

UNITED NATIONS SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND THE ENVIRONMENT

Call for Inputs: Air Pollution and Human Rights

REPUBLIC OF CROATIA

Questionnaire

The Special Rapporteur invites and welcomes your answers to the following questions:

1. Please provide specific examples of constitutional provisions, legislation, regulations, standards, policies and programs in relation to preventing, reducing, or eliminating air pollution, both outdoor and indoor. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the right to breathe clean air.

Article 3 of the Constitution of the Republic of Croatia prescribes that nature and environment conservation are one of the highest values of the constitutional order of Croatia. Article 52 prescribes that special protection of airspace, different natural resources and parts of nature are of particular interest to the Republic of Croatia. Environmental Protection Act, through the Article 7 Paragraph 1 Item 2, prescribes that ozone layer protection and climate change mitigation are one of the main goals of environmental protection. Furthermore, in accordance with the Act on The Right of Access to Information (covering all public authorities responsible for drafting the act), public has the right to get information about the course of functioning of state administration bodies. Citizens are also involved in law making procedures; they have the right to participate by commenting and suggesting changes in the Acts through e-Counseling government service. Article 4 of the Air Protection Act stipulates that measures taken to protect and improve the quality of air and ozone layer, mitigation of climate change and adaptation to climate change should not endanger other environmental constituents, the quality of life of present and future generations. Listed below are examples of Croatian legislation covering the area of Air protection with articles comprising obligations about informing the public:

Constitution of the Republic of Croatia, Official Gazette No.56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10 and 05/14

Air Protection Act, Official Gazette No.130/11, 47/14, 61/17

Programme for gradual emission reduction of certain pollutants in the Republic of Croatia for the period until the end of 2010, with emission projections for the period 2010-2020, Official Gazette 152/09

Ordinance on monitoring air quality, Official Gazette 3/13

Regulation on ozone depleting substances and fluorinated greenhouse gases, Official Gazette 90/14

Regulation on limit values for pollutant emissions from stationary sources into the air
Official Gazette 87/17

Regulation on levels of pollutants in ambient air, Official Gazette 117/12

Programme for measuring the level of air pollution in the national network for continuous air quality monitoring, Official Gazette 103/14, 117/14

2. Please provide specific examples of good practices in preventing, reducing, or eliminating air pollution, both outdoor and indoor. These examples may occur at the international, national, sub-national, or local level. Examples may involve air quality monitoring; guaranteeing procedural rights (e.g. public access to air quality information, public participation in decision-making about air pollution, access to remedies); air quality legislation, regulations, standards, and policies; initiatives to reduce air pollution from specific sectors (e.g. electricity generation, industry, transportation, indoor cooking, heating, and lighting); laws, policies and programmes to protect vulnerable populations from air pollution; laws, policies, or programmes to concurrently address air pollution and climate change; and effective enforcement of rules governing air pollution.

Air quality monitoring in the Republic of Croatia is carried out within the state network for continuous air quality monitoring and local air quality monitoring networks in counties and cities, including measuring stations for special purpose. In accordance with the Air Protection Act, the State Hydro-Meteorological Institute is the responsible body for the national network management since 2010. Preventive measures and instruments for the preservation of air quality are achieved through careful planning of environmental interventions, anticipating possible impacts on air quality, prescribing adequate air protection conditions, tracking and reporting on air quality. The data is being validated and made available to the general public and other interested institutions through Croatian Environment and Nature Agency website. Air Pollutant Emissions Data is an integral part of the Air Quality Information System, run also by the Croatian Environment and Nature Agency for the the Ministry of Environmental Protection and Energy. The Agency is responsible for collecting data on pollutant emissions in the Republic of Croatia and producing emission balance reports in accordance with the obligations under Croatian law and international treaties. All the data is also available to the general public and interested parties/institutions. As a Member State to the Convention on Long-Range Transboundary Air Pollution, Republic of Croatia implements high standards to Air Protection Policies present in the EU. Agglomerations, such as big cities, are required to develop and adopt Action Plans for air quality improvement in their territory and in accordance with 2008/50/EC Directive and, through their implementation, a significant effect on reduction of levels of nitrogen oxide (NO_x), PM₁₀ and PM_{2,5}, and benzo(a)pyrene - B(a)P and ozone is expected. Other measures for preventing, reducing or eliminating the air pollution include city plans and programs that promote energy efficiency and use of renewable energy sources and local guidelines that recommend implementation and development of environmentally friendly transport systems. Generally in Croatia, any given zone or agglomeration with exceeded level of pollutants or air target value has to develop and implement an action plan (Air Quality Plan) for improving the air quality for respected zone or agglomeration. Local self-governance authority (city), in order to ensure prompt achievement of limit or target values, adopts the plan. Furthermore, the local authority has the obligation to notify citizens, when and if, any of the pollutant exceeds notification threshold value that Air Protection Act sets. The public, in accordance with the Act on the Right of Access to Information, has the right to get the information about the course of functioning of state administration bodies. As mentioned in previous answer, the public is actively involved in the law making procedures through e-Counseling government service. Furthermore, the public has transparent access to the VOC registry database provided by Croatian Environment and Nature Agency through its website.

3. Please identify specific challenges that your government, business, or organization has faced in attempting to address air pollution and its impacts on human rights.

Certain locations are a big financial, socio-political, economic and diplomatic challenge (for example constant air pollution originating from oil refinery from Bosanski Brod in Bosnia and Herzegovina impacting the city Slavonski Brod in Croatia). Majority of the challenges are present in the industries that remain outdated and/or those that are failing to get green support, the support of local communities and NGOs.

4. Please specify ways in which additional protection is provided for populations who may be particularly vulnerable to air pollution (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, displaced persons, and national or ethnic, religious and linguistic minorities).

Croatian administration and legislation provides equal protection for all its citizens regardless of their gender, age, material status, traditional values, religion, etc.

5. Please provide specific examples related to the regulation of businesses and other non-State actors in relation to the protection of human rights from air pollution and the fulfilment of their obligations in this regard.

Businesses and other non-State actors are obligated to follow legislation regarding air protection and, if required, are obliged to submit entries into registers (for example Register for volatile organic compounds) which are updated, published and available on the websites of Croatian Agency for the Environment and Nature. Any citizen has the right to submit formal complaint to the Inspection of the Ministry, anonymously or otherwise.

6. How do you ensure that the rights of environmentalists working on air quality issues (environmental human rights defenders) are protected? What efforts has your Government or business made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

By implementing the Aarhus Convention, Croatia ensures the implementation of all three pillars of the Convention, which are governed by specific regulations. Access to information is facilitated through the establishment of an environmental monitoring system and ensuring transparency of environmental data by e-road, while the public participation is facilitated through the EIA and the SEA. Continuous development facilitates access to justice. Thus, in accordance with the Aarhus Convention, it is possible for the members of the public to submit complaints about the quality of air and environmental pollution. The Convention also prescribes fast and free judicial protection in the event of a dispute. In drafting the National Report on the Implementation of the Aarhus Convention, the public and the civil sector participate with their comments that are published on the websites of the Ministry of Environment and Energy and the UNECE (IV Aarhus Report on the Implementation of the Aarhus Convention, 2017).