PD.TVZ.HR
POLYTECHNIC & DESIGN Vol. 13, No. 4, 2025.
Mrežna inačica: ISSN 2459-6302
Tiskana inačica: ISSN 1849-1995
DOI: 10.19279/TVZ.PD.2025-13-4-12

PRAVNI OKVIR ZA ZAŠTITU OKOLIŠA

LEGAL FRAMEWORK FOR ENVIRONMENTAL PROTECTION

Ljiljana Matuško Antonić
Zagreb University of Applied Sciences, Vrbik 8, Zagreb, Croatia

SAŽETAK

Razvoj industrije i društvenih aktivnosti čovjeka u sve većoj mjeri uzrokuje onečišćenje okoliša. Svaki pojedinac u društvu ima prava i dužnosti u sklopu svojih ovlasti i djelatnosti skrbiti o zaštiti zdravlja ljudi, prirode i ljudskog okoliša. Pravnim normama u Republici Hrvatskoj propisuju se mjere zaštite okoliša u okviru koncepta održivog razvitka, subjekti zaštite okoliša, instrumenti zaštite okoliša, praćenje stanja u okolišu, kao i informacijski sustav zaštite okoliša te osiguranje pristupa informacijama o okolišu i druga bitna područja. Zakonom o zaštiti okoliša i drugim posebnim zakonima i propisima reguliraju se pitanja zaštite zraka, zaštite voda, zaštite mora i obalnog područja, zaštite prirode, zaštita tla i zemljine kamene kore, zaštita šumskog područja, zaštita od utjecaja opterećenja na okoliš u koje svrstavamo među inim zaštitu od buke, zaštitu od svjetlosnog onečišćenja, zaštitu od štetnog utjecaja kemikalija, gospodarenje otpadom. Zaštita okoliša obuhvaća niz mjera kako bi se spriječilo onečišćenja i zagađenja okoliša i sprječavanje nastanka šteta.

Ključne riječi: *okoliš, zagađivanje okoliša, zbrinjavanje otpada*

ABSTRACT

The development of industry and human social activities is increasingly causing environmental pollution. Every individual in society has the rights and duties, within the scope of their powers and activities, to take care of the protection of human health, nature and the human environment. Legal norms in the Republic of Croatia prescribe environmental protection measures within the framework of the concept of sustainable development, environmental protection subjects, environmental protection instruments, monitoring of the state of the environment, as well as an environmental protection information system and ensuring access to environmental information and other important areas. The Environmental Protection Act and other special laws and regulations regulate the issues of air protection, water protection, protection of the sea and coastal areas, nature protection, protection of soil and the earth's crust, protection of forest areas, protection from the impact of environmental loads, which include, among others, protection from noise, protection from light pollution, protection from the harmful effects of chemicals, waste management. Environmental protection includes a number of measures to prevent pollution and environmental contamination and prevent the occurrence of damage.

Keywords: *environment, environmental pollution, waste management*

1. UVOD
1. INTRODUCTION

Accelerated industrial development is a key prerequisite for the economic growth of any country. Industrialisation drives the rapid development of energy, trade, construction, agriculture, and transport, while increased industrialisation contributes to achieving a high rate of economic growth. Industrialisation requires ever-larger investments in industry, infrastructure, information technology, the education system, and changes to the population structure. Environmental pollution can occur naturally, but it is increasingly caused by human activity. Every day, through the media, environmental protection

Članak se nalazi u bazama: ● http://hrcak.srce.hr ● https://scholar.google.hr

associations, and relevant authorities, people are warned that environmental pollution is a global problem and poses a threat to animals, plants, and humans. Industry and factories are the largest polluters today, but every individual can also contribute to environmental pollution through irresponsible behaviour.

In the Republic of Croatia, a series of laws and subordinate regulations has been adopted to govern waste management and its efficiency. Various measures have been prescribed to improve waste management. Citizens are under a general obligation to separate waste to encourage high-quality recycling.

2. ZAKONODAVNI OKVIR
2. LEGISLATIVE FRAMEWORK

The concept of the environment encompasses the natural surroundings (living environment) not only of humans but also of the plant and animal world. We disturb the natural balance daily through excessive and improper use of natural resources. Humans affect the cleanliness of air, water, and soil, the amount of waste, and the concentration of greenhouse gases that influence climate change. Today, the greatest polluter of the environment is certainly industry – chemical, oil, and fashion industries. Pollution or environmental contamination appears in various forms, with the main types including air pollution (emission of chemicals and particles into the atmosphere), water pollution (most often caused by chemicals, waste, industrial wastewater, and bacteria), and soil pollution (contamination of land or soil caused by household and industrial waste). Besides industry, humans make a significant contribution to environmental pollution, for example through pollution from automobiles, the use of single-use plastic packaging, waste disposal practices, and similar activities.

Waste refers to any substance or object that is discarded, while waste management comprises the collection, transport, sorting, and disposal of waste, as well as supervision of these activities. Waste management must be carried out in a manner that does not endanger human health or cause harmful effects on the environment. The Government of the Republic of Croatia and the ministry responsible for environmental protection, as well as the executive bodies of local self-government units, regional self-government units, and the City of Zagreb, are responsible for ensuring the conditions and implementation of prescribed waste-management measures in their territories. To ensure high-quality recycling, there is a general obligation for separate collection of waste and its delivery to an authorised person who provides public municipal waste collection services in a high-quality and economically efficient manner, in accordance with the principles of sustainable development and environmental protection.

The National Strategy for Environmental Protection [1.] aims to improve the state of the environment in the Republic of Croatia, complete the existing environmental protection system, direct development towards sustainability, establish a comprehensive system for monitoring and assessing the state of the environment, protect certain parts of the territory – especially the Adriatic Sea – adapt to climate change, and introduce new technologies.

2.1. ZAŠTITA OKOLIŠA
2.1. ENVIRONMENTAL PROTECTION

Environmental protection comprises activities and measures aimed at preventing environmental hazards, damage, and pollution, reducing or eliminating harm to the environment, and restoring it to its original state before any damage occurred. The environment is a public good of interest to the Republic of Croatia and receives special protection. The key documents on sustainable development and environmental protection are the Strategy of Sustainable Development of the Republic of Croatia, the Environmental Protection Plan of the Republic of Croatia, the Environmental Protection Programme, and the Report on the State of the Environment.

The European Union regulates the most important environmental protection issues through legislation. Croatian environmental legislation includes international treaties and protocols, European Union Directives and Regulations, as well as national laws and subordinate regulations. The principal law governing environmental protection is the Environmental Protection Act. The basic

principles established by the Environmental Protection Act include, among others, the principle of environmental protection within sustainable development, the protection of environmental components and the environment from pollution, the subjects of environmental protection, documents on sustainable development and environmental protection, monitoring of the state of the environment, the environmental information system, ensuring access to environmental information, liability for environmental damage, and administrative and inspection supervision.

The primary purpose of environmental protection measures is to ensure the comprehensive preservation of environmental quality, biodiversity, landscape diversity, and geodiversity, as well as the rational use of natural resources and energy in the most environmentally favourable manner, as a fundamental condition for healthy living and the foundation of sustainable development. Any interventions in the environment must not affect the quality of life, human health, or the plant and animal world, within the framework of sustainable development. When using the environment, humans should use environmental components sparingly and manage them with consideration for the possibilities of reusing natural and material resources. An important measure in environmental use is the prevention of pollution and the avoidance of waste generation.

Before undertaking any intervention in the environment, it is necessary to assess its impact, to prepare studies on the environmental impact assessment in cases where the content of the study is not defined by instruction, to determine the manner of participation of the authorised person who prepared the study, the manner of individual examinations, and the criteria for deciding whether an environmental impact assessment is required, as well as the procedure for issuing an assessment. The environmental impact assessment determines the possible significant direct and indirect effects of the intervention on soil, water, sea, air, forests, climate, humans, flora and fauna, natural values, landscape, material property, and cultural heritage, taking into account their interrelationships. The environmental impact assessment is conducted during the preparation of the planned intervention, before issuing a location permit or other approval for interventions where a location permit is not mandatory.

The Environmental Protection Act defines the objectives of environmental protection in achieving conditions for sustainable development, stating that these objectives are: protection of human life and health; protection of the plant and animal world, geodiversity, biodiversity, and landscape diversity; preservation of ecological stability; protection and improvement of the quality of individual environmental components; protection of the ozone layer and mitigation of climate change; protection and restoration of cultural and aesthetic landscape values; prevention of major accidents involving dangerous substances; prevention and reduction of environmental pollution; sustainable use of natural resources; rational use of energy and promotion of renewable energy sources; removal of the consequences of environmental pollution; improvement of the disturbed natural balance and restoration of its regenerative capacities; achievement of sustainable production and consumption; phasing out and substitution of dangerous and harmful substances; sustainable use of natural resources; ensuring and developing long-term sustainability; improvement of the state of the environment; and ensuring a healthy environment.

Environmental components must be protected from pollution both individually and within the framework of other environmental components, taking into account their mutual relationships and interactions. Environmental components listed include protection of soil and the Earth's rocky crust, protection of forest areas, protection of air, protection of water, protection of the sea and coastal areas, nature protection, noise protection, waste management, and others. A series of regulations has been adopted for the protection of the environment and its components, for example: the Air Protection Act (Official Gazette 127/19, 57/22, 136/24), the Act on Sustainable Waste Management (Official Gazette 94/13, 73/17, 14/19, 98/19), the Water Act (Official Gazette 66/19, 16/20, 84/21, 47/23), the Act on Water Intended for Human Consumption (Official Gazette 30/23), the Nature Protection Act (Official Gazette 80/13, 15/18, 14/19, 127/19), and others.

2.1.1. SASTAVNICE OKOLIŠA
2.1.1. COMPONENTS OF THE ENVIRONMENT

Environmental components include air, water, sea, soil, landscape, the plant and animal world, and the Earth's rocky crust. A polluted environment affects human health, for example, through poor water quality or air pollution. Among the basic strategic objectives of environmental protection are the permanent preservation of the originality and biological diversity of natural communities, the preservation of the quality of living and non-living nature, and the rational use of nature and its resources. All members of society are obliged to ensure environmental protection.

Every individual should change their awareness regarding sustainable environmental development to ensure the sustainable development of the environment. Although everyone demands clean air, clean water, clean rivers, and a clean sea daily, we witness irresponsible behaviour, such as individuals throwing waste into forests, bulky waste being found at illegal dumpsites, and citizens opposing separate waste collection – actions that certainly do not contribute to sustainable environmental development.

To protect the environment, special incentive systems are regulated by specific provisions, such as ecological levies, guarantees, deposits (i.e., refundable and other fees), through which a significant reduction in the burden on environmental protection is achieved. Special provisions may also regulate incentives for services and products for which return systems are organised, such as packaging return, or other organised methods to reduce the negative effects of their impact on the environment, and whose use contributes to the avoidance and reduction of waste.

2.2. OKOLIŠNE DOZVOLE
2.2. ENVIRONMENTAL PERMITS

An environmental permit is issued to ensure comprehensive environmental protection through integrated prevention and control of pollution, maintaining a high level of environmental protection and preventing significant pollution from industrial activities. The Environmental Protection Act stipulates that, before a facility is put into operation – including trial operation – for the operation of existing facilities, and before any significant change in the operation of a facility intended for activities that may cause industrial emissions, including combustion plants, waste incineration plants, and co-incineration plants, the operator must obtain an environmental permit. The environmental permit is granted after the decision on the acceptability of the intervention in the environment has been issued. The permit sets out measures for the protection of soil, air, water, and sea, and, if required by the facility's location, other environmental components, in accordance with prescribed best available techniques. All these measures must be based on the characteristics of the technological processes described in the application for the environmental permit. In the procedure for obtaining an environmental permit, comments, proposals, and opinions from the public and concerned public, as well as the results of transboundary consultations if required under this Act, are taken into account.

3. ZAKON O GOSPODARENJU OTPADOM
3. LAW ON WASTE MANAGEMENT

The Waste Management Act [4.] sets out the objectives of waste management to promote the transition to a more circular economy, where the value of products, materials, and resources is preserved for as long as possible, and waste generation is minimised. Waste management must be conducted in a way that does not endanger human health or cause harmful effects on the environment, meaning it must not risk pollution of the sea, water, soil, or air, or threaten biodiversity; must not cause nuisance from noise or unpleasant odours; must not have harmful impacts on the landscape or areas of particular interest; and must not result in explosions or fires. Waste management is governed by regulations on environmental protection, the European Union acquis, principles of international environmental law, subordinate regulations, decisions of competent authorities, and waste management programmes, which set out measures to prevent waste generation, prepare for reuse, recycle, and dispose of waste.

The Waste Management Act sets out measures to protect the environment and human health by preventing or reducing waste generation, minimising the negative impacts of waste generation and management, reducing the overall effects of raw material use, improving the efficiency of raw material use, and increasing recycling and the reuse of recyclates. These measures are necessary for the transition to a circular economy and to ensure the long-term competitiveness of the Republic of Croatia and the European Union. The Act also regulates the waste management system, including the waste management hierarchy, principles, objectives and methods, planning documents, competences and obligations, locations and facilities, waste management activities, transboundary movement of waste, the waste management information system, and administrative and inspectorial supervision. In particular, the Act prescribes measures and specific conditions for the operation of landfills and requirements for waste permitted to be landfilled, to prevent or minimise harmful effects on the environment as far as possible.

Waste management and the construction of waste management facilities are matters of interest to the Republic of Croatia. Therefore, the Government of the Republic of Croatia and the ministry responsible for environmental protection prescribe measures for waste management. The Environmental Protection and Energy Efficiency Fund is the implementing body at the state level for waste management, while the executive bodies of local self-government units and the executive body of the regional self-government unit or the City of Zagreb are obliged to ensure, within their territory, the conditions and implementation of prescribed waste management measures. The competent ministry for environmental protection, as well as the Environmental Protection and Energy Efficiency Fund, establish state support and promote the prevention of waste generation and waste management in order to carry out activities such as: prevention of waste generation; waste management, particularly recycling; home composting and biowaste recycling; promotion of the use of materials made from biowaste; product and product component design that reduces environmental impacts and the amount of waste during production and use; use of materials obtained through recycling; implementation of campaigns to inform consumers and raise awareness regarding the obligation to separate waste, among others.

To prevent the generation of waste, measures must be taken before a substance, material, or product becomes waste. These measures aim to reduce the amount of waste, including through product reuse or extending product lifespans; to reduce the harmful impact of waste on the environment and human health; or to reduce the content of hazardous substances in materials and products.

3.1. CILJEVI GOSPODARENJA OTPADOM

3.1. WASTE MANAGEMENT OBJECTIVES

The objectives of waste management are set to promote the transition towards a more circular economy, in which the value of products, materials, and resources is retained for as long as possible, while waste generation is minimised. To encourage high-quality recycling, a general obligation for the separate collection of waste has been established. Every waste holder is required to separate and deliver to an authorised person, apart from other waste: hazardous waste; waste paper, metals, plastics, glass, bulky waste, textiles and footwear; packaging waste; and waste considered a special category.

4. ZELENA POLITIKA EUROPSKE UNIJE

4. GREEN POLICY OF THE EUROPEAN UNION

The European Green Deal provides a framework with measures to improve resource efficiency by transitioning to a clean circular economy, as well as to halt climate change, restore biodiversity, and reduce pollution. It outlines the necessary investments and available financial instruments. The European Green Deal covers all economic sectors, particularly transport, energy, agriculture, building maintenance and construction, and industries such as steel, cement, textiles, and chemicals.

The European Parliament adopted the European Climate Law on 24 June 2021, legally committing

the EU to reducing greenhouse gas emissions by 55% by 2030 and achieving climate neutrality by 2050. The European Union's green policy aims to achieve climate neutrality by 2050 through the "Fit for 55" legislative package. Member States are required to reduce greenhouse gas emissions by at least 55% by 2030. The main objectives of the green policy include cleaner air, water, and soil, lower energy bills, improved public transport, better food, and job creation in sectors such as renewable energy. In this way, sustainable development would be promoted and global leadership in the fight against climate change strengthened.

To achieve these objectives, the European Commission presented the EU Circular Economy Action Plan in March 2020, which includes measures to extend product life cycles and promote a circular economy, sustainable consumption, and waste reduction. The plan emphasises electronics and information and communication technology, batteries and vehicles, packaging and plastics, textiles, construction and buildings, and the food chain. In April 2024, the European Parliament approved new rules encouraging the repair and reuse of goods. The European Parliament also approved the implementation of the Social Climate Fund, financed by the auctioning of ETS emission allowances, through which support would be provided to vulnerable households, small businesses, and transport users facing increased energy costs.

5. ZAKLJUČAK
5. CONCLUSION

The fundamental human right is to live in a healthy environment. Every individual in society has rights and duties, within the scope of their powers and activities, to care for the protection of human health, nature, and the environment. Legal norms in the Republic of Croatia prescribe measures for environmental protection within the concept of sustainable development. The Environmental Protection Act and other specific laws and regulations govern issues of air protection, water protection, protection of the sea and coastal areas, nature protection, protection of soil and the Earth's rocky crust, protection of forest areas, and protection from the impacts of pollution on the environment. Environmental protection includes a series of measures aimed at preventing pollution and environmental degradation, preventing damage, and, if damage occurs, reducing and eliminating that damage and restoring the environment to its previous state.

6. REFERENCE
6. REFERENCES

[1.] National Climate Action Strategy – Official Gazette 46/02

[2.] Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information, repealing Council Directive 90/313/EEC; Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in the drawing up of certain plans and programmes relating to the environment and amending, as regards public participation and access to justice, Council Directives 85/337/EEC and 96/61/EC; Council Regulation (EEC) No. 1210/90 of 7 May 1990 establishing the European Environment Agency and the European Environment Information and Observation Network, and others.

[3.] Environmental Protection Act – Official Gazette 80/13, 153/13 – Construction Act, 78/15, 12/18, 118/18

[4.] Waste Management Act – Official Gazette 84/2021

AUTORI · *AUTHORS*

• Ljiljana Matuško Antonić - PhD, is a university professor in the field of social sciences, specialising in law, at the Zagreb University of Applied Sciences. She was appointed as a judge of the District Civil Court in Zagreb in 1999. Her interests are in civil law, ownership and other real rights, and land register law. She earned her doctorate at the University of Zagreb, Faculty of Law.

Korespondencija · *Correspondence*
ljiljana.matusko@tvz.hr