



**REPUBLIC OF CROATIA**  
MINISTRY OF ENVIRONMENTAL  
PROTECTION, PHYSICAL PLANNING  
AND CONSTRUCTION

10000 Zagreb, Ulica Republike Austrije 20  
Tel: +385 1 37 82-444 Fax: +385 1 37 72-822

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Zagreb, 17 November 2011

Palais des Nations  
Implementation Committee  
Convention on EIA  
in a Transboundary Context  
Nick Bonvoisin, Secretary  
Vesna Kolar-Planinšič, Chair  
CH-1211 Geneva 10, Switzerland

**Subject:** Implementation Committee, letter Ref. EIA/IC/SCI/3/1 of October 13, 2011.  
Clarification of the implementation of Article 3 paragraph 1 of the Espoo Convention

Dear Madam,

In the Republic of Croatia the environmental impact assessment procedure is carried out pursuant to the Environmental Protection Act (Official Gazette No 110/07) and the Regulation on environmental impact assessment (Official Gazette No 64/08 and 67/09), transposing EU Directives 85/337/EEC, 97/11/EC and 2003/35/EC, as well as the Regulation on information and participation of the public and public concerned in environmental matters (Official Gazette 64/08), transposing EU Directive 2003/4/EC, all harmonised with the provisions of Aarhus Convention.

Espoo Convention governs (unless this matter is regulated by the parties in a different manner) that the country of origin shall notify the affected country in case when in an Environmental Impact Study it is assessed that the project may have a significant impact on the environment of the affected country.

Contrary to such an approach, the Republic of Croatia together with its neighbouring countries has adopted the practice that the country of origin sends a notification to the affected country for each project listed in Appendix I to the Convention.

The Ministry of Environmental Protection, Physical Planning and Construction, as the competent authority for implementation of procedures under the Espoo Convention, informs the affected country upon gaining information on the intended (planned) project:

1. When the developer informs the Ministry of the intention of carrying out a project and requests issuance of instructions on the content of the Environmental Impact Study (scoping).

2. In case there was no scoping, when the developer submits a request for carrying out the environmental impact assessment procedure and encloses to the request the Environmental Impact Study.

In cases when the Ministry carries out the procedure following a request for issuance of instructions on the study content, if the respective project is listed in Appendix I to the Convention the country of origin is informed and invited to the scoping (for example: Regulation of the Sava waterway and establishment of the Sava river regulation line from Račinovac to Sisak (Bosnia and Herzegovina and Serbia); Multipurpose Canal Danube-Sava (Serbia); Gas exploitation in the North Adriatic exploitation field (Italy); Hydropower plant Dubrovnik II (Bosnia and Herzegovina, Montenegro).

As soon as the developer initiates the above indicated procedure, the information thereon is placed on the Ministry's web site.

In the other case, when the Ministry carries out the environmental impact assessment procedure pursuant to a submitted Study, the procedure is carried out in the following manner: upon receiving the developer's request, the authorised person of the Ministry shall establish whether the request contains all the prescribed data and evidence pursuant to the Regulation on environmental impact assessment and shall appoint, by decision, the Advisory Expert Committee, and shall, pursuant to the Regulation on public information, publish on the Ministry's web site the information on the submitted request. At its first session the Committee visits the project location and delivers its opinion on the Study's completeness and expert foundation. If the Committee establishes that the Study needs to be further elaborated, the Study shall be referred for further elaboration. Studies which have been assessed by the Committee as professional and complete are submitted for public debate.

The Environmental Impact Study shall also include a mandatory chapter on the project's potential transboundary environmental impacts. If the project is listed in Appendix I to the Convention, the Committee shall inform the Ministry that the Study is ready for notification of the affected country and the affected country shall be informed regardless of the fact whether the project, according to the Study, has or does not have any significant transboundary impacts.

Thus the affected country shall be notified at the latest when the Ministry (as the competent authority for procedures under the Espoo Convention) adopts the Decision that the Environmental Impact Study shall be submitted for public debate in the Republic of Croatia.

If the affected country has requested a procedure pursuant to the Espoo Convention, the environmental impact assessment procedure shall not be completed and the Ministry shall not issue the Decision until consultations with the affected country are completed, including the participation of the public of the affected country pursuant to the regulations of that country.

In the questionnaire we submitted you the answer to question 14(d) is not correct, and we would like to apologise for that.

Sincerely yours,



STATE SECRETARY

Dr. Nikola Ružinski