and related information with additional possibilities of spatial analysis and reports (<http://hnproo.azo.hr/Home.aspx>).

The register of plants in which dangerous substances are present/Register of reported major accidents (RPOT/OPVN)(<http://rpot.azo.hr/rpot/index.html>) is also important. It is a network-based solution consisting of a database with an associated application for data entry, verification, review, analysis and exchange. It contains information on the type and categories of hazardous substances present in the areas of the plant, which can cause a major accident or in the same case may occur during a major accident; permitted quantities of dangerous substances and / or categories of dangerous substances and the criteria according to which they are classified as dangerous; data on the possibility of a domino effect; the size of the endangered zone in the event of a major accident or sudden event and an estimate of the possible number of victims in the event of the same. In the OPVN section, it contains data on major accidents / sudden events / avoided accidents in the Republic of Croatia, on the areas of plants in which they occurred; the type, manner and time of their occurrence; hazardous substances that caused them; sources and possible causes; direct consequences and measures taken to prevent unwanted consequences and recommendations for new measures based on their experience.

The Electronic Waste Generation and Flow Register (e-ONTO) system is also publicly available, consisting of a relational database that combines data on waste streams and an associated network application that provides access, input, review, analysis and data exchange (<http://eonto.azo.hr/>).

Through the established online database of the Waste Prevention Portal, key information on the possibilities, ways, measures, activities and results of waste prevention can be

communicated. An application for organized voluntary data collection on the implementation of waste prevention measures of local self-government units (<http://sprjecavanjeotpada.azo.hr/>) has been established within the Portal.

From 2020, the ELOO system for recording the locations of discarded waste is in full function, available to the general public. Through this system, citizens can report the locations of discarded waste to the municipal police of the local self-government unit via mobile applications. The public has an insight into all reported locations of discarded waste in the territory of the Republic of Croatia (<https://eloo.haop.hr/public/>).

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

The portal „Air Quality in the Republic of Croatia“ within the framework of the Air Protection Information System, using the unified European Common Air Quality Index (CAQI) and provides the general public with an easy-to-use insight into the current situation into air quality with more than 70 automatic measuring stations on the territory of Croatia, as well as health recommendations depending on the levels of the index, <http://iszz.azo.hr/iskzl/>.

All information on the procedures related to the EIA and the assessment of the need for an EIA, Strategic Environmental Assessment of Strategies, Plans and Programs (SEA), as well as information on environmental permitting procedures and procedures for approval of reports on safety and major accident prevention policy can be found on the MESD websites (<https://mingor.gov.hr/o-ministarstvu-1065/djelokrug-4925/okolis/rizicna-postrojenja/1329> and <https://mingor.gov.hr/>).

The Directorate of Civil Protection of the Ministry of the Interior, pursuant to the Radiological and Nuclear Safety Act (OG 141/13, 39/15, 130/17, 118/18) and Article 35 of the Euratom Treaty, continuously monitors the state of radioactivity in the environment (air, precipitation), soil, surface waters, biota) on-line and off-line systems whose results are available on the RCZ website: <https://civilna-zastita.gov.hr/podrucja-djelovanja/radioloska-i-nuklearna-sigurnost/nuclear-safety-service/environmental-and-radioactive-waste-department/134>.

Information on the state of radioactivity in the environment is published and the work of NPP Krško and its impact on the environment and the population is monitored, which is published in the Bulletin on the work of NPP Krško: <https://civilna-zastita.gov.hr/podrucja-djelovanja/radioloska-i-nuclear-safety/nuclear-safety-service/environmental-and-radioactive-waste-department/bulletins-not-krsko/175>.

A nuclear or radiological emergency preparedness system has been developed and information related to the implementation of the Strategic Environmental Assessment procedure of the National Program for the Implementation of the Strategy for Disposal of Radioactive Waste, Spent Sources and Spent Nuclear Fuel (program for the period to 2025 with a view to 2060) as well as other information related to radiological and nuclear safety: <https://civilna-zastita.gov.hr/radioloska-i-nuklearna-sigurnost/88>.

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

Answer:

Pursuant to the EPA, public authorities are required, within their competence, to regularly publish environmental information, including national environmental reports. The key elements of the national report on the state of the environment are published in the annual publications Environment in the palm of your hand, which is based on indicators of the state of the environment and nature and shows trends for Croatia. In addition to publication on the Institute's website, it is distributed to relevant bodies and schools.

As part of CEIS, a Database of Sustainable Development and Environmental Protection Documents are available to the public through Institute's website (<http://dokumenti.azo.hr/Pretrazivanje.aspx>). It contains complete national, regional and local reports on the state of the environment, as well as various other reports on environmental components and environmental pressures.

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

Answer:

As part of CEIS, a record of all strategic and planning documents related to the environment and a record of reports are also kept which are made in accordance with the obligations from national and EU legislation and international agreements to which Croatia is a party.

With respect to international treaties, conventions and agreements, it is common to carry out consultations with all competent authorities prior to their adoption or signing and, upon their acceptance in Parliament, shall be published in the Official Gazette. Where there is a reporting requirement, the common procedure is to form a working group comprised of representatives from the relevant bodies responsible for the preparation of the draft report. The list of international treaties in the field of environmental protection is available at MESD's website.

(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:

As part of the CNPEPR portal, the public has access to information on operators exceeding the thresholds prescribed for the release and transfer of pollutants, the generated, collected and treated waste from the EPR as well as polluters and their location.

The operators, manufacturers and service providers implementing high environmental protection standards can be awarded an eco-certificate EMAS: <http://emas.azo.hr/>. Register of products that MESD have awarded the environmental protection label EU Ecolabel and the national Environmental Friendly label is publicly available and is communicated via social media <https://mingor.gov.hr/istaknute-teme/4928>. Information on EU Ecolabel products is also available through the common EU product database (<http://ec.europa.eu/ecat/>) but also to Croatian consumers through the consumer protection portal - green consumer (<https://www.szp.hr/all-consumer-themes-in-one-place/green-consumer/677>).

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

Answer:

Both the ARAI and the EPA are important in this context, as they prescribe that the public has the right to participate in the procedures for identifying starting points, developing and adopting strategies, plans and programmes and in developing and adopting regulations and general acts pertaining to environmental protection.

The Office for Legislation of the Government of the Republic of Croatia maintains a database of advisory bodies which is part of the national e-Consulting portal and can be searched by state institution and type of working groups and commissions established for the purpose of drafting regulations and advising on policy implementation (<https://savjetovanja.gov.hr/baza-savjetodavijih-tijela/1118>).

An example of broad consultations is the document Interim Review of Significant Water Management Issues - 2019, and the Standard Form of the Content of the Consultation Document was developed, which started the procedures of consulting and informing the public and the interested public. The deadline for receiving proposals, opinions and remarks is 6 months from the date of publication of the document by e-mail or regular mail. The announcement is made through the websites of MEOD and Croatian waters.

(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:

Art. 219 of the EPA prescribes that the producer, that is the person placing a product on the market, shall be obliged in cases it is so prescribed to put, prior to placing a product on the market, an instruction on the packaging or on the technical document accompanying the product informing the consumer about the environmental impact of the product and of the packaging, and instructing how to handle the product and packaging after their use. The EPA also prescribed fines for violations of provisions under Art. 219.

The Act on Sustainable Waste Management (OG No. 94/13, 73/17, 14/19, 98/19) and the Ordinance on Packaging and Packaging Waste (OG No. 88/15 and 78/16, 116/17, 14/20) are also relevant in this context.

The following are also relevant in this context: The Regulation on limit values for volatile organic compound content of certain paints and varnishes used in construction and

vehicle refinishing products (OG No. 69/13), Regulation on the quality of liquid petroleum fuels and the manner of monitoring and reporting and the methodology of calculation of greenhouse gas emissions in the life of the delivered fuel and energy (Official Gazette 057/2017) which prescribe that, prior to being placed on the Croatian market, the products must have an intelligible label in Croatian informing the consumers of the content and limit values.

Also publicly available through are databases on „Volatile organic compounds in paints and varnishes“, Emissions of volatile organic compounds (<http://iszz.azo.hr/hlap/>) and „Fuel quality at petrol stations and in fuel storage tanks“ (<http://iszz.azo.hr/kago>) along with reports on products.

The public can also access the information on the approved biocidal products, the list of which is regularly published by the Ministry of Health on its website. The annual list of biocidal products is adopted by the Minister of Health pursuant to the Act on Biocidal Products (OG No. 63/07, 53/08 and 49/11).

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

Answer:

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

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

Croatian Waters collects, waters and processes data on pollutants (technological pollutants and agglomerations) through the Water Information System, which includes data on the quantities of discharged wastewater, performed wastewater testing and data on chemicals placed on the market for use in the area. RH, which after use reach the waters, in accordance with Annex 1.A of the Ordinance on waste water emission limit values (OG 26/20). Data on water levels are also available to the general public through the "Water Levels" application, flood hazard and flood risk maps, territorial organization of Hrvatske vode, water and water management plan, flood defense plans, various regulations and forms related to these activities, legislative frameworks and all necessary information on water management in the Republic of Croatia.

Permanent access to part of the data (register of agglomerations) is provided to the public through the Geoportal of Hrvatske vode and an interactive spatial data viewer, which enables interactive presentation and analysis of spatial data on the map, divided into thematic subgroups: <https://www.voda.hr/hr/geoportal>. The Register of Protected Areas is also important, as it contains information on areas determined on the basis of the Water Act (OG 153/09, 63/11, 130/11, 56/13, 14/14) and special regulations, where it is for protection. water and the aquatic environment need to implement additional protection measures.

Access to a wider set of information from the Water Information System can be achieved through requests in the procedure under the ARAI: <https://www.voda.hr/hr/pristup-informacijama>.

Register of facilities in which dangerous substances are present/ Inquest register of reported major accidents (RPOT/OPVN) the descriptions of the facilities containing dangerous substances are all available to the public, in which it can be found a list of the installation which may cause a domino-effect, data on major accidents (sign-in required), emergencies and accidents avoided (voluntary registration), as well as various statistical data <http://rpot.azo.hr/rpot/index.html>.

XII. Obstacles encountered in the implementation of article 5

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

Answer: /

XIII. Further information on the practical application of the provisions of article 5

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:

Data collected by Institute is processed for the purpose of preparing reports and annual data reviews and published at Institute's website. Statistics of ENVI system visits in the period from 1.1.2016. - 8.12.2020: total number of visits 117,000 page visits and 50,500 sessions, of which 2.07 sessions per user. The average user retention on the page is 3:31 minutes.

In 2020, slightly more than a million wms and wfs requests from servisi.azo.hr were realized. The requirements relate to the analysis, identification and review and retrieval of data from 150 data sources structured in 7 thematic areas.

Page haop.hr in the period 1.1.2020. to 12/7/2020 it had 118,000 page views and 46,600 sessions of which 2.03 sessions per user.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

<http://www.haop.hr/hr/tematska-podrucja/otpad-registri-oneciscavanja-i-ostali-sektorski-pritisci/gospodarenje-otpadom-0> - for the area of waste management
<http://www.haop.hr/hr/tematska-podrucja/otpad-registri-oneciscavanja-i-ostali-sektorski-pritisci/postrojenja-i-registri-2> - for plant area and pollution registers
<http://www.haop.hr/hr/tematska-podrucja/otpad-registri-oneciscavanja-i-ostali-sektorski-pritisci/sektorski-pritisci-0> – industry
<http://www.haop.hr/hr/tematska-podrucja/zrak-klima-tlo/klimatske-promjene/izvjesca> - on the GHG inventory with GHG emissions projections, on policies and measures to reduce emissions and increase GHG emissions
<http://www.haop.hr/hr/tematska-podrucja/zrak-klima-tlo/zrak/izvjesca> - from the field of air quality and air emissions.
<https://mingor.gov.hr/istaknute-teme/4928>

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in 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.

Answer:

Article 11 of the ARAI prescribes that state administration bodies, other state bodies, local and regional self-government units and legal persons with public authority are required to conduct public consultations prior to the adoption of acts and subordinate

regulations, and in the adoption of general acts or other strategic or planning documents where these affect the interests of citizens and legal persons. The public authority is obliged to publish its annual plan for public consultations on its website no later than by the end of the current calendar year. The public authority is also obliged to inform the public in the same manner of any amendments to the public consultation plan. The consultation shall be carried out electronically, for the state administration bodies through the central state portal e-Consultations and for other parties through their websites or portals. Consultations are as a rule carried out in the duration of 30 days, except in cases when such consultations are conducted pursuant to regulations governing the procedure of assessment of the impact of regulations. Consultations include the publication of the draft regulation, act or other document, with a substantiation of the reasons and objectives to be achieved through adoption of the said regulation, act or other document, and the invitation to the public to submit their proposals and opinions. Upon the expiry of the deadline for the submission of opinions and proposals, the public authority has to draft and publish a report on the public consultation, which contains the received proposals and comments, and responses thereto, with the reasons for rejection of individual proposals and comments. This report then has to be submitted to the body that adopts the regulation, act or document.

The Act on Regulatory Impact Assessment (OG 044/17) and the Regulation on the implementation of the regulatory impact assessment (OG 052/17) prescribe the rules for consultations with stakeholders, consultation and public discussions/round tables, and a minimum deadline of 30 days. After the completed consultation and public discussion, including the public presentations, the expert responsible person shall consider all comments, proposals and opinions of the public and the public concerned as well as issue a notification of the accepted and rejected comments, proposals and opinions which shall be made available to the public and the public concerned on its website.

Relevant definitions from Art. 2 and non-discrimination requirements from Art. 3, para. 9 are mentioned in the answer related to Art. 4.

Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing of certain plans and programmes relating to the environment has been fully transposed into national legislation. The principle of public participation is thus defined under the EPA and the RIPPPEM, which regulates the manner of informing and participation of the public and the public concerned and the Decree on Environmental Impact Assessment (OG 61/14, 3/17), the Regulation Strategic Environmental Assessment of Strategies, Plans and Programs (OG 3/17), the Regulation on Environmental Permits (OG 8/14, 5/18), if participation of such public is prescribed by law, in the following procedures: strategic assessment; adoption of plans and programmes which are not subject to strategic assessment; drafting of laws, implementing regulations and other generally applicable legally binding rules that could have a significant impact on the environment; environmental impact assessment and environmental permits for installation. The Regulation also prescribes the procedure for holding public discussions, public inspections and public presentations, as well as the related deadlines. In the procedures for issuing approvals for the Safety Report and the Major Accident Prevention Policy, as well as in the procedures for issuing approvals for the rehabilitation program in accordance with the provisions of the EPA, the public is informed about the submitted requests. In addition to the information, the public is provided with access to the above-mentioned documents for a period of 30 days on the MESD website and is invited to submit opinions. All received public opinions in the proceedings are considered in decision-making and the decisions explain how they were taken into account in decision-making. Approvals to the Safety Report and the Major Accident Prevention Policy as well as approvals for the rehabilitation program are published on the MESD website (<https://mingor.gov.hr/>). In addition, some sectoral regulations further regulate public participation. Article 45 of the WA (OG No. 66/19) and Articles 8 and 9 of the Ordinance on the Manner of Public Consultation and Information regarding the Draft Water Management Strategy and River Basin Management Plan (OG No. 48/14) prescribe public participation and information in the procedure of adopting the Water Management Strategy and River Basin Management Plan.

The Nature Protection Act (OG No. 80/13) prescribes public participation, i.e. the procedure for holding a public discussion, in articles referring to the ecological network;; reintroduction and repopulation of native species.. The Act on the Prevention of the Introduction and Spread of Alien and Invasive Alien Species (OG 15/18 and 14/19) prescribes informing and obtaining public opinion (public consultation) on the risk assessment of the invasiveness of an alien species for which it was not possible to exclude

ecological risk in case of cultivation in controlled conditions, introduction into nature and / or placing on the market of the Republic of Croatia.

Article 15 of the EPA (OG 127/19) prescribes the obligation and manner of public participation in the process of adopting plans, programs and reports at the national, regional and local level.

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;

Answer:

Activities listed in Appendix I of the Convention correspond to the list of projects listed in the Annex I of the Regulation on the of environmental impact assessment (NN 61/14,3/17, hereinafter: UPUO) and in the list of activities in Annex I of the Regulation on the environmental permit. The administrative procedure is conducted for environmental impact assessment for the approval of activities listed in Annex I of UPUO which precedes other approvals or permits. The obtaining procedure for environmental permit for new activities follows the procedure separately and after environmental impact assessment procedure. The process of the environmental permit does not serve to allow activities, but for the regulation of conditions of work for activities that have already been permitted. The process of the environmental permit should be implemented at the latest before the commissioning of the facility. Due to the formality of the process, the PUO follows the procedure in accordance to the regulation of GAPA. The process of environmental permits is conducted according to Regulation of environmental permit with a lower application of the provisions of the EPA, the EIA Regulation and GAPA when it comes to issues that are not covered by these regulations. During the procedure the public has a right of access to documents during public consultations, which includes public access to documents and public presentation on the project that is, the expert background that is the subject of the procedure. Before making a decision of the competent body in the environmental permit procedure, the public is provided with an insight into the draft decision by publishing it via the web.

- (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:

As stated in the previous report in the case of projects listed in Annexes II and III of the REIA, i.e. the projects or activities which are not covered by Annex I to the Convention, the assessment of the need for an environmental impact assessment is carried out, on the basis of which it is determined whether the proposed project could have significant impacts on the environment and if there is a need for EIA and /or Major assessment. In the procedure for obtaining approvals or permits for projects which are not subject to the assessment of the need for an EIA, public participation is not envisaged. However, pursuant to the Physical Planning Act (OG 153/13, 65/17, 114/18, 39/19), in the procedure for obtaining a location permit, the parties (and only the parties) are allowed to inspect the conceptual design in accordance with the Construction Act (OG 153/13, 20/17, 39/19) and in the procedure for issuing decisions concerning construction requirements and building permits, the parties are allowed to inspect the conceptual design.

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

Answer:

As noted in the previous report the RIPPCEM prescribes that the competent authority shall be responsible for the accuracy, timeliness, comparability and availability of information provided in relation to environmental matters. Besides the requirement to publish information on its website, the competent authority may provide information using other methods which are perhaps more appropriate in that particular case considering the relevant local community or individual citizen, referring in particular to public announcements in the press, i.e. the official bulletin of the local or regional self-government unit, posting information on the notice boards in relevant towns, publishing information in other media, electronic media, on appropriate information boards and similar, or issuance of written materials.

Art. 8 of the REIA is also applied in this context. It prescribes that the competent authority shall inform the public and the public concerned of the developer's request for EIA after it establishes that the request contains all the required information and evidence and that the study contains all the necessary chapters in accordance with Annex IV to this Regulation. Art. 10 and 16 of the Decrees on environmental permits that obliges MESD to inform the public and the public concerned about the procedure of the environmental permit on the request of the operator, i.e. in the procedure ex officio .

Articles 1 and 4, para. 24, art. 39, para. 1 and 4, art. 42, para.3, art. 63, para 4 of the new Act on Genetically Modified Organisms (OG 126/19, hereinafter: AGMO) are also applicable in this context.

With respect to the decisions concerning the ecological network, the NPA prescribes that the competent ministry or the competent administrative body in the relevant county has to inform the public about the request made by the project developer and the results of the procedure of Prior Assessment, the procedure of Main Assessment, or the procedure of establishing the overriding public interest and approval of the project with compensation conditions through its website.

Thus, in the procedure of Prior Strategy Assessment of the plan and programme subject to strategic assessment or assessment of the need for a strategic assessment, the public is informed of the results of the procedure through the publication of the adopted act on the website of the body responsible for adopting the relevant act. In the procedure of Main Strategy Assessment of the plan and programme (carried out as part of strategic environmental assessment), information and participation of the public and the public concerned are ensured through a public discussion on the strategic impact study and the draft proposal of the plan or programme.

The Prior Assessment procedure requires that the competent authority informs the public of the results of the procedure by publishing the adopted act on its website. The Main Assessment procedure requires that the public be informed of the project developer's request, the implementation of public inspection and the results of the Main Assessment procedure.

In the process of establishing the overriding public interest and the compensation conditions concerning the project developer's request, public information and participation is ensured for a period of 30 days, during which time the information on the submitted project developer's request is published on the website and written public opinions, comments and proposals are collected. The public is informed of the results of the procedure through the publication of the adopted act on the website of the ministry responsible for carrying out the relevant procedure.

The procedure for designation of protected area requires that the public be informed about the proposal for proclamation of a protected area in such a manner so as to allow a public inspection of the proposed act as well as the related expert background documents containing cartographic representations. The public inspection ensured in the procedure for designating national parks, nature parks, strict reserves and special reserves is organised and carried out by the competent ministry, while the public inspection for other protected areas (nature monuments, regional parks, significant landscapes, park forests and park architecture monuments) is organised and carried out by the county administrative body/ administrative body or the City of Zagreb responsible for nature protection affairs. The public inspection must be ensured for a period of no less than 30 days. The entity proposing the act on designation of a protected area has to issue a statement in response to the comments submitted during the public inspection, while the submitted comments and statements shall become integral parts of the documents that the proposal of the proclamation act is founded on.

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

Answer:

It is still prescribed a minimum time period of 30 days for public participation in the process of drafting acts and implementing regulations as well as other general binding rules that could have a significant environmental impact, as well as amendments to the same. This requirement is reiterated in the relevant legal and subordinate regulations. The time limits are aligned with the Act on Regulatory Impact Assessment (OG 044/17) and the Regulation on the implementation of the regulatory impact assessment (OG 052/17) prescribing a minimum time limit of 30 days.

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

Answer:

The EPA (Art. 163) prescribes that in the early phase of the procedure when all options are still open, public authorities shall through public notices, advertisements and other appropriate media, including electronic media, inform the public and the public concerned on draft strategic documents, regulations and special regulations being implemented pursuant to the EPA, as noted in the previous report. This is also prescribed by the REIA and the Environmental Permit Regulation.

Early and efficient public participation concerns the process of obtaining development consent. In Croatia, obtaining development consent refers to the issuance of a building permit. The EIA procedure is thus required in the early project development phase (prior to submitting an application for a location permit or other approval in accordance with a special regulation), whereby early public participation is ensured. Furthermore, Croatian legislation prescribes a requirement that any project for which an EIA is carried out has to be planned under the physical planning documents. Pursuant to the regulations governing physical planning and construction, public inspection and discussion are mandatory and public participation must be ensured at all stages of the process of preparing physical plans of all levels.

(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:

There are no incentive measures. However, in practice, the authorities inform the public most commonly by announcing the projects and the proposed activities which are being discussed or for which decisions will be issued through their websites, press, radio stations and in other ways.

(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:

Art. 163 of the EPA, which regulates the informing of the public and the public concerned with regard to the right and manner of participating in procedures and the applicable deadlines, Art. 166 of the EPA, which regulates the participation of the public and the interested public in special proceedings is applied in this context, together with Articles 5, 7, 9, 10 and 11 of the and Article 16 of the Decree on the Environmental Permit (OG 8/14, 5/18) and Art. 13. RIPPCEM.

(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:

Within the framework of the national portal e-Consultations the public can directly enter comments on the text for the duration of the consultations. There is an obligation to prepare a report on the carried out consultations and publish it within one month at the same portal. In the EIA and SEA procedures the public can during information and participation submit their comments in writing or in person. Information on these procedures is made public on the website of the competent body, in the daily press and maybe in another way (radio program). In environmental permit procedures, the public can also during information and participation give your written comments, opinions, suggestions, and in person at a public hearing and additional comments in writing when participating in the review of the draft decision.

(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:

In general, the EPA (Articles 162 – 166) prescribes the right and manner of participation of the public and the public concerned in the process of drafting implementing regulations and/or generally-applicable legally binding normative instruments, as well as strategies and programmes referring to the environment, as noted in the previous report. The EPA also prescribes that the public proposals and opinions and the outcomes of transboundary consultations concerning draft proposals of strategies, plans and programmes and in an individual procedure have to be taken into consideration in the SEA and EIA procedures (Art. 73, Art. 89). Also relevant in this context are Art. 21 of the RIPPCEM and Art. 24 of the AGMO. The EPA stipulates that proposals for public opinion, as well as the results of cross-border consultations, are also taken into account in the environmental permit procedure (Article 106).

(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:

As stated in the previous report, the manner in which the public has to be informed of a decision adopted by a competent authority and the grounds which the relevant decision is based on, including the data concerning the procedure for participation of the public and the public concerned, is prescribed under a number of different laws and regulations.

MESD regularly uses the decisions of the Administrative Court (concerning violations of the rules governing public participation in environmental decision-making) for the purpose of improving the EIA and environmental permit procedure. Thus, the decisions concerning the assessment of acceptability of a particular project and decisions from the environmental permit procedure specify the public concerned that has provided comments, as well as the grounds for all comments that were not accepted. All decisions issued are available on MESD's website

In environmental permit procedure, the draft of the environmental permit must be publicly available before adoption with a mandatory insight duration of 15 days, and the public feedback and comments must be taken into account. Only after the completion of access to the draft permits may be issued a decision on the environmental permit, which in the explanation must include responses to comments from the public debate and respond to comments on the draft permit, if any. Also, a decision on the environmental permit may provide additional requirements that are determined on the basis of public participation, if their decision was justified. The 2017 amendments to the UPUO stipulate that a draft decision from the environmental impact assessment procedure is published before the decision is made.

(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 projects provided in Annexes to the REIA or assessment of the need for an EIA it is stated that the EIA procedure is carried out in the event of changes or reconstructions related to the listed projects as well. Since reconstruction and expansion are considered to be new projects, the standard procedures for the EIA or assessment of the need for EIA are carried out.

In the procedure of amending the conditions of the issued environmental permit, which is carried out at the request of the operator for a significant change in the operation of the plant in accordance with EPA and the Environmental Permit Regulation, the procedure is identical to obtaining a new environmental permit. In the ex officio procedure of reviewing the conditions of the environmental permit and in the procedure of amending the conditions of the environmental permit, for which the competent authority (MESD) assesses that there are no significant changes in work, the operator's request and in the procedure ex officio informs the public on the application and all relevant information is provided in accordance with the Environmental Permit Regulation and the participation of the public and interested public is carried out by inspecting the draft permit for a mandatory period of 30 days (Article 16).

Art. 36 of the AGMO is also applied in this context.

(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:

In their approval procedures, state administration bodies are obliged to provide the public with access to information from applications, the content of technical documentation and conducted risk assessments, as well as to state a statement of objections and public opinion in the explanations of their approval decisions. (Article 24, paragraphs 1 and 4 and Article 39, paragraphs 1 and 4 of the AGMO). In the event of any modifications, new data and unplanned changes in the deliberate release into the environment that could adversely affect biodiversity, the environment or human health, the state administration body responsible for environmental protection and nature is obliged to inform the public in accordance with Article 40. paragraph 3. ZGMO. In case of unplanned release of GMOs into the environment, the state administration body responsible for environmental and nature protection is obliged to inform the Croatian Government of and the public about the event and the preparation and implementation of the program for eliminating the consequences of uncontrolled spread of GMOs in the environment. 4. ZGMO. Pursuant to Article 63, paragraph 4 of the Ordinance on GMO, updated information on the restriction or prohibition of the cultivation of certain GMOs and / or groups of GMOs must also be made available to the public.

Croatia has not ratified the GMO Amendment to the Aarhus Convention. However, the provisions of the Aarhus Convention regarding public access to information and public participation have been fully integrated into the AGMO as in other regulations.

XVI. Obstacles encountered in the implementation of article 6

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

Answer:

XVII. Further information on the practical application of the provisions of article 6

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:/

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

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

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to 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, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Relevant definitions from Art. 2 and non-discrimination requirements from Art. 3, para. 9 are mentioned in the answer to Art. 4.

Art. 8 para. 7, art. 10 para. 1, art. 23, Art. 27. Decree on Strategic Environmental Assessment of Strategies, Plans and Programs (OG 3/17) are relevant in this context. Also applicable are the NPA: Art. 5 and 125; the WA: Art. 5, para. 8 and Art. 39; and the NMO: Art. 27.

The SEA procedure envisages a public participation on determining the content of the strategic impact study and informing the public of the same. The purpose is to discuss with the public, at the earliest possible stage, the issues relevant for the strategic assessment procedure.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

Articles 17, 164 and 165 of the EPA, and the RIPPPCEM are applied in this respect. The public has the right to express its opinion, comments and suggestions concerning draft strategies and proposals of plans and programmes related to the environment for which the EPA does not prescribe mandatory strategic assessment.

Public authorities form working groups for the preparation of certain strategic and planning documents as well as advisory bodies for the purpose of obtaining opinions regarding such documents. It is common practice that such bodies include the representatives of both the business and the civil sector, as well as representatives from scientific institutions. Croatian Government's Office of Legislation, through its website, keeps a database of advisory bodies in which a search can be conducted of state institution advisory bodies by person or by institution/organisation to which they belong, <https://savjetovanja.gov.hr/baza-savjetodavnih-tijela/1118>.

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

XXII. Further information on the practical application of the provisions of article 7

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

Answer:

The City of Zagreb regularly publishes information on the initiated SEA and EIA procedures and submitted requests for environmental permit falling under its competence on its official website, on the notice board in the lobby of the City Administration building and the notice board of the city district in which the proposed project is located within the Official Journal of the City of Zagreb, in the daily newspapers at least 8 days before the public discussion and public inspection commence.

Public presentations are regularly held in the territory of the city district in which the proposed project is planned to be executed. Written invitations to the presentations are sent to representatives of the project developer, authorised person who has prepared the documents, Council of the city district in which the proposed project is planned to be

executed and other city offices and services, depending on the specifications of the proposed project. Public presentations are organised in afternoon and evening hours. The public and the public concerned have an opportunity to express their opinions, proposals and comments during the public discussion in the manner described in the published notice of the public discussion (by phone, fax or e-mail).

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

<https://mingor.gov.hr/>
www.zagreb.hr
<https://udruga.gov.hr/ipa-2012/324>
<https://savjetovanja.gov.hr/baza-savjetodavnih-tijela/1118>
<https://www.zagrebacka-zupanija.hr/javne-rasprave/>

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to 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, pursuant to article 8. 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:

It was already described in Article 6 of this report how Article 11 of the ARAI prescribes that state administration bodies, other state bodies, local and regional self-government units and legal persons with public authority are required to conduct public consultations prior to the adoption of acts and subordinate regulations, and in the adoption of general acts or other strategic or planning documents where these affect the interests of citizens and legal persons.

Pursuant to Article 24 of the Act on Regulatory Impact Assessment (OG 044/17) and Articles 18 and 19 of the Regulation on the Implementation of the Regulatory Impact Assessment Process (OG 052/17), during the preparation of any national legislative act, it is required to include consultations with stakeholders, public consultations and public discussions.

Relevant definitions from Art. 2 and non-discrimination requirements from Art. 3, para. 9 are mentioned in the answer provided for Article 4.

The opinions, comments and proposals can be submitted by all citizens, without exceptions, in accordance with the principle of equality of citizens from Art. 14 of the Constitution of the Republic of Croatia. The Amendments to the Rules of Procedure of the Government of the Republic of Croatia (OG 121/12), Art. 30, para. 4, prescribes that the draft proposal of the regulation must be subject to the mandatory consultation procedure (in accordance with the Code of Practice on Consultations with the Interested Public) as well as the mandatory delivery of the report on consultations with draft proposals of acts and other regulations.

According to the latest Analytical Report of the Information Commissioner "Implementation of public consultations in state administration bodies and offices of the Government of the Republic of Croatia in 2019 (March 2020), it was determined that the consultation was conducted for 95.62% of laws and regulations.

XXV. Obstacles encountered in the implementation of article 8

Describe any obstacles encountered in the implementation of article 8.

Answer: /

XXVI. Further information on the practical application of the provisions of article 8

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

Answer: /

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

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

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in 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:

Articles 3, 14, 15, 16, 18, 19, 26 and 29 of the Constitution of the Republic of Croatia and Article 8 of the ARAI apply in this context.

Pursuant to Art. 3 of the Constitution of the Republic of Croatia, conservation of nature and the environment and the rule of law represent some of the highest values of the constitutional order of the Republic of Croatia. All persons in the Republic of Croatia enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics, and all persons are equal before the law (Art. 14 of the Constitution).

Croatia guarantees equal rights to the members of all national minorities, and the rights and freedoms may only be curtailed by law in order to protect the rights and freedoms of others, the legal order, public morals and health. Any restriction of freedoms or rights shall be proportionate to the nature of the need to do so in each individual case (Art. 15, para. 1 and Art.16 of the Constitution).

The right to appeal against individual legal decisions made in first-instance proceedings by courts or other authorised bodies is guaranteed by the Constitution. By way of exception, the right to appeal may be denied in cases specified by law if other legal protections are ensured (Art. 18 of the Constitution).

Individual decisions of governmental agencies, the civil service and bodies vested with public authority shall be grounded in law. Judicial review of individual decisions made by governmental agencies and other bodies vested with public authority shall be guaranteed (Art. 19 of the Constitution). All citizens of the Republic of Croatia and aliens shall be equal before the courts, governmental agencies and other bodies vested with public authority (Art. 26 of the Constitution).

Everyone shall be entitled to have his or her rights and obligations, or suspicion or accusation of a criminal offence decided upon fairly before a legally established, independent and impartial court within a reasonable period (Art. 29, para. 1 of the Constitution).

Pursuant to Art. 8 of the ARAI, the right of access to information and the re-use thereof is granted to every beneficiary in an equal manner and under the same terms. The beneficiaries are equals in exercising thereof. Public authorities may not place beneficiaries in an unequal position, especially in a manner that would enable certain beneficiaries to

obtain information before others or in a manner that provides them with special benefits.

Article 4, item 58 of the EPA defines the meaning of the term "right of access to justice". The right of access to justice means the right to file an appeal with the competent body and the right to lodge a complaint before the competent court which the EPA, subject to the prescribed conditions, confers upon persons - citizens, other natural and legal persons, their groups, associations and organisations, with the aim of realising the right to a healthy life and sustainable environment and for the purpose of protecting the environment and individual environmental components as well as protection against the harmful impacts of burdens.

The principle of the right of access to justice is prescribed under Art. 19, para. 1 and 2 and Art. 154 – 172 of the EPA and Art. 25 and 26 of the ARAI.

The provision on access to justice is also contained in the Law on General Administrative Procedure, OG 47/09); hereinafter; LAP) which in Art. 12. stipulates that an administrative dispute may be initiated against the second-instance decision, ie against the first-instance decision of a public body against which no appeal is allowed. Against an administrative contract or other action of a public body or public service provider, the party has the right to an objection which is decided by a decision in accordance with the provision of Article 122 of the LAP. Against the decision on the complaint, the party has the right to legal protection in the form of an appeal or the right to file a lawsuit with the competent administrative court. Also, the LAP prescribes legal protection in the case of the so-called "Silence of the administration" therefore in the case when the public body does not resolve or does not act at the request of the party within the prescribed period.

Provisions on the right of access to justice are also contained in the Act on Administrative Disputes (OG 20/10, 143/12, 152/14, 94/16, 29/17; hereinafter: AAD) the objective of which is to ensure the legality and court protection of the rights and legal interests of natural and legal persons and other parties, breached by a decision or by an action of the body of administrative law. The costs of the dispute shall consist of the eligible expenses incurred in the course of or in connection with the dispute. The costs of the dispute also include remuneration for the work of lawyers and other persons entitled to statutory remuneration. The value of the subject matter of the dispute is considered invaluable. Each party shall previously pay the costs caused by its actions, unless otherwise provided by law. Costs arising from taking action ex officio by the court shall be advanced from the court's resources. The party who loses the dispute shall bear all the costs of the dispute, unless otherwise provided by law. If the party succeeds in part in the dispute, the court may, in the light of the success achieved, order that each party bear its own costs or that the costs be apportioned in proportion to the success of the dispute. A party who has withdrawn a lawsuit, appeal or other motion that has caused costs to other parties shall bear the costs of those parties as well.

The court may decide on the costs of the dispute together with the decision on the main matter or a special decision within 15 days from the day of the announcement of the judgment. An appeal is allowed against the said decision. Art. 12 of the AAD prescribes that administrative disputes are settled by administrative courts and the High Administrative Court of the Republic of Croatia. In accordance with Art. 22 of the AAD, by a complaint the following can be demanded: 1. nullification or declaring of an individual decision null and void, 2. taking of a decision which was not taken within the prescribed time limit, 3. performance of an action which the respondent was obliged to perform in accordance with rules and regulations or a decision, 4. declaring of an administrative contract null and void or performance of an obligation stipulated in an administrative contract. In cases referred to in items 1 and 2, the court may be requested in a complaint to adjudicate on the rights, obligations and legal interests of the party. Along with the main claim, a complaint may demand return of an item and compensation of damage caused by the respondent. An administrative dispute may be initiated after all other legal protection laid down by law has been exhausted.

Pursuant to Art. 83 of the AAD, the High Administrative Court shall initiate the procedure of assessment of the legality of general acts upon the motion of a natural or legal person or a group of persons joined by common interests, if a particular decision of the body of public law which is based on a general act resulted in a violation of their right or legal interest. The request shall be submitted within 30 days of the delivery of the decision. The High Administrative Court may initiate the procedure of assessment of the legality of general acts in the line of duty or upon notification by citizens, the obudsman or upon request of the court.

Provisions on access to justice from Art. 9 of the Aarhus Convention are also

contained in particular provisions of the Croatian law, as will be mentioned in answers to the questions below. However, if a certain provision of the Convention proves in conflict with a specific legal regulation of the Republic of Croatia, the judges are obliged to apply directly the provision prescribed under the Convention as it has primacy over the law. Namely, international treaties which have been concluded and ratified are a component of the legal order of the Republic of Croatia and shall have primacy over domestic law (Art. 141 of the Constitution).

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:

Any person (citizen and other natural and legal person, their groups, associations and organisations) who considers that his request for information pertaining to environmental protection matters has been neglected, unfoundedly refused, either in its entirety or in part, or that his request has not been answered in an appropriate manner, has the right to defend his rights before a court of law, in accordance with a special regulation on access to information (Art. 19, para. 1 of the EPA).

A public authority may reject the request to provide environmental information by means of decision in cases mentioned in Art. 158, para. 1 and 3 of the EPA. It is possible to file an appeal with the Information Commissioner against a decision issued by the competent administrative body or the competent ministry within 15 days from the date of delivery of the decision, pursuant to ARAI (Art. 158, para. 6 of the EPA).

Pursuant to Art. 25 of the ARAI, a complaint may also be filed if the public authority fails to issue a decision on the submitter's request within the legal deadline. The Commissioner shall issue a decision on the complaint and deliver it to the requesting party through a first-instance body no later than 30 days from the date of filing of an orderly complaint, except in cases described in Art. 25, para 5 and 6 of the ARAI. When the Commissioner has determined that the complaint is valid, he shall issue a decision ordering the public authority to provide the beneficiary with access to the requested information, i.e. to decide on the beneficiary's request and to set an adequate deadline in which it is obliged to act accordingly.

Pursuant to Art. 26, para. 1 of the ARAI, no complaint may be filed against the decision issued by the Commissioner, but an administrative dispute may be initiated before the High Administrative Court of the Republic of Croatia. The High Administrative Court of the Republic of Croatia must issue a decision on the complaint within 90 days. The complaint shall delay the execution of the decision granting access to information.

An administrative dispute against the Commissioner's decision may also be initiated by the public authority that has issued the first-instance decision. Since the procedure rejecting a request for information is an administrative procedure, in these proceedings the right of access to a court is also ensured by applying the provisions of the LAP as a general procedural law which applies in accordance with the provision of Article 3 paragraph 1 LAP. to act in all administrative matters.

- (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:

In the procedures of EIA and EIA that are carried out, among other things, in accordance with EPA and LAP contesting the decision is possible with the Administrative Court or MESD (when the county conducts EIA or and the assessment of the need for an EIA). In addition, during the entire duration of the proceedings, the public is provided with access to information, ie participation in the proceedings. In addition, by publishing the draft decision from the EIA procedure, before its adoption, the public was informed about the content of the decision in question.

- (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:

Pursuant to Art. 10 of the AAD, the final judgment shall be binding upon parties to the procedure and their legal successors. The final judgement of the court concerning the lawfulness of a general act shall be binding upon all. According to Art. 81, para. 2, the respondent is bound by the legal standpoint and court remarks. Furthermore, Art. 23, 24, 25 and 26 of the ARAI are also applicable in this context.

With regard to the grounds which must be provided in writing, the following articles of the AAD are applied: Art. 60 – Contents of the Judgement and Art. 62 – Delivery of the Judgement, Art. 65, para. 5 which refers to the decision (content of the decision). In addition, Articles 97 and 98 of the AAD are applied as well.

(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:

Articles 167 and 168 of the EPA shall apply as follows: any natural or legal person which can, in conformity with the law, prove a violation of a right, due to the location of the project and/or the nature and impact of the project or which is affected or likely to be affected by environmental damage, shall be considered to have a justifiable legal interest in the procedures regulated by the EPA in which the participation of the public concerned is provided for. It is also understood that a civil society organisation which promotes environmental protection has a sufficient (probable) legal interest in the procedures regulated by the EPA which provide for the participation of the public concerned, if it fulfils the requirements provided in Art. 167, para. 2.

The persons which participated in the procedures regulated under the EPA as the public concerned, shall have the right to instigate a legal action against a certain administrative act of a public authority, for which the EPA or a special regulation provides for the possibility of instigating a legal action, and may file an appeal with the ministry responsible for environmental protection or file a complaint before the competent court in conformity with the EPA and the AAD, for the purpose of re-examining the legality of acts, actions or oversights.

The civil society association referred to in Article 167, paragraph 2 of the EPA has the right to challenge the relevant administrative act of a public authority, for which this Act or a special law provides for the possibility of filing an appeal or lawsuit, and to appeal to the Ministry responsible for environmental protection. a lawsuit to the competent court in accordance with the EPA and a special law, in order to challenge the legality of acts, actions or omissions.

The persons belonging to the public concerned shall be notified of a relevant administrative act issued by a public authority and of their right to file an appeal with the ministry responsible for environmental protection or file a complaint before the competent court, by the act being delivered to them if the public authority is in possession of their personal information or through a public notice or in any other appropriate manner in accordance with the regulation referred to in Article 160, paragraph 2 of the EPA.

A party to administrative proceedings is a natural or legal person at the request of which proceedings have been instituted, against whom proceedings are being conducted or who, in order to protect their rights or legal interests, have the right to participate in the proceedings. In accordance with the provision of Art. 53 of the LAP, if during the proceedings a person who has not previously participated in the proceedings requests that he be recognized as a party to the proceedings, the official shall examine his right to participate in the proceedings as a party and issue a decision. An appeal against this decision does not stop the proceedings. Art. 84 of the LAP stipulates that the parties and other persons who prove a legal interest have the right to be informed about the course of the proceedings and to review the case file. A decision shall be made on the rejection of the request for review and reproduction of the file.

AAD has a wide definition of who may be a party in the dispute. Namely, pursuant to Art. 17 of the AAD, the complainant is a natural or legal person who believes that his rights and legal interests were violated by a decision, by an act of the body of public law, or

by the failure to adopt a decision or to act on the part of the body of public law within the time limit defined by law, or by the conclusion, termination or enforcement of an administrative contract. The complainant may be a person without legal capacity or a group of persons if their rights and legal interests were violated by a decision or an act of a body of public law. The complainant may be a body of public law that participated or should have participated in taking of a decision, performance of an act or conclusion of an administrative contract. The complainant in an administrative dispute may also be a state body authorized by law.

Pursuant to Art. 19 of the AAD, an interested party in a dispute is any person to whom the nullification, change or taking of a decision, an act or failure to act by the body of public law, or the conclusion, termination or enforcement of an administrative contract would mean a violation of his right or legal interest. An interested party is also a body of public law that holds that a court decision may have an impact on the rights and legal interests that it protects under law. The court shall ask the interested party to participate in the dispute in the line of duty or upon the proposal of one of the parties. The interested party may become involved in the dispute at any time. The court shall notify the parties of the involvement of the interested party in the administrative dispute without delay.

(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:

Article 169 of the EPA is applied as follows: a legal or natural person which fulfils the requirements concerning the legal interest, which considers that a decision, act or oversight of a public authority or an action or oversight on the part of a natural or legal person (such as: operator, polluter) in environmental matters constitutes a violation of the EPA or a special regulation on protection of an individual environmental component or protection from the effects of burdening and the regulations passed on the basis thereof, shall have the right to request before a competent court the re-examination of the legality of the issued decision, act or oversight in relation to environmental protection and to contest the legality of actions or oversights in environmental issues.

The request shall be submitted in the prescribed format in line with the AAD, within 30 days from the date on which it was delivered to the parties, or the date of publication at the website of the body which passed the decision which is disputed, or from the date on which the deadline for execution of the act or issuing the decision expired. The request shall state and explain what the violation is or what the violation of the regulations is related to. The request must be supported by appropriate evidence.

In accordance with the provision of Art. 156 of the LAP, a person who considers that another action of a public body in the field of administrative law, on which no decision is made, violated a right, obligation or legal interest, may file an objection as long as such action lasts or its consequences last. The provisions of Art. 157 and 158 prescribe protection against the actions of public service providers. The actions of public service providers are considered to be the undertaking or omission of actions of public service providers that have an effect on the rights, obligations or legal interests of natural and legal persons, and which are not resolved in the administrative procedure. If the user of public services considers that the actions of the public service provider have violated his rights or legal interests, he may also file a complaint for the protection of his rights or legal interests to the body responsible for supervising the provision of these public services. An objection may be lodged as long as the action or omission of the action of the public service provider lasts.

(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:

Pursuant to the EPA, it is possible to lodge an appeal or, if lodging an appeal is not allowed, it is possible to initiate an administrative dispute.

The right to legal remedy is also prescribed in Article 12 of the GAPA, as well as in

Art. 66 of the AAD. Legal remedies prescribed under the GAPA include: Lodging Appeals (Art. 105), Filing Objections (Art. 122), Reopening of Proceedings (Art. 123), Pronouncing Decisions Null and Void (Art. 128) and Annulment and Repeal of an Unlawful Decision (Art. 129) for decisions adopted by competent bodies in the first instance in line with regulations on the state administration system, while the AAD also envisages initiation of an administrative dispute pursuant to Art. 22. Legal remedies prescribed under the AAD include: Appeals (Art. 66-75), Renewal of the Dispute (Art. 76 and 77) and Request for Extraordinary Examination of Legality of Final Judgment (Art. 78). In line with Art. 83 – 88, an assessment of the legality of general acts is carried out, while Art. 89 prescribes a special manner of resolving administrative disputes through court settlement.

Art. 26, para. 2 of the AAD prescribes that the court may decide that a complaint should have delaying effect if the enforcement of a decision or administrative contract would result in damage to the complainant which would be difficult to remedy, unless provided by law that a complaint shall not delay the enforcement of a decision (the EPA does not), and that such a delay is not contrary to public interest.

Pursuant to Art. 1047 of the Civil Obligations Act (OG 35/05,41/08,125/11,78,15 and 29/18), any person may request from another person to eliminate a major source of danger for him or for another person, as well as to refrain from activities causing disturbance or a risk of damage, if disturbance or damage cannot be prevented by applying the appropriate measures. The court shall order, at the request of an interested party, to take the appropriate measures for preventing the occurrence of damage or disturbance, or to eliminate a source of danger, at the expense of a possessor of a source of danger, if the latter fails to do so himself.

If damage is a result of performing an act of public interest for which an approval has been obtained from the competent authority, only a compensation for damage exceeding the usual limits may be required (excessive damage). In that case, however, taking of socially justified measures may be required in order to prevent the occurrence of damage or to reduce damage.

In addition, Art. 25, 26 and 59 of the ARAI are applied in this context as well.

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

Answer:

A court order prescribing a prohibition is provided for under Article 170 of the EPA. In the procedure for challenging decisions, acts and oversights of a public authority, or an action or oversight on the part of a legal or natural person in environmental matters, the competent court may:

- order the operator, polluter or the public authority to undertake all necessary measures, which include the suspension of specific activities,
- oblige the operator or the polluter to pay an appropriate fee to the Environmental Protection and Energy Efficiency Fund,
- establish necessary temporary measures and order the operator, polluter or the public authority to implement them,
- or issue another adequate decision in accordance with the law.

Court proceedings shall be fair, equitable, timely and not prohibitively expensive, and as prescribed under Art. 172 of the EPA court proceedings on all legal actions instigated in the field of environmental protection shall be deemed urgent, Art. 26, para. 1 of the ARAI the High Administrative Court of the Republic of Croatia must issue a decision on the complaint against the decision issued by the Commissioner within 90 days, and Art. 8 of the AAD which prescribes that the court shall conduct the procedure speedily and without stalling, by avoiding unnecessary actions and costs, prevent the abuse of the rights of the parties and participants in the administrative dispute and render a decision within a reasonable time.

With regard to fairness and equitability, Articles 5, 6, 7 and 9 of AAD and Articles 5, 6, 7 and 8 of the GAPA provide for the mentioned measures.

The costs of the proceedings, which may not be prohibitively expensive, are prescribed under Article 19, para. 1 and 2 of the ARAI. It is also stated that access to information in procedures before the public authorities does not require the payment of administrative and court fees. The public authority is entitled to request the beneficiaries to cover the actual material expenses incurred by providing information and to cover the

expenses of delivery of the requested information.

(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:

Art. 168, par. 1, 2 and 3 of the EPA is applied in this context. One of the principles of the GAPA is to ensure assistance to the party. It obliges the body conducting the proceedings to ensure ensure that the lack of knowledge or the ignorance of the party or other persons who participate in the proceedings shall not be to the detriment of the right to which they are entitled by law (Art. 7 of the GAPA). The principle of assistance to an ignorant party is also contained in Art. 9 of the AAD; the court shall ensure that the lack of knowledge and ignorance of the party and other participants in the administrative dispute is not to the detriment of the rights to which they are entitled pursuant to law.

The High Administrative Court shall make decisions about the legality of general acts in public sessions (Art. 86, para. 1 of the AAD).

Pursuant to Art. 86, para. 3 and 4 of the AAD, when the High Administrative Court repeals a general act or some of its provisions with a judgement if it establishes that it is not in conformity with law or the statute of the body of public law, the judgment shall be published in the Official Gazette.

All decisions adopted in procedures of assessment of the legality of a general act are published on the website of the High Administrative Court.

XXIX. Obstacles encountered in the implementation of article 9

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

Answer: /

XXX. Further information on the practical application of the provisions of article 9

*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:

Reducing the Barriers to Access to Justice

Pursuant to Art. 19, para. 1 of the ARAI, access to information in procedures before the public authorities does not require the payment of court fees.

Pursuant to Art. 22 of the Court Fees Act (OG 118/18) in administrative proceedings, fees are charged only if the court rejects claim or dismisses the complaint. Furthermore, parties initiating proceedings concerning compensation for damage due to environmental pollution are exempt from paying the administrative fees in accordance with Art. 11, paragraph 1, item 18 of the mentioned Act.

Reform of the judicial administration system and administrative procedures have contributed to the improvement of access to justice. From the subsidiary, the LAP has become a general procedural law that applies to proceedings in all administrative matters in order to harmonize the conduct of public bodies in administrative proceedings. A new administrative court system has been introduced: 4 regional Administrative Courts and the High Administrative Court of the Republic of Croatia. Administrative proceedings now also include: oral contradictory hearing, the right to appeal and the possibility of court supervision of the procedure for establishing the factual situation in a particular administrative proceeding, second-instance proceedings, as well as the assessment of legality of general acts passed by local and regional self-government units, legal persons with public authorities and legal persons performing public services. More efficient operation of administrative courts also contributes to the increased transparency of operations of administrative bodies and institutions, as well as plays an important role in the fight against corruption.

Statistics

With regard to the statistical data held by the High Administrative Court of the Republic of Croatia for the period 2014-2020 related to the environmental issues (regulations in the field of Waste , Water , Environmental Protection), 57 appeals were received, 17 lawsuits against the decisions of the Commissioner for Access to Information in relation to the exercise of the right to access information regarding environmental protection and 14 proposals for assessing the legality of general acts of local self-government units related to spatial plans, waste disposal decisions and the like..

Judicial Academy

In the past period, the Judicial Academy has carried out various activities that have contributed to the strengthening of competencies on law and access to justice in environmental matters.

In the field of environmental protection in a broader sense, a training of trainers was organized on the topic of the European Environmental Protection Act, which was attended by two participants and the following trainings were held:

The Judicial Academy conducted two one-day workshops on the Aarhus Convention for Administrative Judges and Judicial Advisers and was attended by a total of 30 participants.

On the topic of environmental protection in a broader sense, a one-day workshop on the topic of EU environmental law was held, which was attended by 17 participants.

Through the Judicial Academy, Croatian judges participated in various trainings organized by the Academy of European Law (ERA).

- EU legislation on nature - protection of places prescribed by the Habitats and Birds Directives, attended by 9 participants from the Republic of Croatia (6 court advisors, one judge of the administrative court and two deputy state attorneys at the municipal and county level)

- Seminar in the field of environmental law in a broader sense, which was attended by Croatian participants:

- How to conduct proceedings in case of invoking non-compliance of regulations with EU Environmental Law, was attended by two (2) participants from the Republic of Croatia (judge of the administrative court and deputy municipal state attorney)

- Environmental protection, attended by three (3) participants from the Republic of Croatia (two advisors and judges of the municipal court)

- EU legislation on waste disposal and environmental protection - Focus on combating criminal offenses against the environment, attended by the Deputy County State's Attorney from the Republic of Croatia

- EU legislation on waste disposal and environmental protection - Focus on combating criminal offenses against the environment, attended by two participants from the Republic of Croatia (Deputy Municipal and County State's Attorney).

- Seminar Aarhus Convention - Environmental Protection and Workshop Environmental Protection - Industrial Emissions Directive, was attended by one municipal court judge.

In September 2020, the implementation of the project Successful Prosecution of Crimes against Wild Species in Europe began. (Successful Wildlife Crime Prosecution in Europe - SWiPE) funded by the European Union's LIFE Program. The project will last until August 31, 2023. The leading partner is WWF Bulgaria, and the Judicial Academy and the State Attorney's Office of the Republic of Croatia are participating in the project as project partners.

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

- Right to access information - basic module; October 6 and 7, 2020

- Right to access information - advanced module, State School of Public Administration, December 10, 2019.

- Introduction to EU environmental law, 29-30. October and 5.-6. November 2020

Other activities:

- International online seminar "Combating Environmental Crimes - Illicit Trafficking in Waste and Protected Wild Species", December 8-10, 2020.

- Webinars of the Academy of European Law (ERA) "EU legislation on waste management and environmental protection - Focus on combating environmental crime", 21-29. September 2020 and 6-27. October 2020

- Workshop "Cooperation of national judges in the field of environmental law", Warsaw, 27-29. April 2020
- Online seminar "National Judges and the Acquis Communautaire", 1-2. March 2021 and 8-9. March 2021
- The Judicial Academy in 2016. until 2020 was a partner of the Academy of European Law (ERA) in the project "Cooperation with national judges in the field of environmental law" ("Cooperation with national judges in the field of environmental law"). The continuation of the project was approved in early 2021 for a new period for a period of four (4) years. In addition to the Judicial Academy, judicial training institutions and associations from 18 EU Member States, as well as several European associations (eg the Association of European Administrative Judges and the European Network of Environmental Prosecutors) will participate in the implementation of this project.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

<http://www.pak.hr/>
<https://sudovi.hr/hr/vusrh>

Articles 10-22 are not for national implementation.

XXXII. 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:

Preservation of natural wealth and protection of human environment are of great importance for the human community as a whole and the quality of life of present and future generations. In Croatia, natural wealth and the environment are recognized as constitutional values and enjoy special protection (Article 2, paragraph 4, line 2 of the Constitution).

Article 38, para. 4 of the Amendments to the Constitution (OG No 76/10) prescribes the following: "The right of access to information held by any public authority shall be guaranteed. Any restriction on the right of access to information must be proportionate to the nature of the need for such a restriction, in each individual case, and necessary in a free and democratic society, as stipulated by law."

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to **paragraph 1 of article 6 bis** and:
 - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

(ii) **Paragraph 2** of annex I bis, any exceptions provided in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;

(iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;

(iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

(v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

- a. The nature of possible decisions;
- b. The public authority responsible for making the decision;
- c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
- d. An indication of the public authority from which relevant information can be obtained;
- e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

(vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

(viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer: /

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

Answer: /

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

Answer: /

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer: <http://gmo.hr/>

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.