



ACCESS TO JUSTICE IN ENERGY-RELATED CASES

CROATIAN CASE LAW

KSENIJA DIMEC, JUDGE, CROATIA

- Law on General Administrative Procedure
- Act on Administrative Disputes
- administrative dispute is initiated against the second instance decision before the Administrative Court (4)
- judgment of the Administrative Court can be challenged before the High Administrative Court (1)

CASE OF WIND FARM VRATARUŠA II



High Administrative Court Judgment Usž-4629/2018,

15 May 2020

Plaintiff: Association BIOM, Zagreb



Defendant: Ministry of Environmental Protection and Energy





Challenged: Judgment of the Administrative Court of Rijeka which rejected the plaintiff's claim to null defendant's decision which had declared that Environmental Impact Assessment (EIA) was not needed.

There were already 2 wind farms in the same area (SENJ-BRINJE and VRATARUŠA I) and therefore cumulative effects of various projects on birds and bats should be done.



Judgment of the High Administrative Court:

1. Judgment of the Administrative Court of Rijeka was annulled
2. Decision of the Ministry of Environmental Protection and Energy was annulled.

Reasons: As there were two wind farms in the same area, EIA is needed especially to assess cumulative effects of all these 3 projects

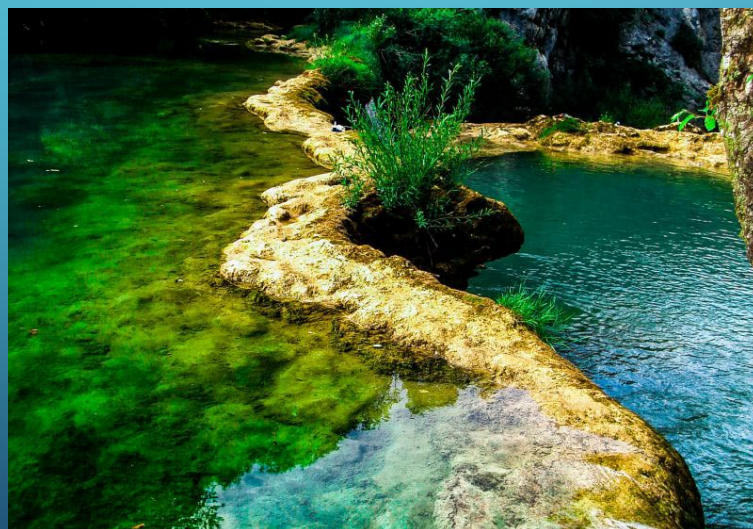
CASE OF (SMALL) HYDRO POWER PLANT PRIMIŠLJE

High Administrative Court, Judgment Usž-2272/2017, 18
October 2018

Plaintiff: Association PAN, Karlovac

Defendant: Ministry of Environmental Protection and Energy





Challenged: Judgment of the Administrative Court of Rijeka which rejected the plaintiff's claim to null defendant's decision which had declared that the project of construction of a small hydro power plant Primišlje on Korana river was acceptable from ecological point of view.

Construction of this small hydro power plant is part of the big project of construction of 7 hydro power plants on the Korana river and this construction will have negative impact by ruining ecological balance, so EIA is needed.

Judgment:

1. Judgment of the Administrative Court of Rijeka was annuled.
2. Decision of the Ministry of Environmental Protection and Energy was annuled.

Reasons: As river Korana is part of the network of nature protection areas (Natura 2000) there should be done EIA for all 7 hydro power plants.

The background is a dark teal gradient. In the four corners, there are decorative white line-art elements resembling circuit traces or fiber optic paths, with small circles at the end of the lines.

Off the record:

Small hydro power plant Primišlje is allegedly omitted from the new spatial plan

THANK YOU FOR YOUR ATTENTION

