

THE GOVERNMENT OF THE REPUBLIC OF CROATIA

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Pursuant to the provision of Article 137, paragraph 2 and Article 142, paragraphs 3 and 4 of the Environmental Protection Act (Official Gazette 110/2007), the Government of the Republic of Croatia, at its session on 29 May 2008, adopted the following

REGULATION

ON INFORMATION AND PARTICIPATION OF THE PUBLIC AND PUBLIC CONCERNED IN ENVIRONMENTAL MATTERS

I. GENERAL PROVISIONS

Article 1

(1) This Regulation stipulates the manner of informing the public in the procedures for: developing the strategic impact study; evaluation of the need for strategic assessment; evaluation of the need for environmental impact assessment; establishing the content of the environmental impact study prior to its development and the procedure of issuing approval on the Safety Report.

(2) This Regulation prescribes the manner of informing the public and public concerned and their participation, in the event that public participation is prescribed by the Act, in the procedures for: strategic assessment; adoption of plans and programmes for which strategic assessment is not performed; preparation of laws, implementing regulations and other generally- applicable legally binding rules which may have significant effects on the environment; environmental impact assessment, and determination of integrated environmental protection requirements for a company installation. Furthermore, it prescribes the manner of conducting a public debate, including public inspection and public display, as well as the related deadlines.

(3) This Regulation prescribes the plans and programmes from the field of environmental protection for which the obligation of strategic assessment is not prescribed by the Act, but for which it is necessary to enable public participation in the procedure of developing the draft proposal of the plan and programme and it prescribes which public may participate in that procedure.

Terms and definitions

Article 2

For the purposes of this Regulation, the following definitions apply::

1. *Central body* is the central state administration body competent for the sector for which a plan or programme is being adopted, excluding the ministry competent for environmental protection activities;
2. *Author* is the legal person or body, authorised pursuant to the law, who develops a plan or programme that is the subject of the strategic environmental assessment;
3. *Authorised person* is a legal person authorised for performing professional environmental

protection activities who, under the requirements prescribed by the Act and the implementing regulation of that Act, may perform activities related to developing studies, including the nature impact assessment study for the planned project and activities related to developing technical and technological conceptual designs for installations in relation to integrated environmental protection requirements;

4. *Competent body* is the ministry competent for environmental protection activities and the (other) central state administration body, competent administrative body in the county or in the City of Zagreb;

5. *The Act* is the Environmental Protection Act;

6. *Location* of the project means the area in which the project is planned;

7. *Web pages* are the internet pages of the competent body.

II. MANNER OF INFORMING THE PUBLIC

Manner of publishing information

Article 3

(1) The competent body shall be responsible for accuracy, timeliness, comparability and availability of the information provided in environmental matters.

(2) The competent body, as a rule, shall provide and publish the information under its competence, which it is obliged to provide pursuant to the Act and this Regulation, on its web pages.

(3) The competent body, given the complexity and nature of the subject matter on which it is obliged to provide information in accordance with the Act and this Regulation, except by means of its web page, may also provide such information through other means of informing that are more appropriate in a specific case given the local community or individual citizen, specifically:

- public notices in the press,
- public notices in the official journal of a local or regional self-government unit,
- public notices on the notice board at a particular location,
- notices in other means of public information – electronic media, etc.,
- notices on relevant notice boards, etc.,
- and by written publications.

(4) When the information procedures regulated pursuant to the Act and this Regulation are used to inform the public concerned, the competent body shall publish the information by displaying it on the notice board at a particular location, as well as in the local or regional press.

Mandatory duration of the period for information dissemination

Article 4

(1) Information which is provided in accordance with the provisions of this Regulation 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.

(2) By way of derogation from paragraph 1 of this Article, when information is provided for the purpose of public participation in the procedure of preparation of laws and implementing regulations and other generally- applicable legally binding rules, which may have significant effects on the environment, including the procedures of preparing amendments thereof, the publication of information shall last no longer than 30 days.

(3) The publication of information shall be announced on the main page of the web page by copying the introductory part (without the heading) and name of the act by which the information is provided.

(4) By way of derogation from paragraph 1 of this Article, information that is, except on the web page, also published in other means prescribed in accordance with this Regulation (such as press, radio, etc.) may be published in a shorter period or only on one occasion. In such cases, it shall be mandatory to provide the duration of the information dissemination period according to the date on the web page referred to in paragraph 1 of this Article.

Public information in the procedures of strategic environmental assessment of plans and programmes and evaluation of the need for strategic assessment

Article 5

(1) In the procedure of strategic environmental assessment of plans and programmes (hereinafter: strategic assessment), the public shall be informed of:

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

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

Article 6

(1) The information on the development of the strategic impact study shall contain in particular:

1. Heading of the body publishing the information (name, class and reg. no., date);
2. Name and address of the body competent for performing the procedure of developing the strategic impact study;
3. Name of the regulation and provisions on the basis of which the procedure is performed;
4. Name of the plan or programme for which the strategic impact study is developed, decision on developing the plan or programme, programme starting points and objectives of the plan or programme and, when amendments to the plan or programme are concerned, also the indication of the official journal in which that plan and programme was published;
5. Summary of the procedure to be performed (the order of activities and participants in the procedure: name and seat of the body and/or persons designated by special regulations, local and regional self-government units, etc.);
6. The manner in which the public shall respond to the information: method of submitting the opinions and proposals on the content of the strategic impact study, the competent body and the address, as well as the period for their submission;
7. The manner in which the public shall be informed of the result of the procedure.

(2) The information on the acts referred to in Article 5, paragraphs 1 and 2 of this Regulation – decisions, assessments, reports – shall be made available by publishing those acts on the web page. If the nature of the act – because it contains technical and cartographic displays – does not permit

its publication in its entirety, the summary of the act without technical and cartographic displays shall be published. The summary shall contain the relevant statement and explanation of the act, if contained in the act.

Public information in the procedures of environmental impact assessment, evaluation of the need for environmental impact assessment and the issuing of instructions on the content of the environmental impact study

Article 7

(1) In the procedure of environmental impact assessment, the public and public concerned shall be informed of:

1. the request of the developer,
2. the decision on submitting the environmental impact study for public debate,
3. the decision on environmental acceptability of the project,
4. any other decision in that procedure issued in accordance with the law.

(2) In the procedure of evaluation of the need for environmental impact assessment, the public and public concerned shall be informed of:

1. the request of the developer,
2. the decision issued in relation to the developer's request.

(3) In the procedure of issuing instructions on the content of the environmental impact study, the public and public concerned shall be informed of:

1. the request of the developer,
2. the instruction issued in relation to the developer's request.

Article 8

(1) The information on the procedures referred to in Article 7 of this Regulation shall contain in particular:

1. Heading of the body publishing the information (name, class and reg. no., date);
2. Name and address of the body competent for performing the procedure;
3. Name of the regulation and provisions on the basis of which the procedure is performed;
4. Information on the developer and the content of the request (name of the developer, location and summary description of the project referred to in the request),
5. Summary of the procedure to be performed (the order of actions and participants in the procedure: name and seat of the body and/or persons designated by special regulations, local and regional self-government units, etc.);
6. The manner in which the public and public concerned shall respond to the information: method of submitting opinions, objections and proposals, the competent body and the address, as well as the period for their submission. The response of the public and public concerned to the information on the request referred to in Article 7, paragraph 1, item 1 of this Regulation shall not be obtained because public debate is to be conducted in the procedure related to that request;
7. The manner in which the public and public concerned shall be informed on the result of the procedure related to the developer's request.

(2) The information on the acts referred to in Article 7 of this Regulation (decision, instruction) shall, as a rule, be made available by publishing the act on the web page. If the nature of the act – because it contains technical and cartographic displays – does not permit its publication in its entirety, the summary of the act without technical and cartographic displays shall be published. The

summary shall contain the relevant statement and explanation of the act, if contained in the act.

Public information in the procedure of determining the integrated environmental protection requirements

Article 9

(1) In the procedure of determining the integrated environmental protection requirements for a new installation, the public and public concerned shall be informed of:

1. the request of the developer;
2. the conclusion establishing that the procedure related to the request for determining the integrated environmental protection requirements shall be merged with the procedure conducted in regards to the request for environmental impact assessment for the same project, and that these procedures shall be integrated into a single procedure pursuant to the Act;
3. the decision on integrated environmental protection requirements.

(2) In the procedure conducted for the purpose of obtaining integrated environmental protection requirements in the case of a significant change in operation, procedure concerning the extension of the period of validity of the integrated environmental protection requirements for an installation and in other procedures pursuant to the Act relating to installations, the public and public concerned shall be informed of:

1. the request of the company, operator or developer,
2. the decisions adopted in the procedures referred to in item 1 of this paragraph, including the use permit in the part concerning the integrated environmental protection requirements.

(3) The information on the procedures referred to in paragraphs 1 and 2 of this Article 7 shall contain in particular:

1. Heading of the body publishing the information (name, class and reg. no., date);
2. Name and address of the body competent for performing the procedure;
3. Name of the regulation and provisions on the basis of which the procedure is performed;
4. Information on the developer and the content of the request (name of the developer, location and summary description of the project referred to in the request);
5. Summary of the procedure to be performed (the order of actions and participants in the procedure: name and seat of the body and/or persons designated by special regulations, local and regional self-government units, etc.);
6. The manner in which the public and public concerned shall respond to the information: method of submitting opinions, objections and proposals, the competent body and the address, as well as the period for their submission. The response of the public and public concerned to the information on the request referred to in paragraph 1, item 1 and on the request referred to in paragraph 2, item 1 of this Article shall not be obtained when those procedures prescribe the conducting of public debate;
7. The manner in which the public and public concerned shall participate in, and be informed on, the result of the procedure.

(4) The information on the acts referred to in paragraphs 1 and 2 of this Article (conclusion, decision, use permit) shall, as a rule, be made available by publishing the act, or its part relating to integrated environmental protection requirements (such as use permit), on the web page. Insofar as the nature of the act does not permit its publication in its entirety, and the act contains technical and cartographic displays, the summary of the act shall be published without the technical and cartographic displays.

The summary shall contain the relevant statement and explanation of the act, if contained in the act.

Article 10

The provisions of Article 9 of this Regulation shall apply appropriately to the procedures conducted in relation to the company's request for determining the integrated environmental protection requirements for an existing installation and for reconstruction of an existing installation.

Public information in the procedure of issuing approval on the Safety Report

Article 11

(1) In the procedure of issuing approval on the Safety Report, the public and public concerned shall be informed of:

1. the request of the developer or company operator,
2. the issued approval, or another act issued in relation to the request pursuant to the Act.

(2) The information on the procedure referred to in paragraph 1 of this Article shall contain in particular:

1. Heading of the body publishing the information (name, class and reg. no., date);
2. Name and address of the body competent for performing the procedure;
3. Name of the regulation and provisions on the basis of which the procedure is performed;
4. Information on the developer and project or the company and installation (name of the developer or company, location of the project or installation referred to in the Safety Report and the summary contents of the report),
5. Summary of the procedure to be performed (the order of actions and participants in the procedure: name and seat of the body and/or persons designated by special regulations, local and regional self-government units, etc.);
6. The manner in which the public and public concerned shall respond to the information: method of submitting opinions, objections and proposals, the competent body and the address as well as the period for their submission.
7. The manner in which the public and public concerned shall be informed on the result of the procedure in relation to the request.

(3) The information on the acts referred to in paragraph 1 of this Article (approval, decision) shall, as a rule, be made available by publishing the act on the web page. If, due to the nature of the act, including the reasons prescribed by the Act, and because it contains technical and cartographic displays, it is not possible to publish the act in its entirety; it shall be published without the technical and cartographic displays. The summary shall contain the relevant statement and explanation of the act, if contained in the act.

III. MANNER OF PUBLIC PARTICIPATION

Public participation in the procedure of strategic assessment of plans and programmes

Article 12

- (1) In the procedure of strategic assessment of plans and programmes, the public shall participate in:
1. the development of the strategic impact study – determining the content,
 2. the public debate on the strategic impact study and the draft proposal of the plan or programme.
- (2) In the procedure referred to in paragraph 1, item 1 of this Article, the public shall participate by submitting written opinions and proposals for determining the content of the strategic impact study to the competent body within the period set for information dissemination in accordance with the provisions of Articles 4, 5 and 6 of this Regulation.
- (3) In the procedure referred to in paragraph 1, item 2 of this Article, the public shall participate in accordance with the provisions of the Act and this Regulation that regulate the manner of conducting the public debate, except in the case of the strategic environmental assessment of a physical plan, when public participation is regulated in accordance with the provisions of the law governing physical planning.

Participation of the public and public concerned in the procedures of environmental impact assessment and determining the integrated environmental protection requirements

Article 13

In the procedures of environmental impact assessment and determining the integrated environmental protection requirements, the public and public concerned shall participate by way of public debate, which is conducted in accordance with the provisions of the Act and this Regulation.

Participation of the public concerned in the procedure of the adoption of plans and programmes for which strategic assessment is not performed

Article 14

- (1) The body which, under the law or the decision of the Government of the Republic of Croatia, as well as the decision of the representative body of the local or regional self-government unit, is competent for developing the plan or programme for which strategic assessment is not performed shall publish the information on the development of the draft proposal of the plan or programme on its web page.
- (2) The information referred to in paragraph 1 of this Article shall contain in particular:
1. Heading of the body publishing the information (name, class and reg. no., date);
 2. Name and address of the body competent for developing the plan and programme (the developer);
 3. Name of the plan or programme which is developed as well as its scope;
 4. List of regulations pursuant to which the plan and programme is developed or adopted;
 5. Summary of the procedure which is conducted in relation to the development and adoption of the plan and programme (the order of actions and participants in the procedure);
 6. The method of submitting opinions, objections and proposals of the public concerned in the draft proposal of the plan or programme when it is developed.
- (3) Plans and programmes for which strategic assessment is not performed are all plans and programmes for which the obligation of strategic assessment is not prescribed by the Act, but the adoption of which is prescribed by the law and they concern the environment.
- (4) The public which has the right to express its opinions, objections and proposals on the draft proposals of plans and programmes referred to in paragraph 3 of this Article is the public which may be affected by those plans and programmes during their implementation.

Participation of the public concerned in the procedure of the preparation of laws, implementing regulations and other generally- applicable legally binding rules in environmental matters

Article 15

The provisions of Article 14 of this Regulation shall apply appropriately to public participation in the procedures of preparing draft proposals of laws and implementing regulations or other generally- applicable legally binding rules, including preparing draft proposals of their amendments, which may have significant effects on the environment or individual environmental components and burdens.

IV. MANNER OF CONDUCTING A PUBLIC DEBATE, PUBLIC INSPECTION AND PUBLIC DISPLAY IN THE PROCEDURES OF STRATEGIC ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES, ENVIRONMENTAL IMPACT ASSESSMENT AND DETERMINING THE INTEGRATED ENVIRONMENTAL PROTECTION REQUIREMENTS

Public debate

Article 16

(1) In a public debate, the public, public concerned and other participants in the public debate such as bodies and/or persons designated by special regulations, local and regional self-government units and other bodies (hereinafter: public debate participants) shall submit opinions, proposals and objections in relation to the subject of public debate within the period and in the manner prescribed by this Regulation.

(2) In accordance with the provisions of this Regulation, the subject of public debate referred to in paragraph 1 of this Article may be: strategic impact study with the draft proposal of the plan or programme, environmental impact study and the environmental impact study in the procedure of determining the integrated environmental protection requirements, within the period and in the manner prescribed by this Regulation.

(3) The competent body shall publish the notification on conducting the public debate with reference to the subject of public debate on the web page and in daily press. This notification may also be displayed in the official journal of the local and regional self-government unit as well as in the locally accepted way of public notification, unless otherwise prescribed by a special regulation, at least eight days prior to the start of public debate.

(4) The notification referred to in paragraph 3 of this Article shall contain the indication of the subject of public debate, the place, date of the start and duration of public inspection, the place and date of public display as well as the period in which written opinions, proposals and objections relating to the subject of public debate should be submitted to the competent body.

(5) Except the notification referred to in paragraph 3 of this Article, the competent body, if such obligation is prescribed by a special regulation, shall also deliver a written notification on the public debate to:

- the bodies and persons designated by special regulations
- the bodies of the local and regional self-government unit,
- other bodies, if required.

Article 17

(1) The public debate, including public inspection and public display, shall be coordinated and performed by:

1. in the procedure of strategic assessment – the competent body,
2. in the procedure of environmental impact assessment – the ministry competent for environmental protection activities or the competent administrative body in the county or in the City of Zagreb, depending on the competence prescribed in the list of projects pursuant to the regulation governing environmental impact assessment,
3. in the procedure of determining the integrated environmental protection requirements – the ministry competent for environmental protection activities,
4. in the procedures referred to in items 1, 2 and 3 of this Article in the case when transboundary effects are concerned – the ministry competent for environmental protection activities.

(2) When the ministry competent for environmental protection activities, or the central body, is competent for the coordination and performance of public debate, including public inspection and public display, it may confer particular activities related to public debate, including public inspection and public display, to the competent administrative body in the county or in the City of Zagreb in accordance with the law governing general administrative procedure.

Public inspection

Article 18

(1) After issuing the notification on conducting the public debate, the subject of public debate shall be submitted for public inspection within the period prescribed.

(2) Public inspection shall last at least 30 days.

(3) Public inspection in environmental matters, including environmental components and burdens not prescribed by this Regulation, shall last at least 30 days, unless otherwise prescribed by a special regulation on protection of an individual environmental component or protection from the effects of burdening or the law governing physical planning.

Public display

Article 19

(1) In the course of public inspection, the competent body shall organise the public display.

(2) In the public display, the presence and participation of the following persons shall be secured:

1. in the procedure of strategic assessment: the representative of the competent body, author and the person in charge of developing the strategic impact study;

2. in the procedure of environmental impact assessment and determining the integrated environmental protection requirements: the representative of the developer, person in charge of developing the environmental impact study, project designer and the representative of the local or regional self-government unit in whose territory the public debate and public display is carried out.

(3) Minutes of the public display shall be taken. The minutes shall be taken by the official person of the body which coordinates and performs the public debate or the body which performs the public debate at the request of the competent body. The minutes shall be signed by the official person taking them and the responsible person of the body. In addition to the minutes, audio recording of the public debate may also be provided.

(4) The minutes referred to in paragraph 3 of this Article shall contain questions, proposals and opinions of the public debate participants submitted during the public display as well as the

answers provided by the persons referred to in paragraph 2 of this Article.

Method of participation in public debate

Article 20

(1) If the public, public concerned, competent bodies and local or regional self-government unit bodies do not submit their opinions, objections and proposals related to subject of public debate within the period set in the decision on declaring the public debate, it shall be considered that they did not have any objections.

(2) The public and public concerned shall participate in the public debate in a way as to:

- have the right of access to public inspection of the subject of public debate,
- ask questions during the public display on the proposed solutions, which are answered by the persons referred to in Article 19 of this Regulation, orally or in writing according to the request of the public debate participants,
- have the right to enter proposals and objections into the book of comments which shall be placed next to the subject case on which the public debate is performed,
- submit proposals and objections into the minutes during the public display,
- submit written proposals and objections to the competent body within the period set in the notification on the public debate.

(3) The proposals and objections referred to in paragraph 2 of this Article which have not been submitted within the period prescribed, or are not written clearly, shall not be taken into account during the preparation of the public debate report.

Public debate report

Article 21

(1) The competent body shall prepare a report on the performed public debate.

(2) The public debate report shall contain in particular:

- the information on the subject of public debate or the indication that the subject is an integral part of that report,
- the list of the invited public debate participants in accordance with a special notification,
- the list of the public debate participants whose proposals and objections related to the subject of public debate were accepted,
- the indication of the objections and proposals of the participants which were not accepted, or were partially accepted, as well as the explanation of reasons for their non-acceptance or partial acceptance,
- the list of the public debate participants whose opinions, proposals and objections were not submitted within the period prescribed.

(3) Acts, copies and other evidence of declaring the public debate, invitations and special notifications on the public debate, the minutes of public displays, evidence of the participation in public display of the invited public debate participants and the book of comments shall constitute integral parts of the public debate report.

Repeated public debate

Article 22

(1) In the case that, based on the accepted opinions, proposals and objections submitted in the public debate, the subject of public debate is changed in such extent that the new solutions are not in conformity with the significant determinants of the subject of public debate on the basis of which it was developed, a repeated public debate shall be performed.

(2) If the repeated public debate refers to the changes proposed in the first public debate, the period of public inspection may be shorter than the period referred to in Article 18 of this Regulation, but not shorter than eight days.

(3) The notification on the repeated public debate shall be published in the manner prescribed by the provision of Article 16 of this Regulation.

(4) New proposals and objections relating to the amended part of the subject of public debate may be submitted only in reference to the changes resulting from the accepted proposals submitted in the first public debate.

(5) Repeated public debate may be performed no more than two times, after which the decision on new preparation of the subject of public debate shall be issued.

Article 23

This Regulation shall enter into force on the eighth day after the day of its publication in the Official Gazette.

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Zagreb, 29 May 2008

The Prime Minister
Ivo Sanader, m.p.