



REPUBLIC OF CROATIA
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UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE
Environment Division
Aarhus Convention Compliance Committee
Ms. Fiona Marshall, Secretary
Palais des Nations
CH-1211 Geneva 10, Switzerland

SUBJECT: Decision V/9e concerning compliance by Croatia with its obligations under the Aarhus Convention – final progress report

Dear Ms Marshall,

In your letter of 25 October 2016 you sent Compliance Committees second progress review of Croatia's implementation of decision V/9e of the Meeting of the Parties to the Aarhus Convention in which Compliance Committee asks for additional information about steps taken to fully meet the requirements of decision V/9e.

In our previous progress report, we gave information about legislative improvement that has been made to assure transparency and public participation in the development of waste management plans on local level (Article 22 of the Act on Sustainable Waste Management). We also gave information that due to the Environmental Protection Act all waste management plans and programmes at national, regional and local level including their revisions are subject to the preparation of strategic environmental assessment (SEA).

To answer to your question, we would like to clarify that there are two separate processes of public hearings which are however conducted at the same time; those for SEA and those for draft of strategy, plan or programme. Relevant legislative act prescribes in details public participation for each process. General concept of public participation is prescribed by the Law on the Right of Access to Information and Environmental Protection Act which is supported by the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, other Regulations and Acts and respective Guidance's adopted by the Croatian Government (National Aarhus Convention implementation report consists more information about it).

Public participation in SEA process is however prescribed by the Environmental Protection Act, SEA Regulation and Regulation on information and participation of the public and public concerned in environmental matters. SEA process is going in parallel with drafting of strategy, plan or program and before determining the final proposal and its submission to the adoption procedure. SEA process includes public information and public participation from the very beginning and results of the SEA should be taken into account as well as opinions by other bodies and public.

The public shall be informed of:

- the decision on initiating the strategic assessment and developing the strategic impact study
- the decision on determining the content of the strategic impact study (scoping decision)
- the decision on submitting the strategic impact study and the draft proposal of the strategy, plan or programme for public debate
- the procedure relating to potential transboundary effects of a strategy, plan or programme and the procedure of participation in the strategic assessment in another country
- the report of the competent body concerning the performed strategic assessment and the adopted plan or programme.

In the evaluation of the need for strategic assessment (screening), the public shall be informed of the decision issued in that procedure.

Information which is provided in accordance with the provisions of Regulation on information and participation of the public and public concerned in environmental matters shall be published for a period of 30 days. This period shall begin on the date specified on the main page of the web page on which the publication of information is announced.

The public shall participate in:

- the development of the strategic impact study (scoping)
- the public debate on the strategic impact study and the draft proposal of the strategy, plan or programme.

Public consultations shall last at least 30 days.

Determination of the content of the strategic impact study (scoping) requires public participation and that go beyond EU SEA Directive.

Body competent for the implementation of strategic assessment in collaboration with the author of the study considers the objections received during the public hearing and they make report in which they explain why certain objections were accepted, partially accepted or rejected and not included in the final draft of the strategy, plan or programme.

The SEA procedure is concluded by the final report of the body competent for the implementation of strategic assessment containing the following:

- a statement summarising how environmental considerations have been integrated into the strategy, plan and programme
- a statement summarising how the results of the SEA study, opinions of the bodies and/or persons, opinions, objections and proposals of the public as well as the results of transboundary consultations have been taken into account or considered in the course of making a decision on the adoption of the strategy, plan or programme
- explanation of the reasons for choosing the strategy, plan or programme as adopted, in the light of the other considered alternative options
- the environmental protection measures
- the method of monitoring the implementation of the measures which have become part of a strategy, plan or programme

- the method of monitoring significant environmental effects of the strategy, plan or programme adopted.

It is prescribed that this final report needs to be publicly available.

Ministry established specialised web portal to improve communication with public about SEA and EIA process for which Ministry of Environment and Energy is in charge. This portal is also used as joint place to post information about SEA documents for which other central or local government bodies are in charge as well as guidance of how to improve public participation in the SEA and EIA process (<http://puo.mzoip.hr/>).

In relation to the new National waste management plan, which is a prerequisite for drafting of new local waste management plans, public consultations have been prolonged because of the need for wider consultations about the new waste management concept in Croatia. In parallel to that, SEA documents are also in the process of revision and information regarding that are posted on the web portal specialised for EIA and SEA issues: <http://puo.mzoip.hr/hr/spuo/postupci-strateske-procjene-nadlezno-tijelo-je-ministarstvo-zastite-okolisa-i-energetike.html>.

That said, we believe that current Croatian legislative framework has ensured adequate and appropriate practical provisions for the public participation during the preparation of municipal waste management plans and that Croatia fulfilled the requirements from the decision V/9e of the Meeting of the Parties. Moreover, we will continue our efforts to enhance public participation in decision making on environmental issues in general.

Yours sincerely,



ASSISTANT MINISTER
Mr. Sc. Marija Šuljac Domac

- Cc:
1. Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva
 2. Ms. Zrinka Jakl, Assotiation for Nature, Environment and Sustainable Development 'Sunce'