

## Avosetta Questionnaire:

### Climate Litigation

Cork, 28-29 May 2021

### Croatia

Lana Ofak, Associate Professor, Faculty of Law, University of Zagreb

#### State of play at national level:

In Croatia judgments of the courts are not systematically published on online databases accessible via the Internet except the judgments of the Constitutional Court and the Supreme Court which very rarely adjudicate in environmental cases. This fact impedes research of the case law of Croatia courts and makes it dependant on the accessibility and openness of individual courts and their willingness to share information and respond to individual requests for information regarding their case law.

The answers concerning the climate litigation in Croatia are in this questionnaire are based on media news and my personal impressions. I am not aware of any “horizontal” cases between private parties. In climate litigations claimants are environmental NGOs who challenge administrative decisions of the Ministry competent for environmental protection before the administrative courts. Relevant cases are:

- 1) The Ministry of Environmental Protection and Energy in March 2018 decided that the **project of floating LNG terminal, at the offshore on the island Krk**, is environmentally acceptable. NGOs Green Action (Friends of Earth) and Green Istra filed action, and among many arguments, one was that gas will prolong the dependence on fossil fuels, slow down the transition to low-carbon economy and exacerbate the already existing consequences of climate change. The court (both first and second instance) rejected the action.
- 2) The second case concerned **coal-fired power plant Plomin 1** which is 50 years old. Its environmental permit expired in 2018 and it was closed after a large fire several months before its permit expired. However, shortly afterwards, public company *Hrvatska elektroprivreda* initiated the procedure for obtaining a new environmental permit. The permit was issued by the Ministry without prior environmental impact assessment in which it would be determined whether it was acceptable to extend the operation of the thermal power plant. The first-instance administrative court rejected the action in March 2021. Considering the public interest in the case, the court issued a statement stating: “...the Administrative Court in Rijeka notes that in this administrative dispute the court decides exclusively on the legality of a specific environmental permit for the project, and not on whether Croatia should continue to use coal in electricity production, nor on the regularity or failure of Croatian energy policy. These issues do not fall within the domain of the judiciary, nor are they decided in court proceedings.”<sup>1</sup>

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<sup>1</sup> <https://hr.n1info.com/vijesti/odbijena-tuzba-zelene-akcije-i-zelene-istre-za-ponistenje-dozvole-plomina-1/>.