



## Economic and Social Council

Distr.: General  
31 July 2017

Original: English

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### Economic Commission for Europe

Meeting of the Parties to the Convention on  
Access to Information, Public Participation  
in Decision-making and Access to Justice  
in Environmental Matters

#### Sixth session

Budva, Montenegro, 11–13 September 2017

Item 7 (b) of the provisional agenda

**Procedures and mechanisms facilitating the implementation of the Convention:  
Compliance mechanism**

### Report of the Compliance Committee\*

#### Compliance by Croatia with its obligations under the Convention

##### *Summary*

This document is prepared by the Compliance Committee pursuant to the request set out in paragraph 19 of decision V/9 of the Meeting of the Parties (ECE/MP.PP/2014/2/Add.1) and in accordance with the Committee's mandate set out in paragraph 35 of the annex to decision I/7 of the Meeting of the Parties on review of compliance (ECE/MP.PP/2/Add.8).

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\* The present document is being issued without formal editing



## **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 since the Committee's first progress review**

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

3. At the Committee's request, on 2 January 2015 the secretariat forwarded the first progress report of the Party concerned 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.

4. By letter of 13 October 2015, the secretariat sent the Committee's first progress review on the implementation of decision V/9e to the Party concerned together with a reminder of the request by the Meeting of the Parties to provide its second progress report to the Committee by 31 October 2015 on the measures taken and the results achieved thus far in implementation of the recommendations set out in decision V/9e.

5. The Party concerned provided its second progress report on the implementation of decision V/9e on 10 November 2015 (dated 28 October 2015).

6. At the Committee's request, on 27 November 2015 the secretariat forwarded the second progress report of the Party concerned to the communicant of communication ACCC/C/2012/66, inviting it to provide its comments on that report by 18 December 2015. The communicant did not provide comments.

7. At its fifty-second meeting (Geneva, 8-11 March 2016), the Committee reviewed the implementation of decision V/9e in open session taking into account the second progress report of the Party concerned. Despite invitation neither the Party concerned nor the communicant took part in the session.

8. On 11 April 2016, the secretariat wrote to the Party concerned expressing the Committee's regret that despite invitation the Party concerned had not participated in the audio conference scheduled to discuss the implementation of decision V/9e at the Committee's fifty-second meeting. At the Committee's request, the secretariat invited the Party concerned to provide further information on various aspects of its implementation of decision V/9e.

9. On 27 April 2016, the Party concerned provided the additional information requested by the Committee through the secretariat's letter of 11 April 2016.

10. By letter of 25 October 2016, the secretariat sent the Committee's second progress review on the implementation of decision V/9e to the Party concerned. The Party concerned was informed that, in order to be taken into account by the Committee in the preparation of its report on decision V/9e to the sixth session of the Meeting of the Parties, all measures necessary to implement decision V/9e should be completed by, and reported upon, by no later than 31 December 2016.

11. On 28 December 2016, the Party concerned provided its third progress report (dated 21 December 2016).

12. At the Committee's request, on 9 January 2017 the secretariat forwarded the third progress report of the Party concerned to the communicant of communication ACCC/C/2012/66, inviting it to provide its comments on that report by 23 January 2017. No comments were received.

13. The Committee adopted its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9c through its electronic decision-making procedure on 31 July 2017, and thereafter requested the secretariat to send it to the Party concerned and the communicants.

### III. Considerations and evaluation by the Committee

14. 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.<sup>1</sup>

15. The Committee welcomes the three progress reports received from the Party concerned as well as the further information provided by the Party concerned on 27 April 2016.

#### **Paragraph 3 of decision V/9e: Transparent framework for public participation in municipal waste management plans**

16. In its first progress report, the Party concerned informed the Committee that article 22 of its new Sustainable Waste Management Act (Official Gazette No. 94/13) ensured a transparent framework for public participation during the preparation of municipal waste management plans.<sup>2</sup>

17. In its second progress report, the Party concerned provided an English translation of the text of article 22 of the Sustainable Waste Management Act. Article 22, paragraph 1, of the Act states that the draft waste management plans of units of local self-government and of the City of Zagreb must be made public in order to facilitate public participation.<sup>3</sup> Article 22, paragraph 2, provides that the Ministry, or local self-government units and the City of Zagreb, must inform the public, using mass media, of where the draft waste management plans may be accessed and how and when to submit their opinions, proposals or comments.<sup>4</sup> Article 22, paragraph 3, states that the period during which the public can express their opinions, proposals or comments must be not less than 30 days from the date of publication of the draft waste management plan.<sup>5</sup> The Party concerned also informed the Committee that all waste management plans and programmes at the local level, including

<sup>1</sup> Decision V/9e, para. 3.

<sup>2</sup> First progress report of the Party concerned, 22 December 2014.

<sup>3</sup> Second progress report of the Party concerned, 10 November 2015, p. 2.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

those of local self-government units, are subject to strategic environmental assessment without exception.<sup>6</sup>

18. In that regard, in its additional information of 27 April 2016, the Party concerned provided the Committee with English translations of article 63 and 64 of the Environmental Protection Act (Official Gazette No. 80/13 and 78/15). Article 63, paragraph 1, of the Environmental Protection Act requires strategic environmental assessment (SEA) for strategies, plans or programmes, adopted at the state, regional and local level for cities in a number of sectors, including waste management.<sup>7</sup> Article 64 of the Environmental Protection Act extends this obligation to the amendment of such strategies, plans and programmes.<sup>8</sup>

19. In its third progress report, the Party concerned clarified that there are accordingly two parallel but separate processes of public hearings conducted at the same time: one concerning the SEA and one on the draft strategy, plan or programme itself.<sup>9</sup> The results of the strategic environmental assessment are to be taken into account in the preparation of the final draft of the strategy, plan or programme.<sup>10</sup> Given the parallel processes, the Committee points out that it will be important for the competent authorities conducting these procedures to adequately communicate to the public concerned its opportunities to participate in both procedures.

20. With respect to the reference in paragraph 3 of decision V/9e to a “transparent framework”, in its third progress report the Party concerned reported that its Ministry of Environment and Energy had established a specialized web portal to improve communication with the public regarding SEA and environmental impact assessment (EIA) procedures for which the Ministry was in charge (<http://puo.mzoip.hr/>). It stated that the portal is also used to post information about SEA documents for which other central or local government bodies are in charge as well as to provide guidance on how to improve public participation in SEA and EIA procedures.<sup>11</sup>

21. The Committee welcomes the legislative measures put in place by the Party concerned through article 22 of the Sustainable Waste Management Act to ensure public participation in the preparation of waste management plans. It further welcomes that, pursuant to article 63 and 64 of the Environmental Protection Act, all municipal waste management plans and programmes are to be subject to SEA.<sup>12</sup> Based on the above, and having received no evidence from the communicant of communication ACCC/C/2012/66 or observers to the contrary, the Committee considers that the Party concerned has met the requirements in paragraph 3 of decision V/9e to put in place a transparent framework providing for appropriate practical and/or other provisions for the public to participate during the preparation of municipal waste management plans.

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<sup>6</sup> Ibid.

<sup>7</sup> Additional information from the Party concerned after the Committee’s fifty-second meeting, 27 April 2016, pp. 2-3.

<sup>8</sup> Ibid, p. 3.

<sup>9</sup> Third progress report of the Party concerned 28 December 2016, p. 1.

<sup>10</sup> Ibid, p. 2.

<sup>11</sup> Ibid, p. 3.

<sup>12</sup> Additional information from the Party concerned after the Committee’s fifty-second meeting, 27 April 2016, pp. 2-3.

## IV. Conclusions

22. The Committee welcomes the constructive engagement of the Party concerned in the compliance review process during the intersessional period.

23. Having reviewed the information provided in the intersessional period, the Committee finds that the Party concerned has seriously and actively engaged in efforts to follow the recommendations set out in paragraph 3 of decision V/9e. Based on the information provided, the Committee considers that the Party concerned has fulfilled the requirements of paragraph 3 of decision V/9e and accordingly is no longer in a state of non-compliance with article 7 of the Convention with respect to the points of non-compliance identified in the Committee's findings on communication ACCC/C/2012/66.

24. The Committee recommends that, pursuant to paragraph 35 of the annex to decision I/7, the Meeting of the Parties endorse the above report with regard to compliance by Croatia.

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