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Climate change-crisis / Overtourism
Questionnaire

Introduction

In keeping with the Guiding Principle [Leitmotiv] of the Greek presidency of ACA-Europe, the first seminar, which will be held in Athens in November 2025, will focus on the role of the administrative judge when confronted with current challenges related to the climate crisis and the harmful effects of overtourism. The following questionnaire focuses on the six points outlined in the Guiding Principle. The presentation of the regulatory framework in the various countries [international law, European law and national law] and the application of this normative framework by judges in each country will enable us to address questions relating to the effectiveness and relevance of the traditional tools and methods available to judges when they are called upon to rule on disputes concerning the aforementioned challenges.

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Part A: Climate change-crisis

I. The regulatory framework

I.A. Supranational rules

I.A.1. Rules of international law

➥ What international instruments [treaties/conventions] relating to climate change are in force in your country?

Kyoto Protocol X

Paris Accords X

Aarhus Convention (procedural matters) X

Other (please specify) X

Croatia is also a party to several another international treaties and conventions addressing climate change:
1. United Nations Framework Convention on Climate Change (UNFCCC)
2. Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)
3. Montreal Protocol
4. Declaration on Children, Youth and Climate Action

Co-funded by the European Union

- What is the formal validity of the aforementioned rules of international law in your country's legal system? (please describe briefly the procedure for incorporating international rules into the legal system)

In Croatia, the formal validity of international law within the national legal system is established by the Article 140 of the Constitution of the Republic of Croatia.

International treaties must be ratified by the Croatian Parliament (Sabor) unless the Constitution or law provides otherwise. Once ratified, treaties are published in the official gazette (Narodne novine).

Ratified and published international treaties become part of the internal legal order and have legal force equivalent to domestic legislation. They can be directly applied if they are self-executing (i.e., sufficiently clear and precise to be enforced without further legislative action).

According to Article 140 of the Constitution, ratified international agreements are above national laws in the hierarchy of norms. If there is a conflict between a law and an international treaty, the treaty prevails.

Since Croatia's accession to the European Union in 2013, EU law has primacy over national law, including the Constitution in areas of conferred competencies.

In Croatia, international rules gain formal validity through parliamentary ratification and official publication. Once incorporated, they are binding and can override conflicting national laws, ensuring alignment with international obligations and EU law.

I.A.2. EU rules

- Which are the main EU climate change rules that have been incorporated into your national legislation?

Croatia, as an EU member, is required to implement and align its national legislation with the EU's climate and energy framework. Here are the main EU climate change rules that have been incorporated into Croatian national legislation:

1. EU Emissions Trading System (EU ETS) – Directive 2003/87/EC (implemented via Croatian Environmental Protection Act and specific bylaws)

2. Effort Sharing Regulation – Regulation (EU) 2018/842 (implemented via Croatia's Low Carbon Development Strategy and related national climate policies)

3. LULUCF Regulation – Regulation (EU) 2018/841

4. Renewable Energy Directive (RED II) – Directive (EU) 2018/2001 (implemented via Croatian Energy Development Strategy and related acts, e.g., Renewable Energy Sources and High-Efficiency Cogeneration Act)

5. Energy Efficiency Directive – Directive 2012/27/EU and amending Directive (EU) 2018/2002 (implemented through The Energy Efficiency Act and various energy audits and renovation programs)

6. Governance Regulation – Regulation (EU) 2018/1999

7. Climate Law – Regulation (EU) 2021/1119 (European Climate Law)

➥ Has your country been the subject of proceedings for failure to fulfil its obligations under EU legislation in this area?

Croatia has been subject to several infringement proceedings by the European Commission for failing to fulfill its obligations under EU climate and energy legislation. These proceedings address issues such as delayed transposition of directives, inadequate reporting, and non-compliance with environmental protection standards.

➥ If so, please indicate what stage has been reached in the proceedings (warning letters, Commission appeals, rulings by EU courts)

1. Failure to Transpose the Renewable Energy Directive (RED II)

Issue: Croatia did not fully transpose Directive (EU) 2018/2001 on the promotion of renewable energy into national law by the deadline of 30 June 2021.

Commission Action: After a letter of formal notice in July 2021 and a reasoned opinion in May 2022, the Commission referred Croatia to the Court of Justice of the EU in February 2023, requesting financial sanctions under Article 260(3) TFEU.

Current Status: Although Croatia submitted a correlation table, the Commission found the transposition incomplete and issued an additional reasoned opinion in May 2024.

2. Restrictions on Gas Exports

Issue: Croatia imposed restrictions on gas exports that the Commission deemed incompatible with Articles 34–36 TFEU and Directive 2009/73/EC concerning the internal gas market.

Commission Action: In April 2023, the Commission initiated infringement proceedings by sending a letter of formal notice.

3. Failure to Submit Energy Efficiency Progress Report

Issue: Croatia failed to submit its 2019 annual progress report on energy efficiency targets as required by the Energy Efficiency Directive.

Commission Action: An infringement procedure was opened in February 2020 due to this non-compliance.

4. Non-Compliance with Environmental Impact Assessment Requirements for Wind Farms

Issue: Croatia did not ensure proper environmental impact assessments for certain wind farm projects, violating EU environmental legislation.

Commission Action: A formal notice was sent in May 2020, followed by a reasoned opinion due to insufficient corrective measures.

5. Failure to Transpose Packaging and Packaging Waste Directive

Issue: Croatia did not fully transpose Directive (EU) 2018/852 on packaging and packaging waste by the deadline of 5 July 2020.

Commission Action: After a letter of formal notice in October 2020 and a reasoned opinion in June 2021, the Commission referred Croatia to the Court of Justice of the EU in November 2023, seeking financial sanctions

I.B. Rules of national law

I.B.1.1. Does your country have any principles or provisions at constitutional level:

for the protection of the environment in general	X
for climate change	☐
for the protection of health	X
for the protection of young people or other population groups	X

1.B.1.2. If so, do these provisions:

Contain only substantive rules?	X
Or do they also establish procedural guarantees?	☐

Do they make explicit reference to: solidarity between generations?	☐
the rights of future generations?	☐
vulnerable groups?	X

I.B.1.1. While the Constitution of the Republic of Croatia does not explicitly mention climate change, the general provisions on environmental protection (Articles 3 and 52) provide a constitutional foundation for climate-related legislation and policies.

Additionally, climate action is addressed through ordinary legislation (such as the Environmental Protection Act, the Low-Carbon Development Strategy, and Croatia's compliance with EU climate law).

I.B.1.2. The Constitution contains substantive rules, but procedural guarantees are established mainly in ordinary legislation, not at the constitutional level.

There are no explicit references to intergenerational solidarity or the rights of future generations.

There are explicit protections for vulnerable groups, especially children, youth, mothers, and persons with disabilities.

I.B.2. Has the national legislator adopted specific legal instruments to address climate change issues, apart from the legislation necessary to comply with secondary EU law?

yes	X
no	☐

If so, please briefly mention this legislation, as well as the main content of the relevant substantive and procedural rules.

Law on Climate Change and Ozone Layer Protection (Zakon o klimatskim promjenama i zaštiti ozonskog sloja - 2019): Establishes the legal framework for climate change mitigation and adaptation, including greenhouse gas monitoring and emission trading systems.

- Substantive Rules: defines greenhouse gas reduction goals, establishes national targets for emission reductions in line with long-term climate goals, covers measures to reduce emissions in all sectors (transport, agriculture, energy, etc.), includes provisions on climate adaptation planning, addresses protection of the ozone layer by regulating substances harmful to it.
- Procedural Rules: creates a GHG monitoring, reporting, and verification system, mandates public participation and stakeholder consultation in decision-making, requires preparation of national reports and strategies (e.g., Low-Carbon Strategy), introduces a climate policy coordination body to oversee implementation.

Climate Change Adaptation Strategy (2020): Outlines measures to address climate change impacts across various sectors, with action plans updated every five years.

Low-Carbon Development Strategy (LCDS) of the Republic of Croatia until 2030 with an Outlook to 2050 (October 2021): Aims to reduce greenhouse gas emissions and promote sustainable development aligned with EU climate goals.

- Substantive Rules: defines sector-specific GHG reduction pathways (e.g. energy, buildings, transport, agriculture), proposes use of renewable energy, electrification, and energy efficiency as key tools, offers three possible development scenarios: reference, mitigation, and ambitious mitigation.
- Procedural Rules: requires continuous updating of the strategy, sets mechanisms for policy impact assessment, monitoring, and stakeholder engagement, informs development of further action plans and financial programs.

Air Protection Act (Zakon o zaštiti zraka)

- Substantive Rules: regulates GHG emissions beyond traditional air pollutants, includes provisions for national emission inventories and projections.
- Procedural Rules: mandates environmental permits, emissions monitoring, and public disclosure, provides for inspections and sanctions.

Strategic Documents and Programs
Energy Development Strategy (to 2030 with outlook to 2050) – Includes climate change mitigation targets.

National Adaptation Strategy and Action Plan (NASAP) – Addresses climate resilience, particularly in agriculture, water management, and health sectors.

- Substantive Rules: identifies climate risks and vulnerabilities, establishes priority adaptation measures in water management, health, biodiversity, and agriculture, integrates climate resilience into national planning and disaster risk management
- Procedural Rules: requires regular review and updating of the action plan, implements cross-sectoral coordination through a designated body, mandates monitoring, evaluation, and public consultation.

I.B.3. Does your country have a specific action plan to address climate change?

yes X
no ☐

If so:

↳ What is the level of planning (national, regional, etc.)?

The strategy operates at the national level, providing a framework for climate change adaptation across the entire country. It also emphasizes the importance of regional and local implementation, encouraging the development of specific action plans and risk management strategies tailored to local conditions.

Key Elements of the Strategy:

Climate Projections: Utilizes climate models to project future climate scenarios for Croatia, assessing potential impacts and vulnerabilities.

Sectoral Measures: Identifies adaptation measures across various sectors, including agriculture, water management, biodiversity, health, and infrastructure.

Implementation Framework: Outlines procedures for monitoring, evaluation, and coordination among national, regional, and local authorities to ensure effective implementation.

Public Engagement: Highlights the necessity of involving stakeholders and the public in the adaptation planning process to ensure transparency and inclusivity.

This strategy represents Croatia's commitment to proactively addressing the challenges posed by climate change through a coordinated and multi-level approach.

- Please specify whether this planning is limited to defining policy guidelines (for example: limits on the use of fossil fuels; favouring other forms of energy; support for 'green' investments; improvement of infrastructure, buildings and vehicles - in the public or private sectors; cost sharing for the 'green' transition; special measures for vulnerable population groups; management of climate change-related crises, etc.),
- or whether it also contains binding rules?

Croatia's climate change planning, particularly through its Climate Change Adaptation Strategy (up to 2040, with a view to 2070), is primarily strategic in nature - meaning it mostly defines policy guidelines rather than imposing binding legal rules. However, some components of the framework are connected to legislation that does have binding effect.

1. Nature of the Climate Change Adaptation Strategy

Strategic (policy-planning document) - not directly binding – it sets national objectives and guidelines for sectoral and local adaptation but does not impose enforceable obligations on private or public actors.

- Requires follow-up through action plans, sectoral programs, and integration into other binding legislation (e.g., environmental protection, water management, civil protection).
- National ministries and agencies are responsible for transposing these guidelines into concrete regulatory or financial measures.

2. The strategy outlines policy priorities, including:

- Reducing dependence on fossil fuels
- Promoting renewable energy and energy efficiency
- Modernizing infrastructure and buildings
- Encouraging green investments and sustainable agriculture

- Improving resilience of public health systems
- Preparing for climate-related emergencies (e.g., floods, droughts)
- Protecting vulnerable population groups (elderly, children, rural communities)
- Enhancing climate-related education and awareness
- Regional/local involvement in climate planning

These do not constitute binding rules but are intended to guide future laws, programs, and local strategies.

3. Binding Elements (Linked Laws & Regulations)

Although the strategy itself is not binding, it connects to or is implemented through binding national laws, such as:

Climate Change and Ozone Layer Protection Act (2019) - Establishes legal obligations for GHG monitoring, national targets, adaptation planning, and public participation

Environmental Protection Act - Includes mandatory procedures for environmental impact assessments, including climate risks

Air Protection Act - Sets emission limits and obligations for polluters

Civil Protection System Act - Establishes climate-related risk management duties for national and local authorities

I.B.4. In your legal system [in the Constitution and/or in the laws] is there an explicit obligation for the State and/or other public-sector bodies to adopt positive measures or avoid certain actions in relation to climate change?

In the Croatian legal system, while the Constitution does not explicitly refer to climate change, there are explicit obligations in ordinary laws that require the State and public-sector bodies to adopt positive measures and avoid actions that may negatively impact the climate.

↳ If so, what is the nature of these measures?

(a) **preventive measures**

(b) repressive measures

(c) restitution measures

The measures required by Croatian law are both strategic and operational, falling into several key categories:

1. Strategic Planning and Policy Integration

The State must develop long-term national strategies, including: a Low-Carbon Development Strategy, a National Climate Change Adaptation Strategy, action plans for implementation. Climate goals must be integrated into all sectoral policies, including energy, transport, agriculture, and spatial planning.

Purpose: Align national development with EU climate targets and international obligations (e.g. Paris Agreement).

2. Mitigation Measures (GHG Reduction)

Monitoring and reporting of greenhouse gas emissions

Adoption of measures to limit emissions from key sectors (industry, transport, energy)

Promotion of renewable energy, energy efficiency, sustainable mobility

Encouragement of green investments and low-emission technologies

Example: Emission limits for large industrial plants; support schemes for solar and wind energy.

3. Adaptation Measures

Risk assessments for climate impacts (floods, droughts, heatwaves)

Development of resilience strategies in Agriculture, Water management, Urban planning

Civil protection plans to address extreme weather and disasters

Example: Investment in flood defense systems; drought-resistant crops.

4. Public Participation and Awareness

Authorities must inform and involve the public in climate decision-making.

Support for climate education, especially in schools and local communities.

Goal: Increase societal resilience and accountability.

5. Financial and Institutional Support

Creation of mechanisms for funding green projects

Coordination between ministries and local authorities

Capacity building for public administration to implement climate policy

Includes access to EU funds (e.g., Recovery and Resilience Facility, Green Deal programs).

➥ Do individuals have any rights to ensure that this obligation is met? If so, under what conditions?

Individuals in Croatia do have rights to ensure that the State and public authorities meet their legal obligations related to climate change and environmental protection. These rights are grounded in constitutional principles, environmental legislation, and access to justice guarantees under EU and international law.

➥ Is the legal pursuit of this right regulated?

The legal pursuit of the right to environmental protection, including obligations related to climate change, is regulated in Croatian law. The framework defines how individuals and organizations can claim these rights, the procedures they must follow, and the institutions responsible for enforcement. Croatian law regulates the legal pursuit of environmental and climate-related rights through a structured process involving: access to environmental information, participation in public procedures, legal remedies through administrative courts, broad legal standing, especially for NGOs and alignment with EU law and the Aarhus Convention.

➥ Do individuals have any rights to ensure that private persons comply with similar obligations?

Individuals in Croatia do have limited but meaningful rights to ensure that private persons (such as companies or individuals) comply with environmental and climate-related obligations - particularly when those actions affect public health, environmental quality, or breach specific legal standards.

These rights are regulated by law, and they can be enforced through civil (e.g. Civil Obligations Act - enables claims for damages caused by environmental pollution or harm), administrative (e.g. Act on Protection from

Light, Noise, and Air Pollution - provides limits and mechanisms for complaints against polluters), and in some cases, criminal proceedings (e.g. Criminal Code - penalizes certain forms of environmental harm caused by private actors).

➥ Are there specific regulations for the ecological damage caused by climate change?

In Croatia, there are no specific, standalone regulations solely focused on ecological damage caused by climate change. However, climate change-related impacts are addressed within the broader environmental protection framework, where ecological damage caused by climate change (such as damage to ecosystems, biodiversity, and natural resources) can be tackled through existing environmental laws, regulations, and international commitments.
These laws generally aim to prevent, mitigate, and restore ecological damage, whether caused by climate change or other environmental pressures, and they align with EU environmental law, which also recognizes the impacts of climate change on ecosystems.

I.B.5. In your country, is the allocation of public responsibilities in the field of climate change subject to regulation?

yes X
no ☐

➥ If so, which are the authorities responsible for managing issues related to the climate crisis [protection against the effects of the crisis and/or disaster management]?

Special Ministry X
Legal entity under public law X
Other organisational unit X

Ministry of Economy and Sustainable Development - National climate strategy, emission reduction, adaptation plans - climate change mitigation and adaptation
Ministry of Interior - disaster management, crisis coordination - emergency response to climate disasters
Ministry of Agriculture - agricultural resilience, forestry management - adaptation in farming and forestry
Ministry of Environment and Nature Protection - ecosystem protection, biodiversity - adaptation for natural ecosystems
Croatian Environment Agency (CEA) - environmental monitoring, data collection - climate data, GHG emissions reporting
Croatian Red Cross - humanitarian relief - disaster response and support
State Civil Protection Directorate - civil protection system management - disaster and crisis management
Local Governments - local climate adaptation and emergency response - urban climate action, local resilience

➥ Is there a body responsible for: the collection and processing of scientific data? yes X / no ☐

➥ conducting comparative studies and surveys? yes X / no ☐

➥ monitoring the implementation of measures and the achievement of objectives? yes X / no ☐

➥ evaluating research carried out on climate change? yes X
no ☐

Collection and Processing of Scientific Data - Croatian Environment Agency (CEA), Institute of Environmental and Nature Protection - environmental data collection, emissions monitoring, climate impact data **Conducting Comparative Studies and Surveys -** Croatian Academy of Sciences and Arts, Institute of Social Sciences Ivo Pilar - scientific studies on climate change and social impact surveys **Monitoring Implementation and Achievement of Objectives -** Ministry of Economy and Sustainable Development, Croatian Environment Agency - monitoring national climate strategies and emission reduction targets **Evaluating Research on Climate Change -** Institute for Research and Development of Sustainable Solutions, Croatian Academy of Sciences and Arts - evaluating and providing scientific input on climate research

➥ If so, please describe the composition and the operating rules of the competent bodies (participation of elected representatives, scientists, guarantees of independence)?

Climate Change Council - Elected representatives, scientists, NGOs, experts
Croatian Environment Agency (CEA) - Government officials, scientists, environmental experts
Institute for Sustainable Solutions - Scientists, researchers, cross-sector experts
Environmental Protection Inspectorate - Inspectors, environmental officials
Ministry of Economy and Sustainable Development - Elected officials, climate experts

➥ What is the nature of power allocated to these bodies (purely advisory power, decision-making power)?

Climate Change Council - Consultative, transparent, science-based recommendations
Croatian Environment Agency (CEA) - Independent scientific monitoring, regulatory role
Institute for Sustainable Solutions - Collaborative, autonomous research, policy evaluations
Environmental Protection Inspectorate - Independent inspections, compliance monitoring
Ministry of Economy and Sustainable Development - Policy coordination, public consultation, scientific advisory

➥ Is prior consultation with a court or other independent bodies provided for when adopting a regulation concerning climate change?

In Croatia, the process of adopting regulations concerning climate change involves prior consultation with independent bodies, including scientific experts, NGOs, and relevant stakeholders. Additionally, the regulations are subject to judicial review by administrative courts, ensuring that they comply with national, EU, and international law. This process ensures that climate-related regulations are transparent, evidence-based, and aligned with public participation and scientific expertise.

➥ Is there a provision for public participation in the development of climate action plans or legislation? If so, what form of participation (consultation, other)?

Public participation in Croatia's climate action planning and legislation development is a comprehensive process that includes: public consultation on draft plans and regulations, opportunities for written submissions and stakeholder meetings, direct involvement of environmental NGOs and experts in working groups and advisory bodies and public access to information on climate policies and regulations.
This ensures that Croatia's climate policies are transparent, inclusive, and reflect the concerns and input of the public, scientific community, and key stakeholders.

➥ Is access to relevant information guaranteed? yes X no ☐

Access to relevant information is guaranteed, in line with both national legislation and international obligations. Croatia is a signatory to the Aarhus Convention, which guarantees the public's right to access environmental information, participate in environmental decision-making, and have access to justice in environmental matters. This right is incorporated into Croatian law, providing a strong legal framework for access to relevant information related to climate change and environmental issues.
The Act on the Right of Access to Information (Zakon o pravu na pristup informacijama) ensures that citizens and organizations can request environmental information from public authorities, which includes data on climate change policies, emissions, climate action plans, and environmental impact assessments.

This act aligns with EU regulations such as the Directive 2003/4/EC on public access to environmental information, which mandates that public authorities make such information available in an accessible and understandable manner.

Key documents related to climate change, such as the National Climate Change Adaptation Strategy, National Energy and Climate Plan (NECP), and other climate action plans are made publicly available. These documents can be accessed via the official websites of relevant government bodies, such as the Ministry of Economy and Sustainable Development and the Croatian Environment Agency.

The public has the right to examine these plans and strategies before they are finalized and to participate in consultations where these plans are open for feedback.

Citizens, NGOs, and other stakeholders can submit requests for specific environmental information under the Freedom of Information Act (Zakon o slobodi informiranja). Public authorities are required to respond to these requests, and any refusal must be justified.

If the request for information is denied, individuals or organizations have the right to appeal the decision and challenge it in administrative courts, ensuring a robust access to justice mechanism.

Environmental monitoring data and reports on climate change are publicly available through various channels. The Croatian Environment Agency (CEA) and the Ministry of Economy and Sustainable Development provide regular updates on greenhouse gas emissions, climate policies, and sustainability goals. These reports are usually published online, and citizens and organizations can access them freely.

As an EU member state, Croatia is also required to comply with the EU Regulation on the Access to Environmental Information and share relevant climate data with EU institutions. This facilitates access to

EU-wide data on climate change, including emissions reports, adaptation strategies, and energy transition efforts.

The public's right to access information extends to the regulatory process, where proposed climate change regulations and policies are made available for public consultation. Stakeholders are given the opportunity to review and comment on proposed regulations, which ensures transparency and accountability in decision-making.

While the right to access environmental information is generally guaranteed, there are some exceptions as stipulated by the Aarhus Convention and Croatian law. Information may be withheld if it involves matters of national security, trade secrets, or confidential personal data. However, these exceptions are narrowly defined, and denials of access must be justified by public authorities.

II. The application of the regulatory framework by the judge

II.A. Have any disputes been brought before the courts in your country that involve, directly or indirectly (as a result of the claims, allegations and arguments of the parties to the dispute), issues related to climate change?

If so:

-Please mention the main categories of cases in which issues related to climate change arise:

(a) cases related to energy sources (conventional/renewable),

(b) cases related to the improvement of infrastructure (buildings/vehicles),

(c) cases related to environmental impact assessment during project authorisation.

- Please mention the important cases brought before the courts in your country and the judgments handed down.

Croatia has witnessed legal disputes involving climate change, particularly in the context of energy projects and environmental assessments. Here are the main categories and notable cases:

(a) Cases Related to Energy Sources (Conventional/Renewable)

Plomin C Coal Power Plant: Environmental NGOs, including Zelena Akcija (Friends of the Earth Croatia) and Green Istria, filed a legal appeal against the Ministry of Environmental Protection's approval of the Plomin C coal power plant. They argued that the project would emit approximately 2.6 million tons of CO_2 annually, conflicting with EU climate targets and Croatia's obligations under the European Union Emissions Trading Scheme. The NGOs contended that the environmental impact assessment (EIA) was inadequate, failing to fully consider the health and climate implications. The project faced significant opposition and was ultimately canceled in 2016.

(case number: Administrative Court in Rijeka, UsI-505/2019; High Administrative Court of the Republic of Croatia, Usž-2133/21)

(b) Cases Related to the Improvement of Infrastructure (Buildings/Vehicles)

There is limited publicly available information on court cases in Croatia specifically addressing climate change in the context of infrastructure improvements such as buildings or vehicles. However, Croatia has

enacted laws promoting energy efficiency and the use of renewable energy in buildings and transportation, which may influence future legal actions.

(c) Cases Related to Environmental Impact Assessment During Project Authorization

Hydroelectric Power Projects: Criticism has been directed at the EIA processes for hydroelectric projects in Croatia. For instance, the HE Lešće hydroelectric plant's EIA was criticized for being a "pro forma" exercise aimed at justifying the project rather than objectively assessing environmental impacts. Such criticisms highlight concerns about the adequacy of EIAs in considering climate change implications.

While Croatia has not seen a large number of climate change-related court cases, the legal challenges that have occurred, particularly concerning energy projects and environmental assessments, indicate a growing awareness and willingness among NGOs and the public to use legal avenues to address climate concerns. As Croatia continues to develop its energy infrastructure and environmental policies, it is likely that climate change considerations will increasingly feature in legal disputes.

II.B. Organisation of the judicial system: Does the system of dual jurisdiction (civil courts for private disputes, administrative courts for administrative disputes) apply in your country?

yes X

no ☐

➥ If so, are issues related to climate change dealt with:

-mainly by the administrative courts, when they examine the legality of the actions or omissions of the State and other public entities;

-mainly by the administrative courts, when they examine compensation claims against the State and other public entities;

-mainly by the civil courts (in disputes aimed at protecting the applicant against actions by individuals)?

Croatia applies a system of dual jurisdiction, separating civil courts (for private law disputes) from administrative courts (for public law disputes). This structure is grounded in Croatia's Law on Administrative Disputes and the Courts Act, which define the respective roles and competences of civil and administrative courts.
Climate change-related issues are typically handled under this dual jurisdiction system:
1. Mainly by the administrative courts: examining the legality of actions or omissions by the State or public entities - this is the most common route.
Climate change-related issues most often arise in cases challenging the legality of administrative decisions, such as Environmental Impact Assessments (EIAs), Permits for energy or infrastructure projects, and Government climate or energy policies.
For example:
The Plomin C coal power plant case involved NGOs challenging the Ministry of Environmental Protection's decision to approve the project. This was an administrative dispute, where the legality of a state action was at the core.
2. Mainly by the administrative courts: compensation claims against the State or public entities - rare, but possible under specific circumstances.
While administrative courts in Croatia can award compensation, they do so only when it arises as a direct consequence of an unlawful administrative act. In practice, compensation claims against the State for environmental or climate-related harm are not commonly pursued, and this area is still underdeveloped in Croatian case law.

3. Mainly by the civil courts: protection against actions by private individuals or companies - yes, but less common in climate contexts.
Civil courts would handle cases involving: private nuisance or damage claims (e.g., pollution, emissions), contractual disputes involving environmental standards or green obligations, and claims for damages between private entities.
These are typically not framed explicitly as "climate change" cases, but could involve climate elements as part of broader environmental or tort law claims.

II.B.1. In your country, does the legislation provide for a specific remedy for cases relating to the climate crisis? If so:

- Which courts have jurisdiction to hear such cases?

There is no dedicated or specific legal remedy explicitly tailored to climate crisis cases in the current legislation. However, existing legal frameworks, primarily environmental, administrative, and civil law, do provide pathways through which climate-related claims can be brought.

While Croatia doesn't have a special "climate law remedy," claimants can rely on general provisions in these areas:

1. Environmental Protection Act (Zakon o zaštiti okoliša)

Allows challenges to actions that harm the environment, including pollution and inadequate environmental impact assessments (EIAs).

NGOs and individuals may file complaints or seek annulment of decisions (e.g., permits, approvals for projects impacting climate).

2. Administrative Procedure Act & Administrative Disputes Act

Enables challenges to acts or omissions of state/public authorities.

Often used in cases where a project approval or license is contested for insufficient climate/environmental consideration.

3. Civil Obligations Act (Zakon o obveznim odnosima)

Allows for tort claims (compensation) in cases of damage caused by climate-related harm, such as pollution or deforestation.

Claims typically framed as environmental nuisance or negligence.

- What is the composition of these courts?

In Croatia, the composition of the civil and administrative courts, which hear climate-related and environmental cases, follows a structured judicial hierarchy.

Administrative Courts in Croatia

1. First-instance Administrative Courts

There are four regional Administrative Courts (Zagreb, Rijeka, Osijek, and Split) - professional judges only (cases are usually heard by a single judge, but more complex cases can be decided by a panel of three judges)

2. High Administrative Court - a panel of three judges hears appeals.

This is the appeals court for decisions from the lower administrative courts.

It may also hear important constitutional or legal questions in administrative matters.

Civil Courts in Croatia

1. Municipal Courts (Općinski sudovi) – First Instance - cases usually decided by one professional judge.

2. County Courts (Županijski sudovi) – Appellate Courts - three-judge panels review cases on appeal.

3. Supreme Court of the Republic of Croatia - panels consist of five or more Supreme Court judges - final appellate court for both administrative and civil cases.

All judges must be professionally trained, with legal education, a bar exam, and often graduation from the State School for Judicial Officials.

Judges are appointed by the State Judicial Council, an independent body composed of judges, law professors and two members of Parliament.

➥ What are the main features of the relevant remedies?

1. Administrative Remedies

Used to challenge actions or omissions of public authorities (e.g., project approvals, EIAs, energy permits).

- Annulment of Administrative Acts - cancels an unlawful decision (e.g., permit or EIA approval) - can result in revocation of a project permit or order to repeat the EIA process - no automatic suspension of project activity unless a stay of execution is also granted.
- Order to Act - forces public authorities to take a specific action (e.g., conduct an EIA) – it is used when the administration fails to act where it is legally required to.

2. Civil Remedies

Used in disputes between private parties or when seeking compensation from public or private actors.

- Compensation for Damage (Tort Claims) - provides financial compensation for harm (e.g., environmental pollution) - must prove causality, fault, and damage (harder to link harm directly to "climate change," but possible with scientific evidence) - claims can be based on nuisance, negligence, or strict liability (e.g., hazardous activity).
- Injunction - stops ongoing or imminent harmful activity (e.g., emissions from a facility) - available for preventing further damage, especially when irreversible harm is likely.

3. Constitutional Remedies (Limited Use)

Climate change cases might theoretically be framed as violations of constitutional rights, such as right to health, right to a healthy environment and right to life or property.

- Constitutional Complaint (Ustavna tužba) - challenges violations of constitutional rights after all other legal remedies are exhausted - used rarely in environmental cases, and never yet in a major climate case.

II.B.2. If the answer to the previous question is no [: if your legal system does not provide for a special remedy]:

➥ Among the remedies generally provided for, which remedies deal mainly with disputes involving issues related to the climate crisis?

actions for annulment against acts or omissions of the State and other public entities ☐

full jurisdiction remedies for the recognition of a right ☐

actions for damages ☐

remedies for the protection of the applicant's personality ☐

procedures for requesting interim measures ☐

II.B.3. If your legal system does not provide for a special remedy, are disputes relating to the climate crisis examined:

↳ by specialised divisions of the courts and/or according to a special procedure yes ☐

no ☐

II.B.4. According to existing practice, what is the main legal remedy for disputes relating to climate change?

The main legal remedy for disputes relating to climate change - based on existing legal practice - is judicial review by Administrative Courts. Most climate-related disputes in Croatia revolve around the legality of public decisions, such as the approval of energy projects (e.g., coal plants, hydroelectric dams) or environmental impact assessments (EIAs). These decisions are challenged before administrative courts on the grounds that they fail to comply with environmental laws, EU climate directives, or constitutional protections of the environment. Courts may annul the decision, which in practice can halt or delay the project, often leading to its modification or cancellation.

II.B.5. In your country, are there seminars or other organised training courses for judges, specifically aimed at issues related to climate change?

In Croatia, there are organized training courses and seminars for judges that address environmental law and, to some extent, climate change issues. However, dedicated training specifically focused on climate change law remains limited. The Judicial Academy of Croatia, in collaboration with the Council of Europe and the European Commission, has implemented projects aimed at enhancing the quality of judicial training. These initiatives have included online training modules covering topics such as the rule of law and fundamental rights. While these programs strengthen the judiciary's capacity to handle complex legal issues, they do not specifically focus on climate change law. Croatian judges have access to broader European training programs that encompass environmental and climate-related legal issues: European Judicial Training Network (EJTN) - Offers seminars on various legal topics, including environmental law. While not exclusively focused on climate change, these seminars provide judges with knowledge applicable to climate-related cases, and EU Climate Change Law Summer Course - hosted in Zagreb, this course aims to equip participants with skills to engage with legal instruments and policy initiatives aimed at combating climate change. It covers key concepts, principles, and regulations related to climate change mitigation and adaptation within the EU context. The Climate Judiciary Project by the Environmental Law Institute provides judges with authoritative education on climate science and its intersection with the law. While this resource is primarily U.S.-focused,

its materials can be valuable for judges worldwide, including those in Croatia, seeking to understand climate-related legal challenges.

II.C. In your legal system, does the judicial review of laws and regulations:

- is exclusively an ultra vires review (review of legality)?
- or can it also be the subject of a full jurisdiction control?
- If so, under what conditions?

In Croatia, the judicial review of laws and regulations is primarily an ultra vires review—meaning it is focused on assessing the legality and constitutionality of legal acts—rather than a full review of merits or policy choices made by the legislature or executive. However, there are some limited contexts where courts exercise full jurisdiction, especially when reviewing administrative acts or when constitutional rights are invoked.

In administrative disputes (e.g. climate/environmental permits), courts can conduct more in-depth review, especially when individual rights are concerned. The Administrative Court reviews not just the legality of a decision but can annul or modify the decision, order specific action (e.g., conduct new environmental assessment), or in some cases, award compensation (although limited).

Full jurisdiction can apply more broadly only in specific contexts, such as administrative discretion abuse, fundamental rights violations (including environmental rights under Article 69 of the Constitution), or failure to act where the administration has a legal duty.

II.D. Access to justice and admissibility of appeals:

- Does your legislation provide for specific rules of procedure for disputes relating to climate change?

yes ☐
no X

If so:

- which special rules of procedure apply?
- Please indicate the reasons which, according to the legislator, justify the differentiation from the generally applicable rules of procedure.

-

- If the legislation does not provide for specific rules of procedure, please mention any special rules of procedure developed by case-law in your country?

1. Standing for NGOs and Citizens - wider legal standing is granted to environmental NGOs (registered for more than 2 years). NGOs can bring cases to court without needing to prove a direct personal legal interest. This is justified by the need to protect the public interest and ensure environmental oversight.
2. Judicial Review of Administrative Acts - in environmental matters (e.g., EIAs, permits), administrative courts must conduct a legality review (including compliance with environmental and EU climate law), allow challenges by third parties, such as local communities or NGOs.

3. Suspensive Effect - in environmental matters, appeals do not automatically suspend the effect of a contested administrative decision (e.g., permit approval). However, courts may grant a "stay of execution" if immediate harm to the environment or health is at stake.

If special rules of procedure developed by case-law exist:

- what are the conditions of admissibility according to case-law rules (legal capacity, legitimate interest in bringing an application before the court, conditions of admissibility linked to the nature of the contested acts or omissions, time limit for lodging an appeal, etc.)
- Please indicate the reasons which, according to the case-law, justify the differentiation from the generally applicable rules of procedure.

Although there are no climate-specific rules established by legislation, case-law, particularly from administrative courts and the Constitutional Court, has developed special procedural interpretations in the context of environmental disputes that often include climate-related issues. These case-law developments effectively modify or clarify the standard rules of admissibility, especially regarding standing, the nature of contested acts, and access to courts—particularly under the influence of EU law and the Aarhus Convention. Under general Croatian procedure, standing requires a direct, personal, and legally protected interest. Courts have broadened standing in environmental cases to include environmental NGOs with more than 2 years of activity, individuals or communities affected by a project, even indirectly, and cases involving diffuse environmental interests (e.g., climate or biodiversity concerns). Public interest in protecting the environment justifies a relaxation of the personal harm requirement, in line with Article 9 of the Aarhus Convention and CJEU rulings.

Courts have accepted challenges not only to formal decisions (e.g. permits) but also to omissions (e.g., failure to adopt a climate plan), regulatory inaction, or preparatory acts that have a clear impact on the environment.

It was interpreted that effective environmental protection requires flexibility in reviewing not just final decisions but governmental inaction or improper planning that may result in harm.

The Constitutional Court has accepted NGOs or citizens acting in public interest in environmental contexts, even where personal rights were not directly violated. Justification for that was in interpretation that the right to a healthy environment is a constitutionally protected value (Article 69), and public interest overrides narrow standing rules.

II.D.1. More specifically, with regard to legitimate interest in bringing an application before the court:

- Does your legal system recognize the actio popularis (as a constitutional principle or rule, by legislation or case-law)?

In the Croatian legal system, actio popularis—the right for any individual or legal entity to bring a legal action in the public interest, without needing to show a personal legal interest—is not generally recognized as a broad constitutional principle. However, it is allowed in specific contexts, particularly in environmental law, based on legislation and case-law, and aligned with international obligations such as the Aarhus Convention. The Environmental Protection Act (Zakon o zaštiti okoliša) and laws governing Environmental Impact Assessment (EIA) explicitly allow environmental NGOs to bring legal challenges without needing to show direct personal harm. These NGOs must be registered in Croatia for at least 2 years, have a program that includes environmental protection, and act in the public interest. Croatian courts, especially administrative

courts, have interpreted EU law and the Aarhus Convention as requiring broader access to justice and have granted standing to environmental NGOs challenging energy projects, local communities objecting to EIAs or spatial plans, and occasionally, individual citizens acting in defense of the environment or public health, even if not directly impacted. These interpretations effectively expand standing in climate-relevant disputes, even if actio popularis is not formally labeled as such.

How is the legitimate interest in bringing an application before the court, as a condition for the admissibility of an appeal, defined:

- in relation to certain groups or categories of the population [minors, the elderly or other vulnerable groups more exposed to the effects of climate change];
- in relation to legal persons [public law legal entities, private law entities: associations, etc]?

The concept of legitimate interest (pravni interes) as a condition for bringing an application before a court, especially in climate- and environment-related cases, is interpreted with some flexibility, particularly in light of EU law, the Aarhus Convention, and recent case-law developments. While no special procedural rule explicitly refers to vulnerable groups like minors or the elderly in the context of climate change litigation, courts and legislation do recognize broader standing rights for legal persons such as NGOs and public entities acting in the public interest.

Vulnerable groups do not have special standing rights under general procedure, which means they must meet the same standard: showing a direct, personal, and legally protected interest. But, courts have shown a greater openness to recognizing potential harm to health, well-being, or environmental quality, especially in areas prone to climate-related risks (e.g., floods, pollution). In practice, minors or the elderly must typically be represented (e.g., by parents, legal guardians, or NGOs) to bring such cases. While no Croatian case has yet followed the pattern of climate cases brought by children or youth, a group could attempt such a case under constitutional or administrative frameworks, possibly invoking Articles 3 and 69 of the Croatian Constitution (protection of health and environment).

Local governments or municipalities may bring legal actions when local environmental or health interests are at stake (e.g. challenging national-level projects (e.g., waste incinerators, power plants) impacting their jurisdiction with purpose to protect the local self-government rights, public health, and natural resources).

Environmental NGOs have expanded standing (how it is explained before) based on public interest in environmental protection, obligations from Aarhus Convention and EU environmental directives, or eeinforced by Croatian administrative case-law and CJEU jurisprudence (e.g., Protect Nature, C-664/15). This cathegory also includes environmental associations (e.g., Zelena Akcija – Green Action), or academic/scientific institutions engaged in public environmental interest.

- Concerning the allegations made by the parties to substantiate their interest in bringing proceedings in the disputes in question, what degree of specification is required?

In the Croatian legal system, the degree of specification required to substantiate a party's interest in bringing proceedings, particularly in environmental or climate-related disputes, depends on the nature of the party (individual vs. NGO) and the type of legal action (civil vs. administrative).

For individuals or entities in Civil or Administrative disputes it must be explained: what legal right or interest is affected (e.g., health, property, livelihood), how the contested act or omission causes or risks harm, and that this impact is not merely hypothetical or abstract.

Because NGOs act in the public interest, the degree of required specificity is lower, but still they must show that the subject of the dispute falls within their scope of activity, they must refer to the environmental or climate-related impacts of the contested project or decision, and it is also expected, reference to relevant legislation (e.g., Environmental Protection Act, EU law), EIA flaws, risk to ecosystems, or non-compliance with climate targets. NGOs do not need to prove personal harm, need to represent affected individuals directly, but they must frame the claim clearly, linking the action/omission to environmental damage or public interest.

- What standards of proof are required for the allegations made?

Administrative (e.g., permit challenge) - preponderance of probability - precautionary principle may lower bar; burden can shift to respondent

Civil (e.g., damage from pollution) - preponderance of probability - claimant must prove causal link between act and harm

Environmental NGO case - plausible legal and factual basis required - must show violation or risk; no need to prove personal harm

Cases involving scientific uncertainty - lower threshold due to precautionary principle - risk must be credible, not speculative; full damage proof not always required

II.D.2. Nature of the contested acts or omissions:

- What are the categories of cases brought before the courts in disputes concerning climate change?

Climate change-related disputes brought before courts typically involve acts or omissions that fall within broader categories of environmental governance, project permitting, and public interest litigation. These disputes are most often reviewed by administrative courts, although some may appear before civil courts depending on the claim (e.g., damages).

The main categories of contested acts or omissions in Croatian climate-related litigation are:

1. Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) cases - permits for energy plants (e.g., coal, gas), large infrastructure (roads, ports), waste management facilities, land use and spatial planning strategies.

2. Energy Sector Disputes (Conventional vs. Renewable Sources) - permits for fossil-fuel-fired power plants, wind or solar energy project rejections based on flawed reasoning.

3. Infrastructure Development and Urban Planning - challenges to urban development plans lacking climate adaptation, permit appeals for construction in ecologically sensitive zones.

4. Omissions by Public Authorities - lack of action under the Climate Change Mitigation and Adaptation Strategy, failure to reduce emissions in line with EU 2030 targets, absence of adaptation measures in disaster-prone areas.

5. Civil Claims for Environmental Harm or Climate Damage - damage claims due to flooding linked to land-use decisions, liability for failing to mitigate or adapt to foreseeable climate risks.

- What are the admissibility requirements for taking legal action against omissions in disputes concerning climate change?

Bringing legal action against omissions, particularly in the context of climate change disputes, is governed by a mix of administrative law, constitutional guarantees, and EU/international environmental law. While Croatian courts have limited case-law directly on climate omissions, the admissibility rules for such cases largely follow established administrative and public interest litigation standards.

The admissibility requirements for such actions are standing / legal Interest, time limit, content of the legal action and nature of the legal obligation must be clear.

- Have the courts in your country been asked to examine questions of cross-border interest [parties to the dispute resident or headquartered in another country, acts or omissions with environmental impacts in another country]?
- If so, how were these disputes handled [limitation of liability only for actions or omissions within the borders of the State or recognition of liability also for actions outside the borders]?

Croatian courts have addressed environmental disputes with cross-border implications, though such cases are relatively rare. These disputes typically involve transboundary environmental impacts or parties from different countries (e.g. Plomin C Power Plant Case, Chelleri and Others v. Croatia).

II.E. Nature, extent and intensity of judicial review:

- In matters of climate change, how does the judge consider the delimitation of jurisdictional control in relation to:

  -the political choices made by the legislator or the administration?

  -the balancing of contradictory interests?

  -assessments of an essentially technical nature?

The judicial review of climate-related decisions, while still emerging in case law, reflects a careful balance between respect for political discretion, the protection of legal rights, and scrutiny of technical and environmental assessments. Courts tend to follow EU principles of proportionality, rule of law, and access to justice (as per the Aarhus Convention), while remaining cautious about overstepping into legislative or executive competence.

Political discretion - limited review; courts respect legislative/administrative freedom

Balancing competing interests - Courts check proportionality, alternatives, and proper reasoning

Technical assessments - procedural review: was it done properly and transparently

II.E.1. On the balancing of conflicting interests, please give examples from the case-law in your country when the conflict concerns:

-environmental protection, and in particular protection against the effects of climate change, on the one hand;

-the protection of private assets and interests, on the other hand.

The judiciary has occasionally addressed conflicts between environmental protection, particularly concerning climate change, and private property rights. While comprehensive jurisprudence in this area is still developing, two cases illustrate how courts balance these competing interests:

1. Plomin C Thermal Power Plant Case (before mentioned UsI-505/2019, Usž-2133/21)

Background: The proposed Plomin C coal-fired power plant in Istria sparked significant controversy due to its potential environmental impact, including increased CO_2 emissions and health risks. Environmental NGOs, such as Zelena Akcija (Green Action) and Green Istria, challenged the environmental permit issued by the Ministry of Environmental Protection.

Legal Conflict: The case centered on the tension between the state's interest in energy development and the constitutional right to a healthy environment. The NGOs argued that the project violated environmental standards and Croatia's commitments under EU climate policies.

Outcome: The Administrative Court in Zagreb found the Ministry's decision unlawful, leading to the project's cancellation in 2016. This case underscores the judiciary's role in scrutinizing administrative decisions that may compromise environmental protection in favor of economic interests.

2. Constitutional Court Decision U-I-2934/2022

Background: This case involved a legislative provision imposing a "collective contractual penalty" on property owners for environmental violations.

Legal Conflict: The Constitutional Court examined whether this provision infringed upon property rights without adequately considering the "polluter pays" principle.

Outcome: The Court held that the legislation failed to balance environmental protection with property rights, emphasizing the necessity of aligning environmental laws with constitutional guarantees.

- Can the judge limit the temporal effects of an annulment decision [example: limitation of the retroactive effects of an annulment decision] based on the balancing of conflicting interests?
- If so, under what conditions?

The judge can limit the retroactive effects of an annulment decision, especially when balancing the public interest in environmental protection or climate change mitigation with the economic or social impact on private parties.

Conditions include: balancing conflicting interests, maintaining legal certainty, considering public policy, and applying equitable principles, all influenced by the need to respect EU law standards.

II.E.2. Technical and scientific judgments:

- Please give examples from case-law concerning the criteria and methods used by judges to rule on disputes involving technical and scientific judgments.

Technical and scientific judgments play a crucial role in environmental and climate change-related disputes. Judges generally show deference to specialized authorities when it comes to scientific assessments. However, they also ensure that procedural and substantive requirements are met. Courts often rely on expert opinions, studies, and scientific data presented by the parties or appointed experts. In some cases, judges may also request additional expert reports if they believe the available information is insufficient.

- Does the judge have the specific tools required to exercise the above mentioned control effectively and efficiently [assistance from specialised scientists, appointment of experts, amicus curiae]?

Judges in Croatia have a range of tools to address technical and scientific issues in environmental disputes, including expert testimony, or the ability to request additional expert reports. These tools enable judges to ensure that disputes, especially those involving climate change or environmental protection, are evaluated based on the best available scientific evidence.In some cases, courts may seek independent scientific advice

or request reports from state agencies or international bodies to ensure that the technical standards are met and that the public interest in environmental protection is safeguarded.

II.E.3. In the judicial review, how is the diversity and complexity of the factors contributing to the phenomenon of climate change evaluated?

Croatian courts approach climate change-related disputes by integrating scientific analysis with legal principles, balancing global and local interests, and ensuring compliance with national and international climate goals. This comprehensive approach ensures that the complexity of climate change is appropriately evaluated while respecting judicial limitations and focusing on actionable, science-based conclusions.

II.F. Civil liability of the State

- With regard to compensation claims, has your country's case-law considered disputes involving the civil liability of the State for damage attributed by applicants to climate change? yes X no ☐
- If so: to address the relevant issues, does the judge simply apply the standard provisions and methods, for example with regard to proof of damage, causal links or methods of compensation for damage,
- or does he apply specific rules?

While judges apply general liability rules (proof of damage, causal links, methods of compensation), they also take into account specific rules tied to EU environmental law, international agreements, and public law obligations when evaluating claims related to climate change or environmental harm. The complexity of climate change as a factor may require the application of specialized expertise in scientific and policy matters.

- What is the content of the specific rules and their legal basis?

EU Law: The EU Environmental Liability Directive and EU climate regulations guide State liability for climate-related damage. These laws require compliance with EU climate targets and provide a framework for assessing damage and liability.

National Law: The Environmental Protection Act and Liability for Environmental Damage Act set out specific rules for State responsibility in environmental matters, including climate change. These laws allow individuals and entities to seek compensation for climate-related harm.

International Law: Croatia's obligations under the Paris Agreement, the Aarhus Convention, and the ECHR shape its liability for climate-related damages, and failure to meet these obligations may expose the State to civil liability claims.

General Principles of Civil Liability: Croatian law applies general tort law principles (negligence, fault, and strict liability) to assess the State's responsibility for climate change-related environmental harm.

- With regard to ecological damage, how are questions of causality dealt with?

The question of causality in cases involving ecological damage is dealt with by establishing a clear factual causal link between the defendant's actions (e.g., pollution, failure to regulate emissions) and the environmental harm (e.g., loss of biodiversity, ecosystem degradation). This process is facilitated by expert testimony and scientific models., EU and national laws, including the Environmental Liability Act and the EU Environmental Liability Directive, and also challenges in proving causality for long-term or cumulative environmental damage, especially in cases linked to climate change.

Courts rely heavily on scientific evidence due to the complex and often indirect nature of the damage in ecological cases, especially those linked to climate change.

➥ Is monetary compensation recognised regarding compensation for non-material damage caused by ecological damage? yes X
no ☐

Monetary compensation for non-material damage caused by ecological damage is recognized and can be awarded in accordance with both national law and EU regulations. The courts evaluate such claims on a case-by-case basis, considering factors such as the impact on personal well-being and psychological distress caused by environmental degradation or climate change.

➥ Does the 'polluter pays' principle apply to disputes concerning climate change?

The polluter pays principle is an integral part of Croatian environmental law and is applied in climate change disputes, particularly in cases involving emissions and environmental degradation linked to climate change. The principle places responsibility for the costs of environmental harm on the parties that cause the harm, whether those are private entities or the State. It is used in the context of liability for damages, compensation claims, and environmental restoration efforts.

II.G. Provisional judicial protection [interim measures]

➥ How are requests for provisional judicial protection in climate change cases handled? What parameters are taken into account by the courts?

The request for provisional judicial protection in climate change-related cases is handled by the courts based on an evaluation of the urgency, the risk of irreparable harm, the likelihood of success on the merits, and the balance of conflicting interests. In cases involving climate change, the courts prioritize environmental protection, public interest, and the need for immediate action to prevent irreversible harm to the environment and society. This often results in interim measures like injunctions, suspension of decisions, or preventive actions aimed at mitigating climate change impacts.

➥ Please mention the measures that the judge may order.

injunctions, suspensions, preventive orders, order for remediation or restoration, prohibition of new activities, interim measures for community protection, compensation for environmental damage, requirement for public reporting or transparency, appointment of experts or environmental assessments, interim measures for emergency response

➥ How does the judge consider the ecological damage alleged by the parties?

The judge considers ecological damage in a comprehensive manner, weighing the causal link between actions and harm, the extent of the damage, scientific evidence, public interest, and legal provisions. He rely on expert testimony, environmental assessments, and legal principles like the polluter pays to determine appropriate measures for remediation or compensation. This ensures that the ecological damage is properly evaluated, and that responsible parties are held accountable for the harm caused to the environment.

II.H. Regarding the enforcement of a court decision:

- Is there a procedure for checking whether the legislator and/or the administration have adopted the necessary measures to comply with a court decision?

Croatian courts have procedural mechanisms to verify whether the administration complies with their decisions.

A) Administrative courts can impose legal obligations and monitor implementation

1. Obligation to implement final judgments - under the Act on Administrative Disputes (Zakon o upravnim sporovima), administrative bodies are legally bound to comply with final court decisions. Article 66 of the Act stipulates that when the court annuls an administrative act, the public authority must adopt a new act in compliance with the court's decision within a specified time limit (typically 30 days).

2. Control Procedure for Non-compliance

If the administration fails to act within the prescribed deadline, the applicant can request the court to initiate a special procedure to determine whether the authority has fulfilled its obligations.

The court can order enforcement measures, including setting a new deadline and, in certain cases, may impose penalties or compel the authority to act under threat of enforcement.

3. Execution Against Public Authorities

The Enforcement Act (Ovršni zakon) allows for enforcement procedures even against public authorities, though these are more limited and procedural protections apply.

B. Croatian courts do not have direct enforcement power over Parliament, and cannot compel the legislature to adopt specific laws. However the Constitutional Court may declare a law unconstitutional and repeal it, requiring the Parliament to act, but there is no automatic "monitoring" procedure to verify whether the Parliament passes replacement legislation unless further litigation is initiated.

C. Role of the Constitutional Court

If the Constitutional Court annuls a law or provision, the decision is binding and published in the official gazette. While the Constitutional Court does not enforce compliance itself, its decisions must be implemented, and failure to do so could trigger new legal challenges or public scrutiny.

D. Judicial Tools for Ensuring Compliance

Judges may use some tools to monitor and enforce compliance with climate-related decisions: setting deadlines for compliance, requiring progress reports from the administration, ordering follow-up hearings or status conferences, or imposing fines or penalties (in exceptional cases).

- In case-law, what are the most striking examples of the methods used to monitor the enforcement of judgments in disputes relating to acts or omissions linked to climate change?

In Croatian case law, climate change litigation is still emerging, and while there are limited examples of cases there are no examples of judicial methods used to monitor the enforcement of judgments in this area.

III.A. In your country:

- Are there any court decisions that have explicitly recognised the obligation of the State [and/or other public entities] to take positive measures to address climate change?

As of April 2025, there are no court decisions in Croatia that have explicitly recognised a legal obligation of the State or other public entities to take positive measures to address climate change.

- Are there any court decisions recognising a right to ensure compliance with this obligation?

No

- If a relevant case-law rule has been formulated, on what legal basis?

-

III.B. If the courts in your country have already considered issues relating to climate change:

- Do the relevant decisions refer to existing practice in another legal system, for example to the case-law of national judges in other countries or to the case-law of judges in supranational bodies:

  -dialogue between the national courts of different countries

  -dialogue between the courts of your country and the European Union judge

  -dialogue between the courts in your country and the ECtHR

  -dialogue between the courts in your country and the bodies of other international organisations [for example the UN]?

-

III.C. In your country's case-law, is the obligation to act against climate change considered mainly:

- as an obligation based on national law
- or as an obligation under international law?

Croatia, as a member of the European Union and a signatory to key international agreements, such as the Paris Agreement and the UN Framework Convention on Climate Change (UNFCCC), frames its obligations through these international commitments. Croatian courts have not yet developed a robust domestic jurisprudence specifically recognizing climate obligations as arising directly from national constitutional or statutory law. But, judicial reasoning, where it exists, tends to refer to EU law, European Court of Human Rights (ECtHR) jurisprudence, and international environmental treaties, rather than homegrown constitutional mandates.

On the other hand, Croatian environmental laws do incorporate general principles like sustainable development, the precautionary principle, and public participation, but they do not yet articulate specific, enforceable duties related to climate mitigation. Some administrative acts (such as environmental impact assessments or project permits) may indirectly reflect climate considerations, but these are procedural obligations tied to EU directives rather than explicitly national standards.

- Within the case-law, can we find decisions aimed at harmonising the rules of international law, European law and national law?

No

- In your country, have any court decisions considered the Paris Agreement to be a legally binding instrument?

As of April 2025, Croatian courts have not issued judgments explicitly recognizing the Paris Agreement as a legally binding instrument within Croatia's legal system.

III.D. Does the approach of the courts in your country align with the approach of the ECtHR in *Verein Klimaseniorinnen Schweiz v. Switzerland*? [please mention any differences]

As of April 2025, there were no legal proceedings to compare the approach of the ECtHR in Verein Klimaseniorinnen Schweiz v. Switzerland.

III.E. Have the courts in your country referred questions to the CJEU or the ECtHR for a preliminary ruling on matters directly or indirectly related to climate change?

No

Part II: Overtourism

I. The regulatory framework [the rules of law]

I.A. Have the negative effects of the excessive development of tourist activity been adressed by the legislator and the courts of your country, following concerns discussed in the public debate?

yes X

no ☐

➥ If so, what are the problems envisaged in the legislation and case-law on this subject?

saturation capacity of urban and non-urban space X

deterioration of living conditions in urban areas (increase in housing prices, lack of properties to rent especially for younger generations and/or families with low and medium incomes - particularly in city centres, on islands and in other tourist destinations, deterioration of traffic conditions, insufficient infrastructure, increase in energy consumption, etc.) X

overexploitation of natural resources (increased density due to the construction of hotels and other buildings for tourism in extra-urban areas, intensification of land use - particularly in coastal areas and the islands, insufficient infrastructure in small villages, effects on protected landscapes and/or on historical sites and/or archaeological sites and monuments) X

other problems ☐

I.B. Has your country taken an initiative/participated in a collective initiative for the establishment, within the EU, of a regulatory framework to address the adverse effects of 'hypertourism'?

If so, what is the content of the proposed measures?

Croatia has actively participated in collective EU initiatives aimed at establishing a regulatory framework to address the adverse effects of "hypertourism".

Croatia is among the EU member states that are implementing stringent measures to combat overtourism in 2025. These countries have introduced new travel rules to mitigate the impact of excessive tourism on their communities and environments. Proposed measures also include tourist taxes and fees, short-term rental regulations, visitor caps and quotas, infrastructure improvements and promotion of lesser-known destinations.

I.C. Are there any relevant principles and guidelines at international level?

- If so, have they been recorded:

-in binding texts?

-in non-binding texts?

- Could non-binding texts serve as a basis for regulations [please give examples]?

There are several relevant principles and guidelines at the international level regarding the regulation of tourism, including hypertourism and its adverse effects. These principles and guidelines have been recorded both in binding and non-binding texts, and non-binding texts can indeed serve as a basis for regulations.

1. Binding International Texts

A. United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement

B. Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention)

C. World Heritage Convention (1972)

2. Non-binding International Texts

A. UNWTO Global Code of Ethics for Tourism (1999)

B. UNWTO Recommendations on Sustainable Tourism

C. The 2030 Agenda for Sustainable Development (SDGs)

D. Global Sustainable Tourism Council (GSTC) Criteria

In Croatia, these non-binding guidelines have been influential in the creation of national laws and policies aimed at managing tourism in a way that minimizes the adverse effects of hypertourism.

I.D. In your country, are there any constitutional principles or provisions that can serve as a basis for dealing with issues related to overtourism?

There are several constitutional principles and provisions that can serve as a basis for dealing with issues related to overtourism and its adverse effects. These provisions primarily focus on environmental protection, sustainable development, and the rights of citizens, and can be interpreted to address concerns such as overcrowding, environmental degradation, and the impact of tourism on local communities.

Relevant Constitutional Principles and Provisions in Croatia:

Environmental Protection (Article 70 of the Croatian Constitution)

Sustainable Development (Article 3 of the Croatian Constitution)

The Right to a Healthy Environment (Article 38 of the Croatian Constitution)

Property Rights (Article 48 of the Croatian Constitution)

Public Participation and Right to Access Information (Article 51 of the Croatian Constitution)

I.E.1. Has the national legislator established a regulatory framework specifically designed to address the problems resulting from excessive tourist activity?

yes X

no ☐

➥ If so, please summarise the legislation adopted and the main content of the relevant regulations (for example preventive and/or repressive measures, other provisions)

1. Environmental Protection and Spatial Planning Laws

A number of laws regulate the environmental and spatial aspects of tourism in Croatia:

Environmental Protection Act (2007): This law establishes the framework for protecting the environment in Croatia, ensuring that tourism development does not adversely affect natural resources. It mandates environmental impact assessments (EIAs) for major tourism projects, ensuring that the effects of these developments on ecosystems, air quality, and water resources are carefully evaluated before approval.

Spatial Planning and Construction Act (2014): This act regulates spatial planning, including the planning of tourism-related infrastructure. It includes measures to limit the overbuilding of tourist accommodations in sensitive areas (e.g., near the coastline or UNESCO World Heritage sites) and requires sustainable management of tourism-related land use.

Nature Protection Act (2005): This law safeguards protected areas, including national parks, nature parks, and cultural heritage sites. It is particularly relevant for managing the impact of tourism on environmentally sensitive areas and ensures that development in such areas respects biodiversity and natural resources.

2. Tourism Taxes and Fees

Croatia has implemented tourism taxes and fees as tools to address the negative effects of excessive tourism, including congestion and environmental degradation. These taxes are designed to encourage responsible tourism by making visitors more conscious of the costs and environmental impacts of their travel, generate funds for sustainable tourism development, environmental conservation, and infrastructure improvement in tourist areas.

The Croatian Tourism Tax (established by the Tourism Tax Act) is one such example, and the tourism tax rates can vary depending on the destination. These funds are allocated to improving local infrastructure, promoting sustainable tourism practices, and addressing the negative environmental impacts of tourism.

3. Zoning and Capacity Limits

Zoning laws and capacity limits are also used to manage tourism's spatial distribution and mitigate overcrowding. These include zoning regulations that designate certain areas as tourism development zones and prevent over-tourism in sensitive areas such as protected natural reserves or historical sites.

In some popular tourist destinations, local authorities impose capacity limits for attractions and beaches, ensuring that the number of tourists does not exceed the carrying capacity of the environment.

For example, Dubrovnik has introduced measures to limit cruise ship arrivals, reduce the number of tourists entering the old town at any given time, and regulate the number of visitors to sensitive sites like the City Walls.

I.E.2. Does your country have a special action plan to address the problems resulting from excessive tourist activity?

yes X

no ☐

➥ If so, does this plan establish guidelines for the policies to be followed or does it also contain binding rules?

Tourism Development Strategy (2021-2027)

The Tourism Development Strategy for the period 2021-2027 is a national policy that focuses on sustainable tourism. The strategy aims to diversify tourism offers, reduce the pressure on overcrowded destinations, and promote year-round tourism. It emphasizes the development of sustainable tourism practices that benefit both local communities and the environment, the promotion of alternative tourist destinations to reduce the concentration of tourists in popular spots like Dubrovnik and Split, encouraging off-season tourism to avoid high-season overcrowding and to spread the economic benefits of tourism more equally throughout the year.

The strategy also emphasizes the need for a balanced approach to tourism development that aligns with environmental protection and social sustainability, with a special focus on preserving natural and cultural heritage from the pressures of hypertourism.

➥ What is the level of planning [national, regional, etc.] ?

National Action Plans and Regional Strategies

Local and regional governments in Croatia have also adopted action plans and strategies to address the challenges posed by excessive tourism:

Split-Dalmatia County's Tourism Development Strategy includes measures to mitigate the effects of hypertourism by distributing tourism more evenly across the region and encouraging the development of alternative forms of tourism such as eco-tourism and cultural tourism.

In Istria, there have been efforts to limit the growth of mass tourism and promote sustainable agricultural and rural tourism as a way to diversify the tourism market.

I.E.3. In your country, are there any regulations concerning:

-the allocation of responsibilities for the management of 'hypertourism'? ☐

-other provisions concerning the organisation of the competent authorities?

☐

While there is no single regulatory framework solely dedicated to the management of hypertourism, several regulations and organizational structures address the allocation of responsibilities and the management of tourism in general. These frameworks are designed to ensure that tourism development occurs sustainably, especially in areas affected by excessive tourist activity, and to reduce the negative impacts of hypertourism.

➥ What are the responsibilities assigned to the various bodies (advisory, decision-making)?

The responsibilities for managing tourism, especially in addressing the issues associated with hypertourism, are allocated among various bodies at the national, regional, and local levels. These bodies have specific

advisory and decision-making roles to ensure that tourism activities are sustainable and that the negative impacts of excessive tourism are mitigated.

➥ Are there any provisions for public participation in the adoption of action plans or laws?

yes X
no ☐

II. The application of the regulatory framework by the judge

II.A. Have issues related to 'hypertourism' been the subject of litigation in your country?

yes X
no ☐

➥ If so, what points were raised in the arguments of the parties to the dispute?

yes ☐
no ☐

Issues related to hypertourism have been the subject of litigation in Croatia, most notably in the case of the Srđ Hill Golf Resort project near Dubrovnik (High Administrative Court of the Republic of Croatia, Usoz-96/2012-8). This high-profile case serves as a clear example of how large-scale tourism developments have sparked legal disputes due to concerns over environmental degradation and excessive tourism pressure.

Main Legal Issues Raised by the Parties

Environmental Groups, Local Citizens:

Environmental Impact: Alleged that the Environmental Impact Assessment (EIA) was flawed and insufficiently accounted for ecological and hydrological impacts.

Public Participation: Claimed procedural violations, especially the lack of meaningful public consultation as required by Croatian and EU law.

Threat to Cultural Heritage: Argued the development endangered Dubrovnik's UNESCO World Heritage status due to overdevelopment and strain on infrastructure.

Sustainability: Asserted that the project would exacerbate hypertourism, further burdening the city already overwhelmed with visitors.

Developers (Razvoj Golf and Elitech):

Compliance with Law: Claimed all permits and assessments were obtained in accordance with national and EU legal frameworks.

Economic Benefit: Argued that the project would generate employment and boost the local economy.

Property Rights and Investment Protection: In arbitration proceedings, claimed violations of international investment agreements, seeking compensation for lost profits due to cancellation of permits.

Chilling Effect Allegations: Later filed damages claims (SLAPP-style lawsuits) against NGOs for their role in halting the project.

➥ Please summarise the landmark cases heard by the courts in your country and the decisions handed down.

A prominent example is the proposed luxury golf resort on Srđ Hill, overlooking Dubrovnik. The project, led by Razvoj Golf and its parent company Elitech, envisioned a vast development including golf courses, hotels, villas, and apartments. Local residents and environmental groups, notably the initiative "Srđ je naš" ("Srđ is ours") and Friends of the Earth Croatia (Zelena akcija), opposed the project due to concerns over environmental impact, strain on local resources, and the potential exacerbation of overtourism in the UNESCO-listed city.

In 2013, a local referendum saw 84% of participating citizens vote against the project. Subsequently, Croatian courts annulled the project's environmental and location permits, citing legal irregularities. Despite these rulings, the developers pursued international arbitration, filing a US$500 million claim against Croatia under bilateral investment treaties, alleging unfair treatment and loss of potential profits.

In addition to the arbitration, Razvoj Golf filed lawsuits against Friends of the Earth Croatia, seeking damages of approximately €30,000. These actions were perceived by many as strategic lawsuits against public participation (SLAPPs), aiming to silence opposition and deter public criticism. Such legal pressures threatened the financial viability of the environmental organization.

Croatian administrative courts annulled the environmental and location permits, citing irregularities and violations in administrative procedures.

The developers initiated international arbitration (under ICSID) against Croatia for $500 million, which is still ongoing.

The lawsuits against NGOs raised major concerns about freedom of expression and public participation in environmental matters.

II.B. According to legal practice, what is currently the main channel through which the relevant disputes are brought before the courts?

-litigations concerning control of the legality of administrative acts or omissions?	X
-litigations concerning compensation for damage caused by acts or omissions of the administration?	☐
-other categories of litigations?	☐

The dominant channel is administrative litigation aimed at reviewing the legality of administrative acts or omissions, particularly under environmental and planning law.

II.C. Please cite any court decisions:

-that have expressly recognised the obligation of the State and/or other public entities to take positive measures in order to address the phenomenon of 'hypertourism'?	☐
-that have recognised a right of individuals to ensure compliance with this obligation?	☐

↳ Have case-law rules been formulated in this regard? If so, on what legal basis?

As of now, there are no known court decisions in Croatia that have explicitly recognized an obligation of the State or public entities to take positive measures specifically to address the phenomenon of 'hypertourism'.

Similarly, there are no established case-law rules that affirm a right of individuals to ensure compliance with such an obligation.

However, Croatian courts have adjudicated cases where environmental concerns intersect with tourism development, reflecting the judiciary's role in scrutinizing projects that may exacerbate environmental and infrastructural strains. For instance, in the case of the proposed Srđ Hill Golf Resort near Dubrovnik, Croatian courts annulled the project's permits, citing procedural irregularities and insufficient environmental assessments. While climate change was not the central issue, the case underscores the judiciary's role in scrutinizing tourism projects that may exacerbate environmental and infrastructural strains.

These cases, while not directly addressing 'hypertourism', indicate a judicial willingness to engage with environmental concerns related to tourism development. They may serve as a foundation for future legal interpretations that more directly tackle the challenges of overtourism in the context of climate change and sustainable development.

II.D. Do issues linked to overtourism:

-mainly concern the administrative courts, when they monitor the actions of the State and public entities,

or do they mainly concern the civil courts called upon to judge appeals against the actions of individuals?

administrative courts X

civil courts ☐

both ☐

II.E. Can examples be found in your country's legislation and case-law that highlight the relationship between climate change and overtourism?

yes ☐

no X

➥ If so, please present the main content of the relevant legislation or court decisions.

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