Guidelines for Improving Public Consultation Processes, Public Debates and Access to Information

Spatial plans, projects affecting the environment and various acts adopted by public administration bodies have a decisive effect on the quality of life and work and the sustainability of local communities. However, the public is usually not included in decision-making processes regarding these acts and projects before the phase of public discussion or public consultations, when significant changes of the planned acts and projects are no longer possible. In this phase, only a small number of comments and suggestions from the interested public are usually taken into account. Consultations are often conducted by shortening the prescribed deadline. The result is a narrowed space for participation in decision-making, loss of citizens' confidence in authorities, and a crisis of representative democracy.

Early inclusion of a broad range of stakeholders in decision-making, respect for and improvement of regulations related to access to information, environmental protection and citizen participation or direct democracy, and consideration of arguments from the interested public during public debates and consultations would contribute to higher-quality acts and policies, greater public support, shared responsibility, as well as motivation and confidence of citizens.

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Status Description in the Field

When it comes to access to information, based on the experience of the environmental civil society sector, it can be concluded that the situation has significantly improved following the adoption of the Law on the Right to Access Information in 2013, when the Information Commissioner, an independent government body for protection of the right of access to information, was established. Since then, public authorities have largely provided the requested information[1], unlike in the earlier period. If public authorities do not provide the requested information, beneficiaries of the right of access to information have the option to file a complaint to a second-instance body – the Information Commissioner, or to file an objection, on which the head of the public authority decides by a decision that can also be appealed to the Information Commissioner. In the case of filing a complaint to the Information Commissioner, a practical problem in exercising the right of access to information arises from the fact that the Commissioner sometimes resolves complaints after the 60-day deadline prescribed by law. Against the decision of the Commissioner, public authorities or beneficiaries may initiate administrative proceedings in the High Administrative Court (HAC). From the experience of associations, it follows that court proceedings sometimes last twice as long, and even considerably more than the prescribed 90-day deadline[2]

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Although the Information Commissioner has greatly improved its work regarding deciding about complaints within the prescribed deadline compared to the earlier period, when beneficiaries sometimes had to wait for a year or even longer for their complaints to be decided on[3] and the HAC largely delivers judgments within the prescribed deadline, any any failure to comply with the prescribed time limits, whether by the Commissioner or by the High Administrative Court, is contrary to the principle of timeliness, i.e. timely access to information prescribed by the Law and negatively affects the realization of the right of access to information. In order to "speed things up," the beneficiary can initiate administrative proceedings against the Commissioner, but as is evident from the annual reports on the implementation of the Law, only

1 The Information Commissioner's Annual Reports on the Implementation of the Law on the Right to Access to Information indicate that, in 2024, public authorities provided the access upon information request in 70% of the total number of the requests; in 2023, the access to the requested information was provided in 68% of the total number of requests; and in 2022, 71% was provided.

2 For example, in this case a High Administrative Court judgment was awaited for almost two years: https://tom.pristupinfo.hr/pregledsud.php?izb=402 ; u in this case almost a year: https://tom.pristupinfo.hr/pregledsud.php?izb=407.

3 This is also reflected in Gong's platform for access to information, "We Have the Right to Know": "If you find yourself having to initiate a second-instance procedure with the Information Commissioner, accept the fact that you will not quickly obtain the requested information through this route." It should also be noted that the Commissioner began operating with extremely limited capacity. See, for example: https://gong.hr/2014/09/23/ured-povjerenice-za-informiranje-na-razini-ngo-a-s/

a small number of beneficiaries opt for such a step. Given that the Commissioner annually decides on average more than 1,000 complaints, and there are also the administrative disputes against the Commissioner's decisions at the High Administrative Court[4] , as well as other roles prescribed by law for the Commissioner (inspection oversight, implementation oversight, education of information officers, support to beneficiaries in exercising their rights), it is clear that beneficiaries understand the scope of the Commissioner's work and the importance of their activities. The Commissioner's decisions are confirmed by the High Administrative Court in a very high percentage, meaning that civil society organizations are largely satisfied with the Commissioner's decisions and rarely initiate administrative disputes against the Commissioner's decisions themselves. However, when it comes to a right guaranteed by the Constitution, such as the right of access to information, it is necessary to ensure that the highest bodies, responsible for assessing and reviewing the legality of the actions of other public authorities, do not themselves face difficulties in complying with the prescribed deadlines.

According to the experience of civil society, a particular problem is posed by public authorities that repeatedly, in legally identical situations, do not provide information upon beneficiaries' requests, disregard the practice of the Commissioner and the High Administrative Court, and thereby give rise to administrative and judicial proceedings that burden the system - the Commissioner, as well as the High Administrative Court - while beneficiaries are left waiting a long time for the requested information[5].

There are also authorities that do not provide the information needed for the Commissioner to decide on complaints, so consequently, the Commissioner is unable to issue a decision within the legal deadline.

The misdemeanor provisions of the Law could be a useful tool in ensuring the right of access to information; however, the problems highlighted in the Commissioner's reports include the lengthy duration of proceedings in some misdemeanor courts or appeal proceedings before the High Misdemeanor Court of the Republic of Croatia, which can result in the statute of limitations being reached for misdemeanor prosecution, a and inconsistent practice across misdemeanor courts. This is also confirmed by associations' experience, according to which this is another indicator of legal uncertainty that negatively affects the right of citizens and civil society organizations to access information.

The Law on the Right of Access to Information and the Law on Better Regulation Policy Instruments also prescribe the manner and duration of public consultation. Public consultations usually last 30 days, and only exceptionally they can be shorter, but then the reasons for shortened consultation duration must be detailed and published via the "e-Consultations", state internet portal for public consultations. The analysis by Kruno Kardov, PhD, "Repression Against Environmental Initiatives and Civil Society Organizations in Croatia" (2024)[6] revealed alarming data related to public consultation processes – from 2013 to 2022, consultations shorter than the legally prescribed 30 days predominated, while in the period 2019-2022, the share of consultations shorter than 30 days was 90% or more. In accordance with this finding, the Information Commissioner in the last two reports on the implementation of the Law has expressed concern that "shortening of the deadline is not considered an exception to be used only in justified situations, but has become in most cases a rule."

4 According to data from the annual Report on the Implementation of the Law on the Right of Access to Information for 2024, the Information Commissioner received 1,258 complaints in 2024, 1,342 in 2023, and 1,324 in 2022. Against the Commissioner's decisions, 46 lawsuits were filed in 2024, 65 in 2023, and 46 in 2022.

5 For example, see the description of the so called "case of Croatian Bank for Reconstruction and Development (HBOR)" here: https://bankwatch.org/blog/just-can-t-get-enough-judgements-croatian-export-bank-still-firmly-riding-the-waves-of-opacity

6 Analysis made within the "Civic space preservation and restoration" project: https://zelena-akcija.hr/hr/vijesti/tuzbe-i-zastrasivanja-prva-analiza-represije-nad-okolisnim-organizacijama.

The experience of civil society, as well as the annual reports of the Commissioner in recent years[7] and comments from users of the e-Consultations, show that appeals by the Commissioner or civil society to respect the law in conducting consultations, year after year, have had no significant effect on public authorities. One example is the draft Regulation on Criteria for Determining Users and the Method of Distributing a Portion of Revenue from Games of Chance, about which over the past two years consultations lasted only 5 or 7 days, have been conducted by the Government's Office for Cooperation with NGOs, as visible on the e-Consultations portal, whereas in earlier years (2020-2023) the Ministry of Finance conducted shortened consultations. The Commissioner has no authority to annul acts in case of improperly conducted consultation procedures and directs beneficiaries to the possibility of initiating proceedings for assessing the legality of a general act before the High Administrative Court of the Republic of Croatia. However, civil society and citizens do not necessarily have the capacity for such proceedings, while the specific example of the mentioned regulation shows that the process for assessing legality could be ineffective for associations (in the event the High Administrative Court decides after the calendar year for which the regulation is adopted) or counterproductive, potentially leading to difficulties in implementing public calls for allocating funds for projects, and negatively affecting the sustainability of the civil society itself. The manner of adoption of the Regulation also speaks about the state's relationship with the Council for the Civil Society Development. During its seventh term (2020-2023) the Council prepared a roadmap for the adoption of the Regulation, based on which the Regulation would be adopted according to the legally prescribed procedure, but this roadmap is ignored by the public authorities.

7 https://pristupinfo.hr/dokumenti-i-publikacije-izvjesca-o-provedbi-zppi/izvjesca-o-provedbi-zppi/

The aforementioned analysis by Kardov revealed associations' experience that mostly minor importance comments related to nomotechnical issues are accepted, while proposals and opinions important to the subject matter of the public discussion are rejected. From 2015 to 2022, "the share of received comments in public consultations for which the outcome was 'noted' averages 35%, which is more than the combined share of accepted and partially accepted proposals, and on average even more than rejected proposals." The analysis concludes that state authorities in practice use the category "noted" to "avoid analysis and consideration of a significant number of received proposals and opinions from the public" and indicates that the situation at the local level is even worse. "Noted" is justified to be applied only in situations where a comment does not express any opinion or proposal related to the document in the procedure of consultations. In such cases, the "noted" response itself should contain a brief explanation for why it was responded to in that manner.

Although spatial plans and projects affecting the environment have a decisive effect on the quality of life and work and the sustainability of local communities, decision-making processes regarding them are usually not open to the public before the phase of public debate, when it is already too late for significant changes of the plans, i.e. consideration on implementation of the planned projects. During public debates, citizens are usually presented with complex technical documents with a large number of pages, while full understanding often requires professional expertise from various sciences or fields such as law, architecture/urban planning, mining, energy, geodesy, ecology, biology and chemistry.

Furthermore, given the complexity, the deadlines for public debates are too short – from 15 days for

amendments to spatial plans, to 30 days for new plans, environmental impact screening reports and environmental impact assessments studies. Typically, citizens do not monitor the websites of the competent authorities and lack information about these procedures; consequently, they do not participate in them. Information on environmental and spatial planning procedures is sometimes placed in sections of the competent authorities' websites that are not easy to access, or it is presented in a manner that is not engaging for citizens and does not invite their participation in the procedure. In addition to official websites, public debates notices are typically published for only one day, exclusively in daily newspapers, and are not visually attractive. Moreover, readership and circulation of printed media have been steadily declining.

At best, civil society organisations working on public participation in decision-making inform citizens about the existence of a procedure and encourage them to take part. The described formal nature and complexity of participation processes in spatial and environmental decision-making discourage the involvement of citizens and associations. A similar observation can be made regarding acts adopted under the Law on the Right of Access to Information.

When it comes to public debates conducted based on the Law on Spatial Planning and the Environmental Protection Act, the experience of the environmental sector is similar to those previously described regarding public consultations based on the Law on the Right of Access to Information – proposals and suggestions from organizations are rarely adopted.

For example, 82 citizens and association from Pula submitted comments in the environmental impact assessment process for a planned project – a new quarry "Vidrijan I." The extraction of construction stone planned near residential houses involves detonation works. Many citizens have witnessed damage over the past 40 years of mining in the existing "Vidrijan" quarry, so they understandably oppose the continuation of mining. From the decision in which the Ministry of Environmental Protection and Green Transition decides on the acceptability of the project for the environment, it is evident that comments are largely not accepted. The case illustrates the "usual scenario," and from the experience of environmental organizations, it follows that this ministry extremely rarely assesses projects as unacceptable for the environment.

Citizens and associations have equally little influence on spatial plans, and this is a systemic problem of usually too-late inclusion of citizens in spatial planning processes, which has been discussed for some time at the professional level and for whose resolution early participation is proposed.[8] For example, proposals and suggestions related to the Muzil peninsula, which – with the aim of preventing touristification of the 160-hectare former military zone and opening the spaysce to citizens – architects submitted during amendments to the Spatial Development Plan and the General Urban Plan of the City of Pula, and which was signed by over 5,000 citizens of Pula, were all rejected. Proposals and suggestions are, according to associations' experiences, rarely accepted.

Moreover, the Law on Spatial Planning at least provides that the public discussion report publishes a list of participants, accepted proposals, and an explanation of why proposals were not accepted, partially accepted, or not considered. It also provides for the obligation to conduct a repeated public discussion if the proposal of the spatial plan, due to the accepted opinions, suggestions and remarks in a public debate or for some other reason, is altered

8 https://www.zelena-istra.hr/media/filer_public/d2/51/d251c158-9305-4bd7-974b-d7d2ec2e9dc1/smjernice-za-odrzivo-i-participativno-planiranje-prostora-final.pdf

in such a way that new solutions are not in accordance with the platform premises from the decision on the development of the spatial plan. On the other hand, when it comes to environmental impact assessment procedures prescribed by the Environmental Protection Act or the Regulation on Informing and Involving the Public and Interested Public in Environmental Protection Matters, it is prescribed that the public debate report contains a list of participants whose proposals and comments related to the subject of the public discussion were accepted and only a "note" of proposals and comments that were not accepted or partially accepted, with corresponding explanation. As a result, decisions by the competent ministry do not show the name of every debate participant, nor is there a list of each comment and response to it, and numerous comments are summarized and not linked to the text of the environmental impact study, making it difficult or impossible to link the adoption of comments with the effects of that adoption. Furthermore, there is no obligation to publish the amended environmental impact study in accordance with accepted public proposals and comments.[9] Legal uncertainty is also common, arising from the fact that in administrative disputes brought against ministry's decisions on the environmental acceptability of a project, important facts are sometimes taken into account and sometimes not - for example, the legally required conformity of the project with spatial plans.[10] Moreover, usually only the procedure of conducting the process is reviewed, while the key arguments of associations relating to the content of the environmental impact study are not considered.[11]

In Dubrovnik in 2013 and Pula in 2022, citizens frustrated by their exclusion from space management sought to influence spatial plans - which they considered harmful to their local communities and designed to serve private interests rather than the public interest, through local referendums. The "Initiative for Lungomare" in Pula sought to prevent the conversion of land use from sports-recreation zone to tourism-construction zone, preserving the last zone for recreation and relaxation by the sea intended for citizens of Pula rather than tourists. In Dubrovnik, organizations and citizens organized under the initiative "Srđ is Ours!" sought to stop amendments to spatial plans that would allow excessive construction, namely the apartmentization, under the guise of golf course construction on Mount Srđ. As described in Kardov's analysis, in both cases the investors initiated against activists so-called SLAPP lawsuits, strategic lawsuits against public participation. Moreover, in both cases, the initiatives successfully demonstrated through court proceedings the illegality of adopted spatial plans at the local level.[12] In both cases, citizens who participated in the referendum largely opposed the planned development of

9 This is also indicated by the environmental CSOs through comments on the amendments to the Environmental Protection Act as early as 2017: https://esavjetovanja.gov.hr/ECon/EconReport?entityId=5334&SortBy=UserName&Order=Descending

10 We provide illustrative examples. In the administrative dispute concerning the LNG terminal on the Krk island, the court did not examine the project's conformity with spatial plans: https://zelena-akcija.hr/en/news/lng-presuda-nece-zaustaviti-kampanju-protiv-izgradnje-terminala. In the case of a quarry in Marčana, the project's non-compliance with spatial plans was decisive for the annulment of the decision of the Ministry of Environmental and Nature Protectio:. https://www.zelena-istra.hr/media/filer_public/be/aa/beaa827a-951b-459e-bcfb-965a5eb60d49/2015_01_15_presuda_kamenolom_marcana.pdf .

11 As noted in the comments of environmental organizations during the consultation on the amendments to the Environmental Protection Act in 2017: "Court practice usually focuses on procedural review of the process, while a deeper examination of the content of environmental impact assessment studies is very rare. The study, as a scientific basis, can and must be subject to review in court proceedings, as it is precisely the conditio sine qua non of the environmental impact assessment process. Administrative courts that focus solely on procedure do not effectively implement the Aarhus Convention."

12 https://zelena-akcija.hr/hr/kampanje/srd-je-nas/info; https://vijesti.hrt.hr/hrvatska/visoki-upravni-sud-donio-presudu-za-lungomare-12431611

space, but the referendums failed to achieve their goal due to the legal requirement that a majority of the total number of voters must participate in the local referendum for the decision made at the referendum to be binding.[13] GONG has long advocated for reform of the referendum system, since "the current legislation does not provide an encouraging institutional framework for the development of local democracy" [14]. For this reason, the number of local referendums held in Croatia is very small.[15] Citizens' meetings, at the level of local committees (municipal sub-government committees), where citizens can express their views on matters within the municipality's or city's jurisdiction, discuss needs and interests of local significance, are virtually never convened.

The described possibilities for participation in decision-making through public debates are insufficient and do not ensure meaningful and timely inclusion of citizens and associations in decision-making, nor do they enable their significant influence on the outcome of the decision-making process. Furthermore, the unpredictability of court processes' outcomes in legally identical cases, as well as lawsuits brought against those who dare to question the public interest of projects affecting the environment, create an atmosphere in which the public is told that it is better to abandon the struggle for the environment beforehand. Ultimately, even when citizens succeed in obtaining the possibility of direct decision-making at the local level, there is strict and outdated referendum legislation that discourages and makes it difficult for the will of the citizens to be respected.

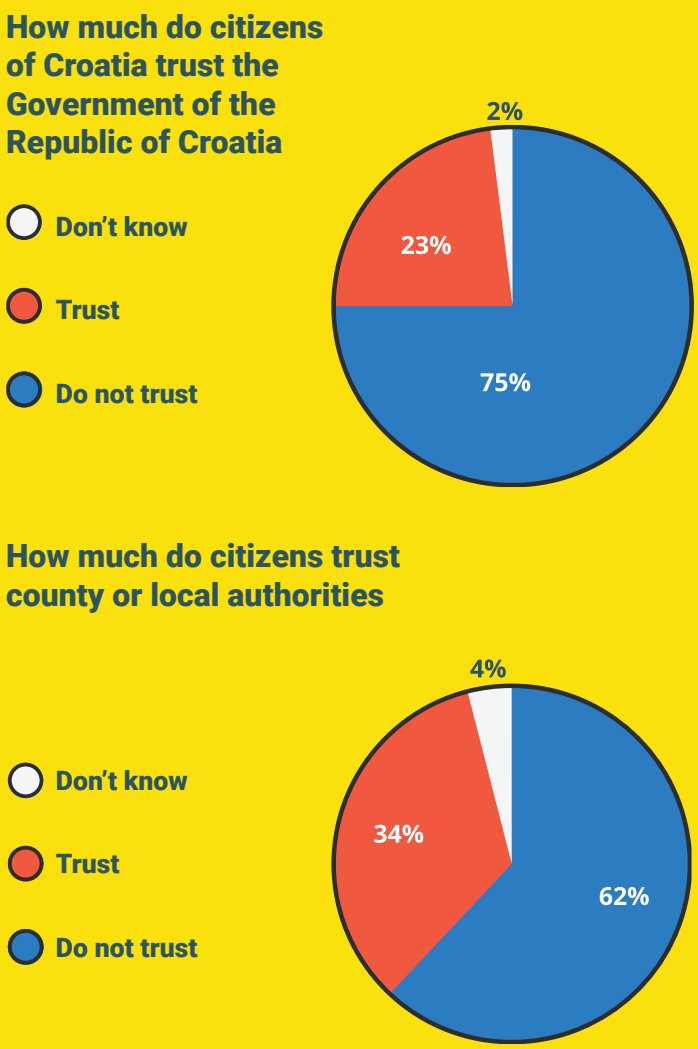
The authorities' unresponsiveness to the needs and interests of citizens discourages the interested public from participating and encourages citizens' distrust of authorities. This loss of confidence, which contributes to citizen apathy and passivity, and their belief that they cannot change anything, is discussed in the results of many studies. One such study was conducted by researchers from the Faculty of Political Sciences at the University of Zagreb in cooperation with ODRAZ as part of the SUSTINEO project, at the level of all of Croatia. The results showed that "36% of surveyed citizens are completely or mostly willing to participate in citizens' assemblies and public consultations in person, and 41.20% are completely or mostly willing to participate in debates and consultations on online platforms." In contrast to the described citizens' interest, is the data showing that 70.4% of them "do not believe at all or mostly believe that the political system in Croatia enables citizens to influence political processes." Additionally, "60.9% of citizens from the survey are very or somewhat dissatisfied with the functioning of democracy in Croatia," which "indicates that citizens are excluded from the public process because local political and management systems leave little room for participatory processes."

13 Of the 22.71% of voters who participated in the Pula referendum, 88.55% voted in favor of amending the General Urban Plan of the City of Pula, which would remove the possibility of constructing hotels, other types of tourist accommodations, and mixed residential-commercial buildings throughout the area covered by the current Lungomare Urban Development Plan. In Dubrovnik, of the 31.5% of voters who participated in the referendum, 84.15% voted against the project.

14 https://gong.hr/2023/12/22/hrvatska-treba-zakon-o-referendumu-koji-prepoznaje-vaznost-lokalne-demokracije/ ; https://gong.hr/2024/12/31/nuzne-reforme-izbornog-i-referendumskog-zakonodavstva/

15 https://repozitorij.pravo.unizg.hr/object/pravo:4739/FILE0

Graf 1 - How much do citizens of Croatia trust the Government of the Republic of Croatia



Source: Standard Eurobarometer 98, winter 2022-2023.

Disregarding citizens is in gross contradiction with the overarching National Development Strategy of the Republic of Croatia until 2030, in which one of the priorities is the openness of public administration "to consultations and participation of citizens and civil society organizations in shaping and implementing public policies." Citizen participation is one of the strategic EU priorities.[16] Citizen participation is emphasized as part of Goal 16.7 of the 2030 Agenda. Access to environmental information, public participation in environmental decision-making and access to justice are the basis of the Aarhus Convention, which has also been ratified in Croatia. There are also numerous recommendations and guidelines that point to the value and necessity of participation for the legitimacy of decision-making processes, citizen confidence in the system and quality policies [17].

16 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023H2836

17 For example, of the Council of Europe: https://search.coe.int/cm#{%22CoEIdentifier%22:[%-220900001680795 4c3%22],%22sort%22:[%22CoE-ValidationDate%20Descending%22]}or the Croatian Information Commissioner: https://www.pristupinfo.hr/wp-content/uploads/2018/10/Aktivni-gradjani.pdf.

Recommendations

Early inclusion of a broad range of stakeholders in decision-making processes, respect for legal deadlines and provisions on public consultations, consideration of arguments from the interested public expressed during public discussions, citizens' meetings at the level of local committees or through referendums and in administrative disputes would contribute to higher-quality acts and policies, with greater support from the interested public, shared responsibility of stakeholders for outcomes, as well as motivation and confidence of citizens in the system. It would also contribute to transparency and accountability of authorities and the legitimacy of adopted acts. Acts adopted on a participatory basis would be less often challenged in court because before adoption they would be critically examined and improved based on given comments.

To achieve the above, we propose the application of the recommendations listed below.

Recommendation: Conduct Participatory Processes Aimed at Incorporating the Perspectives of the Interested Public into the Initial Concepts of Acts

Elaboration: Whether at the local, regional or state level, the public administration body responsible for preparing a particular act or policy is able to plan the preparation of the act in such a way that a large number of stakeholders are involved as early as possible – from citizens and associations to representatives of public or private sector experts – and together with them detect expectations, needs, problems and possible solutions. In this way, problems can be viewed from different angles, existing acts can be evaluated and future acts can be better shaped based on timely collected input information, i.e., based on evidence. Citizens and the broader public can be educated on an important aspects of public policies.

Participation can be conducted through informal or formal working groups, commitees or citizens' assemblies, through workshops, surveys, questionnaires, focus groups, interviews, as well as public presentations and events that allow space for discussion among participants. Informal participation methods can also be planned as a kind of preparation for the implementation of formal processes that involve direct decision-making by citizens – for example, focus groups, surveys and thematic public events that will serve as an introduction to the topic on which a decision will be made at a citizens' assembly or referendum. The needs of stakeholders and the public interest can be incorporated into the basic starting points for the preparation of acts, which will then, in draft form, undergo procedures of public discussions or public consultations.

Although early participation is not necessarily prescribed by the legal framework, there are equally no formal obstacles to it. In most cases, it is a matter of the political will of decision-makers who understand the benefits of participation, value reaching compromises and, ideally, finding solutions with which all involved stakeholders "can live."

In planning participatory processes, public administration bodies can be greatly assisted by associations that often have the necessary knowledge and experience.

For the implementation of participatory processes, it is necessary to plan sufficient time. However, the outcomes of participation are almost certainly positive.

Similarly, public authorities and investors in projects affecting the environment can, before beginning formal procedures such as environmental impact assessments, which involve costs for them, "test the waters" with some of the mentioned methods. It would be desirable that, even when formal requirements are met, they do not implement their projects if they recognize strong community opposition in the early phase of project development, or that they adapt and improve their projects, to the greatest possible extent, in accordance with the wishes and needs of the community. Quality relations with the community contribute to the reputation of project investors, ensure community support for project implementation and reduce opposition to the project.

Good practice example: 12 years of participatory budgeting in Pazin

The "Watch out – the budget!" ("Pazi(n), proračun!") project began in 2014 as an EU project, with the aim of active involvement of citizens and the public in the process of adopting the City of Pazin budget for 2015. The project leader was GONG, partners were the City of Pazin, the Society for "Our Children" Pazin, and associates were the Institute of Public Finance and the Association of Cities in the Republic of Croatia. Within the project, citizens were educated about participatory budgeting and the City's budget. Public hearings were held in each of the 12 local committees (municipal sub-government unit). Five sectoral hearings were also held - focusing on areas of social welfare and health, culture, education and sports, and economy and tourism - in which citizens were informed about sectoral priorities of the City. Citizens proposed small communal actions for financing at the level of local committees, discussed and voted on proposed actions. Citizens' proposals were considered and taken into account in the City when draft and proposal of the budget were created. The voted communal actions were included in the 2015 budget, and 300 000 HRK (around 40 000 EUR) was planned for their implementation. The City has continued the implementation of the project to this day. The last, 12th cycle of participatory budgeting took place in 2025, when the City made 120 000 EUR available for the implementation of citizens' proposals.[18]

18 https://proracun.pazin.hr; https://www.pazin.hr/novi-ciklus-projekta-pazin-proracun-gradani-odlucuju-o-120-000-eura-iz-proracuna/

Recommendation: Consider and Take into Account High-Quality Comments and Proposals from the Interested Public, as well as proposals based on participative processes

Elaboration: Even when not prescribed or customary, it is good practice to let the public know that their contribution is truly being considered and valued. It is desirable to publicly disclose the content of each comment – accepted or not accepted, the name and surname/name of each consultation/discussion participant and show how accepted proposals have been respected (how they have been incorporated into the act) and explain – for each individual comment or proposal – why it was not accepted or why it was only partially accepted. If comments were not considered, it should be explained why. Registering comments as "noted", according to the aforementioned analysis, is precisely contrary to the very purpose of public consultations and discussions, being a way of avoiding consideration of a significant number of received comments, so we do not recommend its use.

Advocate for systemic changes so that the described manner of disclosure of public discussion and consultation reports becomes a minimum democratic standard in Croatia. When it comes to regulated areas, alongside spatial planning and the right of access to information, exclusively in the area of environmental protection is the publication of all rejected comments not prescribed, but only a "note of comments and proposals" (which, according to environmental associations' experience, involves summarizing comments to the point of unrecognizability), indicating a discrepancy compared to how other areas are regulated, that is, an illogical legal framework that needs to be changed.

Finally, restore confidence in the interested public that their participation in decision-making is meaningful by accepting their comments and proposals. When a large number of informed and educated participants – particularly representatives of associations that monitor policy implementation by collecting data "from the field" – speak on a particular act, it is certainly in the public interest to accept their proposals.

To restore citizens' confidence in democracy, encourage deliberative, participatory processes and accept their results. Reward citizens' engagement by accepting their high-quality proposals.

Good practice example 1: The City of Rijeka Citizens' Council – Democratizing Democracy

At the initiative of the Mayor of the City of Rijeka and coordinated by the Association for Civil Society Development - SMART, a pilot project was implemented in 2023, the first of its kind in Croatia — the Citizens' Assembly of Rijeka. The aim of this informal body was to address the question, and develop recommendations, on how can the City of Rijeka improve the system of community-level self-government and enhance citizen participation in the development of the local community.[19] The Assembly engaged 34 randomly selected citizens of Rijeka, representing "Rijeka in miniature." Prior to the commencement of the Assembly's work, which lasted approximately one month, a public consultation was conducted — e-Consultations and a survey — and all citizens were invited to submit their recommendations. Associations and civic initiatives were invited to present their work to the Assembly members and the wider public and to complete a questionnaire in order to collect data on

19 More info: https://vijecegradanarijeke.org/en/citizens-assembly-of-rijeka-2/

cooperation between associations and sub-municipal self-government units councils in Rijeka. Questionnaires were also prepared and responses were collected from sub-municipal council members and secretaries of sub-municipal government units, as well as from city administration officials responsible for sub-municipal self-governance.

Five facilitators were selected and trained in facilitation methods. During the working period, Assembly members were provided with free bus tickets, childcare services for minor children, food and refreshments at meetings, and received compensation of up to €140, conditional upon participation in at least five out of seven meetings.

At the final meeting, Assembly members submitted 90 recommendations to the Mayor. Following an analysis of the recommendations with the heads of the competent administrative departments, the Mayor accepted 48 of them. Slightly more than €60,000 was spent on the implementation of the project.

Good practice example 2: Participatory establishment of the Committee for Persons and Children with Disabilities of the City of Pula

After the City of Pula accepted the initiative of the associations to establish the Committee for Persons with Disabilities and Children with Disabilities of the City of Pula, the associations and citizens developed the model of the Committee, the text of the public call for members of the Committee, with developed criteria on membership, the Rules of Procedure and the Code of Ethics of the Committee. The proposals were created as part of a broad, socially inclusive and participatory process in which over 10 associations and 50 citizens participated. The process, which was a part of the Green Istria's "Citizens for the City – Inclusive and Participatory Creation of the Commitee for Persons and Children with Disabilities of the City of Pula" project[20], took place in several phases. Experts prepared drafts of the first proposals of the mentioned documents, the drafts were presented to the associations of person and children with disabilities and the City, and then refined and published in online consultations for the duration of 30 days. This was followed by a public event for promotion of the consultations and the future work of the informal working group for participatory creation of the Committee. After the consultations, the received proposals were integrated. The working group developed the final version of the citizens' proposals for the City during three meetings. Few months after the process was finalized, the City of Pula largely accepted the proposals resulting from the participation and the Committee was established as a working body of the mayor.[21]

20 https://www.zelena-istra.hr/hr/articles/aktualni-projekti/1016/graani-za-grad-inkluzivno-i-sudionicko-kreiranje-p/

21 https://radio.hrt.hr/radio-pula/gospodarstvo/pula-dobila-povjerenstvo-za-osobe-s-invaliditetom-i-djecu-s-teskocama-u-razvoju-11893779

Recommendation: Strengthen the Information Commissioner and Combat Systematic Evasion of the Law

Elaboration: Given that certain public authorities systematically ignore the established administrative and judicial practice, this demonstrates not only a conscious obstruction of the right of access to information and a violation of the rule of law, but also an obvious lack of mechanisms that would make compliance with established practice a duty of authorities. Such conduct should be qualified as an abuse of rights, and individual responsibility of authority officials should be established.

We propose a solution through the introduction of new provisions to the Law on the Right to Access Information that would prescribe the duty of authorities to act in accordance with the established practice of the Information Commissioner and the High Administrative Court in processes of exercising the right to access information, provide a definition of established practice (e.g., at least two decisions of the Information Commissioner and two related judgments of the Court) and determine that an authority in its decision rejecting access to information cannot refer to reasons that have already been considered and which in established practice have been determined not to be in accordance with the Act, without citing new or significantly different facts. In misdemeanor provisions of the Act, there could also be a provision that would be the basis for misdemeanor proceedings that the Commissioner, or the beneficiary of the right would initiate against the responsible person of an authority due to violation of this duty.

Additionally, in order to strengthen the powers of the Information Commissioner – and consequently also strengthen the users' right of access to information – it would be possible to introduce immediately enforceable (executive) decisions of the Commissioner. This would be in line with the principle of timeliness laid down in the Law on the Right to Access Information and with the fact that obtaining the information only months or even a year after the request may render that information worthless to the requester.

In such cases, challenging the Commissioner's decisions at court would not suspend their execution, unless the High Administrative Court, at the request of the plaintiff, would explicitly decide otherwise. Furthermore, the existing concept of enforcement decisions of the Commissioner, which are secured by imposing fines on the responsible person of the public authority and deductions from salary of the responsible person, could be applied to all the Commissioner's enforcement decisions.

Similarly, the Commissioner could be given the authority, after administrative and judicial practice becomes established regarding a particular public authority, to issue binding interpretation of the application of the Act which the authority is obliged to respect in future practice and enable the Commissioner to carry out enforcement of these interpretations.

Equally, consideration should be given to whether the solution regarding enforcement of the Commissioner's orders or similar concept could be applied to situations where the Commissioner is unable to decide about a complaint within the prescribed deadline because authorities do not provide the necessary information requested by the Commissioner.

Recommendation: Education of Judges as a Measure to Combat Legal Uncertainty

Elaboration: In order to prevent inconsistent practice of administrative and misdemeanor

courts, advocate for the education and training of judges about relevant court practice in regulated areas - access to information, environmental protection and spatial planning. Such training could, for example, be delivered through the Judicial Academy, i.e. the State School for Judicial Officials. Associations may support the implementation of these training programs by contributing their expert knowledge and practical experience.

Recommendation: Conduct Public Consultations in the Manner and Within the Timeline Prescribed by Law, and Determine the Duration of Consultations and Public Debates in Accordance with the Complexity of the Act

Elaboration: As shown, in Croatia there is a high percentage of public consultations, conducted based on the Law on the Right to Access Information and the Law on Better Regulation Policy Instruments, that are shorter than the prescribed 30-day period. Kruno Kardov, PhD, found that in the period 2019-2022, the share of consultations shorter than 30 days was 90% or more, while the Information Commissioner noted in his reports on the implementation of the Law on the Right to Access Information that "shortening of the deadline has become in most cases a rule," while it should occur only as an exception in clearly prescribed cases. The situation in which established guidance from an independent state body for the protection of the right to access information is systematically ignored by public administration is unacceptable and unsustainable. In this way, the Information Commissioner is burdened, but more importantly, the constitutionally guaranteed right of citizens to access information, which includes their participation in public consultations, is violated. Public administration bodies are obliged to respect the law, and this obligation also extends to the prescribed duration of public consultations.

Binding interpretations could also be used in these circumstances. For example, given that the Commissioner, through her/his work, has observed that public authorities do not comply with the Law (e.g. regarding the conduct of public consultations), and that shortening the consultation period has become the rule rather than an exception used only in justified situations, the Commissioner could issue a legally binding interpretation on the conduct of consultations and sanction authorities and the responsible persons within those authorities, that fail to comply with the law.

Consideration should be given to providing, for more complex acts - such as strategies, plans, programmes or studies that may have a significant impact on the environment, people's way of life or health, and that affect a large number of persons, or for which substantial public or interested public interest can reasonably be expected or has already been demonstrated - the possibility of public consultations and public debates lasting longer than 30 days.

Recommendation: Conduct Public Consultations and Public Debates at One Central Location, According to the Same Rules

Elaboration: Public consultations and public debates are conducted according to different regulations – for example, the Environmental Protection Act, the Law on Spatial Planning, the Law on the Right of Access to Information and the Law on Better Regulation Policy Instruments – while the standards for conducting them are not uniform. We propose establishing a unified system in which all consultations and public debates will be conducted according to the same rules and be visible at one central location. When unifying rules, account should be taken of those rules that represent a better standard or a solution more

favorable to citizens. For example, if the Law on Spatial Planning provides for a public presentation of an act, while the Act on the Right of Access to Information does not, when harmonising the applicable rules the standard more favorable to citizens would be applied. In other words, within all consultation procedures/public debates, public presentations would be conducted.

We recommend local and regional self-government units (cities/towns, municipalities and counties) use the e-Consultations portal.

Recommendation: Visibility of Public Consultations and Public Debates

Elaboration: Information and documentation related to public consultations/debates should be visible on the website of the public authority conducting the consultation/debate. Furthermore, it must not be "hidden," but rather the "3-click rule" must be applied – meaning that after opening the main page of a particular public authority body, it should be possible to reach information about public consultations with a maximum of three clicks.
It is desirable to inform citizens that they are invited to participate and to direct them to the relevant section of the authority's website that is conducting the public consultations/debate, using an inviting tone, for example with wording such as "Get involved in the environmental procedure!" or "Participate in the public debate!". Authorities should also provide clear information on the procedure, the manner of participation, and the expected outcomes of participation (for instance, indicating that comments will be reviewed and responded to, where citizens can find the responses, i.e. how they will be delivered to them).

It is recommended that authorities publish information on public consultations/debates in the form of announcements inviting citizens to participate and explaining the purpose, method, and outcomes of participation. Such announcements should also be published in the authority's "News" section and disseminated through media channels followed by citizens (for example, relevant online portals and radio stations).

All participants in the public consultations/debates should be enabled to receive responses to their comments by email. Authorities should also allow citizens to subscribe in advance to receive information on public consultations/debates via an e-newsletter, mailing list, or a similar channel.

Recommendation: Publication of all information about projects affecting the environment in one place

Elaboration: Based on the proposal of Lana Ofak, PhD, LL.M. submitted to the ministry responsible for environmental protection, with the aim of ensuring the involvement of the interested public in environmental procedures and access to justice, we recommend that all information related to a specific environmental project be made timely available in one place on the official ministry's website. This should include all acts authorising the project implementation, including those issued by other competent public authorities pursuant to special regulations.

This should cover, in particular, the entire administrative and expert documentation chain: from acts preceding the project proponent's application for initiation of the screening procedure or environmental impact assessment, to the project proponent's application for the screening/assessment procedure, and the

acts of the authority responsible for nature protection adopted in the screening procedure for appropriate assessment for the ecological network (where such an act has been issued); to information on planned meetings of the ministry's advisory expert committee; the committee's meetings minutes, its opinions on the completeness and scientific soundness of the environmental impact assessment study; the communication between the competent ministry and the project proponent (including ministry's conclusions and the proponent's responses); and the opinions of authorities and/or persons designated under special regulations. It should further include the committee's opinion on the environmental acceptability of the project; the public debate report; the ministry's decision on the environmental acceptability of the project; and information on any initiated administrative disputes, together with the decisions or judgments of the competent courts.

We recommend developing, in cooperation with the interested public, a detailed list of information that should be published for all such procedures. These materials should also be provided without delay to all parties interested in the procedure via email or post.

Recommendation: Encourage the Convening of Citizen's Meetings

Elaboration: It is recommended to convene or encourage the convening of citizen's meetings for the purpose of discussing the needs and interests of citizens of local significance and deciding on matters and proposals falling within the jurisdiction of local government units. This neglected mechanism of direct democracy needs to be revived.

Involving Citizens in Development of Urban Development Plan for the Settlement of Šmrika in Kraljevica

The approach to involving citizens in the preparation of Urban Development Plan 23 Šmrika in Kraljevica is commendable. The City of Kraljevica decided to base the plan on an urban-programmatic analysis of the Šmrika settlement. The company selected to conduct the analysis involved the citizens of Šmrika by gathering their opinions through surveys and interviews. Three versions of spatial-programmatic solutions were developed and presented to the Council of local committee, which then convened a citizens' meeting. At the citizens' meeting, the citizens selected by vote the version to be used as the expert basis for the preparation of UDP 23 Šmrika.

In this way, citizens were involved in the preparation of the expert basis for the spatial plan, i.e. the formulation of the task for spatial planners, which was the basis for the draft plan, and subsequently the proposal of the UDP, which was then subject to a public debate.[22]

Recommendation: Support Referendum Initiatives and Advocate for Changes to Referendum Legislation

Elaboration: Referendum initiatives could be celebrated as a festival of democracy. In reality, however, citizens and associations that initiate them — as in the aforementioned cases of Pula and Dubrovnik — often face strong opposition

22 Detailed information can be found in the presentation by Ana Brusić Batistić from Urbanistički studio Rijeka: https://www.youtube.com/watch?v=98Axqcov-nV8

from authorities and pressure from the media and investors. Although holding a referendum implies costs, as well as the possibility that citizens can halt or amend decisions made by elected representatives, a referendum should not be seen merely as an expense or a disruption to the usual decision-making processes. It is also a fact that representative democracy entails significant costs and that, at times, decisions are made in ways that do not reflect the public interest. Above all, referendums provide an opportunity to restore citizens' trust in representative democracy.

In this regard, based on the experience of referendums held so far at the national and local levels, it is necessary to reconsider referendum legislation. As GONG points out, "the legal framework regulating the organization and conduct of referendums in Croatia is one of the most demanding in Europe."[23] To initiate a national referendum, citizens must collect signatures of a minimum of 10% of voters from the total number of voters in Croatia within just 15 days. For a local referendum, they must collect signatures of 20% of the total number of voters in a local or regional government unit. Moreover, GONG warns, "there is inconsistency and complete illogic of the legal framework regarding the rules that apply to national and local referendums" – for a decision made at a local referendum to be binding, the referendum must be attended by a majority of the total number of voters registered on the voter list of the local/regional government unit, while for a national referendum, there is no such requirement. As GONG points out, "the only way to avoid the elected authorities ignoring the will of citizens is to legally recognize the decision as valid. [24]

Regarding the aforementioned problems, associations and unions proposed, now long ago in 2013, a requirement of collecting 5% of voter signatures (or approximately a fixed number of 200,000 signatures) for a national referendum and a requirement of collecting this percentage for a local referendum. They also proposed a significantly longer period for collecting signatures for initiating a referendum of 45 days and verification of the correctness, i.e. constitutionality of the referendum question after 10,000 signatures have been collected. To ensure the referendum institute is not abused and that it does not diminish constitutionally guaranteed rights, and democracy is not endangered, they emphasized the need to define topics on which decisions cannot be made through referendums, such as constitutional values like freedom, equality, respect for human rights, protection of nature and environment, democratic multiparty system or rule of law. It was also proposed that a decision at a national referendum be made if a majority of voters who attended the referendum voted for it, provided that this majority constitutes at least: 50% + 1 of the total number of voters for constitutional amendments, 35% + 1 of the total number of voters for amendments to organic laws, and 25% + 1 of the total number of voters for amendments to laws, local referendums and other matters. [25]

To date, there are also different recommendations, for example from GONG regarding the requirement to collect 10% of voter signatures or a timeline of one month for collecting signatures for a referendum at the local level. [26]

As of 2022, the final draft on referendum law was referred to the Croatian Parliament for discussion, but it does not include some of

23 https://gong.hr/wp-content/uploads/2022/12/Gong-o-referendumu-izbornog-i-referendumskog-zakonodavstva.pdf

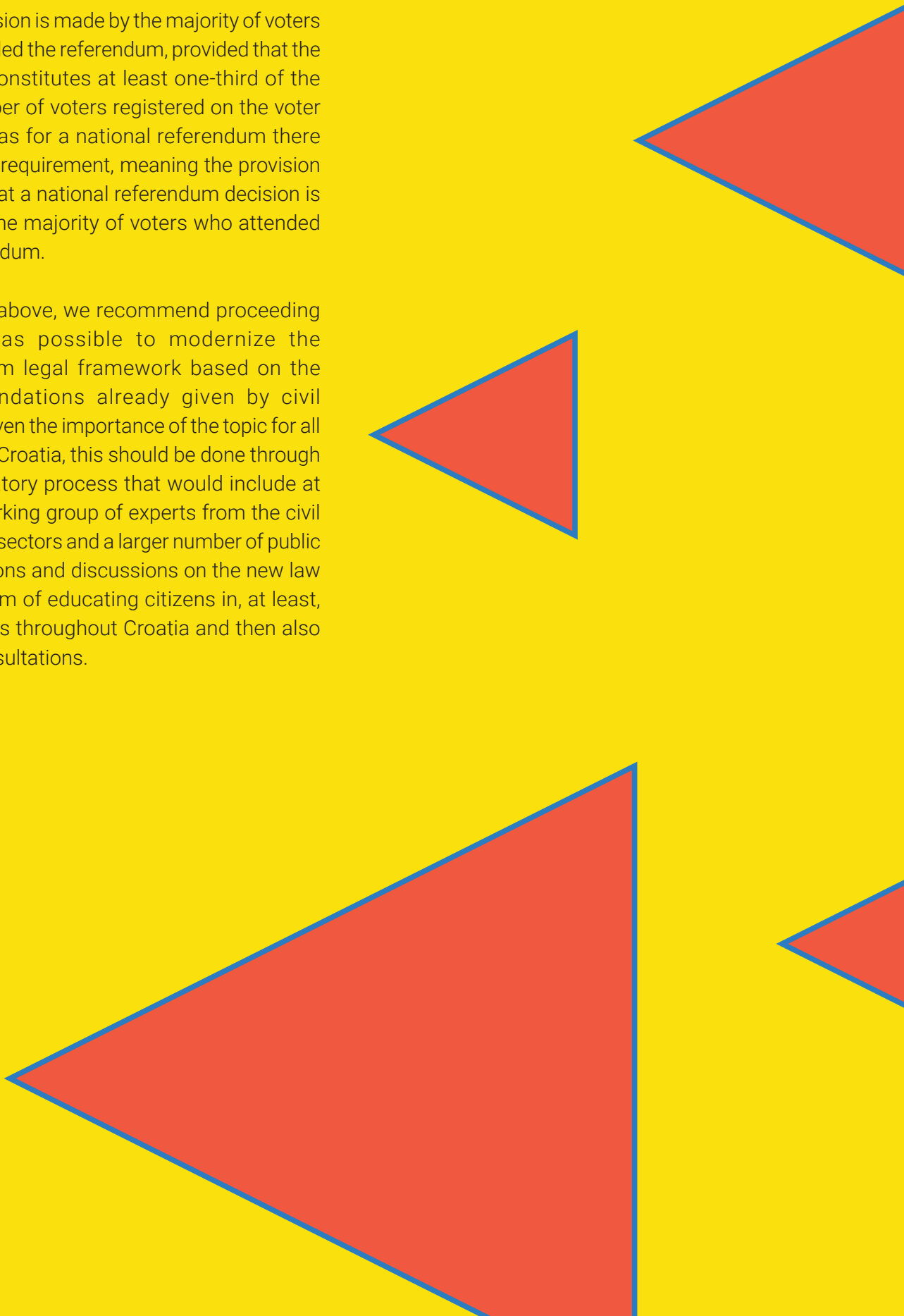
24 https://gong.hr/2023/12/22/hrvatska-treba-zakon-o-referendumu-koji-prepoznaje-vaznost-lokalne-demokracije/

25 https://gong.hr/2013/11/13/referendum-ne-treba-divinizirati-niti-demonizirati/

26 https://gong.hr/2024/12/31/nuzne-reforme-izbornog-i-referendumskog-zakonodavstva/

the key proposals from the interested public – it does not define topics on which decisions cannot be made at a referendum and the illogic of rules for local versus national referendums persists – at a local referendum it is conditioned that a decision is made by the majority of voters who attended the referendum, provided that the majority constitutes at least one-third of the total number of voters registered on the voter list, whereas for a national referendum there is no such requirement, meaning the provision persists that a national referendum decision is made by the majority of voters who attended the referendum.

Given the above, we recommend proceeding as soon as possible to modernize the referendum legal framework based on the recommendations already given by civil society. Given the importance of the topic for all citizens in Croatia, this should be done through a participatory process that would include at least a working group of experts from the civil and public sectors and a larger number of public presentations and discussions on the new law with the aim of educating citizens in, at least, major cities throughout Croatia and then also public consultations.



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Bibliography

- Active Citizens – Let's Participate in Decision-Making! Let's Get Involved in Creating Regulations and Decisions through Public Consultations. Information Commissioner of the Republic of Croatia, 2017.
- Manual for Conducting Public Consultations for Local and Regional Self-Government Units. Information Commissioner of the Republic of Croatia, 2016.
- Guidelines for Public Consultations. Information Commissioner of the Republic of Croatia, 2016.
- Guidelines for Citizen Participation Processes. OECD, 2022.
- Henjak, M., Munta, and A. Kekez. Survey of Public Opinion on Energy Transition, Sustainable Development, Waste Management Policy and Environmental Protection Policy in Croatia, 2022 (SUSTINEO project).
- Citizen Participation. Zlata Ploštajner and Ivona Mendeš.
- Guidelines Emerging from the SUSTINEO Project: Guidelines for Citizen Involvement in Developing and Implementing Sustainable Development Policies and Guidelines for Sustainable and Participatory Spatial Planning, 2023.
- Guidelines for socially inclusive and participatory decision-making, Green Istria, 2023.
- Proposals of Lana Ofak, PhD, LL.M., prof., Faculty of Law, University of Zagreb, to the ministry responsible for environmental protection

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