



REPUBLIKA HRVATSKA
PUČKI PRAVOBRANITELJ

P.P.R. 06-01-452/17-16-2
Zagreb, 3rd August, 2017

EUROPEAN OMBUDSMAN
Emily O'Reilly

Dear Mrs. Emily O'Reilly,

Thank you for your letter in which you seek information on the European Union and its Member States' approach to protecting the environment through the Article 28 of Regulation 1005/20092 on substances that deplete the ozone layer and the practical functioning of the inspections regime and its effectiveness in the Member States and the EU.

First of all, I would like to inform you that Croatian Ombudswoman applies human rights based approach to the environmental protection and recognizes the environmental protection as a human rights issue. Since 2013, Environmental protection is a specific chapter of our Annual Report to the Croatian Parliament; we actively participate in environmental decision making processes and we conduct our own initiatives.

Complaints that we receive from citizens and citizens' initiatives are not big in numbers comparing to other human rights issues, but they increase each year. They are mostly related to the pollution of air, water or land caused by industrial plants, waste management, electromagnetic radiation, noise pollution, small hydroelectric power plants that degrade areas of Natura 2000, and refer to the right to access to information, access to justice and the rights of the citizens to participate in environmental decision making processes. They all have in common citizens' concerns for their health and health of their families.

We recommended to the Croatian government to develop a national strategy for the implementation of the SDGs in the Republic of Croatia and to adopt the New Public Health Strategy with further investments into the Health Ecology and regulation of the Health Impact Assessment (HIA) prior to the construction of industrial plants or other similar projects that could influence the human health. Our recommendations also refer to the more effective protection from electromagnetic radiation and environmental assessment procedures.

In regard to your concrete question about the inspection system, we can provide you with the general information about the inspection system in the Republic of Croatia, which could be helpful for the substances covered by the Regulation, as it is written in its' Article 28.

The Ministry of Environment and Energy coordinates three inspections; environment, nature and water. Within the environment protection cases we also communicate with inspections in other state institutions; sanitary inspection in the Ministry of Health; veterinary, agricultural, phytosanitary and livestock inspection in the Ministry of Agriculture as well as with the building inspection in the Ministry of Construction and Physical Planning. Primarily, we recognize a problem of coordination together with the information exchange between them, while the risk-based approach is usually missing. Other problems refer to the clarification of competencies, transparency and reliability of field work investigations, planning and reporting, as well as of the information they provide. In their reports, the explanations are usually missing or insufficiently presented for which reason we think it's' effectiveness should be improved.

Since we consider your initiative indeed worthwhile, we tried to provide you with overall information of our work in the environment protection field. We sincerely hope that you will find our information useful and we remain at your disposal should you have any additional questions.

Sincerely,



Ombudswoman of the Republic of Croatia



Lora Vidović