

Questionnaire for the

**REPORT OF CROATIA ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2010–2012

Information on the focal point for the Convention

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Date on which report was completed:

PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

Environmental Protection Act (Official Gazette – hereinafter referred to as OG) No. 110/07
Regulation on environmental impact assessment (OG No. 64/08, 67/09)
Regulation on information and participation of the public and public concerned in environmental matters (OG No. 64/08)
Regulation on the procedure for establishing integrated environmental requirements (OG No. 114/08)
Regulation on the prevention of major accidents involving dangerous substances (OG No. 114/08)

Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

The provisions of the Convention are included in the existing legislation and are successfully implemented throughout the entire implementation framework.

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

Ministry of Foreign Affairs is responsible for transboundary EIA, and Ministry of Environmental Protection and Nature and state administration offices are responsible for the national EIA procedure.

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

The Ministry of Environmental Protection and Nature.

5. *Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?*

No

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

Yes. The Regulation on environmental impact assessment covers all projects indicated in Annex I of the Convention.

This Regulation was passed pursuant to the Environmental Protection Act of 2007 and includes three Annexes as criteria for the decision (major or large, respectively), with a list of projects for which environmental impact assessment is mandatory (Annex I), a list of projects subject to evaluation of the need for environmental impact assessment under the competence of the Ministry of Environmental Protection and Nature (Annex II), and a list of projects subject to evaluation of the need for environmental impact assessment under the competence of the administrative body in the county or City of Zagreb (Annex III).

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

Yes. The Regulation on environmental impact assessment covers all projects indicated in second amendment to the Convention.

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

All comments of both Parties are handed over to the reviewing body to be considered under application of the same criteria.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

When the Ministry or the competent administrative body in a county or in the City of Zagreb, upon receiving a request for evaluation of the need for environmental impact assessment or upon receiving a request for environmental impact assessment, assesses that a project could have a significant impact on the environment of another country, it shall deliver a notification stating that the request has been made to the competent body of the other country. This notification shall be delivered at the latest after the general public of the State has been informed of the receipt of the request.

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

The notification is usually sent after a first session of the reviewing body, when the transboundary impact has been established. If there is a scoping procedure the information about project is sent earlier in the scoping phase.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV,*

appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?

Yes, the proposed guidelines are followed.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

When determining the time frame for the response, we take national legislation into account.

Thirty days is a reasonable time to give a response.

If an affected Party does not comply with the time frame, the Party would be reminded and it would then be considered that the Party has agreed to the project.

Croatia agrees to a request for an extension of the deadline.

If after a second notification an affected Party does not respond, both Parties shall agree on the decision.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

Information is requested whenever Croatia needs these data to assess the transboundary impact.

Requested information comprises the catalogue of available data, and the data which are “environmental indicators”.

The time frame for response is agreed between the points of contact, but it should be as short as possible.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

The affected country informs its public of the proposed activity pursuant to the provisions of its national legislation. The Republic of Croatia submits the environmental impact study and its summary to the affected country and takes a role in holding and implementing a public hearing.

- f. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

According to the Regulation, a public hearing must be advertised in the daily press, the official journal and web page of Ministry of Environment and Nature Protection.

The notification includes the date, place and time frame of the public hearing and the EIA documentation.

- g. *Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not.*

Yes, the two notifications contain the same information.

Croatia normally notifies the public of the affected Party after the public hearing in the Party of origin has been completed.

11. *Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes, the points of contact are made use of in the indicated way.

QUESTIONS TO AFFECTED PARTY

12. *Indicate whether and how the following provisions are reflected in your national legislation:*

a. *How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

Decision is made after considering received documentation and in consultation with bodies and/or persons designated by special regulations and to the competent administrative body in a county or in the City of Zagreb, depending on the area which is affected by the environmental project in the other country.

b. *The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

"Reasonably obtainable" information is information that already exists and which is available.

There is no legislation determining "promptly" in the context of transboundary procedures, however in the Republic of Croatia submission of a reply within 30 days is stipulated by national legislation, i.e., the Act on General Administrative Procedure (OG No. 47/09).

c. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

Mainly through the points of contact.

d. *When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

The affected country informs its public of the proposed activity pursuant to the provisions of its national legislation. The Republic of Croatia submits the environmental impact study and its summary to the affected country and takes a role in holding and implementing a public hearing.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

The Environmental impact assessment documentation contain the information described in Appendix II to the Convention, as a minimum.

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

Apart from submitting the request for environmental impact assessment with the mandatory content of the environmental impact study, the developer has an option to request from the competent authority the issuing of instructions on the content of the study at the request of the developer (scoping). Along with that request, it is required to submit information prescribed pursuant to the Annex VI to the Regulation. In that case, the competent authority is obliged to obtain opinions from other competent bodies, depending on the location and characteristics of the project, as well as the

opinion from the local and regional self-government unit on the territory where the project is located. At the same time, the public and public concerned are informed of the developer's request and are given a period of 30 days to submit their opinions, objections and proposals on the content of the study. Only after reviewing the opinions of other competent bodies and opinions of the local and regional self-government unit as well as the opinions, objections and proposals of the public and public concerned submitted during the information process, the competent authority shall issue instructions on the content of the study. The instructions are also published on the web site of the Ministry and, apart from the content of the study, they also contain the list of bodies designated by a special regulation and other stakeholders at the concerned location who need to be consulted during the development of the study.

c. The identification of "reasonable alternatives" in accordance with appendix II, paragraph (b);

Reasonable alternatives are identified by location and characteristics of location the proposed activity.

d. The procedures and format for providing the EIA documentation domestically;

Information on the submitted application is published at the website of the Ministry of Environmental and Nature Protection and the website of the county at the territory of which the project is planned. The Study is delivered to the administrative department for environmental protection of the county.

e. The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;

No, overall documentation is available to the affected Party.

f. The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;

Procedures and deadlines for examination of documentation are prescribed by General Administrative Act and EPA.

Comments can be delivered within 30 days from the publication of a notification in a daily newspaper that the public hearing regarding the planned project was initiated. They are delivered to the county, the administrative department competent for environmental protection.

g. The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;

Comments and explanations are addressed in EIA Decision.

h. The procedures for public hearings domestically;

Information on the public hearing is along with the study summary published at the website of the Ministry of Environmental and Nature Protection.

i. The procedures for public hearings held on the territory of the affected Party.

Depends on implementing regulations of the affected Party.

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

If the Party of origin delivers in its notification a deadline until which comments related to received documents should be submitted this deadline will be respected. If no deadline is indicated a deadline in the duration of 30 days is applied in accordance with the national legislation.

b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

Under 13 d, the Ministry of Environmental and Nature Protection.

c. *The procedures for the examination of the EIA documentation domestically.*

Environmental Impact Study was published at the website of the Ministry, while public inspection into the Study may be carried out in the county on which the planned activity may have a negative impact.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

a. *The procedures for cooperation with the affected Party related to consultations;*

The competent administrative body in the county or the City of Zagreb will, in case the committee in the environmental impact assessment procedure establishes that the project is likely to have a significant impact on the environment of another Party, inform the Ministry thereof with the aim of proceeding towards the other Party.

b. *The stages, procedures and deadlines for consultations with the affected Party;*

The stages, procedures and deadlines are the same as in national procedures.

c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

The request for environmental impact assessment must contain information on the developer, information on the location and the project, information on the harmonisation of the project with valid physical planning documentation, information on the authorised person, a relevant act issued in the screening process as part of the nature impact assessment procedure and the environmental impact study. The Regulation on environmental impact assessment prescribes the mandatory content of the environmental impact study which is fully aligned with Annex IV to Directive 85/337/EEC on the

assessment of the effects of certain public and private projects on the environment. When a project may have a significant impact on the ecological network pursuant to special regulations governing nature protection, the content of the study shall also include a chapter elaborating the effects of the project on the ecological network in accordance with those regulations. It is important to underline that the environmental impact study may be drafted only by a legal person authorised by the Ministry of Environmental Protection, Physical Planning and Construction for the development of environmental impact studies. The Regulation also prescribes that individual chapters in the study are to be drafted by experts who have the prescribed level of education. The advisory expert committee, appointed from representatives of other competent bodies, scientists, experts and representatives of local and regional self-government units evaluates the study's completeness in regards to its prescribed mandatory content which is followed by evaluating the study's expertness. If the study has shortcomings, the committee shall recommend to the competent authority to request from the developer to supplement the study, providing at the same time an explanation on which part of the study needs to be supplemented. If the committee establishes that further research and/or collecting data on the current status of the environment is necessary and this will require a longer time period, it shall recommend to the competent authority that the developer's request be rejected as unfounded.

QUESTIONS TO AFFECTED PARTY

16. Indicate the legal requirements in your country, if any, related to the following provisions:

a. The procedures for interaction with the Party of origin related to consultations;

There are no differences in public participation consultations.

b. The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.

If the Ministry makes a decision to participate in the environmental impact assessment procedure for the project in the other country, it shall, for the purpose of obtaining their opinion, submit data on the project to bodies and/or persons designated by special regulations and to the competent administrative body in a county or in the City of Zagreb, depending on the area which is effected by the environmental project in the other country, as well as enable information and participation of the public and public concerned pursuant to the provisions of this Act. After having received the opinions of the bodies and the comments given by the public and public concerned, the Ministry shall prepare a single opinion and deliver it to the competent body of the other country within the given deadline.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. Indicate the legal requirements in your country, if any, related to the following provisions:

a. The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;

The final decision is in fact the building permit which is issued in the procedure pursuant to the Physical Planning and Building Act (OG No. 76/07, 38/09)

- b. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

Yes, all projects listed in Appendix I require such a decision.

- c. *The procedures for informing of the “final decision” domestically and for the affected Party;*

The results of an EIA procedure influence the decision-making process for the proposed activities, and they are taken into consideration before taking the final decision on the proposed activity

- d. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?*

Yes, they are taken into consideration in the same way

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

If additional information becomes available, this information would be considered, and should it result justified, pursuant to national legislation a revision of the procedure would be carried out.

If results of the assessment reveal the need, the first decision may be revised.

Very often screening procedure is needed for changes before the activity is implemented.

Article 7

Post-Project Analysis

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

As a result of the environmental impact assessment carried out, a Decision on the acceptability of the proposed activity is passed including environmental protection measures and a programme for monitoring the state of the environment (Post- Project Analysis), and this programme is transposed into the decision on the proposed activity. In our decisions the obligation to monitor data and the obligation to exchange information has been incorporated. The Post Project Analysis depends on the monitoring results.

- b. *Procedures for informing of the results of post-project analysis.*

In the same way as exchange of information and documentation during the assessment procedure is carried out, i.e., through the Points of contact.

Article 8

Bilateral and multilateral agreements

19. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what*

extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

The Republic of Croatia has no bilateral nor multilateral agreements.

20. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

21. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

22. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Croatia ratified the first amendment on 11 February 2009.

23. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Also the second amendment was ratified on 11 February 2009.

24. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

The Protocol was ratified on 6 October 2009.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

Yes. Currently procedures are under way in which Croatia is the Party of origin "Osijek Multipurpose Hydropower System" The transboundary consultation with Hungary are

started in the scoping phase. Recently finished procedure in which Croatia is the Party of Origin and Slovenia is Affected Party is Thermopower plant Plomin C. Ongoing procedures in which Croatia is the affected Party is new Nuclear Power Plant Units Paks in Hungary and Hydropower plant Dabar in Bosnia and Herzegovina.

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*
27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

It may be stated that the average duration of EIA is about six months.

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2010–2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

Croatia has conducted several EIA transboundary procedures and measures of protection have been brought. To answer this question the analysis of efficiency of these measures is needed.

29. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others:*

- a. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?*

In the initial stage a copy of the integral study with separate chapter on transboundary issues and its summary are submitted. If the neighbouring country requests additional clarification, efforts are made to meet the request by sending possible clarification and available data, as soon as possible.

- b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions have your country applied?*

Croatia translates only basic information and summary if respective country is not from former Yugoslavia. For other we understand each other and the documentation has not been translated.

- c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

Public debate is organised in compliance with national legislation, depending on the area potentially affected by the environmental project in the territory of a neighbouring country.

There have been no negative experiences which would have complicated and slowed down the procedure.

- d. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?*

Difficulties mostly arose when determining time limits, either with regard to the response whether a neighbouring country would participate in the procedure, or with regard to the response on its final decision upon carrying out public debate, etc.

- e. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

If Croatia is country of origin the administrative act - decision has been issued. It consist of statement on environmental acceptability of the project. measures of protection and monitoring. The decision is published on web site

- f. *Has your country carried out post-project analyses and, if so, on what kinds of project?*

Gas field North Adriatic. Croatia-Italy. The results of monitoring program have been analysed and program has been revised

- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);*

No, in this report period.

- h. *Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

We have some good practice cases and we are willing to introduce them.

- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

Points of contact.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

No

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*
- a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*
 - b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*
 - c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

CLARITY OF THE CONVENTION

32. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

The only difficulty is that the procedure consumes a lot of time and the country of origin can not speed up a process in affected country

AWARENESS OF THE CONVENTION

33. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Republic of Croatia very actively participated in project Regional Environmental Network for Accession (RENA). The overall objective of Cross border cooperation and multilateral Environmental Agreements Working Group was to increase capacity and strengthen cooperation on issues of transboundary importance including EIA and SEA cooperation. Most of the RENA beneficiary countries share common water and nature resources. An objective of all regional trainings was to create a forum of officials from the candidate and potential candidate countries to exchange experiences on issues of transboundary relevance. Two of the trainings were related to transboundary EIA and SEA.

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

Croatia has transposed EU EIA and SEA directives, has ratified Espoo and Aarhus Convention and SEA Protocol, practising EIA as an administrative procedure since 1984 and conducting about 10 transboundary cases consider that at the moment there is no need for any specific activity to improve the application in Croatia. But we desperately feel the need to work with neighbouring countries on improvement of the efficiency of the transboundary procedures.

SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

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