

**Free Access to Environmental Information  
Report on Croatia**

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**Introductory remarks**

This Report is mostly based on the annual reports on implementation of the Right of Access to Information Act that are prepared by the independent body which supervises the public access to information (from October 25, 2013: Information Commissioner; from January 2, 2011 till October 25, 2013: Personal Data Protection Agency). Annual reports are submitted to the Croatian Parliament.<sup>2</sup>

Cases regarding the access to environmental information are rare. For instance, in 2014 there were only 28 appeals concerning environmental information before the Information Commissioner (independent government body for the protection of the right of access to information). 19 of those appeals were submitted because request for environmental information had been ignored. Other appeals, where appellants considered that their request for environmental information had been wrongfully refused or inadequately answered, have not been decided yet. In previous years, the situation was very similar i.e. scarce cases in environmental matters.

Due to limited case law with regard to access to environmental information, this national report will mostly deal with general situation of access to information in Croatia.

**1. Constitutional frame, constitutionally guaranteed right of access to (environmental) information? Access to information as a fundamental (democratic) right?**

The right to access the information held by public authorities is guaranteed by the Croatian Constitution. It was introduced by the Amendment to the Constitution in 2010.<sup>3</sup> Article 38 paragraph 4 of the Constitution states: “The right to access to information held by any public authority shall be guaranteed. Restrictions on the right of access to information must be proportionate to the nature of the need for such restriction in each individual case and necessary in a free and democratic society, as stipulated by law.”

Before the 2010 Amendment, the guarantee of access to information was explicitly given only to journalists in order to strengthen their position as intermediaries in informing the public. Art. 38 para. 3 of the Constitution states: “Censorship shall be forbidden. Journalists shall have the right to freedom of reporting and access to information.”

**2. Other (national) legal acts providing access to information held by public authorities. Relationship with laws transposing Dir 2003/98 on re-use of public sector information.**

The access to environmental information is regulated by:  
- Environmental Protection Act<sup>4</sup> (mainly part IX/1 on informing the public on environment),

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<sup>2</sup> Annual reports are available only in Croatian language: <http://www.pristupinfo.hr/dokumenti-i-publikacije/>.

<sup>3</sup> Official Gazette (Narodne novine – NN), no. 76/10.

<sup>4</sup> NN no. 80/13 and 153/13.

- Right of Access to Information Act<sup>5</sup> (as a general law regulating access to information), and
- General Administrative Procedure Act<sup>6</sup> (as a general law governing all administrative procedures).

The order of applying the law is as follows. Environmental Protection Act, as *lex specialis*, has the precedence in application. Right of Access to Information Act applies to questions of the right of access to environmental information which are not regulated by the Environmental Protection Act. General Administrative Procedure Act applies to all procedural questions that are not governed by the above mentioned special acts.

Environmental Protection Act contains provisions that have been harmonised with Directive 2003/4/EC on public access to environmental information.

Right of Access to Information Act contains provisions that have been harmonised with Directive 2003/98/EC on the re-use of public sector information. This Act is in the amendment process, because of the need to transpose Directive 2013/37/EU on re-use of public sector information by 18 July 2015.

### **3. National legal situation before Dir 90/313/EC: has the EC/EU legislation had a major impact on the national law on access to information?**

The right of access to information held by public authorities was introduced in the Croatian legal system only in 2003 with the adoption of the first Right of Access to Information Act.<sup>7</sup>

Before 2003, there was a general obligation of the public authorities to inform the public about their activities and report on their work through the media or in any other appropriate manner (pursuant to the Act on the State Administration System), but without any specific legal provisions that regulate the procedure of access to information. In 1994 Croatian Parliament adopted the first Environmental Protection Act, which also regulated the access to public information (in Art. 49).<sup>8</sup> However, the procedure for refusing the access and the right of access to justice in case of wrongful refusal was not regulated by law until the adoption of the first Right of Access to Information Act in 2003.

Since 2005, European Commission has been monitoring Croatia's preparedness for EU membership and producing annual Progress Reports. The right of access to information was monitored within the chapter "Judiciary and fundamental rights". In several of its reports, European Commission stressed the need for increased transparency and the fact that the implementation of the law on access to information needs further improvement.

### **4. Statistical information about the use of the access-right including types of users if known (e.g. NGOs, competitive industry, general public, environmental consultants, etc). Difficulties of the administration handling the number and/or the scope of applications.**

Requests for environmental information are mostly submitted to (1) Environmental Protection and Energy Efficiency Fund, (2) Ministry of Environmental and Nature Protection, (3) Ministry of Economy, (4) Hrvatska elektroprivreda - HEP (national electricity company)

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<sup>5</sup> NN no. 25/13. English version of the Right of Access to Information Act: <http://digured.srce.hr/arhiva/263/33319/47253.pdf>.

<sup>6</sup> NN no. 47/09.

<sup>7</sup> NN no. 172/03.

<sup>8</sup> NN no. 82/94 and 128/99.

and (5) Hrvatske vode (national legal entity for water management). There are no statistical information concerning the type of users. However, there are statistical information regarding the type of appellants. Appeals are, as a rule, submitted by non-governmental organizations.

Difficulties of the administration handling the applications, stated in the Report on the implementation of the Right of Access to information Act for 2014 (hereinafter: the Report), are the following.

1) Public authorities are insufficiently familiar with the Right of Access to Information Act and do not differ activities within their regular tasks from their duties arising from the Right of Access to Information Act. More specifically, public authorities sometimes inaccurately categorize different applications for providing services to citizens (for example, issuance of certificates, book lending, copying and publishing of information in the context of other procedures regulated by law) as access to information applications (p. 34 of the Report).

2) In order to ensure the right of access to information, all public authorities must adopt a decision in which they identify a special official person competent for deciding on the access to information applications (“the information officer”). Public authorities must inform the public of the information officer’s official data. One part of the public authorities did not appoint information officers, or did it only at the instigation of the Information Commissioner and frequently failed to publish data on their website concerning the information officer and his/her contact details (e-mail, phone) in a visible and easily accessible place (p. 10 of the Report).

3) Difficulties in implementing the Right of Access to Information Act come largely due to the overload of employees who, in addition to performing their regular tasks, perform the duties of the information officers without remuneration for this extra work and often working overtime (p. 59 of the Report).

4) In terms of handling the requests there are several key problems such as:

- exceeding the legal time limits;
- lack of knowledge of administrative procedure and other legislation that regulate specific types of information;
- lack of knowledge how to implement the proportionality and public interest test<sup>9</sup> (information officers are faced with questions for which there are no precise instructions on how to proceed, and the consequence is that the public authorities interpret the Act discretionary) (pp. 60 and 149 of the Report).

5) Many public authorities consider that the deadline of 15 days for the provision of information is too short. In particular, this applies to cases where an application requires a large number of information, often deployed at different locations within public authorities, when even an extension of 15 days is not enough to provide the information (pp. 59-60 of the Report).

## **5. Significant national law and jurisprudence on the definition of “environmental information” (Art. 1 para 1 Dir 2003/4/EC)**

Environmental Protection Act contains definition of environmental information (in Art. 155). The definition corresponds to the definition of environmental information prescribed in Art. 1, para. 1 of the Directive 2003/4/EC.

To my knowledge there is no jurisprudence on the definition of environmental information. However, there are cases regarding the definition of “information”. The third

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<sup>9</sup> »Proportionality and public interest test« shall mean the assessment of proportionality between the reasons to enable access to information and reasons for restricting and allowing access to information where public interest prevails (Art. 5 point 7 of the Right of Access to Information Act).

most common reason for refusal of requests for information are cases where members of the public request access to information that does not fall into the definition of “information” as defined in Art. 5, point 3 of the Right of Access to Information Act (“Information shall mean any data owned by a public authority in the form of a document, record, file, register or any other form, regardless of the manner in which it is presented (written, drawn, printed, recorded, magnetic, optical, electronic or any other recording.”).

According to the Report on the implementation of the Right of Access to information Act for 2014, holders of the of the right of access to information are not sufficiently familiar with the difference between information they may request pursuant to the Right of Access to Information Act and information which they are entitled to under other regulations, such as 1) the Media Act, which regulates (though inadequately) inquiries of journalists or 2) Act on Public Administration System which allows citizens to ask questions to public administration bodies and receive answers. Basically, a question that requires explanation, drafting responses, or a statement on some issue, is not considered as a request for access to information. The request for information, pursuant to the Right of Access to Information Act, is only a request for existing information.

## **6. Significant national law and jurisprudence on determining the access right holder (“without having to state an interest”, Art. 3 para 1 Dir 2003/4/EC)**

The person submitting the request is not obliged to state the reasons for seeking access to the information (Art. 18, para. 4 of the Right of Access to Information Act). This provision was also contained in the previous Right of Access to Information Act from 2003.

In addition, the person submitting the request is not obliged to refer to the application of the Right of Access to Information Act (Art. 18, para. 4). Before the introduction of this provision in the new Right of Access to Information Act from 2013, many public authorities wrongfully insisted that persons should explicitly refer in their requests to the application of the Right of Access to Information Act. Otherwise, their requests were not dealt with in accordance with the provisions of the Right of Access to Information Act which means, for example, that many public authorities did not apply time limits for granting the access, did not explain reasons for refusal in accordance with the Act etc.

## **7. Significant national law and jurisprudence on the realm and obligations of private persons as defined by Art. 2 No. 2 b and c Dir 2003/4/EC (see ECJ 279/12 (Fish Legal))**

Environmental Protection Act contains definition of the public authority that is too narrow and not in line with Art. 2(2) b and c of Directive 2003/4. Public authority is a state authority, bodies of local and regional self-government units and legal persons with public powers which perform activities related to the environment (Art. 4, para. 1, point 74 of the Environmental Protection Act).

On the other hand, Right of Access to Information Act (in Art. 5, point 2) contains a broad definition and defines public authority as:

- the state administration and other government bodies,
- bodies of local and regional self-government units,
- legal persons vested with public powers and other persons to whom public powers has been delegated,
- legal persons established by the Republic of Croatia or by the local or regional self-government units,
- legal and other persons providing public services,

- legal persons entirely funded from the state budget or from the budgets of respective local or regional self-government units, as well as companies in which the Republic of Croatia and local or regional self-government units have a majority interest, separately or jointly.

Information Commissioner, with the financial support of the British Embassy, made a list of public authorities that is published on the website of the Information Commissioner [www.pristupinfo.hr](http://www.pristupinfo.hr). The list of public authorities is continuously updated and amended. In the latest version, as of April 10 2015, it has 5724 public authorities. It should be noted that the list of public authorities is not closed nor exhaustive (lack of public authorities in the list does not necessarily mean that the body is not subject to the application of the Right of Access to Information Act). The list is continually refreshed with new data as well as contact information and Internet addresses every two months.

#### Relevant case law

One non-governmental organisation requested environmental information from a company called “Parks and plantations Ltd.”. This company was established by the city of Split for performing utility services such as maintenance of public green spaces, parks and playgrounds. The requested information concerned cutting of pine trees in an old pine grove. The company ignored the request because it was of opinion that it did not have any public powers (functions) in providing utility services. Thus, the company replied that it did not fall into the category of public authority. It also stated that NGO should contact city of Split regarding the requested environmental information. NGO submitted an appeal to the second-instance public authority. At that time the administrative appeal body competent for protection of the right of access to information was Personal Data Protection Agency. The Agency determined that company “Parks and plantations” was a company in which a local self-government unit (city of Split) has a majority interest. Therefore, it falls into the definition of a public authority and the Agency ordered the company to answer to the NGO’s request.

#### **8. National law and jurisprudence on the public authorities to be addressed (“information held by or for them”) (Art. 3 para 1 Dir 2003/4/EC)**

Environmental Protection Act prescribes the principle of access to information: “The public has the right of access to environmental information held by public authorities, persons supervised by public authorities and persons holding information for public authorities” (Art. 17, para. 1). Public authorities shall provide access to environmental information that they hold and/or supervise, pursuant to the Environmental Protection Act and special regulations which govern the right of the public to access to information (Art. 154 of the Environmental Protection Act).

#### **9. Significant national law and jurisprudence on practices on access conditions (terms, “practical arrangements”) (see Art. 3 paras 3 – 5 Dir 2003/4/EC)**

According to the Right of Access to Information Act, public authority is obliged to enable the applicant to gain access to the information within no more than 15 days from the day the request is submitted. The time limits may be extended by up to 30 days insofar as:

- 1) the information must be sought outside the seat of the body of public authority;
- 2) a large number of different pieces of information are requested in one application;
- 3) it is necessary to ensure the completeness and accuracy of the information requested;

4) the public authority is obliged to apply “the proportionality and public interest test” i.e. assess if the interest against disclosure outweighs the public interest in favour of disclosure (Art. 20 and 22) .

Regarding the methods of exercising the right of access to information, the Right of Access to Information Act stipulates: Public authorities shall enable access to information by providing the information to the beneficiary who has submitted a request for access to information in one of the following ways

- direct provision of information;
- provision of information in writing;
- inspecting the documents and making copies of the documents containing the requested information;
- delivering copies of the document containing the requested information;
- any other way suitable for the exercise of the right of access to information.

In the request for access to information, the beneficiary may indicate suitable way of receiving the information, and if not indicated, the information shall be delivered in the same way in which the request was submitted (Art. 17).

#### Relevant case-law

The Croatian Society for Bird and Nature Protection submitted a request to make copies of the complete environmental impact assessment (EIA) study for the project ‘Control works on the River Drava from 0 +000 to 56 +000 rkm’. The Ministry of Environmental Protection allowed access to the entire study. However, the request for making copies of the study was rejected because it might reasonably be expected this would endanger the intellectual property of the author of the study. The Society brought an action before the Administrative Court. The Administrative Court rejected the lawsuit (Judgment of 23 October 2009, Us-5235/2009-5).

The Administrative Court did not examine whether the study was really protected by copyright, but it held this to be indisputable. It did not give any reasons for the opinion that copying the EIA study was forbidden on the grounds of intellectual property law. It also did not explain why copying the study would adversely affect intellectual property rights. The Administrative Court held that the right of the plaintiff had not been violated since he had been granted access to the complete study. He was only deprived of the right to copy it.

Public authorities must make information available to the public, including, where requested, copies of the actual documentation containing or comprising such information (Art. 4(1) of the Aarhus Convention). A copy of the document, i.e. receiving information in the form requested, can be denied if it is reasonable for the public authority to make it available in another form, in which case reasons shall be given for making it available in that form, or if the information is already publicly available in another form (Art. 4(1)). Since the Ministry of Environmental Protection published a summary of the study on an official website, the Administrative Court considered that Art. 4(1) of the Aarhus Convention was respected in this case.

#### **10. Law and practices/jurisprudence on charges for access (copying? administrative time?)**

Access to information in the proceedings before public authorities is not subject to any administrative or judicial fees. Public authorities are entitled to require the beneficiary to reimburse their actual material expenses incurred by the provision of information, as well as the costs of delivery for the requested information. Public authority has the right to charge the cost of, for example, making copies of the document or scanning the document, and the media

of providing information (e.g. CD, DVD, USB), but it cannot charge the cost of labour (working hours).

The Criteria for determining the size and the method of collecting the fee was adopted by the Commissioner and published in the Official Gazette.<sup>10</sup> According to this Criteria, public authority may decide, for reasons of efficiency and cost-effectiveness, that it shall not charge costs incurred for providing information if the costs do not exceed the amount of 50 Croatian kunas (6.5 Euro), which is 200 copies or 62 scanned pages. In the Report on the implementation of the Right of Access to information Act for 2014 it is noted that public authorities frequently apply this provision and do not charge the costs, which can be considered as good practice.

**11. Do any public authorities claim copyright in the material supplied, and impose conditions relating to use of information under copyright law (such as due acknowledgement and user fees in case of re-publication)?**

Not to my knowledge.

**12. National law and jurisprudence on the role of affected third parties in access procedures esp. concerning trade secrets and personal data (designation of trade secrets, consultation prior to release of information, etc)**

The affected third party does not participate in the procedures.

**13. Significant national law and jurisprudence on exceptions (Art. 4 Dir 2003/4/EC)**

As already mentioned, cases regarding the access to environmental information are rare. In vast majority of cases, main reason for initiating appeal is absence of timely response to the request for environmental information.

**14. More specifically:**

**a. Confidentiality of commercial or industrial information**

One user of the right to information requested from the Ministry of Agriculture access to the report on the analysis of milk samples of milk producers Dukat and Vindija, which were submitted in February to a reference laboratory in Vienna due to a suspicion of increased concentration of aflatoxin M1. The Ministry of Agriculture issued a decision rejecting the request because the requested information was considered as confidential. An appeal was submitted to the Information Commissioner. The Commissioner determined that the Ministry of Agriculture did not apply the proportionality and public interest test. It was also found that the information requested did not have designation of confidentiality and were not classified in accordance with the law governing the confidentiality of data. In addition, on the website of the Ministry of Agriculture<sup>11</sup> it was stated that the results of analysis from Vienna showed slightly elevated levels of aflatoxin M1 over the permitted, i.e. 0,057 micrograms/L. In the same article it was stated that the analysis established levels of aflatoxin M1 in a concentration of 0.084 micrograms/L in the milk of dairy Mlijekoprodukt from Bosnia and Herzegovina that was imported into Croatia. Information Commissioner granted the access to

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<sup>10</sup> NN no. 12/14, 12/15 – correction.

<sup>11</sup> <http://www.mps.hr/default.aspx?id=9124>.

requested information. Since the information on the amount of aflatoxin M1 were already published on the website and discussed in the media, Information Commissioner found no obstacles that would prevent granting the access to the reports that analyze the milk of the producers Dukat and Vindija. Information on the results of analysis would provide the basis on which consumers could make informed decisions about the food they consume.

**b. Confidentiality of the proceedings of public authorities / internal communications /**

One case concerned both the confidentiality of the proceedings of public authorities and the material in the course of completion (see *infra c.*).

**c. Approach to the disclosure of:**

- “raw data’ (Aarhus Compliance Committee case ACC/53/ Uk – see AC Implementation Guide 2014 p 85)
- “material in the course of completion” vs “unfinished documents” see AC Implementation Guide 2014 p 85

One user of the right to information requested from the Ministry of Environmental and Nature Protection access to the minutes (record) on the implementation of environmental inspection on 14 and 20 November 2012 at one location of illegal landfill. The Ministry rejected the request for information because there was reasonable doubt that the publication of the requested information would impede efficient, independent and impartial judicial, administrative or other legal procedure, execution of court decisions or penalties, since the procedure has not been completed (Art. 8, Para. 2, point 2 of the Right of Access to Information<sup>12</sup>). The Ministry based the rejection also on the Environmental Protection Act,<sup>13</sup> according to which public authority may reject the request to provide environmental information when the request refers to information, materials, documents or data which are currently in the preparation phase, that is, awaiting completion (Art. 135, para. 1, indent 5).

An appeal was submitted to the Personal Data Protection Agency (administrative appeal body at that time). The Agency, firstly, determined the correct interpretation of “materials in the course completion”. It concerns information, materials, documents or data which are in the preparation phase, i.e. awaiting completion, and that is not the situation in this case because the minutes (record) have already been created. Secondly, the Agency also could not find facts and evidence that could justify the reasons for the rejection of the request that concern the impediment of efficient, independent and impartial judicial, administrative or other legal procedure. The Agency noted that the Ministry, in its decision rejecting the application, did not state any concrete reasons or explanation on how the requested information could affect the conduct of the proceedings. In addition, the Agency stressed that the public has the right to be duly informed on environmental polluting, including the right to information on dangerous substances and activities, information on measures undertaken and in connection, the right of access to the state of environment (Art. 16 of the Environmental Protection Act). Therefore, the Agency granted the appellant to obtain copies of the requested information i.e. the minutes.

**d. “Information on emissions into the environment” (Art. 4 para 2 subpara 2 Dir 2003/4/EC, see T-545/11)**

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<sup>12</sup> NN no. 172/03, 144/10, 37/11 and 77/11.

<sup>13</sup> NN no. 110/07.



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**e. International relations, public security, national defence (see T-301/10 Sophie t' Veldt)**

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**f. Weighing of interests in every particular case (Art. 4 para 2 subpara 2 Dir 2003/4/EC)**

As already mentioned, many public authorities do not know how to implement the proportionality and public interest test.

### **15. Judicial control of access-decisions**

**g. Have specialised administrative appeal bodies (information officer etc) been set up? How do they work? Are their opinions respected?**

**h. Court review: “in-camera”-control? Standing of parties affected by decisions denying or granting access?**

#### Specialised administrative appeal body – Information Commissioner

If request for information has been ignored or wrongfully refused, the applicant may submit an appeal to the Information Commissioner (as the competent second instance public authority). Information Commissioner was introduced in 2013 as an independent public authority for protection of the right of access to information. Commissioner is appointed by the Croatian Parliament for a period of five years with the possibility of re-appointment.

In the Report on the implementation of the Right of Access to Information Act for 2014 (p. 79) it was noted that public authorities do not comply with the given deadlines for deciding on requests for information which is why in such cases the Information Commissioner often sends reminders and warns the public authorities of sanctions.

Inspectors and other authorized officials of the Office of the Information Commissioner have the authority to perform the inspection of the implementation of the Right of Access to Information Act. The Act prescribes penalties (fines) for misdemeanour for public authority that, contrary to the provisions of the Act, prevents or restricts access to information. The penalties range from approximately 660 to 2640 Euros for responsible persons in public authorities and 2640 to 13200 Euros for public authorities (Penal provisions - Art. 61 and 62).

In 2014 the Information Commissioner has not issued any misdemeanor orders. Reasons not to issue them include both the general orientation of the Commissioner that there is a need for prior training of public authorities and information officers, as well as the impossibility of systematic issuing of misdemeanor orders due to limited capacity of the Office of Information Commissioner. Only 4 persons work in the Office and supervise more than 5000 public authorities. Therefore, the Commissioner took the view that during 2014 indictments shall be submitted primarily in relation to cases of blatant violations of the Right of Access to Information Act (p. 112 of the Report).

#### Court review

The applicant may file a lawsuit against the second instance decision and thereby institute an administrative dispute before the High Administrative Court of the Republic of Croatia. The lawsuit can also be filed if the second instance body fails to render the decision within prescribed time limits.<sup>14</sup> The lawsuit is filed against the Information Commissioner.

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<sup>14</sup> The second instance decision on the appeal must be rendered and served without delay, and no more than 30 days from the day the appeal was submitted. Exceptionally, when Information Commissioner has to apply the “proportionality and public interest test” i.e. assess if the interest against disclosure outweighs the public interest

Public authority that issued the first instance decision may also file the lawsuit against the Information Commissioner if the Information Commissioner granted access to information. In that case, the lawsuit has suspensive effect.

In the process of the administrative dispute, the public authorities are obliged to provide to the court the access to restricted information that is the subject of the proceedings. Access to parts of the case file in the administrative dispute may be withheld if it is necessary to protect the public interest, the interests of one party or the interests of third parties. This means that the plaintiff (whose request has been rejected) would not have access to the refused information until the Court rules in his/her favor.

A new mechanism for ensuring compliance with court decisions has been introduced in Croatia in 2012. Non-enforcement of judicial decisions is a criminal offense under article 311 of the Criminal Code.<sup>15</sup> This crime was introduced in 2012.<sup>16</sup> Article 311, para. 1 reads as follows: “An official or responsible person who does not carry out the final court decision, which it was obliged to implement (execute), and thus does not make some other criminal offense which carries a heavier penalty, shall be punished by imprisonment of up to two years.”

## **16. How do states fulfill the duty to make information actively available?**

Pursuant to the Environmental Protection Act (Art. 156):

“(1) Public authorities shall ensure, within their competences, regular publication of environmental information in accordance with this Act, through available electronic databases or other appropriate information media, and in particular publication of:

- texts of international treaties, conventions or agreements, regulations governing the field of environmental protection,
- strategies, plans, programmes and other documents related to environmental protection,
- available reports on the implementation of regulations governing the field of environmental protection, including the implementation of international treaties and strategic documents, plans and programmes in the field of environmental protection,
- environmental status reports,
- data relating to environmental monitoring,
- permits/approvals which have a significant impact on the environment as well as treaties concluded with the aim of environmental protection,
- studies and risk assessments related to environmental components,
- other data relevant for environmental protection.

(2) Information referred to in paragraph 1 of this Article must be regularly updated.

(3) In the event of immediate hazard to human health, material assets and/or the environment, public authorities shall immediately notify the public through the mass media or in any other appropriate way regardless of whether the hazard has been caused by human activity or natural phenomena.

(4) Public authorities and polluters shall, immediately upon discovery, notify the public without delay of any exceedance of the prescribed emission limit values in the environment.”

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in favour of disclosure, the decision on the appeal must be rendered and served no more than 60 days from the day the appeal was submitted. Where confidentiality of information is provided for under the data protection law, Information Commissioner shall require the opinion of the Office of the National Security Council. In such cases that involve classified information, the second instance decision must be rendered and served at the latest within 90 days after the appeal has been submitted.

<sup>15</sup> NN no. 125/11, 144/12, 56/15 and 61/15 – corrigendum.

<sup>16</sup> NN no. 144/12.

Art. 10 of the Right of Access to Information Act regulates publication of information. Public authorities must publish the following on their website in an easily browsed manner:

- 1) laws and other regulations relating to their scope of work;
- 2) general enactments and decisions adopted by them and which affect the interests of beneficiaries, together with the reasons for their adoption;
- 3) draft acts and other regulations, as well as general enactment adopted by them;
- 4) annual plans, programmes, strategies, instructions, work reports, financial reports and other appropriate documents relating to the scope of work of the public authorities;
- 5) information on the source of funding, budget and budget execution;
- 6) information on any awarded subsidies, grants or donations, including a list of beneficiaries and the received amount;
- 7) information on their internal organisation, together with the names of the heads of public authorities and the managers of organisational units and their contact data;
- 8) minutes and conclusions of the official sessions of the public authorities and official documents adopted at those sessions, together with the information on the work of any formal working bodies within their competence;
- 9) information on public procurement procedures and the bidding documentation, as well as information on the performance of agreements;
- 10) notifications on published tenders and tender documentation;
- 11) registers and databases or information on the registers and databases within their competence and the method of access;
- 12) notifications on the manner of exercising the right of access to information and re-use of information with contact data of the information officer;
- 13) size of the fee for access to information and re-use of information;
- 14) most frequently requested information;
- 15) other information (news, press releases, information on other activities).

The public authorities must submit the documents referred to in paragraph (2),(3) and (4) to the Central Catalogue of Official Documents of the Republic of Croatia<sup>17</sup> for the purpose of their permanent availability and re-use of information.

Many public authorities have not aligned their conduct with Art. 10 of the Right of Access to Information Act. Some public authorities do not have a website and others do not frequently update them for various reasons (ignorance, the workload of information officers, poor communication within the public authority). There is also a problem of document formats, accessibility of the website, clarity of information etc.

National Aarhus Convention Implementation Report from December 2013<sup>18</sup> contains relevant and detailed information regarding the collection and dissemination of environmental information.

The Croatian Environmental Information System (CEIS) is maintained by the Croatian Environment Agency (CEA) in cooperation with other ministries, state and county administrative bodies as well as scientific and professional institutions. The structure, content, form and manner of keeping and maintaining the CEIS, as well as the deadlines for the submission of data and reports are prescribed under the Regulation on the EIS.<sup>19</sup> The CEIS databases are available to the public via CEA's website (<http://iszo.azo.hr>).

The database of the Environmental Pollution Register (EPR) has also been created. It includes an EPR application for the submission and use of data for the purpose of keeping a

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<sup>17</sup> <http://www.digured.hr/>

<sup>18</sup> Available in English: [http://mzoip.hr/doc/iii\\_nacionalno\\_izvjesce\\_o\\_provedbi\\_aarhuske\\_konvencije-eng.pdf](http://mzoip.hr/doc/iii_nacionalno_izvjesce_o_provedbi_aarhuske_konvencije-eng.pdf).

<sup>19</sup> NN no. 35/08.

record about the sources, types, quantity, manner and place of release, transfer and depositing of waste into the environment<sup>20</sup> (<http://www.azo.hr/RegistarOneciscenjaOkolisa>). In March 2012, a national portal for the EPR was established and implemented (CNPEPR) as well. Apart from the transparency of data on the release and transfer of pollutants, produced, collected and treated waste, and polluters and their sites, the CNPERP also includes a GIS (Geographic Information System) browser, i.e. provides an up-to-date insight into the spatial component and the related information with additional possibilities of creating spatial analyses and reports (<http://hnproo.azo.hr/Home.aspx>).<sup>21</sup>

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<sup>20</sup> Pursuant to the Ordinance on the Environmental Pollution Register, NN no. 35/08.

<sup>21</sup> National Aarhus Convention Implementation Report, [http://mzoip.hr/doc/iii\\_nacionalno\\_izvjesce\\_o\\_provedbi\\_aarhuske\\_konvencije-eng.pdf](http://mzoip.hr/doc/iii_nacionalno_izvjesce_o_provedbi_aarhuske_konvencije-eng.pdf), pp. 11-12.