

Compliance Committee to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters (Aarhus Convention)

**First progress review of the implementation of decision V/9e
on compliance by Croatia with its
obligations under the Convention**

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I. Introduction

1. At its fifth session (Maastricht, 30 June–1 July 2014), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision V/9e on compliance by Croatia with its obligations under the Convention (see ECE/MP.PP/2014/2/Add.1).

II. Summary of follow-up action with decision V/9e

2. By letter of 28 November 2014, the Committee sent a reminder to the Party concerned of the request by the Meeting of the Parties to provide its first detailed progress report to the Committee by 31 December 2014 on the measures taken and the results achieved thus far in implementation of the recommendations set out in decision V/9e.

3. The Party concerned provided its first progress report on the implementation of decision V/9e on 30 December 2014.

4. At the Committee's request, on 2 January 2015 the secretariat forwarded the Party concerned's first progress report to the communicant of communication ACCC/C/2012/66, inviting it to provide its comments on that report by 23 January 2014. No comments were received from the communicant.

5. In its first progress report, the Party concerned stated that, as it had reported to the Meeting of the Parties at its fifth session, the Party had taken steps to ensure a transparent framework and appropriate public participation during the preparation of municipal waste management plans. The new Sustainable Waste Management Act (Official Gazette 94/13, para 22) introduced additional provisions in order to ensure a transparent framework regarding public participation in the preparation of municipality waste management plans.

6. At its forty-eighth meeting (Geneva, 24-27 March 2015), the Committee reviewed the implementation of decision V/9e in open session with the participation by audio conference of the Party concerned and taking into account the comments received from observers present. Following the discussion in open session, the Committee commenced the preparation of its first progress review on the implementation of decision V/9e in closed session. The Committee adopted its first progress review at its fiftieth meeting (Geneva, 6-9 October 2015) and instructed the secretariat to thereafter send it to the Party concerned and the communicant of communication ACCC/C/2012/66.

III. Considerations and evaluation by the Committee

7. In order to fulfil the requirements of the decision V/9e, the Party concerned would need to provide the Committee with evidence that it ensures that a transparent framework is in place providing for appropriate practical and/or other provisions for the public to participate during the preparation of municipal waste management plans, by, inter alia, including municipal waste management plans in the list of plans relating to the environment which are not formally subjected to strategic environmental assessment but for which public participation is required, so that article 7 of the Convention is clearly applicable to such plans.

8. The Committee welcomes the first progress report of the Party concerned, which was submitted on time, and the information contained therein.

9. However, the Committee finds that the Party concerned has not yet fulfilled the requirements of decision V/9e.

10. With respect to paragraph 4 (a)(i) of decision V/9e, the Committee welcomes the information that the new Sustainable Waste Management Act introduced additional provisions in order to ensure a transparent framework regarding public participation in the preparation of municipality waste management plans. The Party concerned has not, however, to date provided the Committee with the relevant excerpt of the Official Gazette 94/13 (para. 22), demonstrating that a transparent framework regarding public participation in the preparation of municipality waste management plans is indeed now in place. The Committee awaits the English translation of the relevant provision(s) of the Law mentioned above.

11. Also with respect to paragraph 4 (a)(ii) of the decision V/9e, the Party concerned has not yet demonstrated that the legislation in force in the Party concerned provides for a consistent and uniform application throughout the territory and is clear as regards public participation in the preparation of municipality waste management plans.

12. With respect to paragraph 4 (c) of decision V/9e, the Committee awaits the Party concerned's confirmation that municipal waste management plans have been included in the list of plans relating to the environment which are not formally subjected to strategic environmental assessment but for which public participation is required.

IV. Conclusions

13. The Committee finds that the Party concerned has not yet fulfilled the requirements of decision V/9e.

14. The Committee invites the Party concerned together with its second progress report to provide:

(a) The relevant excerpt of the Official Gazette 94/13, together with an English translation thereof, to demonstrate that a transparent framework regarding public participation in the preparation of municipality waste management plans is in place;

(b) Evidence that the legislation in force in the Party concerned provides for a consistent and uniform application throughout the territory and is clear as regards public participation in the preparation of municipality waste management plans;

(c) Confirmation that municipal waste management plans are in the list of plans relating to the environment which are not formally subjected to strategic environmental assessment but for which public participation is required.