

Zagreb, 2. – 4. prosinca 2013.



DIJALOGOM
S CIVILNIM
DRUŠTVOM
DO BOLJEG
OKOLIŠA

Sudjelovanje javnosti u postupcima zaštite okoliša

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Ovaj projekt financira Europska unija, a sufinancira Ured Vlade RH za udruge.
This project is funded by the European Union and co-founded
by the Government Office for Cooperation with NGOs.



VLADA REPUBLIKE HRVATSKE
Ured za udruge

Odredbe Arhuške Konvencije o sudjelovanju javnosti u pitanjima zaštite okoliša

- Članak 6: odlučivanje o određenim djelatnostima
- Članak 7: sudjelovanje u vezi s planovima, programima i politikama koje se odnose na okoliš
- Članak 8: sudjelovanje u izradi provedbenih propisa i općeprimjenjivih pravno obvezujućih normativnih instrumenata



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Sudjelovanje javnosti prema ZoZO-u

Prema članku 6. Arhuške Konvencije:

Postupak procjene utjecaja zahvata na okoliš

Postupak izdavanja okolišne dozvole

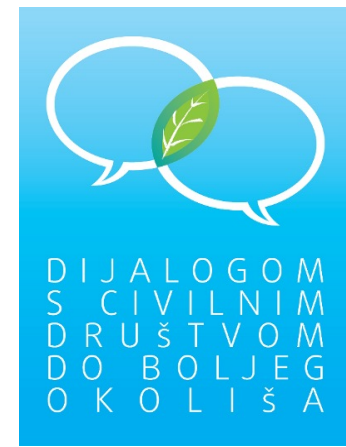
Prema članku 7:

Postupci za koje je obavezna provedba strateške procjene utjecaja zahvata na okoliš (čl. 63)

Nacrti strategija, prijedlozi planova i programa za koje se ne provodi strateška PUO (čl. 165)

Prema članku 8:

Postupak izrade zakona i provedbenih propisa



DIRECTIVE 2011/92/EU

on the assessment of the effects of certain public and private projects on the environment

Article 1(1):

This Directive shall apply to the assessment of the environmental effects of those public and private projects which are **likely to have significant effects on the environment.**

Annex I projects

Annex II projects:

- case by case (taking into account Annex III)
- according to threshold criteria set by MS



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Article 2(1):

Member States shall adopt all measures necessary to ensure that, **before consent is given**, projects likely to have significant effects on the environment **by virtue, inter alia, of their nature, size or location** are made subject to a requirement for development consent and an assessment with regard to their effects. Those projects are defined in Article 4.



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Article 3 EIA

The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the **direct and indirect effects** of a project on the following factors:

- (a) human beings, fauna and flora;
- (b) soil, water, air, climate and the landscape;
- (c) material assets and the cultural heritage;
- (d) **the interaction** between the factors referred to in points (a), (b), and (c).



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Veza između članka 2. st. 1. i čl. 3. EIA Direktive:

Even a small-scale project can have significant effects on the environment if it is in a location where the environmental factors set out in Article 3 of the EIA Directive, such as fauna and flora, soil, water, climate or cultural heritage, are sensitive to the slightest alteration. (C-392/96, Commission v. Ireland, paragraph 66)



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Da bi zadovoljili zahtjeve čl. 3. nije dovoljno da tijela javne vlasti identificiraju i opišu izravne i neizravne utjecaje projekta na propisane faktore već ih moraju i suštinski ocijeniti u svjetlu svakog pojedinačnog slučaja.

Assessment, which must be carried out before the decision-making process, involves an **examination of the substance of the information gathered** as well as a consideration of the expediency of supplementing it, if appropriate, with additional data.

(C-50/09, Commission v. Ireland, paragraphs 35, 37-41)



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Directive 85/337 prescribes an assessment of the environmental impact of a public or private project, but **does not lay down the substantive rules in relation to the balancing of the environmental effects with other factors or prohibit the completion of projects which are liable to have negative effects on the environment.**

(C-420/11, Leth, paragraph 46)



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Article 4

Za koje se projekte provodi procjena

Article 5

Minimum informacija koje se moraju pružiti (Annex IV)

Article 5(2)

Scoping (Ocjena o potrebi procjene utjecaja na okoliš)

Article 6

Odredbe o sudjelovanju javnosti

Article 7

Prekogranični utjecaj



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Article 8

Rezultate konzultiranja javnosti potrebno je uzeti u obzir
(razlika u odnosu na članak 3)

Article 9

Objava odluka sa obrazloženjem
mjere (koje je potrebno propisati u dozvolama)

Article 10

Mogućnost primjene viših standarda

Article 11

Pristup pravosuđu



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The right of access to a review procedure within the meaning of Article 10a of Directive 85/337 does not depend on whether the authority which adopted the decision or act at issue is an administrative body or a court of law. Second, participation in an environmental decision-making procedure under the conditions laid down in Articles 2(2) and 6(4) of Directive 85/337 is separate and has a different purpose from a legal review, since the latter may, where appropriate, be directed at a decision adopted at the end of that procedure. Therefore, **participation in the decision-making procedure has no effect on the conditions for access to the review procedure.**

(C-263/08, Djurgården, paragraphs 32-39)



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HVALA NA PAŽNJI!

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