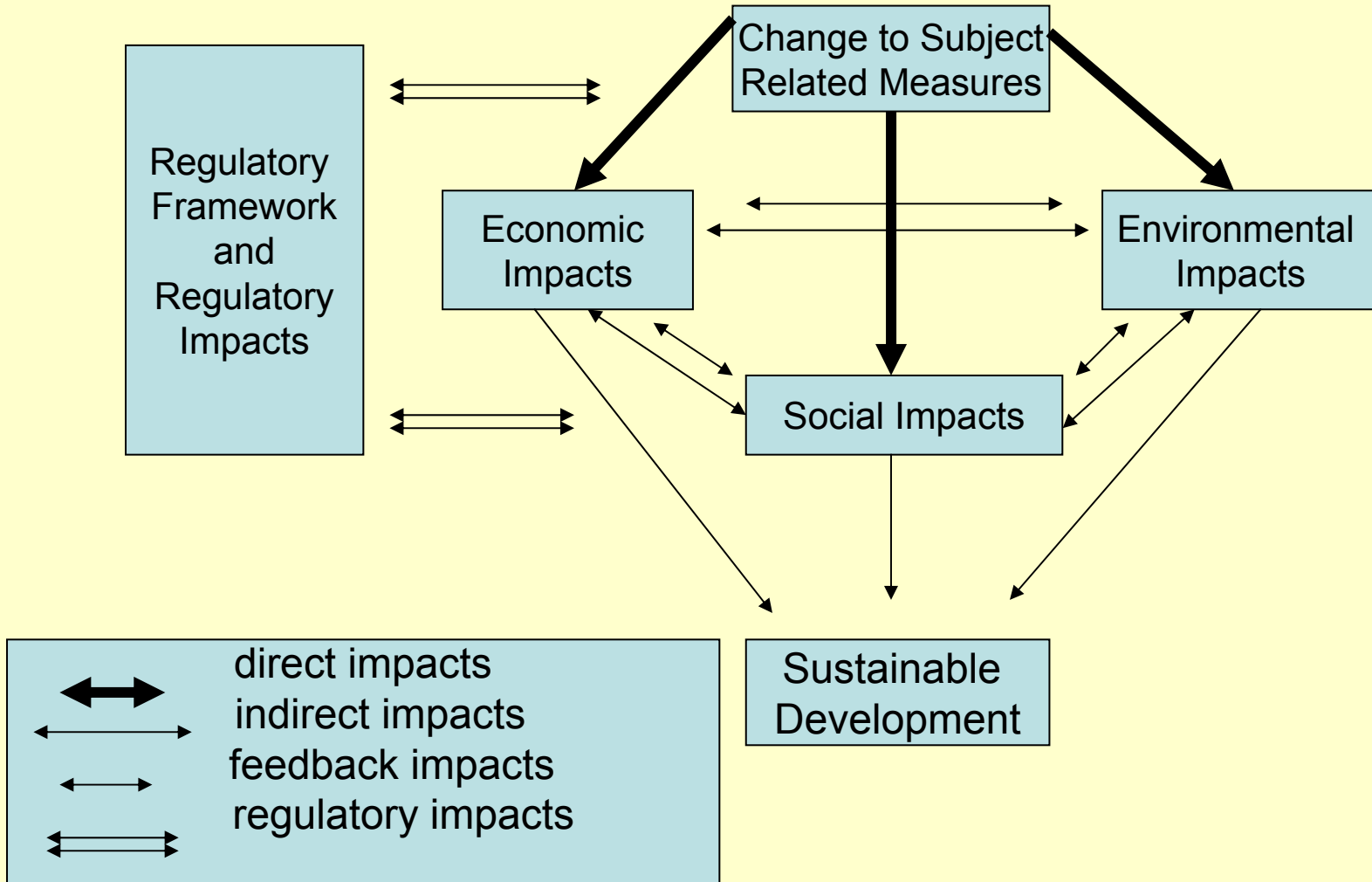


Environmental Management Instruments and Croatia's New Legislation

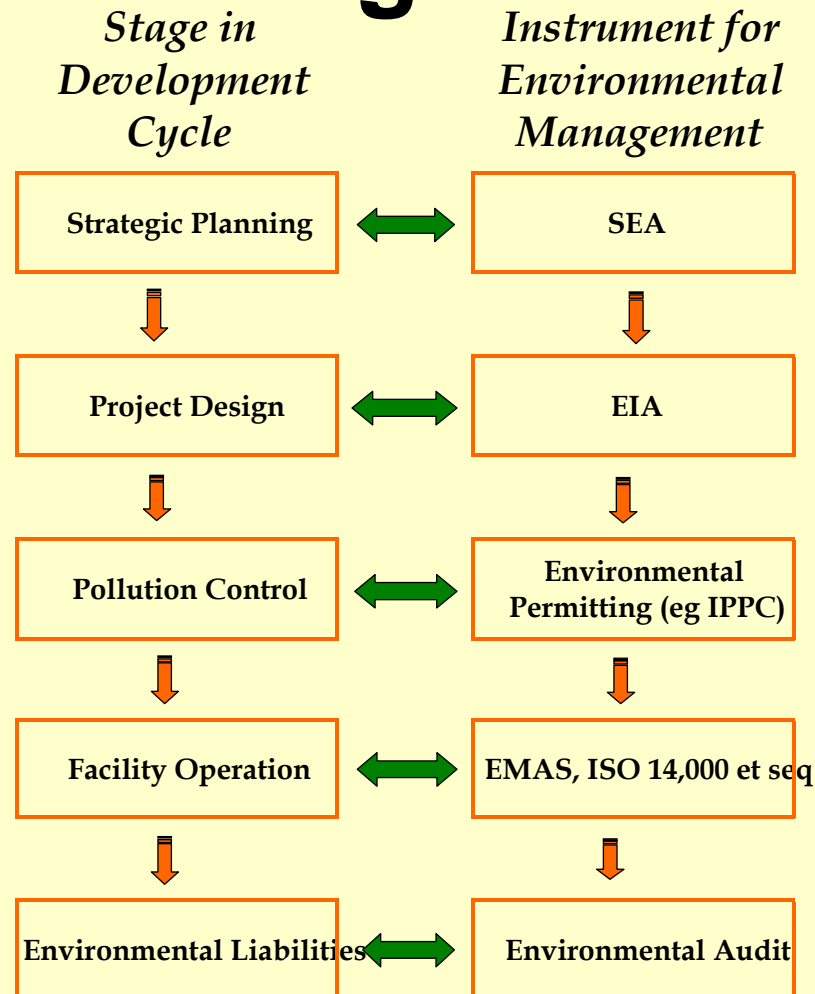
Dr. Nenad Mikulić,
Ministry of Environmental Protection,
Physical Planning and Construction

Sustainability Assessment



Source: Maria Rosa Partidario

Instruments for Environmental Management



Legal ground

- Environmental Protection Act (Official Gazette No. 110/07)
- Regulation on Access to Environmental Information, Public and Public Concerned Participation in Environmental Matters (Official Gazette No.64/08)
- Law on General Administrative Procedure, Official Gazette No. 53/91

Legal ground cont.

- Convention on Access to Environmental Information, Public Participation and Access to Justice in Environmental Matters (Aarhus, 1998)

Legislative and Institutional Background to the new EA Procedures

Types of Environmental Assessment

Environmental Assessment (EA)

Environmental Impact Assessment (EIA)

Projects



Strategic Environmental Assessment (SEA)

Policies, plans and programmes

Strategic Planning

Strategic Impact Assessment

Legal ground

- Regulation on Strategic Environmental Assessment of an Plan or Programme (Official Gazette No.64/08)
- Ordinance on the committee on strategic assessment (OG No. 70/08)
- Directive 2001/42/EC on EA of certain plans and programs (SEA Directive)
- Convention on EIA in a Transboundary Context (Espoo, 1991)
 - Protocol on Strategic Environmental Assessment (Kiev, 2003.)

The Act and its implementing regulations lay down provisions on:

- **Plans and programmes** that should be subject to SEA;
- **SEA process and actors involved**, including the consultation process;
- **Identification, prediction, evaluation and mitigation of environmental impacts**, and preparation of an environmental report;
- **Stakeholder consultation** on an Environmental Report;
- **Monitoring** the implementation of a Plan or Programme

Mandatory implementation of SEA

- Plan or programme, excluding its amendments, **brought at the national or regional level** in the area of: agriculture, forestry, fishery, energy, industry, mining, transport, telecommunications, tourism, waste management, water management;
- **Physical plan of the county** or physical plan of the City of Zagreb, excluding their amendments

Responsible authorities

- The responsible authority for SEA, in principle, is the authority which is **responsible for the preparation of the plan or programme** which has to be subjected to SEA

Responsible authorities

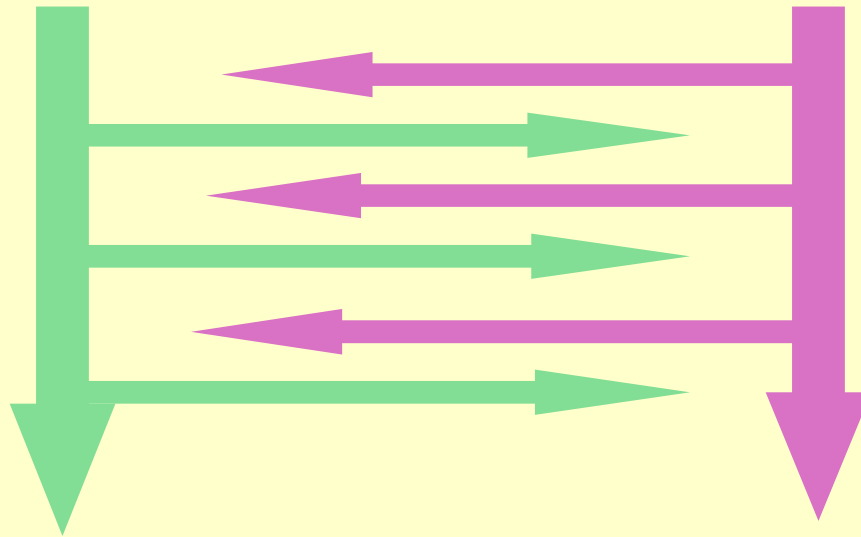
- Strategic assessment for a plan or programme at the **national level shall be done by the ministry** responsible for the area for which a plan or programme is brought.
- Strategic assessment for a plan or programme at the **regional level shall be done by the administrative department at the county responsible for environmental protection**, in cooperation with the administrative department at the county responsible for the area for which the plan or programme is brought

EPA encourages

Parallel and distinct processes

Decision Process

SEA Process



SEA procedure

- Follows an EIA pattern
- Ends by issuing an **Report** which provides information how environmental issues are included into Plan / Programme

Project design

Environmental Impact
Assessment on the project
level

Legal ground

- Regulation on EIA (Official Gazette No.64/08)
- Conventions on EIA in a Transboundary Context (Espoo, 1991)
- European legislation
 - Directive 85/337 EEC on EA of certain projects
 - Directive 97/11 EC amending 85/337
 - Directive 2003/35/EC

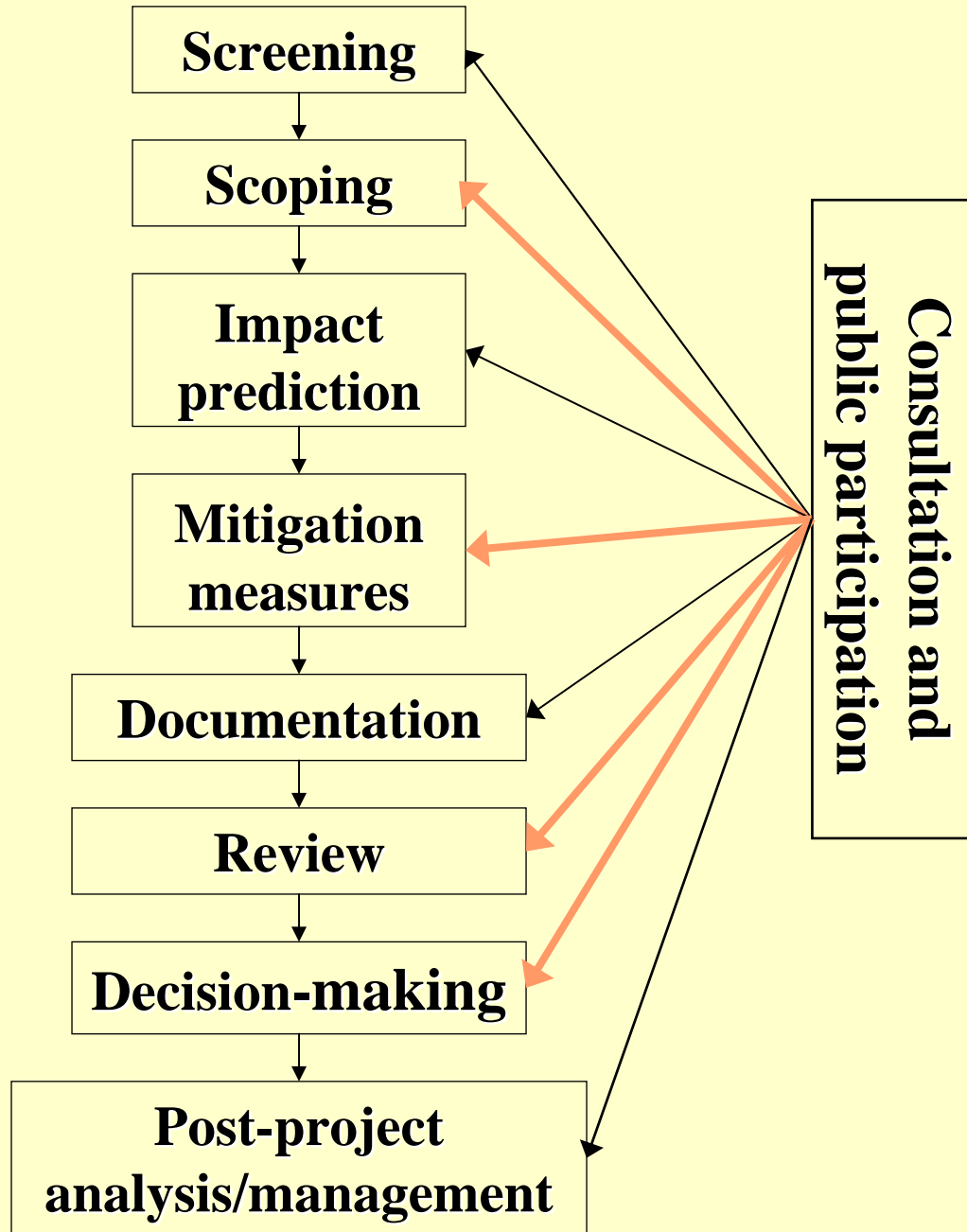
The Environmental Protection Act

- Major changes of EIA proces:
 - Screening – the procedure to determine whether or not an EIA is required
 - The Annex I – Mandatory
 - The Annex II – Screening (Ministry)
 - The Annex III – Screening (County)
 - Scoping – the procedure where a developer can request advice on the impacts to be assessed in the EIA
 - Systematic involvement of stakeholders in the EIA process

Competent Authority

By the regulation

- On the state level: Ministry of Environmental protection, Physical Planning and Construction
- On the regional level: County's office competent for the environment



Environmental Impact Assessment

- Ends by issuing an DECISION by which the project is
 - approved (measures of protection & monitoring)
 - or
 - not approved

Pollution control

Environmental Permitting

Legal ground cont.

- Regulation on the procedure for establishing integrated environmental requirements (OG No. 114/08)
- Ordinance on the register of use permits establishing integrated environmental requirements and of decisions on integrated environmental requirements for existing installations (OG No. 113/08)

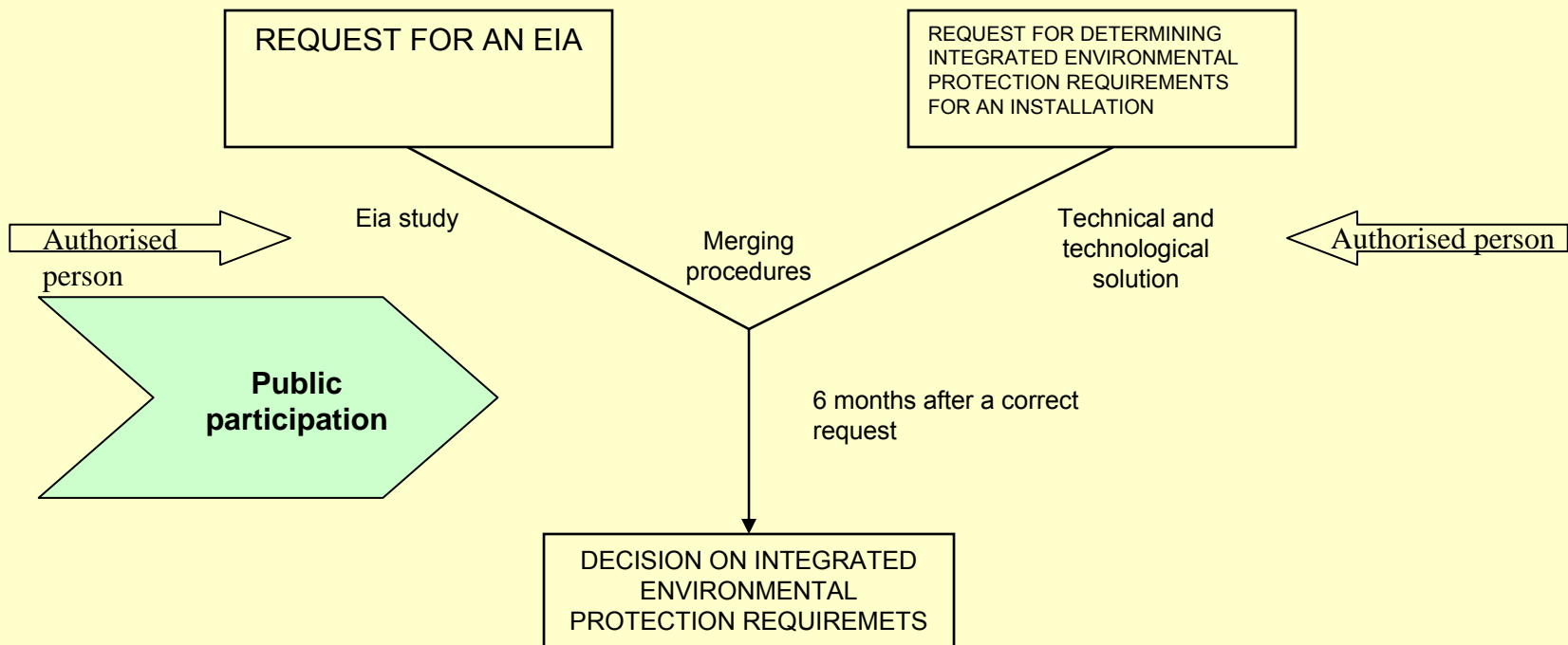
Determining integrated environmental protection requirements for an installation

Procedures of determining integrated environmental protection requirements will be carried out for :

- for new installation
- for existing installation
- For significant changes in operation or reconstruction of an existing installation

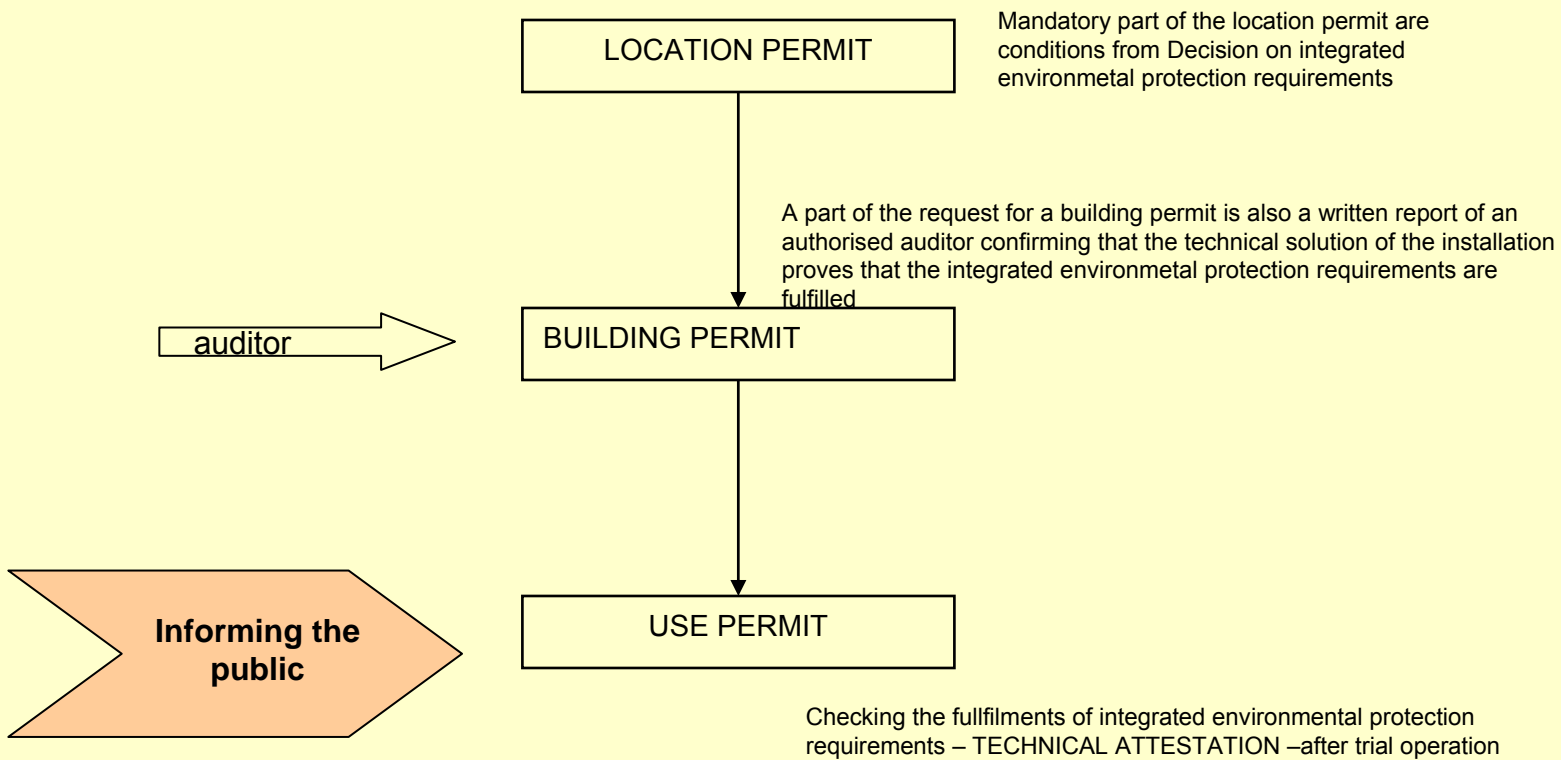
Instruments of environmental protection

Determining integrated environmental protection requirements – NEW INSTALLATIONS



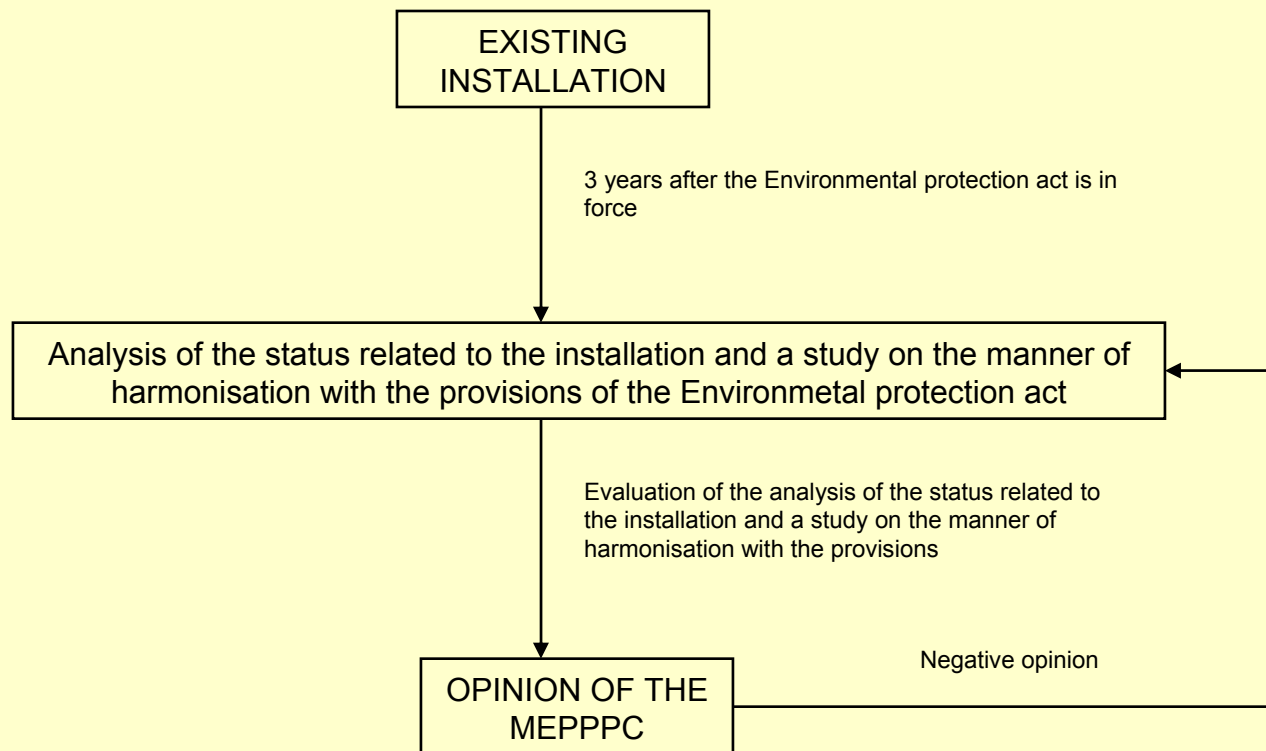
Instruments of environmental protection

Determining integrated environmental protection requirements – NEW INSTALLATIONS



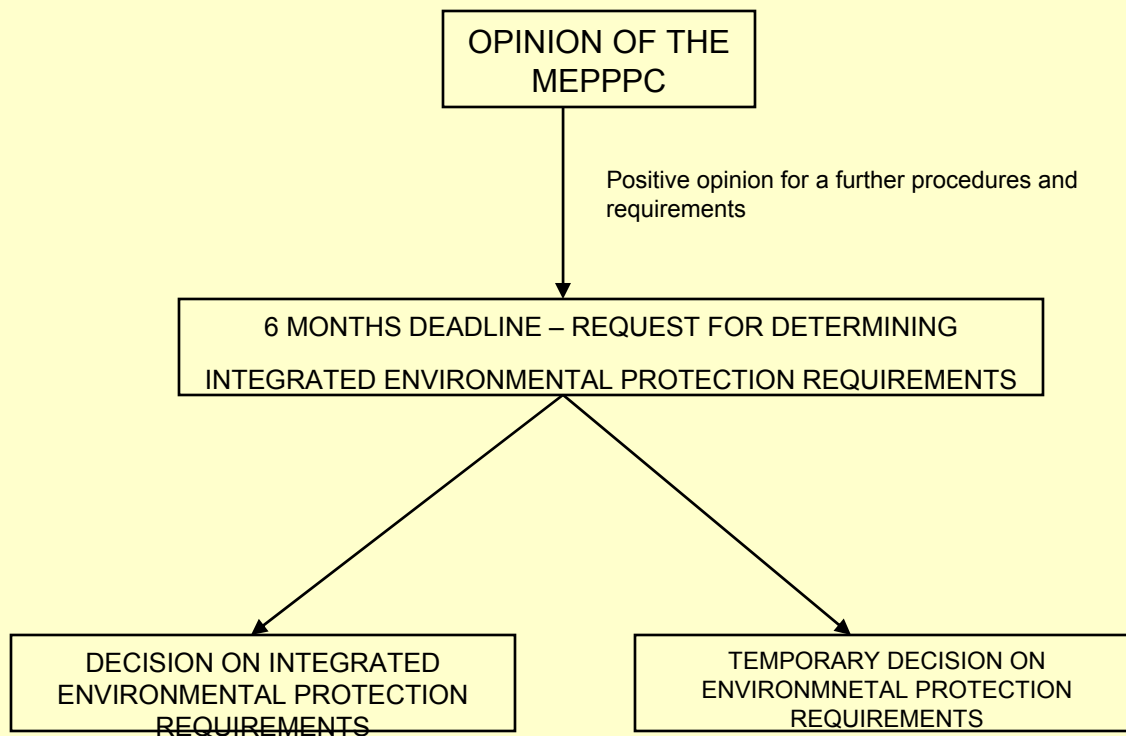
Instruments of environmental protection

Determining integrated environmental protection requirements— EXISTING INSTALLATIONS



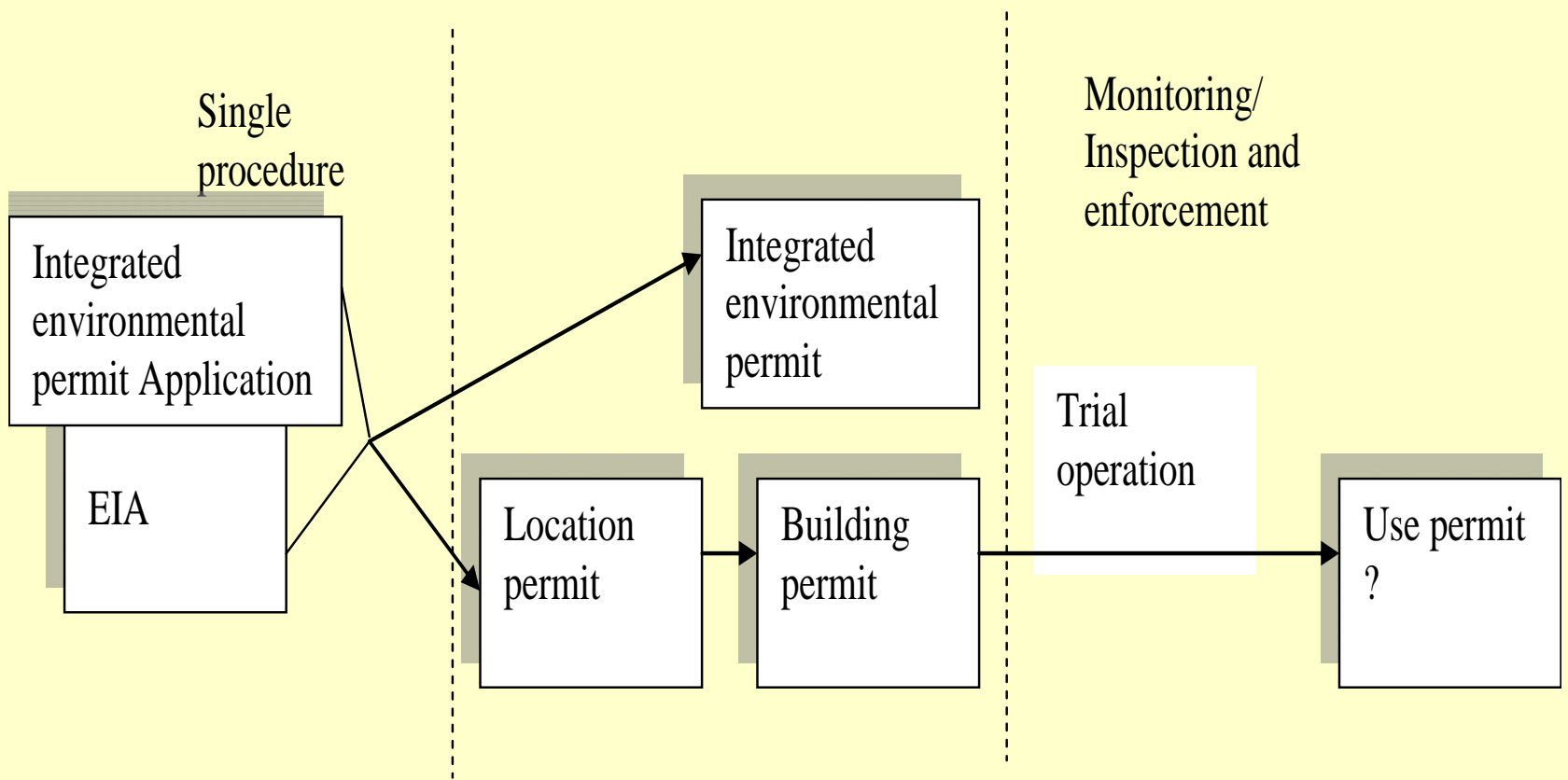
Instruments of environmental protection

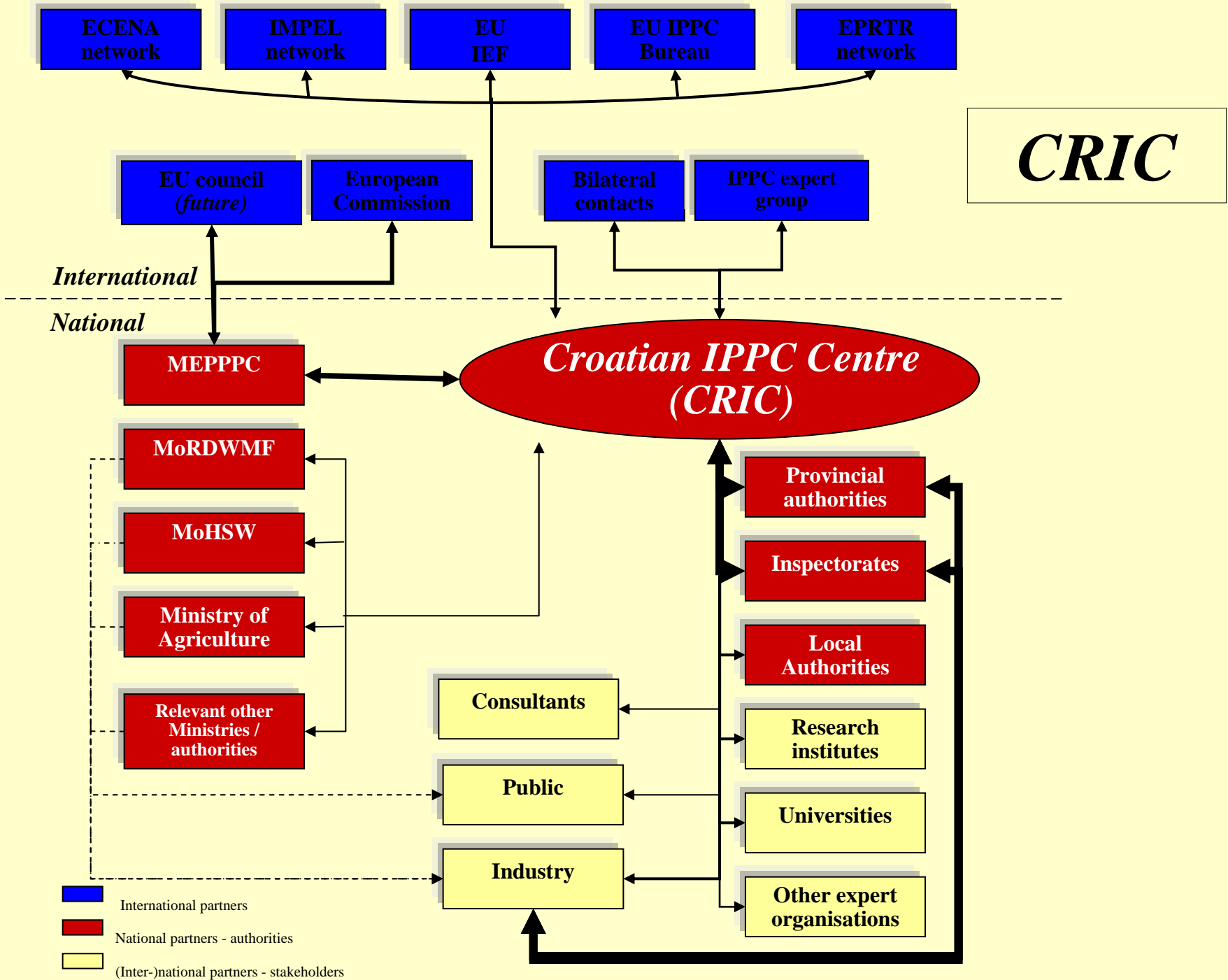
Determining integrated environmental protection requirements— EXISTING INSTALLATIONS





Principles to consider for an IPPC framework





HAZARDS INVOLVING DANGEROUS SUBSTANCES IN CROATIA

Competent authorities involved:

- Ministry of the Environmental Protection, Physical Planning and Construction
- State Directorate for Protection and Rescue

Legal ground cont.

- Regulation on the prevention of major accidents involving dangerous substances (OG No. 114/08)
- Ordinance on the register of installations in which dangerous substances have been identified and on the register of reported major accidents (OG No. 113/08)

Facility Operation

*Environmental Management System
and Audit scheme - EMAS*

Legal ground

- Regulation on Admission of Organisation in Environmental Management System and Audit scheme (NN 114/08)
- This Regulation enables the implementation of the Regulation EC No 761/2001 European Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

Institutional Framework

- **Environmental Protection Agency** – Competent Body for registration, managing the register of EMAS system and promotion of EMAS system
- **Ministry of Environmental Protection, Physical Planning and Construction** – Competent Body for informing the public, administrative and inspectional supervision
- **Croatian Accreditation Agency**– Competent Body for registration and supervision for verifiers.

- E P A establishes the possibility for specific reliefs and incentives for organizations included in the EMAS scheme, Art. 118
- **Connection with system of ISO 14 001:** EMAS organization establish the environmental management system in accordance with provisions of codes EN ISO 14001:2004, respectively codes HRN EN ISO 14001:2008
- **ENTER INTO FORSE:** The day of accession the Republic of Croatia in European Union

Environmental Liability

Environmental Audit

Legal ground

- Regulation on the manner of establishing environmental damage (OG No. 139/08)
- Ordinance on measures for environmental damage remediation and remediation programmes (OG No. 145/08)

Provisions

- Polluter pays principle
- Determines rights and obligations for operators and for competent authorities
- Sets a liability regime for different sectors of environment (nature protection, waters, soil)

Provisions

- List of occupational activities
- Guidelines for choosing measures for preventing and remedying of environmental damage
- Gives power to competent authorities for determining priority in remedying environmental damage
- Defines methodology for determining costs of determining and remedying environmental damage and imminent threat of damage

Provisions

- Administrative liability
- Without prejudice to civil law (private parties will compensate damages to their private property under civil law regulations)

Accreditation

Environmental Report

- Authorized Legal person who employs a number of authorized natural persons

Environmental Auditing

- Authorized Legal person who employs a number of natural person and at least one natural person authorized for auditing

Legal ground

- Regulation on conditions for issuing permits for performing professional environmental activities (OG No. 7/97)
- Ordinance on Conditions for Issuing Permits for Performing Professional Environmental Activities (Scheduled in 2009)

Challenges

- Administrative capacity at the regional level

Thank you for your
attention!