Brownfield Redevelopment
Issues in Croatia

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Abstract

The aim of this paper is to investigate how brownfield redevelopment, i.e., the redevelopment of derelict, abandoned or underused sites, where a real or perceived problem of contamination exists, might be approached in Croatia. Crucial in such activities is the involvement of many stakeholders, belonging to various institutional arenas, both formal and informal, and dispersed across various government levels. Such locations have emerged in Croatia due to transition and post-war problems, and poor management in state-owned as well as privatised enterprises. The presence of such industrial sites has various adverse effects not only on the environment but also on the economic and social development of the regions and localities. Due to the complexity of initiating brownfield redevelopment processes and specific problems in Croatia, economic development initiatives are directed towards attracting greenfield investments and creating new industrial and entrepreneurial or business zones. Brownfield redevelopment is an issue through which the impacts of existing development policies in Croatia can be analysed. The paper concludes with the identification of possibilities for new modes of governance and participatory initiatives for brownfield redevelopment in Croatia.

Keywords: brownfield, greenfield, local development, governance, coordination, Croatia

JEL classification: H11, O21, R52

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Introduction

Recent Croatian history has witnessed war, post-war problems, transition and poor management of state-owned as well as privatised companies. As end results of these occurrences, a number of industrial and other sites are underused, partially destroyed or vacant. Such sites are called brownfields. In contrast to a brownfield site, defined as an area that has previously been developed, a greenfield site is an area previously undeveloped and therefore undisturbed with a predominantly consistent subsurface (Laidler et al., 2002). The presence of brownfields has various adverse effects not only on the environment but also on the economic and social development of the regions and localities.

Changes in the ownership structure of the Croatian economy, along with the role and functions of the government, made many newly-created local (i.e., towns and municipalities) and regional (i.e., counties) self-governments incapable to deal with problematic economic entities and properties in multiple ownerships (including property owned or used by different public institutions across various government levels). Inefficient Croatian governance structure reflected in slow procedures and weak enforcement of legislation, especially in bankruptcy and liquidation procedures, is also closely related to brownfield redevelopment processes.

Inadequate land use policy on the local level, unequal access to information, delayed transactions on the land market due to poor cadastre records and outdated land books lead to significant price distortions on the land market. These factors have been recognised as major administrative barriers.
to investment in Croatia (FIAS, 2002). In addition, fulfilment of spatial planning requirements is complicated, since procedures are carried out at different governance levels.

Brownfield redevelopment is a complex task and existing development initiatives are predominantly oriented towards greenfield investments. New industrial and entrepreneurial zones are being created in compliance with national policies focused on attracting foreign direct investments and providing incentives for small and medium sized companies. Further reluctance to reuse brownfields is also caused by the inactivity of local self-governments in initiating redevelopment processes, due to the low level of understanding and accepting participatory and collaborative approaches necessary in conducting complex projects.

Based on Sumpor (2004) and Đokić (2004) and aiming to shed more light on the above mentioned problems, this paper deals with:

a) the identification of institutional and governance structures, their possible field of intervention and barriers to brownfield redevelopment in Croatia; and

b) coordination problems among levels of government in Croatia with emphasis on spatial and urban planning aspects of brownfield redevelopment and possible policy approaches to integrate these issues into Croatian economic development policy.

This paper is structured in five sections. The next section is devoted to understanding brownfield redevelopment based on theoretical insights and practical experiences. The third section describes the legal and institutional context for brownfield redevelopment initiatives in Croatia including

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5 The Ministry of Environmental Protection, Physical Planning and Construction (MEPPPC) is in some cases in charge of issuing location and building permits. According to the Act on Physical Planning and Construction (Official Gazette, No. 76/07), a location permit is required if the gross (developed) surface area of a construction exceeds 400 m² (or 600 m² in the case of a construction for agricultural purposes) and it is issued by local and regional units of self-government (big cities, the City of Zagreb and counties) and the MEPPPC.

6 There have been initiatives related to the redevelopment and reuse of former military sites in Croatia (i.e., Rijeka, Zadar, Pula); however, there is still insufficient insight into the success of these projects.
institutional relations across different government levels. The fourth section describes existing experiences and relations between greenfield and brownfield initiatives on the local level in Croatia. The last, fifth section concludes with policy recommendations and possible issues for further research.

2 Understanding Brownfield Redevelopment

Discussions on brownfield redevelopment in Croatia generally begin with the problem of its definition. This is accompanied by a lack of typology for brownfield sites. Thus, the aim of this section is to provide a starting point for discussions about brownfield redevelopment in Croatia.

While different theories emphasise different concepts such as land market, location, community, use or accessibility, those reviewed here focus on the location concept which is very important in making decisions on revitalising a brownfield site [Land Quality Management Group, 2007: 6]. From the land use perspective, a location will determine the price of land that will attract or drive away an investor. Land use theory implies that an investor will opt for a plot of land that gives him the highest return on investment with the minimum risk involved. On the other hand, competitive advantage theory puts an emphasis on strategic location. Since a large number of brownfields cover inner city space, competitive advantage theory stresses the importance of local government support in attracting investors. As in land use theory, a strong emphasis is given to the location as a primary motive to set up businesses, followed by market demand and availability of human resources.

The theory of New Urbanism places focus on the importance of community in neighbourhood development. The intention is to describe the behaviour of a neighbourhood affected by the abandoned industry, especially in inner city zones, and to propose solutions for development of such neighbourhoods. New Urbanism is advocated by many authors [Krieger and Lennertz, 1991; Calthorpe, 1993; Duany and Plater-Zyberk, 1993; Kelbaugh
and McCullough, 2008) and represents an umbrella term, encompassing the traditional neighbourhood development, or “neo-traditional” town planning, the pedestrian pocket concept, the transit-oriented design and the “quartiers” approach. The solutions normally comprise traditional neighbourhood development designs, while incorporating some rules of “neo-traditional” town planning. The Smart Growth approach underlines the relevance of more efficient land use and is also applicable in brownfield redevelopment (Knaap and Talen, 2005). This approach addresses more efficient land use and improvement of transport patterns in terms of increasing accessibility and travelling options. According to Litman (2005), Smart Growth emphasises accessibility, that is, people’s ability to reach desired goods, services and activities. The different theories, approaches and concepts represent elements of a much wider international debate on how to tailor a model of brownfield redevelopment that will best suit a specific country and location requirements.

With respect to the concept of brownfields, there is still a lack of common understanding of the term itself. However, the following definitions are most frequently used:

- Sites which have been affected by the former uses of the site and surrounding land; are derelict or underused; have real or perceived contamination problems; are located mainly or partly in developed urban areas; and require intervention to bring them back to beneficial use, also known as the CABERNET definition (Land Quality Management Group, 2007);

- Abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination (United States Environmental Protection Agency, 2001);

- Abandoned or underutilised property where expansion or redevelopment is complicated by either real or perceived environmental contamination. This description applies to a wide variety of sites including, but not limited to, industrial properties, old

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7 For more information, see Austrian Federal Environment Agency (2002).
gas stations, vacant warehouses, former dry cleaning establishments, abandoned residential buildings which potentially could contain lead paint or asbestos and sites that contain petroleum products as well as mine scarred land (United States Conference of Mayors, 2008).

Brownfield redevelopment efforts in the US have been directed primarily to heavily contaminated industrial sites, while the sites encompassed by the CABERNET definition, the one most commonly used across Europe, include military sites as well.

Ferber and Grimski (2001) identify three categories of brownfield sites:

1. **Brownfields in traditional industrial areas** - as a result of the massive employment decline in the coal, steel and textile industries at the beginning of the 1980s;
2. **Brownfields in metropolitan areas** - as a result of persisting displacement pressures on peripheral areas during the urban sprawl process; and
3. **Brownfields in rural areas** - as a result of abandonment of sites related to primary economic activities in agriculture, forestry, mining, etc.

When analysed in the Croatian context, the first category relates to remainders of the transition process and a shift towards a market-oriented economy during the 1990s. Brownfield sites in the centre of the capital city of Zagreb, as the only Croatian metropolitan area, are only randomly addressed during electoral campaigns, while industrial zones and shopping malls are growing at the periphery of the city. In the last few years, a number of brownfield redevelopment projects have emerged in the city of Zagreb, resulting in the creation of new business and commercial zones on former industry locations. There are also numerous examples of brownfields in rural parts of the country, reflecting economic difficulties in the agriculture and food industry. In addition, as a remainder of the socialist industrialisation period, even smaller predominantly rural towns and municipalities are facing leftovers of the broken industrial base and inability to cope with the transitory process and privatisation difficulties.
Nowadays, the consumption of open space for housing, retailing and various industries is constantly growing. In this context, reintegration of brownfield land into property markets should be more seriously considered. However, bringing built and deteriorated land back into beneficial use and cleaning up contaminated soil and groundwater often represent insurmountable challenges for policymakers, who usually strive for fast solutions. The short time horizon of politicians usually results in policies that favour greenfield investments without considering the sustainability of such policies. Brownfields remain an example of inefficient land use policy and indirectly represent a waste of natural resources. Consequently, the redevelopment of brownfields can be considered an important element of sustainable development, since it aims at smarter use of natural resources and integrated solutions for socio-economic and environment problems. Brownfield revitalisation is essential, if cities and towns want to make up for job losses in old industries by creating employment opportunities in new industries and services.

The following categorisation according to their economic status is helpful for easier management of brownfield sites (Land Quality Management Group, 2007):

- **A** Sites – are highly economically viable and the development projects are driven by private funding, usually on very good and attractive locations;
- **B** Sites – are on the borderline of profitability. These projects tend to be funded through public-private cooperation or partnerships; and
- **C** Sites – are not in a condition where regeneration can be profitable and are usually located in unattractive areas. Their regeneration relies mainly on public sector or municipality driven projects. Public funding or specific legislative instruments (i.e., tax incentives) are required to stimulate regeneration of these sites.

Such a categorisation of brownfield sites can be depicted as in Figure 1.
This A-B-C model is generally easy to understand and helps different stakeholders to take into consideration various elements that characterise each site. The model explains three types of sites, each represented by location, previous use, contamination costs and economic conditions. Economic profitability is the main trigger for redevelopment and can be influenced by:

- (in)direct redevelopment costs,
- expected incomes (returns) from redevelopment,
- financing type and related financial risks,
- perceived risks of national and local tax fluctuations, and
- existing agreement(s) between land owners and/or local (regional) self-government units and investors.

Depending on variations in location, costs of clean-up and other economic conditions, the status of a site can be changed from C to B or B to A. In this respect, policymakers can identify the strategies for improvement of economic viability and status of the site. However, the main prerequisite
for categorisation of sites, according to the A-B-C typology, is to have a list of brownfields in the first place and clear criteria for categorisation of sites. This (or an adjusted) model is used in many units of local and regional self-government in Europe. It is still missing in Croatia and can be a helpful strategic development tool for any region, city, town or municipality.

Enabling brownfield sites to become productive can bring improvements to the social structure of urban communities. However, successful redevelopment policies and strategies need a combination of environmental restoration policies, spatial and urban planning approaches and economic policies. Consequently, dealing with brownfield redevelopment is a complex multi-stakeholder and interdisciplinary issue. An integral, balanced and structural approach to brownfield redevelopment has to be considered within the concept of sustainable development, and this includes issues such as spatial planning, economic development, environment, community involvement, accessibility, financing and recreation.

At the same time, complex brownfield redevelopment initiatives require significant engagement of human as well as financial resources, which is in many cases lacking on the local level in Croatia. Local governments could be losing billions of dollars each year in local tax receipts resulting from their failure to restore brownfields to economic viability (Davis, 2002). Therefore, support from higher levels of government is needed and an adequate legal and institutional framework is essential.

3 The Current Conditions for Brownfield Investments in Croatia

3.1 Governance Structure in Croatia

The Republic of Croatia as a unitary state is divided into three levels – national, regional and local. The legislative framework of the local and regional self-government in Croatia was established in 1992 with the introduction of the local government system. In subsequent years, different
reforms of the territorial and institutional framework have occurred. Consequently, in 2001 a new Act on Local and Regional Self-government\(^8\) was adopted, where counties were defined as the units of regional self-government, while cities and municipalities remained units of local self-government. Today, there are 20 counties (regional self-governments) and the capital city of Zagreb, which has county and city status. The local self-government level comprises 127 towns and 429 municipalities (CBS, 2009). Apart from the major cities in Croatia such as Zagreb, Split, Rijeka or Osijek, most of the cities are actually small towns.

The Croatian government structure is by constitution divided into three parts: legislative (the parliament – elected representatives), executive (the government – ministers elected by the parliamentary representatives) and judicial branch (independent judges). This general division is accompanied by three, often overlapping, modes of governance: (1) political; (2) executive (political part of the public administration, i.e., state secretaries, directors of other public institutions); and (3) operational mode (public administration, i.e., public service officials with standard work contracts). Consequently, public policy areas are managed by public institutions divided into sectors (e.g., economy, environment, defence). On the national level there are ministries and other government institutions (i.e., institutes, agencies, funds, companies), which are governed by elected politicians, while the implementation of public policies rests on the engagement of the permanently employed public service officials. On lower levels of government, the local or county governments’ public administration is usually organised in several administrative departments divided by sectors. On the county level, separate spatial planning institutes are established. At the same time, local self-governments have to take care of spatial planning tasks and have to comply with the hierarchy of higher level spatial plans, as well as all planning and building regulations set on the national level. On the local level, separately managed local public utility companies are

\(^8\) After the adoption of the new Act on Local and Regional Self-government in 2001, several changes were approved by the parliament (Official Gazette, No. 33/01, 60/01, 129/05). Amendments from October 2005 (Official Gazette, No. 129/05) introduced important changes - the category of big towns, i.e., towns with more than 35,000 inhabitants, was introduced, and all county centres took over two new functions from the counties: maintenance of public roads and issuing building and location permits.
common. There is also a number of established development agencies on the county as well as local level that are primarily focussed on promoting small and medium sized business development.

According to an analysis of local self-governments in Croatia (Sumpor, 2004), there is a distinction between the size of local self-governments (according to the number of inhabitants) and the organisation of the respective public administration (i.e., establishment of a city council and separate management council, and a corresponding number of departments). There is no distinction in administrative tasks that the local governments have to fulfil, i.e., minimum requirements for providing public services. However, all those local self-governments that have less than 3,000 inhabitants usually have a single administrative department. Additionally, those local self-governments that have less than 10,000 inhabitants may decide if they want to have more or just a single administrative department. Evidently, such units of local self-government, which account for almost 50 percent of all the towns in Croatia, or more than 85 percent of all local self-governments including municipalities, have significantly less administrative capacity for complex undertakings, such as infrastructure and economic development activities. These facts lead to the conclusion that the development and implementation of brownfield redevelopment projects are generally considered more by larger - financially and institutionally stronger - urban centres. However, through the support of and in cooperation with institutions on higher levels of government, brownfield redevelopment projects might be considered even in administratively and financially weaker areas and locations, which need support in activating their existing economic development potential.

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9 This fact has slightly changed with the amendments to the Act on Local and Regional Self-government in October 2005 referring to the status of big towns and their increased responsibilities.
3.2 The Institutional Context for Brownfield Redevelopment in Croatia

The term “brownfield” has been recently introduced in Croatia\textsuperscript{10} and is often related to the process of privatisation of state-owned firms. Since political, economic and societal transition is a long-term process that started in Croatia at the beginning of the 1990s, continuous changes and reforms have occurred. The first transitory impacts resulted in bankruptcies of many state-owned firms, privatisation of the better ones and a significant list of properties and enterprises that are still fully or partially owned by the Croatian government. The strategic importance of the remaining state property and shares in enterprises is not transparent and is subject to continuous political and public debates. The existing state property is used by various government institutions, primarily at the national level, while some, of less strategic importance, are also periodically given to local governments to be used and managed for local development purposes. In addition, there are no specific programmes, measures or activities specifically aimed at brownfield redevelopment.\textsuperscript{11} The main reasons are, on one hand, related to the low awareness and understanding concerning problems that usually come along with brownfields and a prevailing misperception of space as an unlimited resource. On the other hand, the legal and institutional framework is not adequately set up to provide support for such initiatives on a local level. Also, the capacity to adequately formulate policies, programmes and measures necessary for successful brownfield redevelopment is still low. To get a better insight into brownfield redevelopment related institutional structures in Croatia, the main participants on the national level and their main functions and responsibilities are presented in Table 1.

\textsuperscript{10} See also Sutlović and Spoja (2007).
\textsuperscript{11} An exception might be the Fund for Reconstruction and Development of the Town of Vukovar, established upon adoption of the Act on Reconstruction and Development of the Town of Vukovar (Official Gazette, No. 44/01) by the Croatian government. Its operations, mainly focussed on reconstruction, revitalisation, renovation and similar activities and projects, are based on a five-year plan and programme. A small number of brownfields redevelopment activities in Croatia is also supported through grant schemes, financed by EU pre-accession funds (e.g., through the Ministry of Regional Development, Forestry and Water Management).
Table 1 The Institutional Context for Brownfield Redevelopment in Croatia

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<th>Functions and Responsibilities</th>
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| Central State Office for Management of State Property (CSOMSP) | - This office was established in 2001\textsuperscript{12} and is in charge of registration and maintenance of state-owned property and the preparation and implementation of government decisions, including the decisions of the Government’s Committee for Property Management.  
- State property is used by different governmental and public institutions, while the sole owner of state property is the Republic of Croatia.  
- State property refers to immovable properties such as land (building plots and agricultural land) and buildings (residential, business and other buildings), other constructions (e.g., roads, bridges, garages) and movable properties including vehicles, works of art, etc.  
- In February 2005, Croatia had 1,284 mainly unused state properties that could be used for economic development purposes and reduction of current costs related to maintenance of such property ("Državne nekretnine za poduzetnike", 2005).\textsuperscript{13}  
- The majority of such property is managed by the Ministry of Defence, Ministry of the Interior, Ministry of Finance and Croatian Privatization Fund.  
- CSOMSP is supposed to take over the management of such unused properties but the development of an adequate model for the reuse and marketing of such properties lasts for years. |
| Ministry of Economy, Labour and Entrepreneurship (MELE) | - Relevant areas of responsibility, among others, include:  
  - economic policies in industries such as energy, shipbuilding, mining and trade, trade policy and protection of domestic industry as well as international economic cooperation and activities related to European integration and WTO;  
  - export promotion and foreign direct investments (FDI), establishment and operation of free zones and entrepreneurial incentives;  
  - privatisation of shares, stocks, items and rights owned by the Republic of Croatia and restructuring of legal entities; control over regulatory framework in which the Croatian Privatization Fund operates.  
- MELE stimulates domestic production and exports, promotes investments, facilitates in restructuring of large business entities to faster adjust to international market requirements and undertakes measures to create an administration that will serve more efficiently entrepreneurs and the economy.  
- EU pre-accession and structural funds – MELE is responsible for the implementation of certain components of the Integrated Pre-accession Assistance Programme (IPA) and the National Strategic Reference Framework (NSRF) for future structural funding. The implementation of both programmes should include specific measures aimed at brownfield redevelopment, e.g., clean-up programmes/projects, elaboration of different strategies, programmes, specific regeneration projects. |
| Croatian Privatization Fund (CPF) | - The CPF was established in 1992\textsuperscript{14} to implement and complete the privatisation of former socially-owned enterprises and to manage assets and legal entities in its portfolio including state institutions.  
- It manages and sells shares and interests in accordance with the Privatisation Act and the Transformation Act.  
- In 2002, the government approved an operational plan for the privatisation of the state portfolio, comprising shares and stakes in 1,112 companies, which is currently under revision. Most state-owned shareholder interests (a number of companies and equity) are in the processing industry, trade, tourism, agriculture and transport and communications sectors.  
- CPF offers potential investors more than a thousand properties (land and facilities); while other properties will be offered for sale as either real estate or development projects once problematic legal and property issues are resolved; there are a number of cases where the facilities do not operate to their full extent\textsuperscript{15}. In that context, partially operating entities that do not use all accompanying plants are of interest for brownfield redevelopment. |

\textsuperscript{12} Act on Changes and Amendments of Act on Government of the Republic of Croatia (Official Gazette, No. 199/03, Article 21.a).  
\textsuperscript{13} According to CSOMSP (July 2009) the exact number of such properties is still unknown pending a complete inventory, without which further reuse of such property is hindered.  
\textsuperscript{14} Act on Croatian Privatization Fund (Official Gazette, No. 84/92).  
\textsuperscript{15} State-owned property encompasses portfolios managed by the following institutions: Croatian Privatization Fund, State Agency for Deposit Insurance and Bank Rehabilitation, Croatian Pension Insurance Institute, Croatian Institute for Health Insurance, Croatian Forests, Croatian Waters, Croatian Railways, Croatian Motorways, Croatian Power Company (HEP), Croatian Oil Industry (INA), Croatian Insurance (CO), Ministry of Agriculture, MELE, etc.
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| Croatian Bank for Reconstruction and Development (CBRD) | • CBRD was established in 1992\(^{16}\) and is an export credit agency and an economic development organisation that finances infrastructure, reconstruction, and small and medium sized enterprise promotion projects.  
• It grants loans for specific purposes only according to specific loan programmes. Loans are intended for investments in fixed and current assets. Priority is given to investments aimed at restructuring business entities and modernising production facilities through the purchase of new equipment, introduction of new technologies and new products, etc.  
• It also promotes investments aimed at repairing direct war damage, if such investments enable business entities to continue successful operation. |
| Croatian Chamber of Economy (CCE) | • CCE represents all economic entities in Croatia in accordance with European tradition\(^{17}\) and has subsidiaries in all counties.  
• Main services are promotion of the Croatian economy abroad, networking between domestic and foreign businesses, business opportunities exchange, information exchange and networking with institutions in Croatia and abroad. |
| Commercial Court (CC) | • Judiciary activities are carried out through municipal, county, military, commercial, high commercial and public administration courts. The highest court is the Supreme Court of the Republic of Croatia.  
• Commercial courts are established on the territory of one or more local government units. They conduct liquidation procedures of legal entities, trials in which legal entities appear as subjects to liquidation and trials generated by conflicts caused by liquidation.  
• Since the judiciary system is independent, there is reluctance towards communication with other institutions. This is an obstacle for initiating collaborative approaches in resolving brownfield related initiatives. |
| Ministry of Defence (MD) | • In addition to other regular military tasks, MD is engaged in property related activities and carries out operations connected to legal matters, land register and cadastre.  
• After the separation from the Socialist Federal Republic of Yugoslavia, Croatia took over 657 military properties. As from 1992 onwards, 123 of them were offered to local self-governments for local use and management and the rest to the CSOMSP and CPP. However, these properties were not taken over officially as they were not considered sufficiently attractive (Ministry of Defence, 2005).  
• To resolve the problem of unneeded properties, MD is developing a special programme for the closing and reuse of military properties. Out of 335 properties (status in 2005), only 218 are considered potentially useful for military purposes, while 117 are classified as not potentially useful.  
• Military property is owned by the Republic of Croatia and MD has the right to use and manage it, but does not have the right to give concessions, sell, donate or lend it.\(^{18}\)  
• MD can propose alternative uses of such property for purposes of local economic development (including agriculture, tourism, housing, recreation), i.e., the development of the society.  
• For every property that is declared as not potentially useful for military purposes, the MD prepares a special report with all relevant information and submits it to the CSOMSP, which goes on to market and sell such properties in cooperation with the Croatian Privatization Fund. In the period 2001-2005, the MD submitted 262 reports to the CSOMSP, and for 100 former military properties a new user or owner was found.  
• Brownfield redevelopment projects are currently implemented in the cities of Zagreb, Rijeka and Zadar (university campuses on former military sites). |

\(^{16}\) Act on Croatian Credit Bank for Reconstruction (Official Gazette, No. 33/92).  
\(^{17}\) Act on Croatian Chamber of Economy (Official Gazette, No. 66/91).  
\(^{18}\) Such actions are under the jurisdiction of institutions above the MD - the CSOMSP is responsible for transactions of up to 100,000 HRK (i.e., 13,333 EUR), the Government Commission for Property for transactions of up to 10 million HRK (i.e., 1.3 million EUR), while transactions above 10 million HRK are the responsibility of the Government of the Republic of Croatia.
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| Ministry of Environmental Protection, Physical Planning and Construction (MEPPPC) | • MEPPPC is responsible for activities related to the protection of sea and coastal area, industrial pollution prevention and monitoring, and waste management.  
• MEPPPC bases its actions on two main EU policies that shape development on EU territory - the Lisbon Agenda (growth and jobs) and the Gothenburg Agenda, i.e., EU Sustainable Development Strategy (spatial planning and environmental protection).  
• In May 2007, the Leipzig Charter was signed, which refers to principles and strategies of the EU urban development policy. Special emphasis is put on problems of deprived neighbourhoods, strategies for upgrading the physical environment (including brownfield regeneration).  
• Strategies that represent a starting point in urban renewal are as follows: Thematic Strategy on Sustainable Use of Natural Resources, Thematic Strategy on Soil Protection, Thematic Strategy on the Prevention and Recycling of Waste, Thematic Strategy on the Urban Environment. |
| Environmental Protection and Energy Efficiency Fund (EPEEF) | • EPEEF was established in January 2004 in accordance with the Act on Environmental Protection and Energy Efficiency Fund (Official Gazette, No. 107/03).  
• The Fund finances programmes and projects related to preservation, sustainable use, protection and improvement of the environment, energy efficiency and use of renewable energy sources. Involvement in brownfield redevelopment can be expected. |
| Croatian Environment Agency (CEA) | • CEA was established in June 2002 on the basis of the Environmental Protection Strategy of the Republic of Croatia as a focal point for the collection and integration of environmental data on a national level, their processing, maintaining the environmental database, environmental monitoring and reporting.  
• During 2005/2006, CEA prepared a Database on potentially contaminated and contaminated localities (GEOL) with data on contaminated and potentially contaminated locations, legal entities, locations, present pollutants, the status of contaminated locations and other. Data and information obtained by the GEOL database are important for recognition and registration of contaminated locations and for planning and monitoring of implemented remediation activities. The verified and supplemented GEOL database contains data on 2,264 potentially polluted sites in Croatia owned by 1,080 legal entities.  
• CEA is aware of the need to establish soil monitoring with information on type of registered activity at location, production capacities, potential of contamination and type of pollutants that such activities may generate.  
• As indicated in “The Environment in Your Pocket I – 2009” most of the potentially contaminated sites are located in the city of Zagreb (232) and in the counties of Split-Dalmatia (217), Istria (177), Zagreb (156), Primorje-Gorski kotar (151) and Osijek-Baranja (142), while the fewest can be found in the county of Požega-Slavonia (31) (see Figure 2).  
• CEA developed the Permanent Soil Monitoring Programme for Croatia, which defines soil monitoring at potentially contaminated sites within LIFE05 TCY/CRO/000105 “Development of the Croatian Soil Monitoring Programme with a Pilot Project” (CEA, 2009b).  |

Source: Prepared by authors.


21 Decree on Establishing Croatian Environment Agency (Official Gazette, No. 75/02).


23 These sites can be: communal and industrial waste disposal plants, industry and commercial localities, mine and surface excavations (e.g., quarries), former military sites and warehouses, oil boreholes and reservoirs, energy plants, mining areas, fertiliser storages, other sites of potential leakage of dangerous substances.

24 The data are of informative nature only, as there is neither a systematic soil monitoring procedure in place nor a legal obligation for soil quality monitoring.
As brownfields are seen in the context of privatisation, a major part of the national legislative and institutional framework is directed towards dealing with the remaining state property and enterprises in which the government still has a stake. Property management is centralised in CSOMSP, while the management of state-owned shares in over a thousand companies is handled by the CPF. As one of the obstacles to resolving the problem of brownfields is bankruptcy, the respective Act had to be analysed. The current way that bankruptcies are dealt with suggests that the procedure is too lengthy. As the procedure is also of judiciary relevance, commercial courts are still overwhelmed with bankruptcy cases, whereas they lack administrative capacity to finalise the procedure faster. Depending on the “bankruptcy year”, the cases are shifted back and forth between commercial courts and the CPF, which further hinders successful finalisation of

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25 Bankruptcy Act (Official Gazette, No. 44/96, 29/99, 129/00, 123/03).
procedures (Đokić, 2004). Local self-governments that are at the lower end of the decision making process do not have much influence on speeding up the procedure. Local self-governments could take a more proactive position and articulate programmes, plans or projects on how to develop affected areas and put more effort into accelerating procedures through concrete project proposals.

3.3 Relevant Policy and Regulatory Framework for Brownfields in Croatia

With respect to the clean-up of contaminated brownfield sites, it is worthwhile to mention the most relevant EU strategic documents being applied in Croatia as well as national development documents:

1. International Co-operative Programme on Assessment and Monitoring of Air Pollution Effects on Forests (ICP Forests, launched in 1985); The International Cooperative Programmes of the United Nations Economic Commission for Europe (UNECE);
2. Thematic Strategy for Soil Protection (European Commission, 2006e);
4. Thematic Strategy for Soil Protection, Summary of the impact assessment (European Commission, 2006a);
5. Thematic Strategy for Soil Protection, Impact assessment of the Thematic Strategy on Soil Protection (European Commission, 2006b);
6. National Environmental Strategy (Official Gazette, No. 46/02);
7. National Environmental Action Plan (NEAP) (Official Gazette, No. 46/02); and

For more information, see http://www.icp-forests.org/.
With regard to regulations in this area, there is an extensive list of acts confirming various conventions and protocols related to soil contamination, and national acts, decrees and ordinances defining activities in this regulatory area.\(^{27}\) As far as the cleaning-up costs based on the Environmental Protection Act (\textit{Official Gazette}, No. 82/94, 128/99, 110/07)\(^{28}\) are concerned, the “polluter pays” principle is followed. Besides this principle, there are no other regulations directly referring to potentially contaminated and contaminated localities.\(^{29}\)

A recently conducted analysis by the World Bank (2009) in cooperation with the MEPPPC showed that the exact number of brownfields is still unknown\(^{30}\) and a national database of brownfield sites would be useful for potential investors. However, reuse of redevelopment sites is usually initiated either from:

- \textit{the bottom}, if there is a strong local self-government unit with a stable political situation and the ownership of a site that is planned to be redeveloped is transparent; or
- \textit{the top}, if the sites are severely contaminated; in such cases, MEPPPC is usually the initiator (these actions can be assisted through financial and consulting services, e.g., supported by the World Bank or future EU Structural Funds).

The World Bank (2009) also reported possible policy options directed at promoting and facilitating the beneficial use of brownfield land such as:

- reducing attractiveness of other land (e.g., “greenfield”),
- increasing allowable densities to stimulate profitability for developers and investors,

\(^{27}\) A full list of regulations can be found in CEA (2009, pp. 129-130).

\(^{28}\) The costs include all those costs incurred with regard to contamination of the environment, including an estimation of costs of damage, required measures and remediation of damages to the environment.

\(^{29}\) The Croatian Act on Soil Protection is not in force yet, therefore, the provisions of the Environmental Protection Act are applied. CEA does not have data on the number/percentage of inhabitants affected by brownfields.

\(^{30}\) Therefore, it is not possible to show the trend at which they have been generated within the last decade.
increasing land values,
• introducing gap funding, and
• reducing development costs through subsidies.

Even though this section has been dedicated to the description of institutions potentially in charge of redevelopment, no less important are other stakeholders in the process of redevelopment, such as citizens, local and regional self-government units, environmental organisations, real estate developers, different non-governmental organisations (NGOs), etc. So far, there is no clear policy or procedure on how representatives of these bodies might be involved in the process of redevelopment. As far as physical planning is concerned, public hearings as part of the spatial plan adoption process are regulated by the Act on Physical Planning and Construction (Official Gazette, No. 76/07), according to which citizens can participate in public hearings. Since the reuse of a site is primarily a strategic development objective, it should be a part of a wider strategic planning process. Strategic planning based on participatory approaches involving different stakeholders has started to emerge in the past decade in Croatia. It represents a tool that makes it possible to bring different stakeholders to the same development forum at the local level.\footnote{See more in Kordej-De Villa, Stubbs and Sumpor (2009).}

Participatory methodologies can also be used in brownfield redevelopment, but so far full stakeholder participation usually occurs when the major decisions on the future reuse have already been made. In the recent World Bank’s publication “The Management of the Brownfields Redevelopment - A Guidance Note”, issued in March 2010, the issue of participation and its applicability in different countries is also addressed (World Bank, 2010).

4 Greenfield Initiatives and Brownfield Redevelopment in the Town of Samobor

In 2002, the Town of Samobor (in vicinity of the city of Zagreb and the Slovenian border) initiated a participatory strategic development planning process and as such proved to be one of the rare proactive local self-governments in Croatia (Town of Samobor, 2002). The town’s longstanding
crafts tradition, the establishment of a local entrepreneurial centre, business zones and support to small and medium sized businesses, makes it an attractive place for new investors in the area (Town of Samobor, 2005). The town offers standard business incentives related to utility charges, except for shopping malls, as well as financing opportunities through loan programmes offered jointly with MELE and the banking system. In addition, the town authorities were actively engaged in establishing a new entrepreneurial district for greenfield investments (co-financed by MELE) and enforced special stipulations for construction, in accordance with the town’s general town-planning project. In this respect, the business areas are intended for production, services, trade and other business activities under the condition that the facilities do not harm the environment. In the new business zone, care is taken of infrastructure, such as roads, parking, public transport, water supply and sewage system, gas, electricity and telephone lines.

Besides the carefully designed future use of greenfields, the town also has brownfield sites, which the municipal authorities are aware of. However, their numerous problematic privatisation and bankruptcy issues are not sufficiently dealt with publicly, primarily due to significant institutional, legal and procedural obstacles. One such potential brownfield case is the local crystal factory Kristal, which has a long history in the town. A number of investors were interested in this particular location,\(^3\) (rather than investing in the same or similar production activity), but without success, leaving it to remain an unused brownfield site.\(^4\) The local government showed interest in finding a solution, but did not prepare any concrete proposals, and due to the slow liquidation process, the entire attempt was halted. The community offered some solutions for the same problem, but these initiatives were merely ideas and have not developed yet into a concrete project proposal. From the investor’s point of view, some negotiations had started, but were soon terminated, after the ownership issue became a

\(^3\) One plant of the factory is located in the vicinity of the town centre and is thus attractive to potential investors.

\(^4\) From the information obtained by the Town of Samobor (personal communication, July 2009), there are still no figures on contamination of that area, costs related, measures or similar facts required for a possible redevelopment project.
hurdle that was impossible to overcome, either by the local government or the potential investors. Any interest that still existed at the time simply faded away. Finally, the state, primarily the Commercial Court, did not show enough efficiency to finalise the liquidation procedure and to enable the transformation of the existing site into a marketable product.

One of the main deficiencies in the whole process can be found in the existing Bankruptcy Act (Official Gazette, No. 44/96, 29/99, 129/00, 123/03, 187/04, 123/03, 197/03, 82/06). Also, Commercial Court activities related to bankruptcy are directly influenced by this legal act and the fact that the majority of brownfields originated from formerly state-owned firms. In order to turn those sites into marketable products, some essential changes in this act need to be undertaken. At the same time, local and county authorities could prepare concrete measures to benefit brownfield redevelopment such as tax abatement and promotion of brownfields as equally interesting entities as greenfields [i.e., removing the stigma or reversing the perception of brownfields so that they are seen as development potential]. Also, the community affected by brownfields could prepare its vision of how the affected sites should look like in the future and, in cooperation with the local government, tailor the one that would fit the best in the overall context. Once the necessary environment is prepared, investors could be motivated to come and utilise their financial power, combined with the supportive administration at the local level. It is necessary to understand that brownfield redevelopment is neither a pure top down nor bottom up process, but a combination of both and depends primarily on good coordination between different levels that is still missing (Đokić, 2004).

The local land use policy was not adequately considered from the beginning of the business zone development process. The agricultural area allocated for greenfield investments needed to be purchased by the town. However, due to unequal access to information, unrealistic investor offers and lack of an adequate mechanism to set a maximum price level for the plots, price distortions occurred in the local land market. At the same time, the town authorities started to equip a part of the future zone, but disagreement
among politicians caused delays in the decision making process and created additional costs for the development project.

If the town had had a sound land use policy, it would have bought split and privately owned plots classified as new zones in the current spatial plan in the first place, and then it would have consolidated them, which would have reduced the costs of administration and management. Consolidated land is more attractive to investors, and later on sold through public tenders. What actually makes this case interesting is the existence of brownfield sites adjacent to the new business zone, which had not been considered on time and prepared for investments together with the new zone. Those sites are already equipped with infrastructure inherited from former factories, while in the new zone significant infrastructural investments were required. The town’s investments in the new zone were generally considered to be a positive trend, but can actually seem contradictory. New infrastructure had to be built by taking up new loans, while leaving existing infrastructure unused. Another critique is related to the efficiency of land use. Greenfield investments, as the term says, occur on plain green plots of land. Though the world trend is to preserve green spaces as much as possible, as highlighted by Agenda 21 (UN, 1993), and to maintain sustainability requirements, this was not the case in the town of Samobor.

This case clearly confirms the problems mentioned before:

- lack of a comprehensive land use policy (i.e., it was incomplete, inadequate and, in the end, inefficient);
- unsolved bankruptcy and liquidation processes at the national level (Commercial Court) can seriously impede the process of redevelopment;
- low level of knowledge and experience of decision makers can seriously harm the stability of local self-government units on different levels (political, administrative, financial), which can have further negative impacts on sustainability.
Conclusion

Since the beginning of transition, Croatia has been undertaking various reforms including the privatisation of state-owned firms. In the process of transition towards a market-oriented economy, many firms went bankrupt and during the war problems further accumulated. Firms that had announced bankruptcy before Croatia proclaimed its independence were registered at the Commercial Court and some of them are still subject to legal procedures, while a large part of them has been transferred to the Croatian Privatization Fund. In Croatia, brownfields originate either from the war or extended transition process. Numerous brownfields are a result of the long-lasting liquidation procedure and inefficiently managed state property. Other brownfields derive from abandoned military sites. A large number of sites have been identified by the Croatian Environment Agency as contaminated localities. In spring 2009 the World Bank Advisory Mission on Sustainable Brownfield Redevelopment visited Croatia, which can be seen as an opportunity for initiating activities on policy and project level. Recommendations for the establishment of a brownfield database and collection of corresponding data, development of tools for risk identification and management, as well as a list of policy options are just some of the results of the Mission that can be adequately applied to particular brownfield sites. Since these sites are primarily located in towns and municipalities, their status has a direct impact on the local environment, whether they are being used or not. In this paper, institutions that are in charge of brownfields have been identified as well as their potential roles. Many institutions have different and sometimes overlapping responsibilities, while horizontal coordination among them as well as vertical coordination between different levels of government is lacking. This is particularly evident in the field of spatial planning, where poor coordination and communication across relevant levels of government represent a serious obstacle to development.

The fundamental problem is the lack of a systematic approach to the issue of brownfields redevelopment, which in turn is the result of:
a lack of a clear definition to create a common understanding about the issue,
dispersed data on properties (lack of a database),
outdated cadastre and land books and unclear ownership issues (particularly when investors try to realise their investment on locations at the local level),
lack of a standardised methodology for brownfield redevelopment and other issues (to support decision makers and stakeholders),
low level of general awareness regarding environmental and broader social problems,
low institutional and fiscal capacity of local governments that contributes to the general neglect of brownfield redevelopment possibilities.

Since there is limited initiative at the national level and a lack of urban development experts in Croatia, the result is an everlasting bankruptcy procedure, with no legal sanctions for institutional inefficiency and atomised brownfield initiatives. The role of the Croatian Privatization Fund is rather reactive than proactive, which means that the destiny of many sites is unclear, without any particular time constraints. At the same time, with the establishment of the Central State Office for Management of State Property and positive developments in the reuse of military sites, further research can be conducted in the cases of Zagreb, Rijeka or Zadar for example. Efforts to create a database have been initiated by the Central State Office for Management of State Property and Croatian Privatization Fund, but should also take into consideration the one developed by the Croatian Environment Agency. Once the required and accurate data are available, and adequate acts, regulations and decisions dealing with brownfields are in place, it will be possible to tailor a policy framework for brownfield redevelopment activities that can contribute to local and regional growth and development.
Literature


