

EU-projekt: Podrška Pravosudnoj akademiji: Razvoj sustava obuke za buduće suce i državne odvjetnike

EU-project: Support to the Judicial Academy: Developing a training system for future judges and prosecutors

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## ENVIRONMENTAL PROTECTION ACT ZAKON O ZAŠTITI OKOLIŠA

### I GENERAL PROVISIONS

#### *Subject Matter of the Act*

#### Article 1

This Act regulates: environmental protection and sustainable development principles, protection of environmental components and protection against environmental burdening, actors in environmental protection, sustainable development and environmental protection documents, environmental protection instruments, environmental monitoring, information system, ensuring access to environmental information, public participation in environmental matters, access to justice, liability for damage, financing and instruments of general environmental policy, administrative and inspection supervision.

#### Article 2

(1) Environmental protection ensures integrated preservation of environmental quality, conservation of biological and landscape diversity and rational use of natural assets and energy in an environmentally sound manner, as basic conditions for healthy and sustainable development.

(2) The environment represents an asset of interest to the Republic of Croatia (hereinafter: the State) and enjoys its special protection.

(3) Through projects carried out in the environment the quality of life, human health, flora and fauna may be affected within the framework of sustainable development.

(4) Integrated environmental management shall be implemented in such a way so as to ensure sustainable development in accordance with this Act and special regulations.

#### *Definition of Terms*

#### Article 3

(1) The terms used in this Act and in the implementation of this Act and regulations adopted on the basis thereof have the following meanings:

1. Integrated environmental management is a set of interrelated and harmonised decisions and measures, the purpose of which is to achieve integrated environmental protection, to avoid and reduce environmental risk and to improve and achieve efficient environmental protection,
2. Domino effect is a series of interrelated effects which due to their mutual position and vicinity of the installation or parts of the installation or group of installations and the quantity of dangerous substances present in those installations increase the likelihood of a major accident occurring or aggravate the consequences of an accident which has occurred,
3. Emission is the release or leakage of substance in liquid, gas or solid form and/or the release of energy (heat, radiation, noise, vibration, light) and the release of organisms, from a given source into the environment, as a result of human activity, as well as microbiological pollution of the environment,
4. Emission limit value is the prescribed value, concentration and/or level of an emission, expressed by specific indicators, which must not be exceeded during one or more periods of time,
5. Imission is the concentration of substances in the environment at a given time and place,
6. Industrial accident is an event resulting from an uncontrolled series of events during the performance of an act or activity in the installation, during production and/or use of products, product storage and/or handling or waste disposal,
7. Environmental information is any information in written, visual, aural, electronic or other material form which refers to the environment, its components and burdens, and especially to environmental burdening: emissions, imissions, waste, biological and landscape diversity, space, cultural heritage, natural phenomena, procedures conducted by public authorities pertaining to the adoption of regulations, general and specific acts in connection to environmental protection and/or pertaining to the adoption of strategies, plans, programmes and reports on the environment, environmental components and burdens, as well as information on the status, measures and manner of maintaining the initial design status of installations and other facilities which may pollute the environment and environmental components, that is, which may affect burdens and/or procedures related to the environment,
8. Information held by a public authority is environmental information in possession of the public authority which has been produced or received by that authority,
9. Information held for a public authority is environmental information held by authorised persons on behalf of the public authority,
10. Integrated coastal zone management (ICZM) is the dynamic process of sustainable management and use of coastal zones, simultaneously taking into account the frailty of coastal ecosystems and the landscape, the diversity of activities and use, their interaction, the maritime orientation of certain activities and uses and their impact on marine and terrestrial components,
11. Off-road mobile machine is any mobile machine, industrial equipment or vehicle, with or without bodywork, which is not intended for road transportation of passengers and goods and which is equipped with an internal combustion engine,
12. Public interest is interest in environmental matters expressed by the State or local or regional self-government units in accordance with their respective statute,
13. The public is one or more natural or legal persons, their groups, associations and organizations in accordance with special regulations and practice,
14. Environmental quality is the status of the environment and/or a component thereof, which is the result of natural phenomena and/or human activity, expressed by morphological, physical, chemical, biological, aesthetic and other indicators,
15. Landscape is a certain area as perceived by the human eye, whose character is the result of the interaction of natural and human factors and which represents an essential component of the human environment, an expression of the diversity of common cultural and natural assets and which constitutes the basis of the area's identity,

16. Marine ecosystems are regions of ocean space encompassing coastal areas from river basins to estuaries to the seaward margins of coastal current systems and seaward boundaries of continental shelves, which are characterized by distinct productivity and trophic, bathymetric and hydrographical features of the region,

17. Marine environment is the living space of organisms and their communities, defined by distinctive physical, chemical and biological features which includes: open sea zones, estuaries and coastal marine zones including internal sea waters, territorial sea, sea bottom and seabed of those marine zones,

18. National indicator list is a list of indicators which prescribes the timeframe for data gathering, format, source and data stream,

19. Best available techniques (hereinafter: BAT) is the most effective and advanced stage in the development of activities and related methods of operation and maintenance of installations which is available to the operator and which may be a suitable basis for setting emission limit values designed to prevent and reduce the impact on the environment,

20. Developer is the person submitting an application: for evaluation of the need for environmental impact assessment (screening) or for obtaining an opinion on the content of the environmental impact study (scoping) or for environmental impact assessment to be carried out,

21. Sustainable development is the economic and social development of the society which meets the needs of the present without compromising the ability of future generations to meet their own needs and enables long-term conservation of environmental quality, biological diversity and the landscape.

22. Environment is the natural surrounding of organisms and their communities including man, which enables their existence and their further development: the air, water, soil, lithosphere, energy and material assets and cultural heritage as part of man-made surroundings, in their diversity and totality of mutual interaction,
23. Marine pollution is direct or indirect introduction by man of substances or energy into the marine environment, which results or may result in fatal consequences to the living conditions of flora and fauna in the sea and seabed, that is, may generally endanger living conditions in the sea and endanger human health, hinder marine activities including fishing and other lawful uses of the sea and seabed, impair the quality of sea water and reduce the amenities of the marine environment,
24. Polluter is any natural or legal person whose activity directly or indirectly causes environmental pollution or who causes environmental pollution through failure to act,
25. Environmental pollution is a change in the environmental status as a result of non-permitted emissions and/or other harmful actions or the failure to act, or the effect of a project which may change the environmental quality,
26. Pollutant is a substance or group of substances which due to its properties, quantity and introduction into the environment, that is, into specific environmental components, may have an adverse effect on human health, flora and/or fauna or biological and landscape diversity,
27. Dangerous substance is a prescribed substance, mixture or preparation, which is present in an installation as a raw material, product, by-product, intermediate or residue, including those substances which may be generated in the event of a major accident,
28. Hazard is the intrinsic property of a dangerous substance or the conditions in which that substance may be found, which have a potential for endangering human health and life, material assets and the environment,
29. Operator is the management of the company (natural person, body or legal person) which manages the company or supervises the operation of the company in conformity with special regulations,
30. Burdens are: emissions of substances and their preparations, physical and biological factors (energy, noise, heat, light, etc.) and activities which endanger or might endanger the environmental components,
31. Environmental burdening is any project or the result of the environmental impact of the project, or the environmental impact of a certain activity which alone or in connection with other activities could cause or could have caused environmental pollution, reduction of environmental quality, environmental damage, risk to the environment or to environmental use,
32. Person is a legal or natural person registered for performing activities in the field of environmental protection or activities connected to environmental protection,
33. Plans and programmes are plans and programmes: which are subject to preparation and/or adoption at the national, regional or local level, or which are prepared by an executive body for adoption in the legislative procedure by the Croatian Parliament or the Government of the Republic of Croatia and which are governed by laws and their implementing regulations, including plans and programmes on amendments thereto,
34. Plant is one or several operation units of the company, situated at various locations and consisting of devices, in which certain activities or part of the activities of the company are carried out,
35. Existing installation is an installation which began operating prior to the entry into force of this Act,
36. Installation is a technical, organisational unit used for the performance of an activity by a company managed or supervised by the operator, which includes devices, equipment, structures, pipes, machines, tools and other parts used for operation. The installation may consist of several independent units situated at the same location - plants,
37. Impact area is the area significantly affected by a project, whether by the project itself or through synergy with existing or planned projects in the environment,

38. Environmental monitoring is a set of activities which includes sampling, testing and systematic measuring of emissions, imissions, monitoring of natural and other environmental phenomena for the purpose of environmental protection,
39. Right of access to justice is the right to file an appeal with the competent authority and the right to lodge a complaint before the competent court which this Act, subject to the prescribed conditions, confers upon persons - citizens, other natural and legal persons, their groups, associations and organisations, with the aim of realising the right to a healthy life and sustainable environment and for the purpose of protecting the environment and individual environmental components as well as protection against the harmful effects of burdens,
40. Imminent threat of damage is a sufficient likelihood that major damage to the environment may occur in the near future,
41. Natural phenomenon is a physical and chemical process, radiation, geological phenomenon, hydrographical and biological conditions, climate conditions as well as other natural occurrences which cause and/or affect environmental change,
42. Natural asset is a part of nature which is exclusively or simultaneously a natural public asset, natural resource or natural value,
43. Change in operation is a change in the nature and/or functioning of the installation, that is, in the organisational structure of the installation and/or company employees or an extension of the installation which may have consequences for the environment,
44. BREF-BAT reference document (hereinafter: BREF) is a set of recognized techniques and processes from which BAT is selected,
45. Environmental risk is the value measured by the likelihood of a specific event occurring and the potential environmental damage it may cause,
46. Restoration is a set of prescribed measures and/or activities by which the environmental status prior to the occurrence of damage or environmental pollution is established or restored,
47. Environmental components are: air, water, sea, soil, landscape, flora and fauna and Earth's lithosphere,
48. Environmental quality standard is the prescribed quality of the environment or of individual environmental components in a specific area,
49. Environmental status of the marine environment is the overall environmental status in marine waters, taking into account the structure, functions and processes of the components of the marine environment along with natural physiographic, geographic and climate factors as well as the physical, chemical and biological conditions including those resulting from human activity,
50. Environmental damage is any damage inflicted upon:
- plant and/or animal species and their natural habitats as well as landscape structures which has significant adverse effects on reaching or maintaining the favourable conservation status of such habitats or species or landscape quality. The significance of such negative effects is to be assessed with reference to the baseline condition, taking into account measures prescribed by special regulations,
  - waters, which has significant adverse effects upon the status of waters: ecological, chemical and/or quantitative, in accordance with special regulations,
  - sea, which has significant adverse effects upon preserving and achieving good ecological status of the sea, in accordance with special regulations,
  - land, the pollution or contamination of which presents a risk of adverse effect to its ecological functions and human health, in accordance with special regulations,
  - Earth's lithosphere, the pollution or contamination of which presents a risk of adverse effect to its ecological functions and human health, in accordance with special regulations,
51. Damage in the sense of environmental liability is a measurable adverse effect or change in a natural asset or measurable impairment in the functioning of a natural asset which may occur directly or indirectly,
52. Harmful substance is a substance harmful to human health and the environment with proven acute and chronic toxic effects; an extremely irritating, carcinogenic, mutagenic, corrosive,

flammable or explosive substance, or a substance exhibiting such properties in certain quantities and/or concentrations,

53. Public authority is a government authority, bodies of local and regional self-government units and legal persons with public authorities which perform activities related to the environment,

54. Company is a legal or natural person which performs an economic activity using an installation in accordance with a special regulation. An operator manages the company or supervises its operation,

55. Effects of an industrial or major accident are all direct or indirect, immediate or delayed adverse effects of those accidents on human health and life, material assets and the environment,

56. Device is the equipment or part of the equipment of a plant which includes: machines, instruments/tools, electrical conductors, pipelines, rail tracks and unloading docks within the installation including storage areas, dams etc. necessary for performing the company's activities,

57. Major accident is an event or uncontrolled occurrence caused by a major emission, fire or explosion and the like, resulting from uncontrolled developments during the operation of an installation in which dangerous substances are present, whereby one or more of those dangerous substances and/or their compounds, resulting from the event or uncontrolled occurrence, present a serious threat, immediate or delayed, to human health and/or life, material assets and the environment inside or outside the installation,

58. Major city is a large city and a city which is the county seat, designated pursuant to a special regulation,

59. Project is a temporary or permanent human activity which may have an effect on the environment and for which it is necessary to obtain appropriate authorisation for its realisation.

60. Public concerned is the public which is affected or likely to be affected by environmental decision-making and which lives or works in an area where adverse environmental effects are possible or likely to occur. Civil society organisations which are active in the field of environmental protection and meet all the requirements in accordance with this Act shall be deemed to be concerned parties,

61. Environmental protection is a set of appropriate activities and measures aimed at preventing environmental hazard, preventing the occurrence of environmental damage and/or pollution, reducing and/or removing damages inflicted upon the environment and restoring the environment to its previous status.

62. Health ecology is a scientific discipline which deals with the issues of human health and diseases caused by environmental factors. It is the theory and practice of monitoring, controlling and preventing the adverse effects of harmful environmental factors on health.

(2) Within the meaning of this Act, the Ministry is the ministry competent for environmental protection and the Minister is the minister competent for environmental protection.

(3) The competent administrative body is the body of the county, City of Zagreb or major city which, according to the competences regulated by this Act, performs environmental protection activities.

(4) A body and/or person designated by a special regulation is a state administration body and/or legal person with public authorities designated by special regulations, which on the basis of those regulations, through their official acts, special requirements and certificates participate in the following procedures: strategic assessment and evaluation of the need for strategic assessment, environmental impact assessment, evaluation of the need for environmental impact assessment and issuing the instructions on the content of the environmental impact study, and establishing integrated environmental protection requirements.

(5) Terms used in this Act in the masculine form to designate persons are used neutrally and refer to persons of both male and female gender.

#### *Application of Other Regulations and this Act in Relation to Special Regulations*

##### Article 4

(1) The provisions of the regulation governing general administrative procedure apply to procedural matters in procedures which are carried out pursuant to this Act but are not regulated under this Act and its implementing regulations.

(2) The provisions of the regulation governing the right of access to information apply to information access matters in procedures which are carried out pursuant to this Act but are not regulated under this Act and its implementing regulations.

(3) The provisions of a special regulation governing the establishment of the Croatian Environment Agency and provisions of regulations on institutions apply to issues related to the Croatian Environment Agency which are not regulated under this Act.

(4) The provisions of a special regulation governing the establishment of the Environmental Protection and Energy Efficiency Fund apply to issues related to the Environmental Protection and Energy Efficiency Fund which are not regulated under this Act.

(5) This Act does not apply to matters of liability of a polluter or company for property damages and other damages inflicted upon natural and legal persons.

(6) The provisions of the regulation governing obligatory relations apply to issues related to environmental liability which are not regulated under this Act.

(7) To environmental issues which are not regulated under this Act and which relate to specific environmental components or burdens, special regulations governing the protection of the specific environmental component or environmental protection against specific burdening apply.

(8) In the event that the special regulation referred to in paragraph 7 of this Article does not regulate the protection of a specific environmental component or protection against burdening in accordance with this Act, this Act applies accordingly to the component or burden in question.

(9) In the event that a special regulation has not been passed for a specific environmental component or burden, this Act applies accordingly.

#### *Powers Conferred Upon the Minister*

(1) The method of operation in state administration bodies, bodies of local and regional self-government units and legal persons with public authorities in connection with the implementation of this Act shall be prescribed by the Minister by way of an instruction.

(2) The Minister is hereby empowered to, for the purpose of drawing up drafts of ordinances and technical regulations, which he is empowered to pass pursuant to this Act, establish committees, appoint the secretary and members of the committee and regulate the method of operation of the committee.

(3) The Minister is hereby empowered to determine the amount of compensation members and secretaries receive for their work in the committees which he is empowered to establish pursuant to this Act.

#### *Environmental Protection Goals*

##### Article 6

(1) Environmental protection goals in creating the conditions for sustainable development are as follows:

- protection of human life and health,
- protection of flora and fauna, biological and landscape diversity and preservation of ecological stability,
- protection and improvement of the quality of individual environmental components,
- protection of the ozone layer and climate change mitigation,
- protection and restoration of cultural and aesthetic landscape values,
- prevention of major accidents involving dangerous substances,
- prevention and reduction of environmental pollution,
- continuous use of natural resources,

- rational use of energy and promoting the use of renewable energy sources,
- elimination of environmental pollution effects,
- improvement of the disturbed natural balance and restoration of its regeneration capabilities,
- achievement of sustainable production and consumption,
- phase-out and substitution of use of dangerous and harmful substances,
- sustainable use of natural assets, without significant damage or threat to the environment,
- improvement of environmental status and securing a healthy environment.

(2) The goals referred to in paragraph 1 of this Article shall be accomplished through application of environmental protection principles and environmental protection instruments prescribed by this Act and regulations adopted on the basis thereof.

## II ENVIRONMENTAL PROTECTION PRINCIPLES

### Article 7

Environmental protection is based on the observance of generally accepted environmental protection principles, compliance with principles of international environmental law and acknowledgement of scientific achievements.

#### *Sustainable Development Principle*

### Article 8

(1) In the adoption of starting points, strategies, plans, programmes and regulations and in their implementation, the Croatian Parliament, the Government of the Republic of Croatia (hereinafter: the Government), counties, the City of Zagreb, major cities, cities and municipalities shall, each within the scope of their competence, promote sustainable development.

(2) For the purpose of promoting sustainable development, the environmental protection requirements regulated under this Act and special regulations, must be included in the preparation and implementation of established starting points and activities in all areas of economic and social development.

#### *Precautionary Principle*

### Article 9

(1) In the use of the environment, its components must be used sparingly and in their management, possibilities for the reuse of natural and material assets must be taken into account, as well as preventing environmental pollution, possible occurrence of environmental damage and avoiding generation of waste, to the greatest possible extent.

(2) Emission limit values, environmental quality standards, rules of conduct and other environmental protection measures must be stipulated by regulations or other appropriate acts and each project in the environment must be planned and carried out in such a way so as to burden the environment to the least extent possible, while taking into account the rational use of natural assets and energy.

(3) For the purpose of avoiding environmental risks and hazards, when planning and executing a project, all stipulated preventive environmental protection measures must be applied, which implies the use of best practices as well as the use of products, equipment and devices and the application of production processes and systems for maintaining the designed initial parameters of the installation which are most environmentally friendly.

(4) For preventive purposes, best available techniques and generally accepted installation maintenance systems shall be applied when using the environment.

(5) Operators which through their actions or their failure to act in the manner prescribed by regulations or relevant official acts as well as companies which cause environmental risk or environmental damage by their activities shall, immediately and at their own expense, take all the necessary protective measures in order to avoid environmental risk or environmental damage.

(6) In case of hazard of actual and irrevocable environmental damage to human health and the environment, necessary protective measures shall be taken immediately even if the hazard has not yet been fully scientifically examined.



(7) An activity and/or project for which the likelihood of harmful and permanently harmful effects to the environment and especially to environmental components, biological diversity and the landscape is scientifically proven or presupposed shall not be carried out.

*Principle of Preservation of Natural Assets, Biological Diversity and Landscape*

Article 10

(1) Efforts shall be made to preserve natural assets and landscape values at a level of quality which does not endanger human health and life and is not harmful to flora and fauna.

(2) Soil is a non-renewable asset and must be used in a sustainable manner and its functions preserved. Adverse effects to the soil must be avoided to the greatest possible extent.

(3) Projects carried out in the environment which may have an adverse effect on biological and landscape diversity as well as on the preservation of the natural genetic balance and balance of natural communities, living organisms and substances shall not be permitted, unless otherwise decided in a procedure carried out in conformity with this Act and special regulations.

*Substitution and/or Compensation Principle*

Article 11

(1) An activity or planned project which may have an adverse effect on the environment must be substituted by an activity or project which presents a significantly lesser risk to the environment, which is to be determined in the procedures regulated under this Act.

(2) The provision of paragraph 1 of this Article applies accordingly to the use of installations as well as to the use of equipment and products, along with the obligation to limit environmental pollution at the source.

(3) In use, precedence must be given to substances which can be reused or which are biodegradable even if they entail greater costs.

*Principle of Removal and Remediation of Environmental Damage at the Source*

Article 12

In case environmental damage has occurred as the result of action or failure to act in the prescribed manner or as the result of the activities of a natural or legal person, they shall remove and remediate the environmental damage primarily at the source.

*Principle of Integrated Approach*

Article 13

(1) The purpose of the principle of integrated approach is the prevention of environmental risk and/or the reduction of environmental risk to a minimum risk to the environment as a whole.

(2) Requirements for a high level of environmental protection and for improvement of environmental quality are a mandatory component of all starting points whose goal is balanced economic development and shall be ensured in accordance with the principle of sustainable development.

(3) In developing and adopting physical planning documents special account shall be taken of the vulnerability of the environment at the specific location, the relation towards landscape balance and values, the relation towards non-renewable and renewable natural assets, cultural heritage and material assets and the totality of their mutual interaction as well as the interaction between existing and planned environmental projects.

*Principle of Cooperation*

Article 14

(1) Sustainable development in conformity with this Act shall be achieved through the cooperation and joint action of the Croatian Parliament, Government, counties, City of Zagreb, major cities, cities and municipalities and all other stakeholders, with the aim of environmental protection, each within their respective scope and responsibilities.

(2) The State shall ensure cooperation and solidarity in resolving global and intergovernmental environmental issues especially through international agreements, cooperation with other countries and conclusion of appropriate agreements and notification of other countries on transboundary environmental effects, ecological accidents as well as through international exchange of environmental information.

(3) The Government, counties, City of Zagreb, major cities, cities and municipalities shall, each within their scope, jointly and with solidarity participate in the implementation of environmental protection placed under their competence, in order to ensure the implementation of efficient environmental protection measures in their area.

*Polluter Pays Principle*

Article 15

(1) The polluter shall bear the costs arising from polluting the environment.

(2) The expenses referred to in paragraph 1 of this Article shall include costs arising from polluting the environment including the costs of damage assessment, assessment of necessary measures and costs of removing the damage to the environment.

(3) The polluter shall also bear the costs of environmental monitoring and application of prescribed measures as well as the costs of undertaking measures for preventing environmental pollution, regardless of whether such costs result from prescribed environmental liability, that is, the release of emissions into the environment, or represent a fee established under appropriate financial instruments or an obligation prescribed by a regulation on environmental pollution abatement.

*Principle of Information Access and Public Participation*

Article 16

(1) The public has the right of access to environmental information held by public authorities, persons supervised by public authorities and persons holding information for public authorities.

(2) The public has the right to be duly informed on environmental polluting, including the right to information on dangerous substances and activities, information on measures undertaken and in connection, the right to access to environmental information.

(3) The public has the right to participate in the procedures for: identifying starting points, developing and adopting strategies, plans and programmes and in developing and adopting regulations and general acts pertaining to environmental protection.

(4) The public has the right to participate in procedures being carried out at the request of the project holder, operator and company, in conformity with this Act.

(5) The rights referred to in paragraphs 1, 2, 3 and 4 of this Article shall be realised by the public in the manner stipulated by this Act and by regulations adopted on the basis thereof, as well as in accordance with special regulations.

*Promotion Principle*

Article 17

(1) The Government, counties, City of Zagreb, major cities, cities and municipalities shall, according to their respective scopes of competence, promote activities pertaining to environmental protection which prevent or reduce environmental pollution as well as promote projects which reduce the use of substances, raw materials and energy and pollute the environment to a lesser extent or exploit it within the permitted limits.

(2) The Government, counties, City of Zagreb, major cities, cities, municipalities and legal persons with public authorities in the area of environmental protection shall promote public information and education on environmental protection and sustainable development and shall work on developing environmental awareness as a whole.

(3) Through appropriate measures, the Government may prompt legal and natural persons which perform economic activities towards more efficient implementation of environmental protection measures.

(4) The Government, counties, City of Zagreb, major cities, cities and municipalities may within their respective scopes of competence conclude agreements with polluters and their associations on voluntary measures to be implemented on their part for the purpose of additional reduction of environmental burdening.

*Principle of the Right of Access to Justice*

Article 18

(1) Any person who considers that his request for information pertaining to environmental protection matters has been neglected, unfoundedly refused, either in entirety or in part, or that his request has not been answered in an appropriate manner, has the right to defend his rights before a court of law, in accordance with a special regulation on access to information.

(2) For the purpose of protecting the right to a healthy life and healthy environment, a person (citizen or other natural or legal person, their groups, associations and organisations) who proves the legitimacy of his legal interest and a person who due to the location of the project and/or due to the nature and/or impact of the project can prove in accordance with the law that his rights have been permanently violated, shall have the right to contest the procedural and substantive legality of decisions, acts or oversights of public authorities before the competent body and/or competent court, in accordance with the law.

### III ENVIRONMENTAL COMPONENTS AND EFFECTS OF BURDENING

#### *1 Protection of Environmental Components*

##### Article 19

(1) Environmental components shall be protected from pollution both individually and in conjunction with other environmental components, taking into account their mutual interrelations and effects.

(2) Protection and preservation of individual environmental components shall be regulated under this Act, special laws and regulations adopted on the basis thereof.

#### *Protection of the Soil and Earth's Lithosphere*

##### Article 20

(1) Soil protection includes the preservation of the health and functions of the soil, prevention of soil damage, monitoring the status of the soil and changes in its quality as well as remediation and restoration of damaged soil and locations.

(2) Pollution or damage of soil shall be considered to be an adverse effect on the environment while establishment of acceptable limit values of soil quality shall be carried out on the basis of special regulations.

(3) Protection of the Earth's lithosphere includes sustainable exploitation of raw materials, sustainable use of landscape diversity and protection of phenomena, objects and structures with geographic value.

(4) In order to ensure the sustainable use of the Earth's lithosphere protection and remediation measures shall be established in accordance with this Act and special regulations.

#### *Forest Protection*

##### Article 21

Forest protection includes the protection of natural and semi-natural forest stands, forest complexes as well as the protection of forest soil, water streams and sources, flora and fauna in a forest region and gene and seed stands of indigenous tree varieties.

#### *Air Protection*

##### Article 22

Air protection includes air protection measures, improvement of air quality with the aim of avoiding or reducing the adverse effects on human health, quality of life and the environment as a whole, air quality preservation and prevention and reduction of pollution causing ozone layer damage and climate change.

#### *Water Protection*

##### Article 23

(1) Water protection includes water protection measures and improvement of water quality with the aim of avoiding or reducing the adverse effects on human health, freshwater eco systems, quality of life and the environment as a whole.

(2) Protection of water against pollution is implemented with the aim of preserving human life and health and protecting the environment, as well as enabling sustainable, harmless and undisturbed use of water for various purposes.

#### *Marine Protection and Protection of Coastal Zones*

#### Article 24

(1) Marine protection includes measures for the protection of the sea including the marine ecosystem and coastal zones as a indivisible whole, prevention of projects harmful to the marine ecosystem, prevention of sea pollution from the air, from land, from ships and prevention of other pollution caused by maritime traffic, including pollution caused by dumping from ships or aircraft with the intention of sinking or incinerating at sea, and transboundary pollution as well as prevention of pollution caused by major accidents and removal of its consequences.

(2) Protection against marine pollution includes: management of the coastal zone, seabed and marine subsoil and marine environment, management of fish and other marine organisms so as not to cause damage to the marine environment; ensuring sustainable mariculture through permanent monitoring of the status and special protection of the respective areas of the sea, seabed and coastal shore as well as fulfilling obligations from international agreements.

(3) Protection of the coastal zone includes measures for the protection of coastal eco-systems and sustainable management of coastal resources.

(4) The State shall undertake all appropriate measures in order to prevent, reduce and control pollution of the marine environment in accordance with this Act and special regulations.

(5) In order to provide starting points for achieving good marine status and starting points for ensuring its protection and preservation as well as to prevent degradation of the marine environment, a marine protection document shall be passed in accordance with Article 48 of this Act.

#### *Nature Protection*

#### Article 25

(1) Nature protection refers to the preservation of biological and landscape diversity and protection of natural values.

(2) Nature protection includes monitoring the status of nature, establishing a system for the protection of natural values with the aim of their permanent conservation, and ensuring sustainable use of natural assets.

#### *2 Protection Against the Effects of Environmental Burdening*

#### Article 26

Protection against adverse effects and harmful impacts of burdens on individual environmental components and on the environment as a whole shall be regulated by this Act, special regulations on individual burdens and regulations adopted on the basis thereof.

#### *Protection Against Adverse Effects of GMOs*

#### Article 27

Protection against adverse effects of genetically modified organisms (hereinafter: GMOs) includes measures regulating transboundary transfer, transit and restricted use of GMOs and measures preventing introduction into the environment and placement on the market of GMOs and of products which contain GMOs, are composed of and/or originate from GMOs contrary to the provisions of a special regulation.

#### *Protection against Noise*

#### Article 28

(1) Noise protection shall be carried out for the purpose of protection against noise which is harmful to health and which includes all sounds which exceed the maximum permitted levels prescribed by special regulations in relation to the time and place of generation in the surroundings in which people work and reside.

(2) Noise protection includes measures for protection against noise on land, in the marine coastal region, in water and in air for the purpose of preventing, reducing and removing hazards to human health.

#### *Ionising Radiation Protection and Nuclear Safety*

#### Article 29

(1) Protection against ionising radiation includes principles and measures for the protection against ionising radiation, procedures in case of emergency, methods for handling radioactive

waste for the purpose of controlling and reducing the risk to human life and health and to the environment.

(2) Nuclear safety includes safety and protection measures in the use of nuclear materials and in performing nuclear activities for the purpose of preventing emergency events which may lead to radioactive contamination of the environment.

#### *Protection Against Adverse Effects of Chemicals*

##### Article 30

Protection against the adverse effects of chemicals, their compounds and preparations includes measures and procedures for protection against their adverse effects on human health, material assets and the environment.

#### *Protection Against Light Pollution*

##### Article 31

(1) Light pollution is the change of the level of natural light in night conditions resulting from the introduction of light produced by human activity.

(2) Protection against light pollution includes measures for protection against unnecessary, useless or harmful light emissions inside and outside the zone which needs to be illuminated and measures for the protection of the night sky from excessive lighting.

(3) Protection against light pollution shall be established on the basis of health, biological, economic, cultural, legal, safety, astronomical and other standards.

#### *Waste Management*

##### Article 32

Waste management includes measures for preventing waste generation and reducing waste quantities, without using procedures and/or methods which might damage the environment and measures for preventing the adverse effects of waste on human health and the environment.

#### IV ACTORS IN ENVIRONMENTAL PROTECTION

##### Article 33

Sustainable development and environmental protection shall be ensured by:

- the Croatian Parliament,
- the Government,
- ministries and other competent state administration bodies,
- counties and the City of Zagreb,
- major cities, cities and municipalities,
- the Croatian Environment Agency and Environmental Protection and Energy Efficiency Fund,
- legal persons with public authorities,
- persons authorised for performing professional environmental protection activities,
- legal and natural persons liable for environmental polluting in accordance with this Act and special regulations, and other legal and natural persons which perform economic activities,
- civil society organisations active in the field of environmental protection, and
- citizens as individuals, their groups, associations and organisations.

##### Article 34

(1) The Croatian Parliament shall ensure sustainable development and environmental protection in accordance with this Act, special regulations governing protection of environmental components and protection of the environment from the adverse effects and harmful impacts of burdens, and in accordance with regulations passed on the basis of this Act, and shall particularly:

- monitor and review the status of environmental protection and the realisation of sustainable development through reports which the Government submits in accordance with this Act and special regulations,
- determine and adopt appropriate starting points for sustainable development and environmental protection.

(2) The Government shall ensure sustainable development and environmental protection in accordance with this Act, special regulations governing protection of environmental components

and protection of the environment from burdens, and in accordance with regulations passed on the basis of this Act, and shall particularly:

- monitor and review the status of environmental protection through prescribed reports,
- determine and propose to the Croatian Parliament appropriate starting points for sustainable development and environmental protection,
- promote education for the public on sustainable development and environmental protection through appropriate measures,
- ensure financial and other means for improving the environmental protection system,
- conclude international agreements and treaties in the field of environmental protection and secure the conditions for the implementation thereof,
- when needed, establish appropriate professional and advisory bodies for carrying out tasks undertaken under international agreements and treaties in the field of environmental protection.

#### Article 35

(1) Counties and the City of Zagreb shall within their respective scope regulate, organize, finance and promote environmental protection activities placed under their competence which are of regional significance for environmental protection, and promote improvement of the status of the environment in the territory of the county or the City of Zagreb.

(2) Major cities, cities and municipalities shall each within their scope regulate, organize, finance and promote environmental protection activities placed under their competence pursuant to this Act and special regulations which are of local significance for environmental protection, and promote improvement of the status of the environment in the territory of the major city, city or municipality.

(3) By way of derogation from paragraph 2 of this Article, the provisions on activities of regional significance for environmental protection and on improvement of the status of the environment also apply accordingly to major cities, if placed under their competence by virtue of this Act or special regulations.

#### *Environmental Protection and Sustainable Development Council*

#### Article 36

(1) For the purpose of accomplishing coordinated and harmonised economic development in connection to environmental protection and ensuring conditions for sustainable development as well as for continually ensuring professional and scientific bases for regulating specific issues in the area of environmental protection and sustainable development, the Environmental Protection and Sustainable Development Council shall be established (hereinafter: the Council).

(2) The Council shall be established by the Government.

(3) The Council shall have 9 members including the President of the Council. The President and members of the Council shall be appointed from among scientific, expert, public and other employees and representatives of central state administration bodies competent for the specific environmental component or burden and representatives of civil society organisations active in the field of environmental protection.

(4) The Council shall deliver opinions on proposals of documents in the field of environmental protection and sustainable development to be adopted by the Government or the Croatian Parliament, deliver opinions on proposals and evaluations of the level of harmonisation in resolving issues related to environmental protection and economic development, deliver opinions on proposals and evaluation on the level of harmonisation in resolving issues related to protection of the climate and the ozone layer, and perform other tasks entrusted to it by the Government and the Minister in accordance with this Act.

(5) The Council shall adopt its Rules of Procedure.

(6) The members of the Council shall receive compensation for their work in the Council.

(7) Funds for the work of the Council shall be secured from the State Budget and the amount of the compensation for work in the Council shall be determined by the Government by virtue of a decision.

(8) The Ministry shall perform expert and administrative activities for the Council.

*Croatian Environment Agency*

Article 37

(1) Activities of collecting and integrating collected environmental data and information for the purpose of ensuring and monitoring the implementation of the environmental protection and sustainable development policy shall be performed by the Croatian Environment Agency (hereinafter: the Agency) established pursuant to a special regulation.

(2) The activities of the Agency shall include in particular:

- establishment, development, maintenance and coordination of a unique environmental information system in the State,
- collection and integration of environmental data and/or information,
- maintaining appropriate environmental data bases,
- monitoring and reporting on environmental status,
- monitoring and reporting on the environmental effects on health,
- performing expert and advisory activities in establishing the content, methodology and manner of environmental monitoring and maintaining a unique environmental information system,
- preparation of data for drawing up documents and reports in relation to environmental protection and sustainable development,
- drawing up technical bases for developing or cooperating on developing documents on sustainable development and environmental protection as well as reports submitted on the implementation of those documents,
- developing the Environmental Status Report referred to in Article 51 paragraph 2 of this Act,
- developing the National indicator list,
- cooperation with state administration bodies, administrative departments of counties, administrative departments of the City of Zagreb, administrative departments of a major city, city and municipality, legal persons with public authorities and other persons, international bodies, institutions and associations in the development and realisation of environmental protection projects and programmes,
- implementation or participation in implementation of international agreements and treaties in the field of environmental protection to which the State is a party, in the part relating to reporting in accordance with undertaken obligations,
- participating in projects and programmes in the field of environmental protection implemented pursuant to international agreements, upon authorisation from the Ministry,
- ensuring conditions for access to environmental information, held by it and under its supervision.

(3) The Agency is the central information authority of the State for coordinating reporting and reporting to the European Commission on the implementation of specific environmental protection regulations, which performs the tasks of coordinating reporting and the reporting itself.

(4) The Agency shall cooperate with the European Environment Agency and report in accordance with the requirements of the European Environment Information and Observation Network (EIONET).

(5) The Agency shall also perform other tasks in accordance with this Act, the Regulation on the establishment of the Croatian Environment Agency, the Agency Statute and special regulations which serve as a basis for the realisation of the activities of the Agency established under paragraphs 1, 2, 3 and 4 of this Article.

(6) The National indicator list referred to in paragraph 2 of this Article shall be developed on the basis of special regulations and international treaties, taking into account specific requirements for the environmental protection of the State. The National indicator list shall be developed for a two-year period and shall be published in the Official Gazette.

*Environmental Protection and Energy Efficiency Fund*

Article 38

(1) Activities related to financing the preparation, implementation and development of programmes, projects and similar activities in the field of preservation, sustainable use, protection

and improvement of the environment, energy efficiency and use of renewable energy sources, promotion of environmental protection goals and principles for the purpose of accomplishing systematic and integrated preservation of environmental quality, conservation of natural communities and rational use of natural assets and energy as the basic preconditions for sustainable development and the realization of the right of citizens to a healthy environment, shall be performed by the Environmental Protection and Energy Efficiency Fund in accordance with the Act by virtue of which it was established.

(2) Funds for financing the activities of the Environmental Protection and Energy Efficiency Fund shall be secured, in conformity with the polluter pays principle, from fees and special fees collected from parties subject to paying environmental protection and energy efficiency fees as well as from other sources in accordance with special regulations.

*Persons Authorised for Professional Environmental Protection Activities*

Article 39

(1) A legal person authorised for performing professional environmental protection activities (hereinafter: authorised person), under the requirements prescribed by this Act and the ordinance referred to in paragraph 7 of this Article may perform activities related to:

- developing studies on the significant impact of plans or programmes on the environment (hereinafter: strategic impact study),
- developing environmental impact studies including the nature impact assessment study for the planned project,
- developing technical and technological conceptual designs for installations in relation to integrated environmental protection requirements,
- developing environmental protection programmes,
- developing environmental status reports,
- developing safety reports,
- developing environmental protection studies for projects which are not subject to environmental impact assessment,
- developing and auditing special studies, budget calculations and projections for the needs of environmental components,
- assessment of environmental damage,
- monitoring in the field of environmental protection,
- performing professional activities for the needs of the Environmental Pollution Registry.

(2) The authorised person for performing the activities referred to in paragraph 1 of this Article must fulfil the requirements in accordance with this Act and the regulation adopted on the basis thereof.

(3) The authorised person may commence with the performance of activities referred to in paragraph 1 of this Article after obtaining the approval of the Ministry for performing the activities in question.



(4) The authorised person which developed or participated in the development of the environmental impact study shall not perform environmental monitoring activities determined in the study in question.

(5) The Ministry shall keep a register on the issued approvals referred to in paragraph 3 of this Article.

(6) Once a year, in the first quarter of the current year for the previous one year period, the Ministry shall publish in the Official Gazette a list of issued approvals referred to in paragraph 3 of this Article.

(7) Requirements which the authorised person must fulfil for the performance of activities referred to in paragraph 1 of this Article, the content of the application for issuing approval, the method of issuing, the period of validity, and the conditions and method of withdrawing approval referred to in paragraph 3 of this Article, the content and method of keeping the register referred to in paragraph 5 of this Article and other related issues shall be prescribed in detail by the Minister by ordinance, subject to the approval of the minister competent for nature protection.

*Obligation of Passing the Expert Examination by Persons Employed at the Authorised Person*  
Article 40

(1) Natural persons employed as workers at the authorised person performing activities in the field of environmental protection (hereinafter: expert persons employed at the authorised person) must pass the expert examination for performing activities in the field of environmental protection according to the programme for taking expert examinations prescribed by the ordinance referred to in paragraph 6 of this Article.

(2) The expert examination referred to in paragraph 1 of this Article, according to the prescribed programme, shall be used to verify knowledge of existing regulations in the fields regulated under this Act and knowledge of other regulations significant for the application of this Act, as well as knowledge of other fields regulated under special regulations on environmental components and burdens, and knowledge of relevant documents of international environmental law.

(3) The expert examination referred to in paragraph 1 of this Article shall be taken at the Ministry. The expert examination shall be conducted by a committee established by the Minister by decision. Where appropriate the Minister shall appoint more than one committee by virtue of a decision.

(4) The members of the committee shall be appointed from the list of persons which the Minister selects from among scientific and expert employees, expert employees of the Ministry and representatives of bodies or persons proposed as candidates by ministers competent for individual environmental components.

(5) The costs of taking the expert examination referred to in paragraph 1 of this Article shall be borne by the authorised person for his workers.

(6) The programme, requirements and manner of taking the expert examination referred to in paragraph 1 of this Article, the structure and operation of the committee holding the expert examination, method of registering the expert person employed at the authorised person for taking the examination and requirements which he must fulfil in order to be able to do so, written communication through which the expert examination procedure is conducted and the payment of expert examination costs and other related issues shall be prescribed in detail by the Minister by ordinance, subject to the approval of the ministers competent for individual environmental components.

(7) The committee holding the expert examination referred to in paragraph 1 of this Article shall have the right to compensation.

(8) The amount and manner of payment of the compensation referred to in paragraph 6 of this Article shall be prescribed by the Minister by a decision.

*Auditor*

Article 41

(1) Audit of projects developed pursuant to a special regulation and regulations adopted on the basis thereof (hereinafter: the project) in relation to environmental protection requirements may be

performed by a legal person which has obtained authorisation for the performance of those activities in accordance with this Act.

(2) Authorisation for performing the activities referred to in paragraph 1 may be granted to a legal person which fulfils the requirements prescribed by the ordinance referred to in paragraph 8 of this Article.

(3) An auditor is a natural person employed at the legal person referred to in paragraph 1 of this Article if he has obtained the auditing authorisation in accordance with this Act.

(4) The auditing authorisation may be issued to a natural person referred to in paragraph 3 of this Article if he holds a university diploma in technical engineering and fulfils other requirements prescribed by the ordinance referred to in paragraph 8 of this Article.

(5) The authorisation within the meaning of paragraphs 1 and 3 of this Article shall be granted and revoked by the Minister upon previously obtaining the opinion of the committee established and appointed by the Minister.

(6) Representatives of the Ministry and of professional associations shall be appointed as members of the committee referred to in paragraph 5 of this Article.

(7) The Ministry shall keep a register on the authorisations referred to in paragraphs 1 and 3 which have been issued.

(8) The requirements which the legal person must fulfil in order to be able to audit projects in relation to environmental protection and the manner of obtaining the authorisation, the requirements which the natural person must fulfil for becoming an auditor and the manner of obtaining the authorisation as well as the requirements for renewing and revoking authorisations issued and the manner of renewing and revoking authorisations issued and the methods by which the fulfilment of prescribed requirements is proven and the content and manner of maintaining the register on authorisations referred to in paragraphs 1 and 3 of this Article which have been issued, shall be prescribed in detail by the Minister by ordinance.

(9) The list of legal persons authorised for auditing projects and natural persons authorised auditors, based on the data from the prescribed register, shall be published in the Official Gazette once a year.

#### Article 42

(1) An auditor cannot audit a project within the meaning of Article 41 paragraph 1 of this Act in the development of which he participated, or if the project has been developed in entirety or in part by the legal person in which the auditor is employed.

(2) Audit of projects within the meaning of Article 41 paragraph 1 of this Act shall be carried out in relation to the issued official acts establishing the requirements, and especially in relation to:

- the characteristics of the installation,
- environmental quality standards,
- method of environmental monitoring and
- other requirements prescribed by the ordinance referred to in paragraph 3 of this Act.

(3) The content, method and scope of project auditing within the meaning of Article 41 paragraph 1 of this Act, the method and significance of certification of the audited project on the part of the auditor, the method of calculation of the compensation for the audit performed and the method of verifying data of significance for the audit of environmental protection requirements and the mandatory content of the opinions and statements which the auditor issues in the verification procedures performed pursuant to this Act, shall be prescribed in detail by the Minister by ordinance.

### V SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL PROTECTION DOCUMENTS

#### Article 43

(1) Sustainable development and environmental protection documents are:

- Strategy for Sustainable Development of the Republic of Croatia,
- Environmental Protection Plan of the Republic of Croatia,
- Environmental Protection Programme and

- Environmental Status Report.

(2) Sustainable development and environmental protection documents in the wider sense include strategies, plans, programmes and reports which are to be adopted or are already adopted pursuant to special regulations in individual sectors for individual environmental components and burdens.

(3) Strategies adopted pursuant to this Act and strategies adopted pursuant to special regulations for individual environmental components and burdens shall accordingly be regarded as constituent parts of the Strategy referred to in paragraph 1 of this Article.

#### *Strategy for Sustainable Development of the Republic of Croatia*

##### Article 44

(1) The Strategy for Sustainable Development of the Republic of Croatia (hereinafter: the Strategy) shall direct long term goals relating to economic and social development towards sustainable development of the State. The Strategy shall establish guidelines for long term actions by defining goals and determining measures for their realisation, taking into account the present status and undertaken international obligations.

(2) The Strategy shall contain in particular:

- an analysis of the existing economic, social and environmental status,
- principles and criteria for determining the goals and priorities of sustainable development of the State,
- basic goals and measures of economic sustainable development, social sustainable development and environmental protection by individual sectors,
- institutions to be involved in the implementation of the Strategy,
- method of implementation and liability for the implementation of the Strategy,
- monitoring the implementation of the Strategy through a series of indicators.

(3) The Strategy shall be drawn up by the Ministry in cooperation with the central administration bodies competent for the sectors of: the economy, health and social welfare, agriculture, forestry, water management, nature, education, science, sea, tourism, transport and development. The development of the Strategy shall be coordinated by the Ministry.

(4) The Strategy shall be adopted by the Croatian Parliament upon the proposal of the Government.

(5) The Strategy for Sustainable Development of the Republic of Croatia shall be published on the web site of the Ministry prior to its adoption. After adoption, the Strategy shall be published in the Official Gazette.

(6) Amendments to the Strategy or a new Strategy may be adopted every ten years, as well as sooner, by way of derogation, upon the proposal of the Ministry.

(7) Development documents pertaining to individual areas and activities cannot be in contravention to the Strategy.

#### *Environmental Protection Plan of the Republic of Croatia*

##### Article 45

(1) The Environmental Protection Plan of the Republic of Croatia (hereinafter: the Plan) shall establish the priority environmental protection goals in the State. The Plan shall be in conformity with the Strategy.

(2) The Plan shall contain in particular: measures and activities in the field of environmental protection in the State, method of implementing measures, order of realising measures, implementation deadlines, implementation authorities, projects, estimate of funds needed for implementing the Plan and cost and benefit analysis.

(3) The Plan shall be adopted for a period of eight years. An assessment of the execution of the Plan shall be carried out for each four year implementation period.

(4) The Plan shall be developed by the Ministry and adopted by the Government.

(5) The Plan shall be published in the Official Gazette.

(6) Supervision over the implementation of the Plan shall be carried out by the Ministry.

(7) Amendments to the Plan or a new Plan may be adopted every four years, based on an analysis of the efficiency of applicable measures and the environmental status from the Environmental

Status Report for that period and also sooner, by way of derogation, upon the proposal of the Ministry.

#### *Environmental Protection Programme*

##### Article 46

(1) The Environmental Protection Programme (hereinafter: the Programme) shall, in accordance with regional and local particularities and features of the area for which the Programme is adopted, develop in detail the measures from the Plan relating to the area in question.

(2) The Programme shall contain in particular:

- conditions and measures for environmental protection, priority environmental protection measures according to environmental components and specific spatial zones of the area for which the Programme is adopted,
- actors obligated to implement the measures established under the Programme and authorities for the implementation of established environmental protection measures,
- environmental monitoring and assessment of the need to establish networks for supplementary environmental monitoring in the area for which the Programme is adopted,
- method of implementing intervention measures in emergency cases of environmental pollution in the area for which the Programme is adopted,
- deadlines for undertaking specific established measures,
- sources for funding the implementation of established measures and estimate of funds needed.

(3) The Programme shall be adopted by the representative bodies of the counties, City of Zagreb, and major cities, subject to the prior approval of the Ministry.

(4) The Programme shall be adopted within six months from the adoption of the Plan.

(5) In developing and adopting the Programme, the county and major cities on its territory shall cooperate in an appropriate manner.

(6) Programmes of the county, City of Zagreb and major city shall be in conformity with the Plan.

(7) The conformity of the Plan referred to in paragraph 6 of this Article shall be established by the Ministry, when issuing the prior approval referred to in paragraph 3 of this Article.

(8) The Programme shall be published in the official bulletin of the local or regional self-government unit, depending on which representative body adopted it.

(9) The county, City of Zagreb and major city shall deliver the Programme to the Agency within one month after its adoption.

(10) Amendments to the Programme or a new Programme may be adopted for a four year period, based on the analysis of the efficiency of measures undertaken from the Environmental Status Report in the county or City of Zagreb or major city, and in the event that amendments have been made to the Plan which pertain to the territory of the county, City of Zagreb or major city in question, Amendments to the Programme or a new Programme may if needed be adopted sooner.

##### Article 47

(1) If envisaged under the Programme of the county, the city or municipality may also adopt a Programme for their territory. In developing and adopting the Programme the city or municipality shall cooperate with the county to the territory of which they belong and the corresponding cities and municipalities whose territory the Programme may affect in relation to environmental protection.

(2) In the case referred to in paragraph 1 of this Article, the Programme shall be adopted by the representative body of the city or municipality.

(3) The Programme of the city or municipality shall be published in the official bulletin of the local self-government unit.

(4) The city and municipality shall deliver the Programme to the Agency within one month from the day of its adoption.

(5) Amendments to the Programme or a new Programme may be adopted by the city or municipality for a four year period in the event that amendments have been made to the Programme of the county. Amendments to those Programmes, for the same time period, may also be adopted on the basis of the analysis of the efficiency of measures undertaken from the

Environmental Status Report in the city or municipality in the four year period, and also sooner if needed.

*Marine Protection Strategy and Intervention Plan in Case of Sudden Sea Pollution*

Article 48

Within the meaning of Article 43 paragraph 2 of this Act the following shall be considered as environmental protection documents:

- Marine Protection Strategy,
- Intervention Plan in Case of Sudden Sea Pollution (hereinafter: Intervention Plan).

Article 49

(1) The Marine Protection Strategy shall set out and direct long term goals for the management of the marine environment based on the principles of sustainable development in accordance with overall economic, social and cultural development on the territory of the State.

(2) The Marine Protection Strategy contains the fundamental basis for directing and harmonising economic, technical, scientific, educational, organisational and other measures as well as measures for implementing international obligations, with the aim of protecting the marine environment and shall contain in particular:

- an assessment of the current status of the marine environment and of the effect of human activities on the environment,
- the criteria and requirements for determining good marine status,
- the goals of marine environmental protection and the indicators,
- short-term and long-term measures for achieving good environmental status,
- programme for monitoring marine status,
- integrated coastal management.

(3) The Marine Protection Strategy shall be drawn up by the Ministry in cooperation with central state administration bodies competent for: the sea, tourism, transport and development, the economy, agriculture, forestry, water management, nature, science and health. The development of the Marine Protection Strategy shall be coordinated by the Ministry.

(4) The Marine Protection Strategy shall be adopted by the Croatian Parliament, upon the proposal of the Government.

(5) Prior to its adoption, the Marine Protection Strategy shall be published on the web site of the Ministry and after adoption it shall be published in the Official Gazette.

(6) Amendments to the Marine Protection Strategy or a new Marine Protection Strategy shall be adopted for a ten year period, on the basis of the analysis of the efficiency of measures undertaken and of the environmental status from the Environmental Status Report, and sooner if needed, upon the proposal of the Ministry.

Article 50

(1) The Intervention Plan shall establish the activities and measures for readiness and response to sudden pollution at sea, for the purpose of marine protection.

(2) The Intervention Plan contains in particular:

- types of risks and threats resulting from sea pollution,
- fields in which action is taken according to the Intervention Plan,
- actors which are obligated to implement the measures, authorities for implementing marine protection measures and liability and authority for taking appropriate action as well as the manner of managing, coordinating and issuing orders,
- procedures and measures for forecasting, preventing and restricting pollution of the sea and sea bed,
- procedures and measures for reducing damage to the marine environment and removing the consequences of damages to the environment in the event of sudden major pollution at sea,
- a plan of human resources and material and technical assets which may be put into use as additional assistance to regular forces,
- the method of implementing state of readiness procedures and activation of operational forces,
- the method of action of operational forces and other participants,

- the method of maintaining safety and order during marine protection interventions,
- the method of securing funds for implementation of the plan,
- the method of monitoring marine environmental status and evaluation of the need to set up a network for supplementary environmental monitoring,
- the method of implementing intervention measures in emergency cases of marine pollution,
- deadlines for undertaking individual measures,
- financial sources for implementing individual measures and assessment of necessary funding.

(3) The Intervention Plan shall be drawn up by the Ministry in cooperation with central state administration bodies competent for: the sea, tourism, transport and development, water management, nature, health, fire protection (Ministry of the Interior), defence, protection and rescue as well as in cooperation with the county administrative body competent for physical planning. The development of the Intervention Plan shall be coordinated by the Ministry.

(4) The Intervention Plan shall be adopted by the Government in accordance with this Act and special regulations.

(5) The Intervention Plan shall be published in the Official Gazette.

#### *Environmental Status Report*

##### Article 51

(1) For the purpose of monitoring the realisation of the goals set out in the sustainable development and environmental protection documents referred to in Article 44 and 45 of this Act, the strategic, planning and programming documents pertaining to individual environmental components and burdens and other documents pertaining to environmental protection as well as for the purpose of overall insight into the environmental status, the Croatian Parliament shall review the Environmental Status Report at the state level for each four year period.

(2) The Environmental Status Report contains in particular: an overview of fulfilment of the goals of the Strategy and the Plan, data on the environmental status in the area for which the report is submitted, data on the effect of individual projects on the environment, status evaluation, evaluation of the efficiency of undertaken measures, data on environmental monitoring and on the institutional environmental management system, the use of financial assets for environmental protection, assessment of the need for developing new or amending existing documents and other data of significance for environmental protection.

(3) The Environmental Status Report at the state level shall be developed on the basis of the National indicator list and other data in accordance with paragraph 2 of this Article.

(4) The Environmental Status Report at the state level shall be proposed to the Government by the Ministry and submitted by the Government to the Croatian Parliament.

##### Article 52

(1) For the purpose of monitoring the fulfilment of goals from the Programme and programming documents pertaining to individual environmental components and burdens as well as other documents related to environmental protection and for the purpose of gaining overall insight into the environmental status on the territory of the local and regional self-government unit, the representative body of the county, City of Zagreb, major city or other city or municipality shall review the Environmental Status Report for the county, City of Zagreb, major city or other city or municipality for a four year period.

(2) The Environmental Status Report relating to the implementation of the Programme of the county, City of Zagreb, major city, other city or municipality shall be developed by the competent administrative body of the county, City of Zagreb or major city. For other cities and municipalities the report shall be developed by the competent administrative body of the county in cooperation with the city and municipality in question.

(3) The Environmental Status Report referred to in paragraph 1 of this Article shall contain the appropriate data in accordance with Article 51 paragraph 2 of this Act and other data needed for developing the Report in question, depending on the special features of the area for which the Report is being submitted.

(4) The Report referred to in paragraph 1 of this Article shall be submitted to the representative body of the local or regional self-government unit by the executive body of the unit in question.

(5) The Report referred to in paragraph 1 of this Article shall be delivered to the Agency within one month from its review at the session of the representative body of the local or regional self-government unit.

*Plans Developed by Companies and Other Legal and Natural Persons Performing Environmental Protection Activities*

Article 53

(1) The company shall develop a Plan on adjusting the installation to technical environmental protection requirements regulated under this Act or a special regulation and to the prescribed measures from ratified international treaties.

(2) In developing the Plan referred to in paragraph 1 of this Act the operator shall abide by the technical standards and deadlines for adjusting installations prescribed by this Act and special regulations and shall comply with the established technical standards and deadlines for adjusting installations in implementing the Plan.

(3) Legal and natural persons who perform activities in the field of environmental protection or activities pertaining to a specific environmental component and/or burden in accordance with special regulations and who have the obligation of developing appropriate planning documents for the purpose of environmental protection during the performance of their activities, shall in developing those planning documents also appropriately apply the provisions of this Act and regulations adopted on the basis thereof, pertaining to reporting and submitting data to the Agency.

(4) When the obligation referred to in paragraph 3 is not prescribed, the legal or natural person may for his own needs develop a planning document on environmental protection related to the performance of his activities.

VI ENVIRONMENTAL PROTECTION INSTRUMENTS

*1 Environmental Quality Standards and Environmental Protection Technical Requirements*

Article 54

(1) Environmental quality standards including limit values of indicators for individual environmental components and for especially valuable, vulnerable or endangered zones shall be prescribed by an act, and if not prescribed by an act, they shall be prescribed by the Government by a regulation.

(2) The regulation referred to in paragraph 1 of this Article may prescribe the procedure and deadlines for meeting the environmental protection standards and possible deviations from the environmental quality standards.

(3) For specific products, installations, plants or devices, equipment and production processes which may present a risk or hazard to the environment, technical environmental protection requirements shall be prescribed by special regulations.

(4) The technical standards referred to in paragraph 3 of this Article shall establish the emission limit values in connection to the production process and use of the installation, plant, devices, equipment, and indicator limit values in connection to product content.

(5) The technical standards referred to in paragraph 3 of this Article shall prescribe: the fabrication and production method, labelling, the method of use and handling of products, the method of use of plants, devices, equipment and production processes and the method for determining quality and monitoring the quality of products, plants, devices, equipment and production processes, the type-approval procedure, the method of calculation of costs of determining quality and monitoring the quality of products, plants, devices, equipment and production processes and the handling of products, devices and equipment when no longer in use.

(6) The technical standards referred to in paragraph 3 of this Article shall be prescribed by the Government by a regulation.

(7) The regulations referred to in paragraphs 1 and 6 of this Article shall establish the procedure and deadlines for meeting the environmental quality standards and environmental protection

technical standards as well as the procedure and deadlines for their application to existing products, installations, plants, devices and equipment.

(8) By way of derogation from paragraph 6 of this Article, the technical standards for emissions of pollutants from internal combustion engines built into off-road mobile machines, type-approval requirements which they must fulfil, testing methods and procedures, manner of recognising type-approval documents issued in other states, the content of the certificate of conformity, fee for performing the type-approval procedure, method of calculating costs of monitoring prescribed technical standards as well as the requirements which must be fulfilled by legal persons in order to perform the type-approval procedure and monitoring the quality of products placed on the market shall be prescribed by the head of the central state administration body competent for metrology, subject to the approval of the Minister.

## *2 Strategic Environmental Assessment of Plans and Programmes*

### *Article 55*

(1) Strategic environmental assessment (hereinafter: strategic assessment) is a procedure for the assessment of likely significant impacts on the environment which may occur due to the implementation of a plan or programme.

(2) Through strategic assessment a basis is created for promoting sustainable development through integration of environmental protection requirements in the plans and programmes for specific sectors. This enables relevant decisions on the adoption of the plan or programme to be made based on knowledge of the possible significant impacts which the implementation of the plan or programme may have on the environment, while a framework for the activities of developers is provided and the possibility for including the essential elements of environmental protection in the decision making process is ensured.

### *Mandatory Strategic Assessment*

#### *Article 56*

(1) Strategic assessment shall be mandatory for:

- a plan or programme, with the exception of amendments thereto, which is adopted at the state and regional level in the following sectors: agriculture, forestry, fisheries, energy, industry, mining, transport, telecommunications, tourism, waste management and water management;
- the spatial plan of a county and Spatial Plan of the City of Zagreb, with the exception of amendments thereto.

### *Procedure for Evaluation of the Need for Strategic Assessment*

#### *Article 57*

(1) For amendments to plans and programmes referred to in Article 56 of this Act, the procedure in which a decision is made on the need for strategic assessment (hereinafter: evaluation procedure) shall be mandatory. The evaluation procedure shall be carried out in the manner regulated under this Act and the regulation referred to in paragraph 4 of this Article.

(2) The decision made in the evaluation procedure shall be based on individual analysis and/or criteria prescribed by the regulation referred to in Article 4 of this Act.

(3) In the event that it is decided in the evaluation procedure that strategic assessment is mandatory, the strategic assessment shall be carried out by application of the provisions of this Act on strategic assessment of plans and programmes.

(4) The method of individual analysis, the criteria for determining the likely significant environmental impact of the amendments to the plan or programme in the evaluation procedure and the manner of carrying out the evaluation procedure, the manner of carrying out the strategic assessment procedure, the mandatory content and manner of developing the strategic assessment study and related procedure, the mandatory content of opinions and other relevant acts in that procedure, relevant deadlines, the mandatory content of the report on the manner in which environmental protection requirements have been integrated into the plan or programme, the method of monitoring the significant environmental impacts on the environmental status during the implementation of the plan or programme and the method of verifying the implementation of



environmental protection measures which have become part of the plan or programme shall be regulated in detail by the Government by a regulation.

*Plans and Programmes Not Subject to Strategic Assessment*

Article 58

The following shall not be subject to strategic assessment:

- plans and programmes which serve exclusively for purposes of national defence and/or civil protection, and plans and programmes which are applied in emergency situations as well as external plans for protection and rescue,
- financial and budgetary plans and programmes.

*Competence for Carrying Out Strategic Assessment and Evaluation of the Need for Strategic Assessment*

Article 59

(1) Strategic assessment of a plan or programme at the state level shall be carried out by the Ministry or the ministry competent for the sector for which the plan or programme is being adopted.

(2) Strategic assessment of a plan or programme at the regional level shall be carried out by the competent administrative body in the county or the City of Zagreb, in cooperation with the competent administrative department in the county or in the City of Zagreb, depending on the area for which the plan or programme is being adopted.

(3) The procedure for evaluation of the need for strategic assessment for amendments to plans and programmes referred to in paragraph 1 of this Article shall be carried out by the bodies which are competent for carrying out strategic assessment pursuant to paragraph 1 of this Article, in cooperation with the Ministry in the event that the Ministry is not competent for the evaluation procedure.

(4) The procedure for evaluation of the need for strategic assessment for amendments to plans and programmes referred to in paragraph 2 of this Article shall be carried out by the body which is competent for carrying out strategic assessment pursuant to paragraph 2 of this Article.

*Method of Implementing Strategic Assessment*

Article 60

(1) Strategic assessment shall be carried out during the development of the draft proposal of the plan or programme, prior to the establishment of the final proposal and its submission into the adoption procedure, in the manner prescribed by this Act and the regulation referred to in Article 57 paragraph 4 of this Act.

(2) In the strategic assessment procedure, public information and public participation shall be ensured in the manner prescribed by this Act and the regulation referred to in Article 137 paragraph 2 of this Act.

(3) By way of derogation from paragraphs 1 and 2 of this Article, the implementation of the strategic assessment procedure, public information and public participation in the procedure in question which is carried out during the preparation of the plan referred to in Article 56 indent 2 shall be carried out at an early stage of the development of the plan in accordance with a special act.

Article 61

(1) In the strategic assessment procedure a strategic impact study is developed. Strategic assessment is carried out on the basis of the results set out in the strategic impact study.

(2) The strategic impact study defines, describes and assesses the expected significant impacts on the environment which may be caused by the implementation of the plan or programme and the reasonable alternatives related to environmental protection, which take into account the goals and scope of the plan or programme in question.

(3) The content of each individual strategic impact study, depending on the plan or programme for which it is being developed, shall be determined by the body competent for carrying out the strategic assessment in accordance with the mandatory content and the procedure prescribed by the regulation referred to in Article 57 paragraph 4 of this Act.

## Article 62

For the purpose of avoiding duplication of strategic assessments, strategic assessment for a plan or programme shall not be carried out on a lower level if a strategic assessment of the plan or programme has already been carried out for its starting points at a higher level, for which the obligation of conformity of the lower level with the higher level has been prescribed by this Act or a special regulation.

## Article 63

(1) The body competent for carrying out strategic assessment in accordance with this Act shall deliver the strategic impact study and the draft proposal of the plan or programme to the bodies and/or persons designated by special regulations for obtaining their opinion thereon.

(2) The body and/or person designated by a special regulation shall submit their opinion to the body competent for carrying out strategic assessment within 30 days. In the event that the relevant opinion is not delivered within the prescribed deadline, it shall be deemed that according to special regulations there are no special impacts or environmental protection requirements which need to be taken into consideration in the plan or programme.

## Article 64

(1) The body competent pursuant to the provision of Article 59 paragraph 1 of this Act, except in the event that the Ministry is competent for carrying out the strategic assessment, shall request the opinion of the Ministry on the strategic assessment prior to submitting the proposal of the plan or programme into the adoption procedure.

(2) In the event that the competent body for carrying out strategic assessment pursuant to this Act is the body referred to in Article 59 paragraph 2 of this Act, it shall request the opinion of the Ministry on the strategic assessment prior to submitting the proposal of the plan or programme into the adoption procedure.

(3) In the case of strategic assessment of the plan referred to in Article 56 indent 2 including strategic assessment of amendments to that plan, the opinion referred to in paragraph 2 of this Article shall be obtained as part of the request for obtaining approval of that plan according to a special law.

(4) The opinions referred to in paragraphs 1, 2 and 3 of this Article shall be issued in accordance with the provisions of the regulation referred to in Article 57 paragraph 4 of this Act.

## Article 65

(1) Prior to defining the draft proposal of the plan or programme to be submitted for public debate, including public inspection and public display, the draft plan and programme shall be reviewed and the results of the strategic assessment study evaluated in the opinion of the advisory expert committee (hereinafter: the strategic assessment committee).

(2) The strategic assessment committee for each individual plan or programme shall be appointed by the head of the body competent for carrying out strategic assessment.

(3) The composition and number of members of the strategic assessment committee shall be determined on the basis of the scope and other features of the plan or programme for which the strategic assessment is being carried out.

(4) The members of the committee shall be appointed from the list of persons selected by the Minister from among scientific and expert employees, representatives of regional and local self-government, representatives of state administration bodies, representatives of legal persons with public authorities and representatives of the Ministry.

(5) The list of persons referred to in paragraph 4 of this Article shall be published in the Official Gazette.

(6) When strategic assessment is carried out for a plan or programme adopted on the state level, the appointment of at least one representative of the Ministry as a member of the strategic assessment committee shall be mandatory.

(7) The strategic assessment committee shall have the right to compensation for its work.

(8) The procedure for appointment and recall, the mandatory composition, method of operation and opinions issued by the strategic assessment committee as well as the amount and method of

payment of the compensation for the work of the committee shall be prescribed in detail by the Minister by ordinance.

#### Article 66

(1) Prior to submission into the adoption procedure, when defining the final proposal of the plan or programme, it shall be mandatory to take into account the results of strategic assessment, opinions of bodies and/or persons designated by special regulations and to review the objections, proposals and opinions of the public as well as the results of any transboundary consultations if mandatory under this Act, which have been made concerning the draft proposal plan or programme, and the opinion of the Ministry.

(2) The strategic assessment procedure is concluded by the report of the body competent for the implementation of strategic assessment. It shall contain information on the manner in which environmental protection issues have been integrated in the plan or programme, the results of that procedure and the environmental protection measures and method of monitoring the application of measures which are included in the content of the plan or programme as well as the method of monitoring the significant environmental impacts of the plan or programme in question, as well as other data in conformity with the regulation referred to in Article 57 paragraph 4 of this Act.

(3) On the report referred to in paragraph 2 of this Article and the adopted plan or programme the body competent for carrying out strategic assessment in accordance with this Act and the regulation referred to in Article 137 paragraph 2 of this Act shall inform the public, bodies and/or persons designated by a special regulation and states which participated in transboundary consultations in the case that their participation was mandatory pursuant to this Act.

(4) After having adopted the plan and programme, the body competent for its adoption shall, during the implementation of the plan and programme, ensure the monitoring of environmental protection measures which are included in its content.

#### Article 67

When the strategic assessment also includes nature impact assessment of the plan or programme, the procedure for strategic assessment of the impact of the plan or programme on nature shall be carried out as part of the procedure for strategic assessment of the environmental impact of the plan or programme.

#### *Funds for Strategic Assessment and Evaluation of the Need for Strategic Assessment*

#### Article 68

(1) Funds for strategic assessment and evaluation of the need for strategic assessment, when these procedures are carried out for a plan or programme adopted at the state level, shall be secured from the State Budget and from other sources in accordance with the law.

(2) Funds for strategic assessment and evaluation of the need for strategic assessment, when these procedures are carried out for a plan or programme at the regional level, shall be secured from the budgets of regional self-government units and from other sources in accordance with the law.

#### *3 Environmental Impact Assessment*

#### *Definition and Purpose of Environmental Impact Assessment*

#### Article 69

(1) Environmental impact assessment of a project is the assessment of possible significant environmental impacts set out under this Act and the regulation referred to in Article 71 paragraph 3 of this Act.

(2) Environmental impact assessment identifies, describes and evaluates in an appropriate manner the impact of the project referred to in paragraph 1 of this Article on the environment, by establishing the possible direct and indirect effects of the project on the soil, water, sea, air, forest, climate, human beings, flora and fauna, landscape, material assets, cultural heritage, taking into account their mutual interrelations.

(3) Environmental impact assessment shall ensure the realisation of the prevention principle in the early phase of project planning in order to reduce the effects of the project to the least possible extent and achieve the greatest possible level of preservation of environmental quality, which is

achieved through harmonisation and adjustment of the intended project to the receptive capacities of the environment in a specific area.

(4) Environmental impact assessment shall be carried out as part of the preparation of the intended project, prior to issuing the location permit for project implementation or prior to issuing other approvals for a project for which the obtaining of a location permit is not mandatory.

(5) When the environmental impact assessment of a project also includes nature impact assessment of the project, pursuant to a special regulation on nature protection, a special assessment procedure shall not be carried out, in accordance with a special regulation on nature protection. In that case compensation requirements for endangering plant and animal species and habitats protected under a special regulation shall be established within the environmental impact assessment procedure in accordance with the opinion of the body competent for nature protection.

(6) The measures and/or programme for environmental monitoring established in the decision on the environmental acceptability of the project shall be a mandatory part of the content of the project implementation permits which are issued pursuant to special regulations.

#### *Integrated Procedures*

##### Article 70

(1) When a project for which environmental impact assessment is carried out pertains to an installation for which, pursuant to this Act and the regulation referred to in Article 71 paragraph 3 of this Act, the determining of integrated environmental protection requirements is mandatory, a decision on the request for environmental impact assessment and the request for determining integrated environmental protection requirements shall be made within a single procedure.

(2) In bringing the decision in the procedure referred to in paragraph 1 of this Article, the provisions of this Act which regulate environmental impact assessment and the provisions of this Act which regulate the determining of integrated environmental protection requirements for an installation apply.

(3) In the procedure referred to in paragraph 1 of this Article a decision on integrated environmental protection requirements shall be issued.

#### *Projects for which Environmental Impact Assessment is Mandatory and Projects Subject to Evaluation of the Need for Assessment*

##### Article 71

(1) Projects for which environmental impact assessment is mandatory and projects subject to evaluation of the need for environmental impact assessment shall be stipulated by virtue of the regulation referred to in paragraph 3 of this Article.

(2) Evaluation of the need for environmental impact assessment shall be based on case-by-case analyses and/or criteria prescribed by the regulation referred to in paragraph 3 of this Article.

(3) The method of submitting the request for environmental impact assessment, the minimum content of the environmental impact study in the case when there are no instructions defining the content of the study, the involvement of the authorised person who developed the environmental impact study, the method of submitting the request for evaluation of the need for environmental impact assessment, case-by-case analyses and criteria on the basis of which the decision on the need for environmental impact assessment is made, manner of issuing the evaluation, manner of submitting the request for issuing instructions on the content of the environmental impact study and manner of issuing those instructions; the mandatory content of the written communications issued in relation to public information and participation of the public concerned in the environmental impact assessment procedures, evaluations of the need for environmental impact assessment and issuing of instructions on the content of the environmental impact study as well as the method of operation and mandatory content of the opinions issued by the committee participating in the environmental impact assessment procedure shall be regulated in detail by the Government by virtue of a regulation.

#### *Exemptions*

##### Article 72

(1) When the project, for which the regulation referred to in Article 71 paragraph 3 of this Act stipulates mandatory environmental impact assessment, serves for national defence purposes, an appropriate form of environmental impact assessment may be considered and implemented at the request of the developer or depending on the request, the evaluation of the need for assessment may be carried out.

(2) In the case referred to in paragraph 1 of this Article the request shall be submitted to the Ministry. The Ministry shall carry out the evaluation of the need for assessment in an appropriate form and the evaluation of the need for assessment and propose to the Government that a decision be made correspondingly.

(3) The decision of the Government on the need for assessment within the meaning of paragraph 3 of this Article must contain:

- the method of implementing the appropriate form of assessment if established that the assessment needs to be implemented (mandatory content of the request of the developer, the minimum content of the expert application on the basis of which the assessment is made and all related matters),
- the manner of informing the public and the participation of the public concerned in the procedure referred to in subparagraph 1 of this paragraph,
- the manner of notifying other countries in the case of a project which has transboundary impact and in the case when it is evaluated that the assessment will not be carried out,
- the manner of notifying the public on the adoption of the decision on environmental acceptability of the project and the mandatory content of the report on the implemented procedure, including notification of the public concerned on the reasons for not accepting the objections and proposals which were made in the procedure,
- other conditions related to the procedure referred to in paragraph 1 of this Article.

(4) The environmental impact assessment for a project referred to in paragraph 1 of this Article shall be carried out by the Ministry. To this procedure the provisions of this Act on environmental impact assessment apply appropriately, in the part not defined by the decision referred to in paragraph 2 of this Article.

(5) For a project for which a regulation adopted on the basis of this Act prescribes mandatory environmental impact assessment, the said assessment shall not be carried out in the event of exceptional significance of the project for emergency prevention of the occurrence or the removal of consequences of damages which have occurred due to force majeure or due to other hazards for human beings, material assets and the environment.

(6) In the case referred to in paragraph 1 of this Article when in the procedure for evaluation of the need for environmental impact assessment it is decided that the assessment is not necessary and in the case referred to in paragraph 5 of this Article the Ministry shall notify the competent authority of the European Union.

#### *Request of the Developer*

##### Article 73

(1) The procedure for carrying out environmental impact assessment and the procedure for carrying out evaluation of the need for environmental impact assessment shall be carried out upon a written request from the developer.

(2) The request for environmental impact assessment shall contain an environmental impact study and other prescribed documents in accordance with the regulation referred to in Article 71 paragraph 3 of this Act, and shall be submitted in the manner prescribed under that regulation.

(3) The request for evaluation of the need for environmental impact assessment shall be submitted in the manner prescribed under the regulation referred to in Article 71 paragraph 3 of this Act.

(4) In the event that the developer does not submit the request referred to in paragraph 2 or paragraph 3 of this Article in the prescribed manner and with the prescribed content even after having been called upon by way of a special conclusion by the Ministry or the competent administrative body in the county or City of Zagreb to within a set deadline supplement the request in accordance with the prescribed content, the request shall be rejected by way of a special decision.

(5) The deadline for supplementing the request within the meaning of paragraph 4 of this Article may be at the latest three months from the day of delivery of the conclusion in which the supplement to the request was called for.

(6) In the event that the Ministry or the competent administrative body in the county or City of Zagreb establishes on the basis of this Act and special regulations that the request referred to in paragraph 3 of this Article is not legally founded, it shall refuse the request by way of a special decision.

#### *Competence*

#### Article 74

(1) The decision on the request for environmental impact assessment and the request for evaluation of the need for environmental impact assessment shall be made by the Ministry or the competent administrative body in the county or City of Zagreb, depending on which projects are placed under their competence by the regulation referred to in Article 71 paragraph 3 of this Act.

(2) The decision on the request for issuing instructions on the content of the environmental impact study prior to its development shall be made by the Ministry or the competent administrative body in the county or City of Zagreb, depending on which projects are placed under their competence by the regulation referred to in Article 71 paragraph 3 of this Act.

(3) Projects which are to be placed under the competence of the Ministry, that is, under the competence of the competent administrative body in the county or the City of Zagreb, shall be designated by the Government in the regulation referred to in Article 71 paragraph 3 of this Act.

#### *Environmental Impact Study and Defining the Study Content Prior to its Development*

#### Article 75

(1) The environmental impact study is the expert basis which includes all necessary information, documentation, explanations and descriptions in written and graphic form, the proposal of the evaluation of acceptability of the project and the environmental protection measures in relation to the project and where appropriate, the environmental status monitoring programme. On the basis of the environmental impact study, environmental impact assessment shall be carried out.

(2) The environmental impact study shall be developed based on updated, authentic and available information.

(3) The developer shall ensure the development of the environmental impact study and shall bear all costs in the environmental impact assessment procedure.

(4) The authorised person developing the environmental impact study shall be responsible for the authenticity, accuracy, expertness and fulfilment of prescribed requirements in relation to the development and content of the study.

#### Article 76

(1) The developer may, prior to developing the environmental impact study, submit a written request to the Ministry or the competent administrative body in the county or the City of Zagreb for instructions on the content of the study in relation to the intended project.

(2) The instructions referred to in paragraph 1 of this Act are not considered to be an administrative act.

(3) The request for issuing instructions on the content of the environmental impact study shall be submitted in the manner prescribed by the regulation referred to in Article 71 paragraph 3 of this Act. In the event that the request referred to in paragraph 1 of this Article is not submitted in the prescribed manner a decision shall be issued dismissing the request as incomplete.

#### *Committee in the Environmental Impact Assessment Procedure*

#### Article 77

(1) The advisory expert committee (hereinafter: the committee) appointed for each individual project by the Minister, that is, the head of the competent administrative body in the county and in the City of Zagreb, shall through issuing its opinion participate in the environmental impact assessment procedure, including the determining of integrated environmental protection requirements when carried out as an integrated procedure within the meaning of Article 70 paragraph 1 of this Act. In the event that a larger number of projects of the same type are planned, a standing committee for the type of project in question may be appointed.

(2) The committee shall evaluate the environmental impact of the project, its value and acceptability on the basis of the environmental impact study and shall give the Ministry or the competent administrative body in the county and in the City of Zagreb its opinion on the acceptability of the project, propose possible alternatives for the environment and environmental protection measures and an environmental monitoring programme in connection to the project. In the single procedure referred to in Article 70 paragraph 1 of this Act, the committee shall also evaluate the possible environmental impact of the technology proposed for the installation and shall propose to the Ministry integrated environmental protection measures in connection to the installation.

(3) The composition and number of members of the committee shall be determined by decision, depending on the type of project or installation and depending on the activity which the company will perform in the installation to which the project relates.

(4) Members of the committee shall be appointed from the list of persons selected by the Minister from among scientific and expert employees, representatives of bodies and/or persons designated by special regulations, representatives of local and regional self-government units and representatives of the Ministry. From the same list deputies to members of the committee may be designated.

(5) The list of persons referred to in paragraph 4 of this Article shall be published in the Official Gazette.

(6) The committee shall have the right to compensation for its work. The compensation for the work of the committee shall in accordance with the decision of the Minister be secured by the developer or the company.

#### *Deadlines for Carrying Out the Procedure*

##### *Article 78*

(1) The environmental impact assessment procedure shall be carried out within four months from the day of receiving an orderly request from the developer.

(2) By way of derogation from paragraph 1 of this Article, the deadline for carrying out the environmental impact assessment procedure may be extended for a maximum of two months if it has been evaluated in the procedure that it is necessary to carry out additional activities.

(3) The procedure for the evaluation of the need for environmental impact assessment shall be carried out within three months from the day of receiving an orderly request by the developer.

(4) The instructions on the content of the environmental impact study shall be issued within three months from the day of receiving an orderly request for the issuing of instructions.

(5) The requests referred to in paragraphs 1, 3 and 4 of this Article shall be considered orderly if they contain all the prescribed documents and information on the basis of which, according to the assessment of the Ministry, a decision or instruction may be issued in accordance with this Act.

(6) By way of derogation from paragraph 1 of this Article, when the environmental impact assessment procedure is carried out as a single procedure within the meaning of Article 70 paragraph 1 of this Act, the procedure shall be carried out within six months from the day of receiving the orderly request which is last found to be orderly in that procedure in accordance with this Act.

#### *Decisions and Mandatory Content of Decisions*

##### *Article 79*

(1) The request for environmental impact assessment shall be decided on by issuing a decision on the environmental acceptability of the project, if the decision is not being decided on within the

single procedure within the meaning of Article 70 paragraph 1 of this Act. The decision on the environmental acceptability of the project shall establish that the intended project is environmentally acceptable, subject to the application of environmental protection measures, and that it contains the necessary environmental protection measures ensuing from this Act, other regulations, standards and measures which contribute to environmental pollution abatement, and where appropriate, may also establish an environmental monitoring programme. In the event that the legally prescribed environmental protection requirements are not fulfilled, the decision in question shall establish that the project is not environmentally acceptable.

(2) On the request for evaluation of the need for environmental impact assessment a decision shall be issued establishing that an environmental impact assessment needs to be carried out for the project or that an environmental impact assessment does not need to be carried out for the project.

(3) The decision on integrated environmental protection requirements which is brought in the single procedure within the meaning of Article 70 paragraph 1 of this Act and the decision referred to in paragraphs 1 and 2 of this Article may be issued to the developer or company whose request or requests are found to be orderly, after having carried out the procedure in conformity with the provisions of this Act and regulations adopted on the basis thereof.

(4) Prior to the adoption of the decision on the environmental acceptability of the project and the decision on integrated environmental protection requirements the following shall be taken into account: results of the environmental impact study, opinions of the bodies and/or persons designated by special regulations; objections, proposals and opinions of the public and public concerned shall be reviewed as well as results of any transboundary consultations if mandatory pursuant to this Act.

#### *Validity of Decisions and Procedures Carried Out After Obtaining Decisions*

##### *Article 80*

(1) The decision on the environmental acceptability of the project and the decision on integrated environmental protection requirements shall cease to be valid if within two years from the day the decision became final an application for issuing a location permit or another official act in accordance with a special regulation is not submitted.

(2) The validity of the decision on the environmental acceptability of the project may, at the request of the developer, be once renewed for two more years provided that the requirements established in accordance with this Act and other requirements according to which the decision was issued have not changed. The request for renewal of the validity of the decision on the environmental acceptability of the project shall be decided on by issuing a decision.

(3) For each change to the intended project connected to the status of the facility or the installation which is established by the decision on environmental acceptability or by the technical and technological conceptual design as a constituent part of the decision on integrated environmental protection requirements, the developer and company shall, prior to submitting the application for obtaining the location permit or another official act pursuant to a special regulation, obtain a special decision on the evaluation of the need for environmental impact assessment due to the changes which have occurred, that is, a decision on the evaluation of the need for establishing new integrated environmental protection requirements.

(4) The decision referred to in paragraph 3 of this Article shall be passed by the same body which passed the decision on the environmental acceptability of the project or the decision on integrated environmental protection requirements.

(5) The decision passed in the procedure within the meaning of paragraph 3 of this Article shall also set out the method in which the environmental assessment procedure will be carried out, that is, the method in which the integrated environmental protection requirements shall be determined, in the event that the need for carrying out such procedures is found. In doing so the provisions of this Act and the implementing regulations of this Act which govern environmental impact assessment and the establishment of integrated environmental protection requirements apply accordingly.

#### *Right to Appeal*



## Article 81

(1) Against the decision referred to in Article 70 paragraph 3, the decision referred to in Article 73 paragraphs 4 and 6, the decision referred to in Article 76 paragraph 3, the decision referred to in Article 79 paragraphs 1 and 2 and the decision referred to in Article 80 paragraphs 2 and 3 of this Act, issued by the Ministry an appeal shall not be permitted but an administrative dispute may be initiated.

(2) The decision referred to in Article 70 paragraph 3, the decision referred to in Article 79 paragraphs 1 and 2 and the decision referred to in Article 80 paragraphs 2 and 3 of this Act shall be delivered to the competent inspection.

### *4 Determining Integrated Environmental Protection Requirements for an Installation*

### *Goal and Purpose of Determining Integrated Environmental Protection Requirements*

## Article 82

(1) Prior to starting construction and operation, as well as prior to a significant change in operation or reconstruction of the installation intended for performing an activity, which may cause emissions which pollute the soil, air, water and sea, the company shall obtain integrated environmental protection requirements in accordance with this Act and the regulation referred to in paragraph 4 of this Act.

(2) Integrated environmental protection requirements referred to in paragraph 1 of this Article shall be determined with the aim of integrated environmental protection through prevention, reduction and removal to the greatest possible extent of pollution, primarily at the source, and through ensuring prudent management of natural assets by supervising pollution and establishing a sustainable balance between human activity and social and economic development on the one hand and natural assets and nature's regenerative capacity on the other.

(3) Activities which may cause emissions within the meaning of paragraph 1 of this Article shall be prescribed by the regulation referred to in paragraph 4 of this Article.

(4) The method of submitting the request for determining and the manner of determining integrated environmental protection requirements for new installations (prior to starting construction and reconstruction and starting regular operation) and for existing installations in which activities within the meaning of paragraph 1 of this Article are performed, the mandatory content of the technical and technological conceptual design for the installation in relation to integrated environmental protection requirements, the costs and manner of payment of costs in connection to those procedures, the mandatory content of the decision determining integrated environmental protection requirements, the method and obligation of performing trial operation of the installation in relation to established measures and integrated environmental protection requirements, the method of submitting data on monitoring emissions and imissions into the air, water and soil and other environmental components, conditions in which the installation must obtain new integrated environmental protection requirements and the decision on amendments to the determined integrated environmental protection requirements, actions to be undertaken by competent bodies in the event that emissions from the installation might have a transboundary effect on human health and the environment of other states, the mandatory content of the analysis of the status in an existing installation and the mandatory content of the study on the method of alignment with the provisions of this Act, the mandatory content of the opinion of the Ministry on the analysis and the study of the company and the manner in which it is issued as well as other measures and requirements in accordance with internationally accepted standards and regulations shall be regulated in detail by the Government by virtue of a regulation.

### *Obligations of Companies in Relation to Integrated Environmental Protection*

## Article 83

The company shall, with the aim of integrated environmental protection against adverse effects of the activities performed in the installation within the meaning of Article 82 paragraph 1 of this Act, ensure that during the performance of activities in the installation:

- all necessary measures and measures established under special regulations and official acts are being undertaken for the purpose of preventing pollution, and especially through use of best available techniques,
- significant environmental pollution is not caused,
- generation and/or production of waste is avoided, that is, that waste is recovered or when those measures cannot be accomplished, that it is disposed of in such a manner so as to avoid or reduce effects on the environment,
- energy is used efficiently,
- all necessary measures and measures established under special regulations and official acts are undertaken in order to prevent accidents and remediate their consequences,
- upon termination of operation of the installation, all measure are taken in order to avoid the risk of environmental pollution and that the area of the installation is returned to a favourable or satisfactory status in relation to the environment.

*Competence for Deciding on the Request for Determining Integrated Environmental Protection Requirements for Installations and Method of Determination*

Article 84

- (1) The decision on the request for determining integrated environmental protection requirements for an installation shall be made by the Ministry.
- (2) Integrated environmental protection requirements for installations shall be determined in the procedure referred to in Article 70 paragraph 1 of this Act, prior to the issue of the location permit. Integrated environmental protection requirements shall include requirements for the protection of the soil, air, water, sea if the location of the installation so demands, as well as the protection of other environmental components as well as work protection requirements. All these environmental protection requirements must ensue from the characteristics of the technological processes presented in the technical and technological conceptual design of the installation, selected on the principle of best available techniques applicable to the installation.
- (3) The integrated environmental protection requirements determined in the decision referred to in Article 70 paragraph 3 are a constituent part of the location permit.
- (4) Verification of the fulfilment of integrated environmental protection requirements referred to in paragraph 2 of this Article, determined in the decision referred to in Article 70 paragraph 3 of this Act, shall be carried out within the technical attestation procedure as part of the procedure for the issue of the use permit, performed pursuant to a special regulation, except in the part relating to environmental protection which is performed in accordance with this Act.

*Method of Submitting the Request for Determining Integrated Environmental Protection Requirements for Installations*

Article 85

- (1) The request for determining integrated environmental protection requirements for installations may pertain to one or several parts of an installation at the same location, in which the same company intends to perform its activities and/or intends to use.
- (2) The request for determining integrated environmental protection requirements for installations shall be submitted simultaneously with the request for environmental impact assessment which refers to that installation. The request shall contain the technical and technological conceptual design for the installation in relation to integrated environmental protection requirements and:
  - a description of the installation and the activity which the company intends to perform or is already performing in the installation,
  - list of raw materials, secondary materials and other substances and data on energy which will be used or generated in the installation,
  - a description of the source of emissions from the installation,
  - a description of the status of the location and the area in which the installation is located,
  - a description of the properties and quantity of expected emissions from the installation into all media as well as identification of significant effects of emissions on the environment,

- a description of planned technology and other techniques for prevention or, where not possible, abatement of emissions from the installation,
- where appropriate, a description of measures for prevention and recovery of waste generated in the installation,
- a description of other measures planned for the fulfilment of general principles of basic obligations of the company in accordance with Article 83 of this Act,
- a description of measures planned for monitoring emissions into the environment, and
- a summary of all information stated in subparagraphs 1 to 9 of this paragraph.

(3) In the event that this Act and the corresponding implementing regulation of this Act or a special regulation, apart from the obligation of evaluation of the need for environmental impact assessment and the obligation of environmental impact assessment, also prescribes the obligation to develop a Safety Report and to obtain a permit for the emission of greenhouse gases, then the request for determining integrated environmental protection requirements for installations, apart from the content set out under paragraph 2 of this Article, must also contain the appropriate official acts and/or information on procedures pertaining to those obligations.

(4) The technical and technological conceptual design for an installation related to the integrated environmental protection requirements shall be provided by the developer or company which shall bear all costs in the procedure for determining integrated environmental protection requirements.

(5) The technical and technological conceptual design for an installation related to the integrated environmental protection requirements shall be developed on the basis of updated, authentic and available information.

(6) The authorised person developing the technical and technological conceptual design for an installation related to the integrated environmental protection requirements shall be responsible for the authenticity, accuracy, expertness and fulfilment of prescribed requirements in relation to the development and content of the design.

#### Article 86

(1) In the event that the developer or company does not submit the request referred to in Article 85 paragraph 1 of this Article in the prescribed manner and with the prescribed content even after having been called upon by the Ministry by way of a special conclusion to supplement the request within the set deadline in accordance with the prescribed content, the request shall be rejected by way of a special decision.

(2) The deadline for supplementing the request referred to in Article 85 paragraph 1 of this Act within the meaning of the provision of paragraph 1 of this Article may be a maximum of three months from the day of delivery of the conclusion by which the supplement to the request was called for.

(3) In the event that on the basis of this Act and special regulations the Ministry establishes that the request referred to in Article 85 paragraph 1 of this Article is not legally founded, the request shall be rejected by a special decision.

(4) Against the decision referred to in paragraphs 1 and 3 of this Article an appeal shall not be permitted but an administrative dispute may be initiated.

#### *Method of Carrying Out the Procedure for Determining Integrated Environmental Protection Requirements for Installations*

#### Article 87

(1) The procedure for determining integrated environmental protection requirements for installations shall be carried out in accordance with this Act and a special regulation.

(2) To the deadline for carrying out the procedure for determining integrated environmental protection requirements for installations, the provisions of Article 78 paragraph 6 of this Act

apply in the case of issuing a decision on the environmental acceptability of the project, while in the case of issuing a use permit according to a special regulation, the deadline prescribed by that regulation applies.

#### Article 88

(1) The decision on integrated environmental protection requirements must contain all the requirements in accordance with Article 84 paragraph 2 of this Act which the installation must fulfil in accordance with this Act and special regulations and the method in which fulfilment of integrated environmental protection requirements is verified during trial operation of the installation in accordance with a special regulation. The technical and technological conceptual design of the installation pertaining to the determined integrated environmental protection requirements is a constituent part of that decision.

(2) In the event that a specific location demands more stringent environmental quality requirements than the requirements defined by limit values under special regulations, additional measures in the decision referred to in paragraph 1 of this Article shall establish emission limit values which environmental quality requirements permit at the location in question.

(3) By virtue of the use permit, non excluding the content and purpose of that official act regulated under a special regulation, authorisation shall be granted for the operation of the installation in entirety or in part, and it shall be established that it fulfils the integrated environmental protection requirements in accordance with the decision on integrated environmental protection requirements. The use permit shall confirm that the installation also fulfils the prescribed requirements for operation and/or for performing activities (hereinafter these requirements are referred to as: integrated environmental protection requirements from the use permit) .

(4) Integrated environmental protection requirements established in accordance with this Act for installations to which special regulations on greenhouse gas emission trading apply shall not contain special requirements pertaining to the efficient use of energy in combustion plants or other units which release carbon dioxide (CO<sub>2</sub>).

(5) The provisions of paragraph 4 of this Article do not apply to integrated environmental protection requirements which are determined for installations which are temporarily excluded from the greenhouse gas emission trading system in accordance with a special regulation.

#### Article 89

(1) The decision on integrated environmental protection requirements shall be submitted along with the conceptual design which is developed pursuant to a special regulation and is a constituent part of the request for issuing a location permit in accordance with that regulation.

(2) Along with the request for issuing a building permit in accordance with a special regulation, a written report of an auditor authorised in accordance with this Act shall be submitted, confirming that the technical design of the installation proves that all the integrated environmental protection requirements have been fulfilled, as established in the location permit or the decision referred to in paragraph 1 of this Article.

(3) In the technical attestation which is performed pursuant to a special regulation as part of the procedure for issuing the use permit for an installation, after putting the installation into trial operation, the environmental protection expert from the Ministry shall verify whether the determined environmental protection requirements have been fulfilled in accordance with the decision referred to in paragraph 1 of this Article.

(4) The Minister may, depending on the specific techniques used in the operation of the installation which is being verified in conformity with paragraph 3 of this Article, authorise an expert institution, company or specialised expert to participate, along with the relevant official persons and experts, in the work of the committee for technical attestation in accordance with a special regulation.

#### Article 90

(1) The integrated environmental protection requirements from the use permit shall be determined for the application period of five years from the day the use permit was issued.

(2) Upon the expiry of the period referred to in paragraph 1 of this Article the use permit shall cease to be valid in the part relating to determined integrated environmental protection requirements, without prejudice to other established requirements in that permit in accordance with a special regulation, if an application for an extension has not been filed in the meantime in accordance with this Act.

(3) The period of validity of the integrated environmental protection requirements from the use permit may, at the request of the company, be extended only if the installation fulfils the requirements under which, according to the regulations in force at the time of submitting the application, the same integrated requirements may be determined. The request of the company shall be decided on by virtue of a special decision.

(4) Against the use permit in relation to the said requirements an appeal shall not be permitted but an administrative dispute may be initiated.

(5) Against the decision referred to in paragraph 3 of this Article an appeal shall not be permitted but an administrative dispute may be initiated.

#### *Trial Operation and Commencing Regular Operation of Installations*

##### Article 91

(1) All installations for which this Act and the regulation referred to in Article 82 paragraph 4 of this Act prescribe the obligation of obtaining the decision on integrated environmental protection requirements must during their trial operation verify that the integrated environmental protection requirements for the installation have been fulfilled.

(2) The regular operation of the installation may commence if during the trial operation it is found that all the parameters established by the environmental protection measures from the decision on integrated environmental protection requirements have been met and on the basis of the use permit issued.

#### *Obligations of the Operator After Obtaining the Use Permit or Decision on Integrated Environmental Protection Requirements for an Existing Installation*

##### Article 92

(1) After obtaining the use permit within the meaning of Article 88 paragraph 3 of this Act the operator shall notify the Ministry of the commencement of regular operation of the installation within 15 days before starting to perform activities.

(2) The operator of the company whose installation has obtained a use permit in accordance with this Act, that is, a decision on integrated environmental protection requirements in the case of an existing installation, shall deliver to the Agency data on the results of monitoring emissions into the soil, air, water, sea and other environmental components in accordance with prescribed obligations on reporting and immediately report to the environmental inspection all unforeseeable events in the installation or activity in the environment, which has a significant environmental impact.

(3) Information referred to in paragraph 2 of this Article shall be delivered by 15 June of the current year for the previous year.

(4) The operator shall notify the Ministry in writing of a change in operation or a planned reconstruction of the installation and deliver a detailed description of the intended changes to the installation.

(5) Based on review and analysis of the notification of the operator referred to in paragraph 4 of this Article, when the requirements prescribed by the regulation referred to in Article 82 paragraph 4 of this Act have been met, the Ministry may by virtue of a special decision instruct the company to, before obtaining any document pursuant to a special regulation in connection to installation reconstruction, submit a request for:

- the issue of the decision for integrated environmental protection requirements for the installation as a whole or for the part of the installation in which the reconstruction is planned,
- the issue of the decision on amendments to the integrated environmental protection requirements from the use permit, that is, from the decision on integrated environmental protection requirements for an existing installation.

(6) When the obligation of submitting a request exists pursuant to the decision of the Ministry referred to in paragraph 5 of this Article, the request shall be submitted in the manner prescribed by the regulation referred to in Article 82 paragraph 4 of this Act for existing installations.

*Obligation of Following Best Available Techniques*

Article 93

(1) The Ministry shall follow the development of best available techniques.

(2) For the purpose of performing the tasks referred to in paragraph 1 of this Article the Minister may, depending on the specific techniques being applied, authorise an expert institution, company or expert specialist to monitor specific available techniques and may also establish a special expert advisory body for that purpose by virtue of a decision.

(3) Members of the expert advisory body shall have the right to compensation for their work in the body.

(4) Funds for compensation for the work of legal and natural persons referred to in paragraphs 2 and 3 of this article shall be secured from the State Budget.

Article 94

Every five years, the Ministry shall ex officio review and if necessary amend, by virtue of a special decision, the initially determined integrated environmental protection requirements for an installation in accordance with this Act, and especially when:

- the pollution caused by the installation of the company is of such significance that it is necessary to re-examine the emission limit values established by integrated environmental protection requirements, or for the purpose of efficient integration of environmental protection requirements establish new emission limit values,
- significant changes in best available techniques enable significant emission reduction without entailing significant costs to the operator,
- safety requirements for operations or activities dictate the use of other available and accessible techniques,
- this is necessary due to alignment with the law and with European and/or international regulations.

*Termination of Validity of the Use Permit in the Part Determining Integrated Environmental Protection Requirements and of the Decision on Integrated Environmental Protection Requirements for Existing Installations*

Article 95

(1) The Ministry may, at the proposal of the environmental inspector or another inspector competent pursuant to a special regulation, establish by a special decision the termination of validity of the use permit in the part determining the integrated environmental protection requirements, that is, establish by a special decision the termination of validity of the decision on integrated environmental protection requirements for existing installations, before the expiry of the period established under that permit or decision in the event that:

- the company carries out a significant change in the installation or reconstruction of the installation without having previously notified the Ministry and without having obtained a decision on integrated environmental protection requirements if the obligation to do so existed pursuant to this Act and special regulations and implementing regulations thereof,
- the operator or company, at the order of the environmental inspector or another inspector competent pursuant to a special regulation, does not undertake within the prescribed deadline the appropriate measures in order to meet the determined integrated environmental protection requirements from the use permit or the decision pertaining to an existing installation.

(2) The Ministry may also, at the proposal of the environmental inspector or another inspector competent pursuant to a special regulation, establish by a special decision the termination of validity of the use permit in relation to established integrated environmental protection requirements or the termination of validity of the decision on integrated environmental protection requirements before the expiry of the period established under that permit or decision in the event

that the operator and company did not follow the order of the inspector competent for a specific environmental component or burden pursuant to a special regulation.

(3) On his findings and the pronounced order referred to in paragraph 2 of this Article the inspector competent for a specific environmental component or burden pursuant to a special regulation shall inform the Ministry.

(4) The decision referred to paragraphs 1 and 2 of this Article shall also be delivered to the inspector who delivered the proposal within the meaning of paragraph 1, that is, paragraph 3 of this Article.

(5) Against the decision establishing the termination of validity of the use permit in relation to integrated environmental protection requirements an appeal shall not be permitted but an administrative dispute may be initiated.

#### *Register of Use Permits and Decisions on Integrated Environmental Protection Requirements for Installations*

##### Article 96

(1) The Agency shall establish and maintain the register of use permits establishing integrated environmental protection requirements and decisions on integrated environmental protection requirements for existing installations.

(2) The content, method of maintaining the register referred to in paragraph 1 of this Article and the method that the Ministry uses for delivering information for the register and related deadlines shall be prescribed by the Minister by ordinance.

#### *5 Prevention of Major Accidents Involving Dangerous Substances*

##### Article 97

(1) The provisions of this Act on the prevention of major accidents involving dangerous substances relate to installations in which or through which, in the performance of activities of the company, dangerous substances are: produced, processed, stored, generated as by-products during the production process; used as raw materials in the production and technological process, transported inside the installation and/or landfilled for production process purposes; or which may be generated during a major accident (hereinafter: are present).

(2) The list of types of dangerous substances referred to in paragraph 1 of this Article, method of determining quantities, permitted quantities and criteria according to which those substances are categorised as dangerous; method of submitting and mandatory content of the notification on implementation of safety measures; mandatory content of the Safety Report, manner of submitting the application for approval of the Safety Report; mandatory content and method of issuing approval; method of submitting the application for extension of the approval issued and related deadlines; method and requirements for supervision over the implementation of activities and measures in accordance with the issued approval of the Report; special obligations of the company or operator: in undertaking measures for preventing major accidents, in case of a significant change in the installation, in case of a major accident, procedure and obligations in case of major accidents with transboundary effects, other requirements and measures for preventing major accidents in accordance with internationally recognised standards and regulations and the content and manner of keeping registers on companies and their installations which may cause accidents with domino effects, shall be regulated by the Government by virtue of a regulation.

#### *Obligations of the Operator in Relation to Prevention of Major Accidents*

##### Article 98

(1) The operator of the company in whose installation dangerous substances are present shall undertake preventive measures necessary for reducing the risk of occurrence and preventing the occurrence of major accidents and measures for restricting the effect of major accidents on human beings, material assets and the environment.

(2) The operator referred to in paragraph 1 of this Article shall, at any time, provide the Ministry with evidence that he has undertaken all necessary measures in accordance with this Act and its implementing regulations.

(3) For the purpose of fulfilling the obligations referred to in paragraphs 1 and 2 of this Article the operator shall determine the possible presence or actual presence of dangerous substances in the installation of the company, by types and quantities, and shall notify the Ministry thereon in the prescribed manner:

1. for an installation which will be built or reconstructed, before obtaining the decision on integrated environmental protection requirements and at the latest at the same time as submitting the request for environmental impact assessment if such an assessment is prescribed as mandatory;

2. for existing installations:

- in the case of reconstruction, that is, changes in production and operation,

- in the case of significant increase of the quantity or significant changes in the nature or physical form of the present dangerous substance in relation to the information stated in the notification which the operator delivered previously,

- in the case of any changes in the procedures in which the dangerous substance is used in relation to the change in nature or quantity of dangerous substances, which changes might significantly influence major accident hazards,

- in the case of permanent termination of the operation of the installation.

(4) When the operator ascertains the presence of small quantities of dangerous substances in the installation in accordance with the provisions of Article 97 paragraph 2 of this Act, he shall notify the Ministry thereon in the manner prescribed by regulation.

(5) In the case referred to in paragraph 4 of this Article the notification shall contain guidelines and measures for preventing major accidents setting out the organisation and management of the installation with the aim of reducing major accident hazards to a minimum and ensuring a high level of protection of human beings and the environment.

(6) When the operator ascertains the presence of large quantities of dangerous substances in the installation in accordance with this Act and the provisions of the regulation referred to in Article 97 paragraph 2 of this Act, he shall develop the Safety Report in conformity with the regulation and best available techniques and technologies which shall contain: guidelines for preventing major accidents, prepared safety system, internal plan (plan for procedures within the installation), data for the plan on preventing major accidents which refers to protection measures and activities to be undertaken outside the installation of the operator (hereinafter: external plan) and the statement of the operator on the part of the content of the Report which is not accessible to the public due to industrial, trade or business confidentiality, public safety and/or national defence.

(7) The operator shall substantiate the statement referred to in paragraph 6 of this Article on the part of the content of the Report which cannot be accessible to the public by appropriate authorisations issued by the competent authorities depending on the area to which the data confidentiality pertains.

#### *Exemptions*

##### Article 99

(1) The provisions of this Act on the prevention of major accidents involving dangerous substances which apply to installations of a company do not apply to systems outside the installation of the company which are regulated under special regulations, such as:

- military facilities and military warehouses,

- ionising radiation hazards,

- road, rail, air transport and transport of dangerous substances by inland waterways and by sea,

- temporary storage of dangerous substances outside the installation to which the provisions on the prevention of major accidents apply, including loading and unloading stations and transport to or by other transportation means in docks, harbours or yard terminals,

- transport of dangerous substances through pipelines, including pump stations, with the exception of those located inside the installation to which provisions on the prevention of major accidents apply,



- utilization or exploitation (exploration, extraction and treatment) of raw minerals in mines, quarries and boreholes, with the exception of chemical and thermal processing and storage of dangerous substances within the framework of performing the abovementioned activities,
- exploration and extraction of raw minerals on platforms, including hydrocarbons,
- waste landfills.

(2) By way of derogation from paragraph 1 subparagraph 8 of this Article, the provisions of this Act on the prevention of major accidents involving dangerous substances which apply to installations of a company also apply to operating landfills of unusable waste such as waste management centres pursuant to the Waste Act, including pits and banks containing dangerous substances pursuant to the regulation referred to in Article 97 paragraph 2 of this Act, especially when dangerous substances are used in connection with chemical treatment of minerals.

#### *Approval of the Safety Report*

##### Article 100

(1) It shall be prohibited to perform activities which involve the presence of dangerous substances in the installation of a company without having obtained approval of the Safety Report.

(2) The approval referred to in paragraph 1 of this Article shall also be obtained by a company which performs activities in an installation in which dangerous substances are present. The approval referred to in paragraph 1 of this Article shall also be obtained for amendments to the Safety Report for which approval has been obtained.

(3) The approval of the Safety Report shall be issued on the basis of the evaluation of whether the said Report has established all measures and activities and requirements and method for their implementation in accordance with the regulation referred to in Article 97 paragraph 2 of this Act.

(4) The company operator shall be responsible for obtaining the approval referred to in paragraphs 1 and 2 of this Article.

##### Article 101

(1) Approval referred to in Article 100 paragraphs 1 and 2 shall be granted by the Ministry. The approval shall not be considered an administrative act.

(2) The application for granting approval of the Safety Report and amendments to the Safety Report shall be submitted by the operator in the manner stipulated by the regulation referred to in Article 97 paragraph 2 of this Act.

(3) The approval referred to in Article 100 paragraphs 1 and 2 of this Act shall be issued within three months from the day of submitting an orderly application. The application shall be considered to be in order if it contains all information in accordance with the regulation referred to in Article 97 paragraph 2 of this Act.

(4) In the procedure for issuing approval of the Safety Report the Minister may, depending on the specific techniques applied in the operation of the installation to which the Report refers, authorise an auditor in conformity with this Act to perform an expert analysis of the Report and issue an opinion thereon in the manner prescribed by the ordinance referred to in Article 42 paragraph 3 of this Act.

(5) The approval referred to in Article 100 paragraph 1 of this Act shall be issued for a period of five years from the day of issuance. Upon expiry of that period the approval shall cease to be valid.

(6) The validity of the approval may, at the request of the operator, be extended by a new approval for another five years, under the condition that the operator proves that the company has not changed the conditions in the installation on the basis of which the initial approval of the Safety Report was issued and that the requirements have been fulfilled in conformity with this Act.

##### Article 102

(1) In the event that the operator does not submit the request referred to in Article 101 paragraphs 2 and 6 of this Act in the prescribed manner and with the prescribed content the request shall be dismissed by a special decision.

(2) In the event that the Ministry establishes on the basis of this Act and special regulations that the request referred to in Article 101 paragraph 2 of this Act is not legally founded, the request shall be rejected by a special decision.

(3) Against the decision referred to in paragraphs 1 and 2 of this Article an appeal shall not be permitted but an administrative dispute may be initiated.

#### *Changes in Operation of the Installation*

##### Article 103

(1) In the event the company introduces changes in the operation of the installation, production process and/or type and/or quantity of dangerous substances which may cause major accidents, as well as in the event that it permanently terminates operation of the installation, the operator shall carry out an analysis and audit of activities and safety measures for preventing major accidents and, where appropriate, accordingly amend the Safety Report for that installation and notify the Ministry and the central administration body competent for safety and rescue.

(2) In the event that the changes referred to in paragraph 1 of this Article are of such nature that they require the development of a new Safety Report and the obtaining of approval of the content of the amendments to the Report, the operator shall obtain a new approval before the expiry of the period of five years referred to in Article 101 paragraph 5 of this Article.

#### *Notification on the Implementation of Safety Measures*

##### Article 104

(1) The operator shall deliver, in the prescribed manner, data on the activities and safety measures which he is implementing in accordance with the Safety Report and inform the Ministry and the central administration body competent for safety and rescue as well as legal and natural persons which are likely to be affected by major accidents that the activities of the company in the installation or the installation itself may cause.

(2) Information referred to in paragraph 1 of this Article must be available to the public in accordance with the provisions of this Act.

#### *Notification in Case of Major Accidents*

##### Article 105

(1) The operator shall immediately notify the Ministry and the central administration body competent for safety and rescue of the moment of occurrence of a major accident and deliver information on:

- causes and conditions due to which the major accident occurred,
- dangerous substances present during and after the major accident,
- assessment of the consequences of the major accident to human health, material assets and the environment,
- undertaken emergency or supplementary activities and measures.

(2) The operator shall also notify the Ministry and the central administration body competent for safety and rescue of the activities and measures undertaken for mitigation of mid-term and long-term consequences of major accidents and activities and measures for preventing the potential reoccurrence of the accident. If during subsequent investigation additional circumstances which may affect the application of other measures and activities at the site are found, the operator shall subsequently also notify of those measures and activities.

(3) The operator shall immediately deliver the data referred to in paragraphs 1 and 2 of this Article to the administrative bodies, the city, municipality and the public, on the territory of which the major accident occurred as well as the Agency and other bodies competent for the safety and rescue system.

#### *Data Exchange for the Purpose of Preventing and Mitigating Domino Effects*

##### Article 106

(1) Based on the data from the registry of the Agency referred to in Article 108 of this Act, the Ministry shall in accordance with the provisions of the regulation referred to in Article 97 paragraph 2 of this Act organise a register in order to determine the installations in which there is

a likelihood or an increased likelihood of major accidents and consequences thereof due to the location, proximity of such installations and quantity of dangerous substances.

(2) After determining the installations within the meaning of the provision of paragraph 1 of this Article, the Ministry shall ensure adequate exchange of information with the central state administration body competent for safety and rescue, for the purpose of enabling operators of those companies to take into account the nature and scope of the overall threat of a major accident in relation to the measures and activities for prevention of major accidents and safety management systems contained in the Safety Reports and internal safety plans.

(3) Through adequate informing and cooperation with companies registered in the registry referred to in paragraph 1 of this Article, the Ministry shall ensure the conditions for mutual cooperation of operators in connection to prescribed obligations on public information and delivery of data for the purpose of developing external plans.

#### Article 107

(1) The operator shall deliver the Safety Report including the internal plan to the central state administration body competent for safety and rescue for the purpose of developing external plans.

(2) External safety plans shall be developed and applied in accordance with a special regulation.

(3) Internal and external plans referred to in paragraph 1 of this Article in the case of increased risk of a major accident occurring shall be applied immediately.

(4) Internal and external plans must be reviewed, verified and if necessary, amended and revised in accordance with this Act or special regulation.

#### *Registry of Installations in which Dangerous Substances are Present*

#### Article 108

(1) The Agency shall organise and maintain a registry of installations in which dangerous substances are present and maintain a register of reported major accidents.

(2) The content and the method of maintaining the registry and register referred to in paragraph 1 of this Article and the method in which the Ministry delivers data for the registry and register, as well as related deadlines, shall be prescribed by the Minister by ordinance.

#### *6 Physical Plans as an Environmental Protection Instrument*

#### Article 109

(1) Objectives related to preventing environmental pollution and limiting consequences of pollution shall be taken into consideration when preparing physical plans and making decisions in accordance with a regulation governing physical planning, in particular when selecting locations for new installations, establishing changes which have occurred in existing installations and planning new infrastructure such as roads, public areas and residential areas.

(2) Apart from the obligations prescribed by this Act, the distance between an installation and residential areas, public places and environmentally significant areas, as well as use of additional measures by existing installations should also be taken into consideration when preparing physical plans, all for the purpose of avoiding increased threat to human health, material assets and the environment.

#### *7 Transboundary Effects of Plans and Programmes, Projects and Installations on the Environment*

#### *Notifying Another Country of a Plan or Programme*

#### Article 102

(1) When the Ministry, within the strategic assessment procedure, assesses that the implementation of a plan or programme could have a significant impact on the environment and/or human health in another country or if a country which might be exposed to significant impact so requests, it shall notify the competent body of the other country of the draft proposal of the plan or programme prior to submitting it into the adoption procedure.

(2) The notification referred to in paragraph 1 of this Article shall contain the draft proposal of the plan or programme and the strategic impact study as well as the deadline by which the other country should notify the Ministry of its intention to participate in the strategic assessment procedure.

(3) When the competent administrative body in a county, that is, the City of Zagreb assesses in the strategic assessment procedure that the implementation of a plan or programme could have a significant impact on the environment and/or human health in another country it shall immediately notify the Ministry thereon, in order for the procedure referred to in paragraph 1 of this Article to be implemented.

(4) If another country notifies the Ministry or if the Ministry notifies another country of its intention to participate in a strategic assessment procedure, the Ministry shall perform the procedure by appropriate application of the provisions of this Act related to transboundary environmental impact assessment, that is, in accordance with a special regulation.

*Notifying Another Country of a Project*

Article 111

(1) When the Ministry or the competent administrative body in a county or in the City of Zagreb, upon receiving a request for evaluation of the need for environmental impact assessment or upon receiving a request for environmental impact assessment, assesses that a project could have a significant impact on the environment of another country, it shall deliver a notification stating that the request has been made to the competent body of the other country. The Ministry shall deliver the notification stating that the request has been made also if the other country requests it to do so. This notification shall be delivered at the latest after the general public of the State has been informed of the receipt of the request.

(2) The notification referred to in paragraph 1 of this Article shall contain a description of the project and available data on its potential environmental impacts, information on the related procedure, deadline by which the other country should inform the Ministry on its intention to participate in the environmental impact assessment procedure.

(3) If the other country notifies the Ministry of its intention to participate in the environmental impact assessment procedure, the Ministry shall perform the procedure in accordance with the Convention on Environmental Impact Assessment in a Transboundary Context.

*Participation in a Procedure Pertaining to a Project in Another Country*

Article 112

(1) When the Ministry assesses that a project which will be carried out on the territory of another country could have a significant impact on the environment in the State, either on the basis of a notification delivered by the other country or if the Ministry learns of an environmental project but has not received notification from the other country, it shall notify the country in question of its intention to participate in the environmental impact assessment procedure for that particular project.

(2) If the Ministry makes a decision to participate in the environmental impact assessment procedure for the project in the other country, it shall, for the purpose of obtaining their opinion, submit data on the project to bodies and/or persons designated by special regulations and to the competent administrative body in a county or in the City of Zagreb, depending on the area which is effected by the environmental project in the other country, as well as enable information and participation of the public and public concerned pursuant to the provisions of this Act.

(3) After having received the opinions of the bodies referred to in paragraph 2 of this Article and the comments given by the public and public concerned, the Ministry shall prepare a

single opinion and deliver it to the competent body of the other country within the given deadline.  
*Notifying Another Country of the Operation of an Installation*

#### Article 113

(1) If the Ministry assesses that emissions from an installation could have a significant impact on the environment of another country or if the other country so requests, the Ministry shall deliver a notification to the competent body of that country stating that a company has requested that integrated environmental protection requirements be determined, and shall at the same time carry out the procedure for public participation in determining integrated environmental protection requirements for the installation in question.

(2) If the country referred to in paragraph 1 of this Article notifies the Ministry of its intention to participate in the procedure for determining integrated environmental protection requirements for a particular installation, the Ministry shall deliver to the competent body of the country in question the relevant information on the request submitted by the company, as well as the deadline for the delivery of the opinion.

(3) When the procedure for determining integrated environmental protection requirements for the installation has been carried out, the Ministry shall notify the country referred to in paragraph 1 of this Article of the decision which has been issued in connection to the request of the company.

#### *Participation in the Procedure for Determining Integrated Environmental Protection*

#### *Requirements for an Installation in Another Country*

#### Article 114

(1) If the Ministry assesses that the operation of an installation on the territory of another country could cause environmental damage and present a threat to human health, natural assets and the environment of the State, or if it has received a notification from another country through the ministry in charge of foreign affairs, or if the Ministry learns of the planned installation but has not received a notification from the other country, it shall notify that country on whether it intends to participate in the procedure for determining integrated environmental protection requirements.

(2) When the Ministry has made a decision to participate in the procedure for determining integrated environmental protection requirements for an installation in another country, it must forward the data on the planned installation for opinion to bodies and/or persons designated by special regulations and to the competent administrative body in a county or in the City of Zagreb, depending on the area in which human health, natural assets and the environment could be effected by the installation from the other country, as well as enable information and participation of the public and public concerned pursuant to the provisions of this Act.

(3) After having received the opinions of the bodies referred to in paragraph 2 of this Article, the Ministry shall deliver those opinions along with the comments made by the public to the competent body of the other country within the given deadline.

(4) The Ministry may make arrangements with the competent body of the other country relating to the manner and procedure for implementing the proposal on reducing or eliminating potential transboundary effects of the installation on the environment in the State.

#### *Notifying Another Country of a Major Accident*

#### Article 115

In the event of a major accident which has occurred on the territory of the State and which can cause transboundary effects on human health and the environment in another country, the Ministry shall notify, through the central state administration body competent for safety and rescue, that country and deliver to the competent bodies of that country all the information needed in order to undertake necessary measures.

#### *8 Environmental Protection Measures for Projects for Which Environmental Impact Assessment is Not Mandatory*

#### Article 116

(1) Environmental protection measures for projects for which this Act does not prescribe mandatory environmental impact assessment, and for which, in order to fulfil contractual obligations assumed under international treaties and agreements, it is necessary to establish the

acceptability of a project in terms of its environmental impact, shall be set out in an environmental protection study.

(2) The study referred to in paragraph 1 of this Article shall be prepared by the authorised person upon the request of the developer.

(3) Upon the request of the developer and after having verified the content of the study referred to in paragraph 1 of this Article in relation to the intended project and having reached a positive finding in terms of its acceptability regarding environmental impact, the Ministry shall issue a certificate confirming that the measures set out in the study are in accordance with the environmental protection principles regulated by this Act.

#### *9 Environmental Management System*

##### *Inclusion of Organisations into the System*

###### Article 117

(1) In order to promote more efficient environmental management and public information on environmental impacts of specific activities, this Act hereby enables legal and natural persons and their constituent parts (hereinafter: organisations) to participate in the system of the European Union Eco-Management and Audit Scheme (hereinafter: the EMAS scheme).

(2) An organisation shall file its application for admission to the EMAS scheme to the Agency. The application must contain data on registration of the activity and the structure of the organisation, an assessment made by an independent assessor accompanied by evidence that the organisation fulfils the requirements in accordance with special regulations governing admission to the EMAS scheme and other data in accordance with the regulation referred to in paragraph 5 of this Article.

(3) On the basis of an orderly application, the Agency shall enter the organisation into the EMAS scheme registry which is kept at the Agency. The Agency shall issue a certificate on the entry into the EMAS scheme registry.

(4) The Agency may, by means of a special notification, temporarily or permanently erase an organisation which has ceased to fulfil the requirements prescribed for membership in the EMAS scheme from the EMAS scheme registry, which it keeps in the manner prescribed by the regulation referred to in paragraph 5 of this Article.

(5) The Government shall prescribe in detail, by a regulation, the manner of admission into the EMAS scheme, requirements which must be fulfilled by the organisation in order to be included in the EMAS scheme, manner of collecting data on included organisations, as well as the content and method of maintaining the registry referred to in paragraph 3 of this Article.

###### Article 118

Specific reliefs and incentives in accordance with the provisions of this Act may be established for organisations included in the EMAS scheme.

###### Article 119

(1) The verification of the fulfilment of requirements for the organisations which intend to be admitted into the EMAS scheme or the ones that are already included shall be performed by an EMAS assessor.

(2) The EMAS assessor must be a legal person that has obtained the accreditation of the competent body in accordance with the regulation governing accreditations and that fulfils the requirements in accordance with special regulations relating to the EMAS scheme.

## VII ENVIRONMENTAL MONITORING

### *Scope of Environmental Monitoring*

#### Article 120

(1) Environmental monitoring is the systematic monitoring of environmental quality and changes in the status of the environment and its components.

(2) Environmental monitoring comprises:

- monitoring imissions, that is, quality of air, water, sea, soil, flora and fauna, as well as exploitation of raw minerals,
- monitoring environmental pollution, that is, emissions into the environment,

- monitoring the impact of environmental pollution on human health,
- monitoring the impact of significant economic sectors on environmental components,
- monitoring natural phenomena, that is, monitoring and supervising meteorological, hydrological, erosion, seismological, radiological and other geophysical phenomena, which is performed in accordance with a special regulation,
- monitoring the conservation status of nature, which is performed in accordance with a special regulation,
- monitoring other phenomena that impact the environmental status.

(3) Environmental monitoring is performed for areas established by a planning document in accordance with strategic assessment, for projects for which it is prescribed by an environmental impact assessment, and for all installations for which it is prescribed by integrated environmental protection requirements, as well as for areas affected by environmental pollution if the polluter is unknown.

(4) The Minister shall prescribe in detail, by ordinance, the type of emissions and imissions, natural and other phenomena which are subject to monitoring, sampling and measuring methodology, deadlines for delivering data to competent administration bodies in a county, that is, the City of Zagreb and to the Agency, manner of keeping registers referred to in Article 121 paragraphs 1 and 3 and Article 122 paragraph 3 of this Act, the content of forms for delivering data for those registers, manner of regular informing of the public, requirements in relation to professional qualifications and technical equipment of an authorised person performing environmental monitoring, that is, monitoring of environmental pollution.

(5) The developer, the operator, competent administrative body in a county or the City of Zagreb which performs environmental monitoring in accordance with this Act shall deliver data on emission and imission measurements to the Agency both in written and electronic form.

*Obligations of the Developer and Operator in Relation to Environmental Monitoring*  
Article 121

(1) For projects for which environmental impact assessment is prescribed, the developer shall perform environmental monitoring by:

- performing emission measurements through expert and qualified persons and keep prescribed registers,
- performing imission measurements, that is, participate in imission measuring according to the share their project has in environmental polluting, through expert and qualified persons,
- taking part in monitoring natural and other phenomena caused by environmental polluting.

(2) The developer shall deliver the data from the register referred to in paragraph 1 subparagraph 1 of this Article to the Agency in the prescribed forms and within the prescribed periods, that is, deadlines.

(3) The operator shall perform environmental monitoring for the installation of a company for which such monitoring is prescribed by integrated environmental protection requirements by:

- ensuring measurement of emissions from the installation,
- ensuring monitoring of the environmental impact of emissions and keeping the prescribed data register thereon,
- ensuring imission measuring, that is, participation in imission measuring according to the respective shares in environmental polluting by installations in which he performs his activity and keeping the prescribed register thereon.

(4) The operator shall deliver the data from the register referred to in paragraph 3 subparagraphs 2 and 3 of this Article to the competent administrative body in a county or in the City of Zagreb, on the prescribed forms and within the prescribed periods, that is, deadlines.

(5) The developer and the company shall secure funds for environmental monitoring which they are obligated to perform pursuant to this Act.

Article 122

(1) The respective county, that is, the City of Zagreb shall ensure imission measurement in case of environmental pollution on its territory when the polluter is unknown, as well as ensure

environmental monitoring and monitoring of the effects of restoration measures when they are obligated to implement a restoration programme by a special act or regulation.

(2) A county, that is, the City of Zagreb shall secure funds for environmental monitoring on its territory pursuant to paragraph 1 of this Article.

(3) The competent administrative body in a county or in the City of Zagreb shall keep the prescribed register on environmental monitoring within the meaning of paragraph 1 of this Article and the register on the delivered data referred to in Article 121, paragraph 4 of this Act and deliver the data from those registers to the Agency within the prescribed deadlines.

#### *Establishment of Agency Reference Centres*

##### Article 123

(1) At the proposal of the Minister the Government shall appoint, by a special decision, reference centres for the Agency for the purpose of environmental monitoring and for the needs of the environmental information system and for reporting.

(2) The reference centres referred to in paragraph 1 of this Article shall collect and analyse data on environmental monitoring including indicators from the National indicator list, for which they are responsible. The reference centres shall duly deliver the data on environmental monitoring, the indicators and the results of analyses to the Agency.

(3) Funds for the operation of reference centres referred to in paragraph 1 of this Article shall be secured from the State Budget.

(4) The requirements that must be fulfilled by a specific reference centre, the scope of activities as well as the method of performing activities for which it has been appointed shall be established by the decision referred to in paragraph 1 of this Article.

(5) The Agency shall propose to the Minister a draft proposal of the decision referred to in paragraph 1 of this Article.

#### *Analyses of Data on Environmental Monitoring*

##### Article 124

(1) Analyses of data on emissions and imissions, as well as analyses of reports on performing environmental monitoring, that is, monitoring of environmental pollution shall be performed by the Agency in cooperation with the Ministry, that is, in cooperation with other central state administration bodies competent for individual environmental components or burdens.

(2) Funds for verification of analysis of the data on emissions and imissions and analysis of reports on performing environmental monitoring referred to in paragraph 1 of this Article shall be secured from the State Budget.

(3) The Ministry may ensure the performance of environmental pollution monitoring, that is, measuring of emissions and imissions in order to verify and compare the delivered data on emission and/or imission measurement, as well as verify the qualifications of the expert person who performs activities related to environmental monitoring for an authorised person.

(4) The Minister is authorised to adopt appropriate implementing regulations of this Act for the purpose of monitoring the success of the policy and individual measures for the protection of the environment and its components.

#### *Expropriation and Limiting of Ownership and Other Real Rights for the Purpose of Environmental Monitoring*

##### Article 125

(1) When necessary for performing environmental monitoring, it is considered that there is an interest of the State for expropriating or limiting ownership and other real rights on properties where objects and/or measuring devices, that is, equipment for environmental monitoring should be placed for the purpose of environmental monitoring.

(2) A property owner has the right to compensation of the market value of the expropriated part of his property, that is, part of his property which is subject to limitation of ownership and other real rights for the reasons set out under paragraph 1 of this Article.



(3) The procedure of expropriating ownership rights or limiting ownership and other real rights for the reasons set out under paragraph 1 of this Article is performed pursuant to a special regulation on expropriation.

(4) For the purpose of environmental monitoring, the authorised person shall in general use land owned by the State, that is, by local or regional self-government units and the City of Zagreb, depending on the location where the monitoring is being performed, taking into account that interference with the regular use of that land is minimal. When performing activities on the installation of a facility or measurement device and equipment referred to in paragraph 1 of this Article, the authorised person shall minimise the interference with the use of that land as much as possible and after the performance of his activities re-establish the original status of the land.

## VIII ENVIRONMENTAL PROTECTION INFORMATION SYSTEM

### *Purpose of Establishing and Manner of Operating the Information System*

#### Article 126

(1) The Environmental Protection Information System is established for the purpose of integrated environmental management and/or management of individual environmental components or burdens and for the purpose of preparing and monitoring the implementation of sustainable development and environmental protection documents, as well as other documents that are considered as such pursuant to the provisions of this Act.

(2) The Environmental Protection Information System shall contain data and information on environmental status, burdens and environmental impacts and public responses, and particularly:

- data on the status of the environment and its components collected and processed in accordance with this Act and special regulations, and the National indicator list,
- data on emissions of pollutants into the environment from the Environmental Pollution Registry,
- data on natural and physical characteristics,
- data on natural phenomena,
- data on natural assets and use of natural assets,
- data on areas which are defined as protected or endangered under special regulations,
- data on biological diversity,
- data on effects of environmental pollution on human health,
- data on waste and waste management,
- data on dangerous substances,
- data on industrial and ecological accidents,
- data on environmental pollutants,
- data on organisations in the EMAS scheme,
- data which are significant for sustainable development assessment,
- social and economic data,
- factual, methodological, documentary data,
- spatial data,
- expert and scientific data collected from domestic and foreign and international institutions, and
- policy measures, environmental protection plans and programmes.

#### Article 127

(1) The Environmental Protection Information System shall be managed as a information distribution system consisting of a considerable number of dislocated, independently developed, harmonised and interconnected information systems of topic areas and/or sub-areas.

(2) Reference centres referred to in Article 115 of this Act present a part of the information distribution system within the meaning of paragraph 1 of this Article.

(3) The Government shall prescribe in detail, by a regulation, the structure, content, form and operation method, manner of operating and maintaining the Environmental Protection Information System, methodologies used, obligations, manner and deadlines for the delivery

of environmental data and information and relevant reports to the Agency, as well as the manner of managing the data and information.

*Obligations to Deliver Data for the Information System*

Article 128

(1) State administration bodies, the competent administrative body in a county or in the City of Zagreb, legal persons with public authorities and authorised persons, which perform activities related to environmental monitoring pursuant to this Act, shall in accordance with the regulation referred to in Article 127 paragraph 3 of this Act, deliver the prescribed data and information, as well as relevant reports to the Agency for the needs of the Environmental Protection Information System within the prescribed deadlines and shall also provide the Agency undisturbed access to the data and use of that data for the needs of the Environmental Protection Information System.

(2) The data, information and reports referred to in paragraph 1 of this Article are subject to verification of quality for the purpose of ensuring authenticity, accuracy and completeness.

(3) The verification referred to in paragraph 2 of this Article shall be performed by the Ministry in the line of duty. The Ministry may perform these activities by using services of appropriately accredited legal and natural persons.

*Environmental Pollution Registry*

Article 129

(1) The Environmental Pollution Registry is a database on the sources, type, quantity, manner and place of release, transfer and landfill of polluting substances and waste into the environment.

(2) The Environmental Pollution Registry shall be kept by the competent administrative body in the county or in the City of Zagreb.

(3) The Minister shall prescribe in detail, by ordinance, the mandatory content and manner of keeping the registry referred to in paragraph 1 of this Article, methodology and deadlines for collecting and delivering data on emissions and imissions, data on release, transfer and landfill of polluting substances into the environment and on waste, data on the polluter, company, installation, organisational unit of the polluter, deadline and manner of informing the public, method of verifying and ensuring the quality of data delivered to and kept in the registry, period of time for safekeeping registers from which the data were obtained, manner of authorising the persons authorised for performing activities related to keeping the registry, programme and manner of verifying professional qualifications of the employees of the authorised person.

(5) The competent administrative body in the county or in the City of Zagreb shall deliver the data from the Environmental Pollution Registry to the Agency by 15 June of the current year for the previous year.

*Reporting to International Bodies and Organisations*

Article 130

(1) The delivery of data, information and reports and their exchange with international bodies and organisations, in relation to obligations assumed by the State in the field of environmental protection shall be performed in the manner and within the deadlines set out by each individual document on assuming obligations.

(2) The parties obligated to deliver data, information and reports referred to in paragraph 1 of this Article shall at the same time deliver a copy of the material to the Agency and a report to the international body or organisation.

(3) For the purpose of fulfilling obligations within the meaning of paragraph 1 of this Article, the Minister may regulate in detail administrative procedures for collecting the necessary data and information, monitoring the achievements of the policy and individual measures for the protection of the environment and its components.

**IX PUBLIC INFORMATION, PARTICIPATION OF THE PUBLIC AND PUBLIC CONCERNED AND ACCESS TO JUSTICE IN RELATION TO ENVIRONMENTAL MATTERS**

*1 Public Information on Environmental Matters*

Article 131

Pursuant to this Act and by application of special regulations which govern the right of the public to information access, public authorities shall provide access to environmental information that they hold and/or supervise.

*Right of Access to Environmental Information*

Article 132

The right of access to environmental information applies to all information in written, visual, auditory, electronic or any other available form, which refers to:

- the status of environmental components particularly of: air and atmosphere, water, sea, soil, nature, biological and landscape diversity, habitats, marshes, coastal areas, including GMOs, as well as interactions between individual environmental components,
- burdens such as substances, energy, noise, radiation including radioactive waste, waste, emissions and other releases into the environment which effect or may effect environmental components referred to in indent 1 of this paragraph,
- measures, including administrative measures such as policies, strategic documents, regulations, plans, programmes, environmental agreements, as well as activities which may directly or indirectly affect environmental components and burdens referred to in subparagraphs 1 and 2 of this Article, as well as measures or activities established for the protection of the environment and its components,
- cost-benefit analyses and other financial and economic analyses and hypotheses that are applied as a part of measures and activities aimed at protection and improvement of the environmental status,
- requirements in relation to: the quality of human life, health and safety in relation to the environment, pollution of the food chain, life conditions, culturally significant sites and buildings, in the event that they are or may be affected by the status of individual environmental components referred to subparagraph 1 of this Article, that is, the status of environmental components caused by burdening and/or measures referred to in subparagraphs 2 and 3 of this Article.

*Obligation to Publish Environmental Information*

Article 133

(1) Public authorities shall ensure, within their competences, regular publication of environmental information in accordance with this Act, through available electronic databases or other appropriate information media, and in particular publication of:

- texts of international treaties, conventions or agreements, regulations governing the field of environmental protection,
- strategies, plans, programmes and other documents related to environmental protection,
- available reports on the implementation of regulations governing the field of environmental protection, including the implementation of international treaties and strategic documents, plans and programmes in the field of environmental protection,
- environmental status reports,
- data relating to environmental monitoring,
- permits/approvals which have a significant impact on the environment as well as treaties concluded with the aim of environmental protection,
- studies and risk assessments related to environmental components,
- other data relevant for environmental protection.

(2) Information referred to in paragraph 1 of this Article must be regularly updated.

(3) In the event of immediate hazard to human health, material assets and/or the environment, public authorities shall immediately notify the public through the mass media or in any other appropriate way regardless of whether the hazard has been caused by human activity or natural phenomena.

(4) Public authorities and polluters shall, immediately upon discovery, notify the public without delay of any exceedances of the prescribed emission limit values in the environment.

*Request and Deadline for Providing Environmental Information*

Article 134

(1) A request for access to environmental information may be submitted to any public authority holding information on the environment or environmental protection or to which that information refers to.

(2) Public authorities which hold environmental information or to which environmental information refers to, shall enable access to information as soon as possible and at the latest within one month from the date of receiving the request, that is, at the latest within two months from the date of receiving the request, if the requested information is so extensive and complex that one month is insufficient for completing the documentation for the requested information.

(3) If there is a need to prolong the deadline referred in paragraph 2 of this Article, the public authority shall as soon as possible and at the latest by the expiry of one month from the date of submitting the request, notify the person who has submitted the request of the need to prolong the deadline, as well as of the reasons for its prolongation.

(4) If possible, environmental information shall be provided in the form in which it has been requested.

#### *Refusal of the Request to Provide Environmental Information*

##### Article 135

(1) A public authority may reject the request to provide environmental information by a decision when:

- it does not hold the requested information or if the requested information is not connected to that public authority and it does not know which public authority holds the requested information,
- does not maintain or possess the prescribed registers on the basis of which it could provide the requested information,
- the request is apparently incomprehensible,
- the request is still too general even after supplements and explanations have been requested in accordance with a special regulation,
- the request refers to information, materials, documents or data which are currently in the preparation phase, that is, awaiting completion,
- the information refers to documents and activities related to internal communication of public authorities and in connection with carrying out tasks which fall under the competence of those authorities.

(2) In the case referred to in paragraph 1, subparagraph 5 of this Article, the public authority shall name in its decision the body which is competent for developing the materials for which information access has been requested, as well as state the time needed for their completion if the public authority holds such information.

(3) The public authority which holds environmental information may deny access to information by a decision if the disclosure of that information would have a negative effect on:

- confidentiality of the procedure performed by the public authority, if confidentiality of the procedure is guaranteed under a special regulation,
- international relations, public security and national defence,
- court proceedings, that is, rights of natural and legal persons to a fair trial and the right of government authorities to investigate in criminal and misdemeanour proceedings,
- confidentiality of commercial and/or industrial data where confidentiality is protected under special regulations which protect a legitimate/justified economic interest, including public interest in relation to maintaining confidentiality of taxation data and statistics,
- protection of persons and protection of secrecy of personal data which refer to natural persons who have not given their consent for public access to that data, the confidentiality of which is guaranteed by regulations,
- protection of intellectual and industrial property,

- interest or protection of persons who have voluntarily delivered the requested data without the legal obligation to do so, unless they have not given their consent for the disclosure of that data,  
- protection of environmental components to which the data refer to – for example: habitats of protected plant and animal species.

(4) A public authority which holds environmental information shall not be able to reject a request for information referred to in paragraph 3, subparagraphs 1, 4, 5, 6 and 7 of this Article if that request is related to releases or other emissions into the environment.

(5) In the cases referred to in paragraph 3 of this Article, the public authority which holds environmental information shall assess whether the protection of public interest is of greater significance than the interest which would be realised by disclosing the requested information.

#### Article 136

(1) Within their competences public authorities shall ensure accuracy, timeliness and comparability of the information they provide and of the data they collect.

(2) In the event of a request for information related to burdens such as substances, energy, noise, nuclear fuels, radiation or waste, including radioactive waste, emissions and other releases into the environment, public authorities shall, if they hold such information, inform the person who has submitted the request of the location where they can find data on measurement procedures if they exist, including methods of analysis, sampling, prior treatment of samples used when collecting data, or refer the person who has submitted the request to the appropriate standardised procedure which has been used, if the public authority holds such information.

#### *Public Information in Special Procedures Regulated by this Act*

#### Article 137

(1) Bodies, which are pursuant to this Act, competent for implementing: the strategic assessment procedure, environmental impact assessment procedure, procedure for evaluation of the need for environmental impact assessment, giving instructions on mandatory content of environmental impact study, determining integrated environmental protection requirements and giving approval on the Safety Report, shall inform the public on those procedures in the manner prescribed by this Act and in accordance with the regulation referred to in paragraph 2 of this Article.

(2) The Government shall regulate in detail, by a regulation, the manner of informing the public in the procedures for: developing the strategic impact study, evaluation of the need for strategic assessment, evaluation of the need for environmental impact assessment, establishing the content of the environmental impact study prior to its development; issuing approval on the Safety Report and establishing environmental liability and liability for an imminent threat of environmental damage; method of informing the public and public concerned and their participation, in the event that public participation is envisaged in the procedures for: strategic assessment, adoption of plans and programmes for which strategic assessment is not performed, preparation of implementing regulations and other generally- applicable legally binding rules; as well as the method of informing the public and public concerned and their participation in the procedures for: environmental impact assessment, and determination of integrated environmental protection requirements for a company installation; manner of conducting a public debate, public inspection and public display as well as related deadlines in connection to relevant procedures stipulated by this Act.

#### Article 138

(1) In the procedures regulated by this Act that relate to environmental impact assessment, evaluation of the need for environmental impact assessment, establishing the content of the environmental impact study prior to its preparation, determining integrated environmental protection requirements for an installation as well as approving the Safety Report, the public shall be informed on the submitted request and the issued act stating the decision on the request, pursuant to the regulation referred to in Article 137 paragraph 2 of this Act.

(2) The deadline which is set for informing the public in the cases referred to in Article 137 paragraph 1 of this Act and on the submitted requests in the procedures referred to in paragraph 1 of this Article may not be shorter than 30 days.

## *2 Participation of the Public and Public Concerned*

### *Participation of the Public and Public Concerned in the Decision-Making Procedure for Specific Activities Related to Environmental Protection Issues*

#### *Article 139*

(1) In the early phase of the decision-making procedure for environmental issues relating to the relevant activity of the developer or the operator, the public and public concerned must be appropriately, timely and efficiently informed of their right to participate in the procedure pursuant to the regulation referred to in Article 137 paragraph 2 of this Act.

(2) In the decision-making procedure for environmental issues referred to in paragraph 1 of this Article, the public and public concerned have the right to express their opinion, proposals and objections in relation to the issuing of a specific decision or official act by a public authority, in the manner and within the deadlines set out in the regulation referred to in Article 137 paragraph 2 of this Act.

### *Informing the Public and Public Concerned of their Right and Participation in Procedures and Related Deadlines*

#### *Article 140*

(1) In the early phase of the procedure when all options are still open, public authorities shall through public notices, advertisements and other appropriate media including electronic media, that is, in an appropriate manner, inform the public and the public concerned on: requests received from the developer, operator and company and draft plans and programmes for which strategic assessment is not performed; draft implementing regulations and/or generally-applicable legally binding normative instruments as well as related procedures performed in accordance with this Act and special regulations.

(2) The public notice referred to in paragraph 1 of this Article must contain data on the matter on which the public is being informed, including information on the right of the public and public concerned to participate in related procedures carried out in accordance with this Act, as well as information on the authorities to which relevant opinions, suggestions and/or questions may be submitted.

(3) The minimum deadline for public participation within the meaning of Article 141 paragraph 1 of this Act and within the meaning of Article 142 paragraph 1 of this Act shall be 30 days.

(4) In establishing proposals of decisions on requests made by the developer, company or operator, draft proposals of plans or programmes and proposals of acts and implementing regulations as well as other generally-applicable legally binding rules which may have a significant environmental impact, the results of public participation and participation of the public concerned, when participation of the public concerned is prescribed by this Act, must be reviewed.

(5) After the suggestions and opinions expressed during the procedure for participation of the public and public concerned within the meaning of Article 139 paragraph 1, Article 141 paragraph 1 and within the meaning of Article 142 paragraph 1 of this Act have been reviewed in accordance with paragraph 4 of this Article, the competent body shall inform the public and the public concerned of its decision and the reasons on which its decision is based, including data on the procedure related to participation of the public and public concerned.

### *Public Participation in the Process of Preparing Implementing Regulations and/or Generally Applicable Legally Binding Normative Instruments*

#### *Article 141*

(1) Public authorities shall enable timely and efficient public participation in the procedure of preparing implementing regulations and other generally applicable legally binding rules under their competence, that could have a significant impact on the environment, including the procedures for preparing their amendments.

(2) The provisions of the regulation referred to in Article 137 paragraph 2 of this Act appropriately apply to the procedure referred to in paragraph 1 of this Article.

### *Public Participation in Relation to Plans and Programmes Concerning the Environment*

## Article 142

(1) The public also has the right to express their opinions, objections and suggestions on draft proposals of plans and programmes concerning the environment, for which the obligation of strategic assessment is not prescribed by this Act.

(2) Public authorities shall ensure timely and efficient participation of the public in the process of drafting and amending plans and programmes referred to in paragraph 1 of this Article, which they adopt within the scope of their competence.

(3) The list of plans and programmes from the field of environmental protection, for which it is necessary to enable public participation in accordance with paragraph 1 of this Article, shall be established by the regulation referred to in Article 137 paragraph 2 of this Act.

(4) The regulation referred to in Article 137 paragraph 2 of this Act shall also lay down, along with each plan and programme from the established list, which public may participate in the procedure referred to in paragraph 2 of this Article, taking into account the appropriateness of participation of the relevant public concerned in terms of the content of the plan or programme from the list.

(5) The provisions of this Article on the public participation procedure do not apply to plans and programmes which are adopted for the purpose of national security or civil protection.

### *Participation of the Public and Public Concerned in Special Procedures Regulated by this Act*

## Article 143

(1) The public shall participate in the strategic assessment of a plan or programme. The public and the public concerned shall participate in the environmental impact assessment procedure and in the procedure for determining integrated environmental protection requirements for a company installation.

(2) The public and the public concerned shall participate in the procedures referred to in paragraph 1 of this Article by providing written opinions, suggestions and objections. As part of the procedure for participation of the public and public concerned, public inspection shall be enabled and at least one public display shall be organised, depending on the complexity of the procedure referred to in paragraph 1 of this Article. The public inspection procedure shall last at least 30 days.

(3) By way of derogation from paragraph 2 of this Article the provisions on public participation from a special regulation may also apply to public participation in the strategic assessment procedure for a plan or programme, if not contrary to the provisions of this Act.

(4) In the procedures referred to in paragraph 1 of this Article, in the course of which relevant decisions on the developer's, company's or operator's request are issued, the opinions, objections and suggestions of the public and public concerned which were expressed while participating in those procedures, must be reviewed prior to issuing those decisions in accordance with this Act.

(5) Bodies competent pursuant to this Act shall, in the manner prescribed by the regulation referred to in Article 137 paragraph 2 of this Act, inform the public and public concerned on the content of the decisions on the requests made by developers, companies or operators in the procedures referred to in paragraph 1 of this Article.

### *3 Access to Justice*

### *Recognition of Legal Interest of Persons Belonging to the Public Concerned*

## Article 144

(1) Any natural or legal person which can, in conformity with the law, prove a permanent violation of a right, due to the location of the project and/or the nature and impact of the project, shall be considered to have a justifiable legal interest in the procedures regulated by this Act in which the participation of the public concerned is provided for.

(2) It is also understood that a civil society organisation which promotes environmental protection has a sufficient legal interest in the procedures regulated by this Act which provide for the participation of the public concerned, if it fulfils the following requirements:

1. if it is registered in accordance with special regulations governing organisations and if environmental protection and advancement, including protection of human health and protection or rational use of natural assets, is set out as a goal in its Statute,
2. if it has been registered within the meaning of item 1 of this paragraph for at least two years prior to the initiation of the public authority's procedure on the request in relation to which it is expressing its legal interest, and if it can prove that in that period it actively participated in activities related to environmental protection on the territory of the city or municipality where it has a registered seat in accordance with its Statute.

#### Article 145

(1) The persons referred to in Article 144 paragraphs 1 and 2 of this Act which participated in the procedures regulated under this Act as the public concerned, shall have the right to instigate a legal action against a certain administrative act of a public authority, for which this Act or a special regulation provides for the possibility of instigating a legal action, and may file an appeal with the Ministry or file a complaint before the competent court in conformity with this Act and a special regulation, for the purpose of re-examining the procedural and/or material legality of acts, actions or oversights.

(2) The persons referred to in Article 144 paragraphs 1 and 2 of this Act belonging to the public concerned shall be notified of a relevant administrative act issued by a public authority and of their right to file an appeal with the Ministry or file a complaint before the competent court, by the act being delivered to them if the public authority has their personal information or through a public notice or in any other appropriate manner in accordance with the regulation referred to in Article 137 paragraph 2 of this Act.

#### *Re-examination of Decisions, Acts or Oversights of Public Authorities and Actions or Oversights on the Part of Legal and Natural Persons in Environmental Issues*

#### Article 146

(1) A legal or natural person which fulfils the requirements referred to in Article 144 paragraph 1 of this Act, which considers that a decision, act or oversight of a public authority or an action or oversight on the part of a natural or legal person (such as: an operator, company, polluter) in environmental issues constitutes a violation of this Act or a special regulation on protection of an individual environmental component or protection from the effects of burdening and the regulations adopted on the basis thereof, shall have the right to request before a competent court the re-examination of the procedural and material legality of the issued decision, act or oversight in relation to environmental protection and to contest the legality of actions or oversights in environmental issues.

(2) The request within the meaning of paragraph 1 of this Article must be submitted in the prescribed form in accordance with a special regulation, within 30 days from the date on which the contested decision was issued or in the case of an act or oversight, within 15 days from the date on which the deadline for performing the act or issuing the decision expired. The request shall state and explain what the violation is or what the violation of the regulations referred to in paragraph 1 of this Article is related to. The request must be supported by relevant evidence.

#### Article 147

In the procedure referred to in Article 146 of this Act, the competent court may:

- order the operator, company, polluter or the public authority to undertake all necessary measures, which include the suspension of specific activities,
- oblige the company or the polluter to pay an appropriate fee to the Environmental Protection and Energy Efficiency Fund,
- establish necessary temporary measures and order the operator, company, polluter or the public authority to implement them,
- or issue another adequate decision in accordance with the law.

#### Article 148

If the specific official act a public authority does not have final force and effect due to the request filed in accordance with Article 146 of this Act, and for that reason the company or another legal



or natural person to which that official act refers, decides to wait for the official act to become final and effective, if it is ascertained that the applicant has abused the right conferred upon him by virtue of this Act, then the company or the other legal or natural person has the right to request compensation for ordinary damages and lost profit from the person who has submitted the request.  
Article 149

Pursuant to this Act, court proceedings on all legal actions instigated in the field of environmental protection shall be deemed urgent.

#### X ENVIRONMENTAL LIABILITY

##### *Environmentally Dangerous Activities and Environmental Liability*

#### Article 150

(1) A company performing an activity which represents a risk to the environment and to human health (hereinafter: dangerous activity) shall be liable for environmental damage and for imminent threat of environmental damage unless it can, in accordance with this Act, prove that the dangerous activity did not cause the environmental damage or the imminent threat.

(2) The company is also liable for environmental damage or an imminent threat of damage when he performs any activity which is not considered a dangerous activity within the meaning of paragraph 1 of this Article and during the performance of that activity does not eliminate hazards or prevent damage to plant and animal species and/or natural habitats protected under a special regulation (hereinafter: protected species).

(3) The dangerous activities referred to in paragraph 1 of this Article for the purpose of liability for environmental damage and for an imminent threat of damage are considered dangerous due to the method of their management, products or due to the substances or instruments used.

(4) The activities which are to be considered dangerous for the environment and/or human health within the meaning of the provision of paragraph 1 of this Article, the criteria according to which an imminent threat is assessed and environmental damage is established, the most appropriate measures for eliminating the damage to the environment, their purpose and selection method, method of eliminating environmental damage (including special requirements related to individual environmental components, protected species and natural habitats) as well as method of specifying expenses related to establishing and eliminating imminent environmental threats and damages shall be prescribed in detail by the Government by virtue of a regulation.

##### *Liabilities*

#### Article 151

(1) The company performing a dangerous activity within the meaning of Article 150 paragraph 1 of this Act shall be liable according to the principle of objective liability (causality).

(2) The company referred to in Article 150 paragraph 2 of this Act shall be liable for the environmental damage caused or for the imminent threat of damage according to the principle of proved culpability or proved negligent action.

(3) The operator who enabled or permitted environmental pollution by illegal or irregular activity shall also be liable for environmental pollution in accordance with the law.

(4) The company referred to in Article 150 paragraph 1 of this Act shall restore environmental damage and eliminate the imminent threat of damage resulting from the dangerous activity.

(5) The company referred to in Article 150 paragraph 2 of this Act shall restore the damages caused and eliminate the imminent threat of damage to protected species.

(6) The companies referred to in Article 150 paragraphs 1 and 2 of this Act shall eliminate the damages caused to the environment and to protected species and the imminent threat of damages in the manner prescribed by this Act and the regulation referred to in Article 150 paragraph 4 of this Act.

#### Article 152

(1) If several companies referred to in Article 150 paragraphs 1 and 2 of this Act perform an activity jointly, they shall with solidarity share liability for the environmental damage or imminent threat of damage as well as the damage or imminent threat of damage to protected species .

(2) The liability for environmental damage and imminent threat of damage resulting from the performance of a dangerous activity and for imminent threat of damage within the meaning of Article 150 paragraph 2 of this Act in installations which are no longer operating shall be borne by the company that last performed an activity in such an installation.

#### *Exemptions*

##### Article 153

(1) The company referred to in Article 150 paragraphs 1 and 2 of this Act shall not be liable for the environmental damage or for damage to protected species if it proves that the damage resulted from:

- an unpredictable and inevitable natural phenomenon which could not have been prevented nor eliminated,
- an act of a third party even though appropriate safety measures were undertaken,
- compliance with a mandatory order or instruction given by the public authority, with the exception of an order or instruction given after an emission or sudden event caused by the company's own activity.

(2) In the cases referred to in paragraph 1 subparagraphs 2 and 3 of this Article, the company shall have the right to a refund of expenses for removing environmental damage.

(3) The company referred to in Article 150 paragraphs 1 and 2 of this Act shall be free from the obligation to cover expenses for removing damage to the environment or to protected species if it proves that in performing the activity there was no intent or carelessness on its part and that the environmental damage was caused by:

- an emission or event which was explicitly permitted in the dispositive part of a relevant official act,
- an emission or activity or by the use of a specific product in any manner during a specific activity for which the operator in question proves that, on the basis of scientific and technical findings at the moment when the damage occurred, it was not considered likely that it would cause environmental damage.

##### Article 154

(1) If the company referred to in Article 150 paragraphs 1 and 2 of this Act, due to certain accidental circumstances, causes environmental damage in performing a dangerous activity or causes damage to protected species in performing an activity, it will be considered that the damage was caused as the result of those accidental circumstances.

(2) If the company referred to in Article 150 paragraphs 1 and 2 of this Act proves that damage within the meaning of paragraph 1 of this Article was not caused by its activity, or proves that the damage was caused by the activity of another legal or natural person or that the damage occurred due to some other circumstance, the principle of causality referred to in paragraph 1 of this Article shall be dismissed.

#### *Obligation to Determine Which Company Caused Environmental Damage and/or Damage to Protected Species, Obligation to Assess the Significance of the Damage and the Imminent Threat of Damage*

##### Article 155

(1) The central state administration body which in conformity with its competence investigates the site where the environmental damage or imminent threat of damage occurred or the scene where damage or imminent threat of damage was caused to protected species shall determine which company within the meaning of Article 150 paragraphs 1 and 2 of this Act caused the environmental damage and/or imminent threat of damage, if the performed investigation of the site has enabled it to draw such a conclusion, and shall through an authorised assessor, assess the significance of the damage and/or imminent threat of damage.

(2) If the central state administration body referred to in paragraph 1 of this Article cannot determine the company within the meaning of Article 150 paragraphs 1 and 2 of this Act, in an appropriate manner, it shall inform the Ministry of the Interior thereof in order for it to undertake certain actions for determining the company in question.

(3) Based on the assessment referred to in paragraph 1 of this Article measures shall be established for eliminating the environmental damage and/or imminent threat of damage, that is, the damage or imminent threat of damage to protected species, which must be undertaken pursuant to the regulation referred to in Article 150 paragraph 4 of this Act.

(4) For the purpose of establishing the measures referred to in paragraph 3 of this Article, the competent central state administration body may order the company by virtue of a decision to carry out its own assessment and provide all necessary information and data.

#### *Compensation for Expenses and Damages*

##### Article 156

(1) In the event that it is established that the company referred to in Article 150 paragraph 1 and 2 of this Act is liable for environmental damage and/or imminent threat of damage, that is, for damage and/or imminent threat of damage to protected species pursuant to this Act, then the company shall, in conformity with the claim made for compensation of expenses and restoration of damage, have the obligation to refund:

- the costs of damage assessment,
- the costs of establishing environmental restoration measures,
- the expenses arising from reestablishment of the status before the damage occurred if it is possible, that is, the expenses of remediation of the consequences and the expenses of compensation measures,
- the expenses of implementing measures for eliminating or reducing environmental damage.

(2) In the event that damage to the environment or damage to protected species cannot be restored by applying appropriate measures, the company which caused the damage shall be liable for compensation equal to the value of the destroyed asset.

(3) The amount of the compensation should approximately equal the economic and ecological value of the destroyed asset.

(4) If the value referred to in paragraph 3 of this Article cannot be established by means of common economic methods, the competent court shall establish the amount of compensation taking into account the expenses of the necessary restoration, environmental risk of the concerned activity, degree of liability, as well as profits gained from causing environmental damage.

#### *Claim for Compensation of Costs and Damages*

##### Article 157

(1) The claim for compensation of costs and damages, made in accordance with this Act, may refer exclusively to environmental damages and expenses connected to eliminating an imminent threat of damage as well as damage and imminent threat of damage to protected species.

(2) A claim for compensation of costs and damages within the meaning of paragraph 1 of this Article may be filed against a company referred to in Article 150 paragraphs 1 and 2 of this Act can be made by a local or regional self-government unit or by the State, depending on the location where the damage to the environment or to protected species occurred, depending on the environment and protected species which have sustained damage, depending on the type of environmental damage, as well as depending on who has ensured the restoration of the damage and who has undertaken measures to eliminate the threat of damage if they have not been carried out or by the nature of things cannot be carried out by the company in accordance with this Act.

#### *Compensation for Other Damages Which Occurred During Environmental Damage*

##### Article 158

Compensation for damages inflicted upon natural and legal persons during the occurrence of environmental damage or damage to protected species, caused by activities within the meaning of Article 150 paragraphs 1 and 2 of this Act or caused by a polluter, and the compensation for damages which were at that time inflicted upon the property of those persons or for any economic loss or for the violation of any right shall be realised pursuant to the provisions of a special regulation governing civil obligations which applies to those cases as *lex specialis*.

#### *Obligation of Undertaking Measures and Notification*

#### Article 159

(1) The company referred to in Article 150 paragraphs 1 and 2 of this Act which by its actions or its failure to act during the performance of activity causes an imminent threat of damage or environmental pollution shall immediately undertake preventive measures, that is, removal measures pursuant to this Act and the implementing regulations of this Act.

(2) The preventive measures referred to in paragraph 1 of this Article imply all activities and measures undertaken as a reaction to an event, action or lack of action which caused an imminent threat of environmental damage or pollution, whose purpose is to prevent that the damage to the environment or to protected species or to minimise them.

(3) The preventive measures referred to in paragraph 1 of this Article imply all actions, or combined actions, including mitigation measures or temporary or prescribed measures aimed at the re-establishment, remediation or replacement of the damaged natural resources and/or damaged functions, or undertaken for the purpose of providing an equivalent alternative for those resources or functions as provided for in the regulation referred to in Article 150 paragraph 4 of this Act.

(4) The company referred to in Article 150 paragraphs 1 and 2 of this Act shall cover all expenses related to measures undertaken for eliminating imminent threats of damages or pollution, in accordance with the provisions of this Act.

#### Article 160

(1) If during the performance of activities of the company referred to in Article 150 paragraphs 1 and 2 of this Act environmental damage occurs or protected species are threatened, the operator shall:

- immediately notify the central state administration body competent for on safety and rescue,
- undertake all possible activities and measures for immediate supervision, restriction, elimination and other necessary actions for establishing control over the origin of the damage for the purpose of preventing further environmental damages and hazards to human health,
- undertake all necessary measures for removing the environmental damage or damage to protected species in accordance with a special regulation.

(2) In case of environmental damage or damage to protected species the central state administration body may at any given moment:

- request from the operator all data related to the damage caused to the environment,
- request from the operator to undertake all steps pursuant to paragraph 1 subparagraph 2 of this Article and issue instructions for their undertaking,
- order the company and the operator to undertake necessary measures pursuant to a special regulation,
- give the company and the operator instructions on measures for removing environmental damage that need to be undertaken.

(3) In the event that the operator and the company does not undertake measures for removing damage to the environment or the threat to protected species or if they do not comply with the issued instructions or if the company liable for environmental damage cannot be identified, the Ministry may ensure the undertaking of measures for removing environmental damage or threat or notify the Government of the need to take action in accordance with the provisions of this Act.

#### Article 161

At any given moment, the Ministry, that is, the central state administration body competent for safety and rescue may in case of an imminent threat of environmental damage:

- request data on the imminent threat of environmental damage or on cases which involve suspicion of such an imminent threat,
- request from the company and the operator to undertake necessary measures to prevent the occurrence of the damage to the environment or to protected species,
- give the company and the operator instructions in relation to necessary preventive measures that need to be undertaken,

- undertake all necessary measures for the prevention of harmful consequences in cooperation with other bodies competent for undertaking interventions.

#### *Identification of the Endangered Area*

##### Article 162

(1) Upon the proposal of the Ministry, the Government may identify, by a decision, the environmentally endangered area in relation to the threat of damage due to dangerous activities within the meaning of the provision of Article 150 paragraph 1 of this Act.

(2) The Government may prohibit, by the decision referred to in paragraph 1 of this Article, the carrying out of new projects in the environment which could increase the level of burdening the environment or its parts in a specific area.

(3) After having established the environmental quality on the basis of environmental monitoring, upon implementing measures that ensure the preservation of environmental quality, the Government may establish, by the decision referred to in paragraph 1 of this Article, that an area or specific parts of the area referred to in paragraph 1 of this Article as well as specific parts of the environment within the meaning of paragraph 2 of this Article are no longer endangered.

#### *Establishing More Stringent Obligations in Relation to Emission Limit Values*

##### Article 163

(1) In the area referred to in Article 162 paragraph 1 of this Act, the Government may establish, by a special decision, obligations for companies that are stricter than the prescribed emission limit values if it is not possible to achieve improvement of the environmental status by any other measures.

(2) If the company holds an appropriate official act issued by the competent state administration body which establishes emission limit values in accordance with special regulations, the Ministry shall, in relation to the decision of the Government referred to paragraph 1 of this Article and in the line of its duty, issue a decision to the operator which will establish obligations in accordance with the decision of the Government and prescribe the deadline for their fulfilment.

#### *Obligation to Prepare the Restoration Programme and Performance of Restoration*

##### Article 164

(1) The company shall within the prescribed deadline prepare a restoration programme for the removal of environmental damages caused by exceeded emission limit values pursuant to a special regulation.

(2) For the restoration programme referred to in paragraph 1 of this Article, the operator must obtain the approval of the Ministry, and according to the evaluation of the Ministry, opinions of other competent administrative bodies as well.

(3) The Minister, subject to the approval of the minister competent for nature protection and the minister competent for water management and the previously obtained opinion of the central state administration body competent for safety and rescue, shall adopt an ordinance prescribing in detail the measures for removing environmental damage, types of restoration programmes, scope and methodology for the preparation of restoration programmes and other related issues.

##### Article 165

(1) If it is not possible to identify the polluter, and it is necessary to prepare a restoration programme in the endangered areas, preparation and elaboration of the restoration programme shall be performed by the Ministry in cooperation with other competent bodies.

(2) The Government shall set the schedule and priorities in the endangered areas for which the restoration programme referred to in paragraph 1 of this Article will be elaborated and implemented, and shall secure funds for its implementation.

##### Article 166

(1) In the case of environmental pollution of regional range in which the polluter is not known, the preparation and elaboration of a restoration programme and the implementation schedule and priorities shall be set by the executive body of a county, that is, by the executive body of the City of Zagreb.

(2) In the case of environmental pollution of local range in which the polluter is not known, the preparation and elaboration of the restoration programme and the implementation schedule and priorities shall be set by the executive body of a major city, city, that is, municipality.

#### Article 167

(1) After the implementation of restoration measures, the company, that is, another person obliged to implement a restoration programme pursuant to this Act, shall also ensure environmental monitoring, that is, monitoring of the effects of the restoration on the environmental status, as well as secure funds for the above.

(2) If the implementation of the restoration programme is financed, in accordance with the provisions of this Act, from the State Budget, environmental monitoring, as well as monitoring of the effects of restoration measures shall be ensured by the Ministry.

(3) If the implementation of the restoration programme is financed from the budget of a county or the City of Zagreb, environmental monitoring after the implementation of the restoration programme, as well as monitoring of the effects of restoration measures shall be ensured by the executive body of a county, that is, by the executive body of the City of Zagreb.

(4) When the implementation of the restoration programme is financed from the budget of a major city, city or municipality, environmental monitoring after the implementation of the restoration programme, as well as monitoring of the effects of restoration measures shall be ensured by the executive body of those local self-government units.

#### *Emergency Procedures*

#### Article 168

(1) For the purpose of necessary limiting of further adverse environmental impact of an installation in the event that the company is not able to immediately and urgently undertake all the measures to prevent and limit further damages, the Ministry may, through another person, implement all the measures to prevent and limit further damages at the expense and liability of the company.

(2) The Ministry may also, through another person, implement the measures referred to in paragraph 1 of this Article at the expense and liability of the company if the company fails to do so within the prescribed deadline.

(3) The authorisation referred to in paragraphs 1 and 2 of this Article shall encompass temporary restriction, and, when necessary, also suspension of operation of the company.

#### Article 169

(1) The expenses of emergency implementation of measures referred to in Article 166 of this Act shall be covered from the State Budget until collection of payment from the company which had the obligation to implement the measures for preventing and limiting environmental damage in accordance with this Act.

(2) By way of derogation from paragraph 1 of this Article, if the emergency measures referred to in Article 166 of this Act are implemented under emergency procedure upon the request of a local or regional self-government unit, the expenses for the performance of those measures shall be covered from the budget of the local or regional self-government unit which has submitted the request for emergency implementation of measures, until collection of payment from the company which had the obligation to implement the measures in accordance with this Act.

(3) In the case referred to in paragraph 2 of this Article, the expenses for carrying out measures referred to in Article 168 of this Act shall be compensated in favour of the budget of the local or regional self-government unit.

#### Article 170

(1) In the event that the polluter is not known and there is reasonable doubt that a misdemeanour offence or a criminal offence has been committed by pollution, the inspector shall immediately notify the nearest organisational unit of the Ministry of the Interior.

(2) In the event of environmental pollution when it is impossible to identify the polluter among several originators, or to identify their respective shares (cumulative or chain pollution), the

expenses of eliminating pollution, preventing, or limiting further adverse environmental impacts shall be covered by all polluters who have caused the pollution with solidarity.

*Obligation to Secure Available Funds for Compensation of Damage*

Article 171

(1) The operator of the company referred to in Article 150, paragraphs 1 and 2 of this Act shall secure available funds for the compensation of a potential environmental damage or the removal of an imminent threat of environmental damage through insurance at an insurance company in accordance with the law or in any other appropriate manner in accordance with the law.

(2) A special act may also regulate other types of liability insurance for damage caused by environmental pollution.

*Subsidiary Coverage of Expenses for Undertaking Measures for Environmental Damage Removal*

Article 172

(1) In the case of environmental pollution, the consequences of which are removed pursuant to the implementing regulation referred to in Article 164 paragraph 3 of this Act, when it is impossible to identify the polluter, the resources for removing pollution shall be secured from the budget of the local or regional self-government unit and from the State Budget.

(2) In the case of excessive environmental pollution or burdening caused by a pollution source outside the State, the funds for removing consequences shall be secured from the State Budget.

(3) If the polluter referred to in paragraphs 1 and 2 of this Article is subsequently identified, the local or regional self-government unit, as well as the State, may request from him a refund of the expenses incurred by removal of harmful consequences of environmental pollution in accordance with the law.

(4) Other types of liability insurance for damage caused by environmental pollution may also be laid down by a special regulation.

Article 173

(1) In the event that the company has not prepared the plan referred to in Article 53 paragraph 1 of this Act, that is, if it does not comply with the prescribed technical standards and/or prescribed environmental emission limit values nor with the prescribed related deadlines, and the State as a consequence has to pay a fine for the established emission exceedance pursuant to assumed international obligations, the amount of that fine shall be covered by the company whose installation has caused emission limit value exceedance, that is, by the company which does not comply with the prescribed obligations in relation to technical standards and/or prescribed environmental emission limit values nor with the prescribed related deadlines.

(2) If the State pays the fine referred to in paragraph 1 of this Article, it shall settle the paid amount of the fine from the company referred to in paragraph 1 of this Article in accordance with the law.

XI FINANCING ENVIRONMENTAL PROTECTION

Article 174

(1) Resources for financing environmental protection shall be secured from the State Budget, budgets of local self-government and regional self-government units, the Environmental Protection and Energy Efficiency Fund and other sources in accordance with the provisions of this Act.

(2) Resources for financing environmental protection may also be secured from private sources through the system of concessions, public-private partnerships and other appropriate models for such financing in accordance with special regulations.

(3) Environmental protection programmes may also be financed through means such as: donations, loans, means of international assistance, means of foreign investments aimed at environmental protection and other instruments prescribed by a special regulation as well as means from instruments, programmes and funds of the European Union, United Nations and international organisations.

(4) Resources for financing environmental protection shall be used for the preservation, protection and promotion of environmental status, in compliance with strategies and programmes.

## XII ELEMENTS OF THE GENERAL ENVIRONMENTAL PROTECTION POLICY

### *1 Environmental Protection Label*

#### Article 175

(1) For the purpose of promoting production of products or provision of services which, in comparison with equivalent products, have less negative impact on the environment in their life cycle and thereby contribute to the efficient use of environmental components and higher level of environmental protection, the Ministry may award the Environmental Protection Label as a recognition to natural and legal persons that produce or distribute products, apart from foodstuffs and pharmaceuticals and professional medical equipment, or provide services.

(2) The evaluation in relation to less negative impacts referred to in paragraph 1 of this Article concerns the rational use of natural assets and energy, abatement of environmental emissions, use of valuable waste properties or other methods enabling useful treatment of waste before landfilling and undertaking other measures for the purpose of environmental protection.

(3) A producer, importer, distributor of a product or service provider shall submit a request for the award of the Environmental Protection Label in the form of a petition which must contain all documents and evidence that the product in question fulfils the prescribed requirements.

(4) If the person referred to in paragraph 3 of this Article does not act in line with the requirements under which the label has been awarded or no longer fulfils the prescribed requirements for the award of the label, the Ministry may revoke the awarded label.

(5) The Minister shall prescribe in detail, by ordinance, the procedure, manner of awarding, requirements for obtaining the Environmental Protection Label, design of the Environmental Protection Label, use and validity of the awarded label, the composition and operation of the Commission for awarding the Environmental Protection Label, the participation of individuals, associations and organisations in the Environmental Protection Label awarding procedure referred to in paragraph 1 of this Article.

(6) Expert matters concerning the renewal of the Environmental Protection Label, development and implementation of the system of awarding the Environmental Protection Label, as well as the implementation of the EMAS scheme shall be examined by the Council referred to in Article 36 of this Act.

(7) The Ministry shall promote the use of products and services that have the Environmental Protection Label by raising awareness and informing consumers, producers, salesmen and the public, with the aim of promoting environmental protection and sustainable development.

### *2 Acknowledgements and Awards*

#### Article 176

(1) The Ministry shall present acknowledgements and awards for environmental achievements to natural and legal persons in relation to measurable results achieved in environmental protection and fulfilment of requirements concerning sustainable development for the following:

- preventing environmental pollution,
- best practices in production processes with respect to the environment,
- developmental and research environmental projects,
- development of the environmental protection training and education system,
- individual contributions to environmental protection advancement or contributions to international co-operation in the field of environmental protection,
- contributions on the part of associations to environmental protection promotion and advancement,
- special contributions to environmental protection.

(2) Every year the Minister shall appoint by a special decision the Commission for granting acknowledgements and awards which shall decide on the granting of acknowledgements and awards.

(3) Every year the Minister shall establish the fields of environmental protection for which acknowledgements and awards may be granted in the current year.

(4) Acknowledgements and awards shall be granted in the form of plaques and charters.



(5) The Minister shall prescribe in detail, by ordinance, the procedure, manner and requirements for granting acknowledgements and awards, type of acknowledgements and awards, manner and deadline for submission of proposals, as well as the operation of the Commission.

### *3 Producer's Obligations in Relation to Product and Packaging Labelling, Consumer Protection*

#### Article 177

(1) Before placing products on the market, producers shall fix, in the prescribed manner, on the packaging of a product or on the accompanying technical documentation, an instruction informing the consumer on the environmental impact of the product or its packaging as well as information regarding the manner of handling the product and its packaging after use.

(2) A supplier of new personal vehicles intended for sale or leasing must make data on fuel consumption and CO<sub>2</sub> emissions, as well as a guidebook available at each sale point for the purpose of protecting and informing the consumer.

(3) The guidebook referred to in paragraph 2 of this Article is prepared annually by the Ministry in charge of road traffic safety (the interior) on the basis of data submitted by the supplier with the approval of the Ministry.

(4) Labels, posters, promotional material or guidebooks with labels, symbols and signs which are contrary to those prescribed shall not be displayed at sale points if their display might confuse potential buyers of new personal vehicles.

(5) The Minister, subject to prior approval of the minister competent for the economy and consumer protection, as well as the minister competent for agriculture and forestry, shall prescribe in detail, by ordinance, the manner of use and content of the instruction referred to in paragraph 1 of this Article, manner of labelling products and packaging and manner of handling the product and its packaging after use.

(6) The Minister shall prescribe in detail, by ordinance, the availability and content of data for the consumers on fuel consumption and CO<sub>2</sub> emissions of new vehicles, manner of informing consumers on economy of fuel consumption and CO<sub>2</sub> emissions referred to in paragraph 2 of this Article as well as the content and manner of preparing the guidebook referred to in paragraph 3 of this Article.

### *4 Education on Environmental Protection and Sustainable Development*

#### Article 178

(1) The State shall ensure education on environmental protection and sustainable development within the educational system, as well as promote the development of the environmental protection system and advancement of environmental protection.

(2) For the purpose of joint implementation of education related to sustainable development, the Ministry shall establish, in cooperation with the ministry in charge of education, guidelines for an educational programme in accordance with the Strategy for Sustainable Development of the Republic of Croatia.

(3) The State shall provide for the system of public education on efficient environmental protection by rational usage of available resources and other appropriate actions.

### *5 Economic Incentives*

#### Article 179

(1) A special regulation may establish a special incentive system – for example: environmental fees and deposits through which significant unburdening of environmental protection is achieved.

(2) A special regulation may establish reliefs for services and products whose return or return of packaging is organised or whose negative impact on the environment is reduced in some other organised manner and whose use contributes to avoiding and reducing waste.

## XIII SUPERVISION

### *1 Administrative Supervision*

#### Article 180

(1) Administrative supervision over the implementation of this Act and regulations adopted on the basis thereof shall be performed by the Ministry.

(2) Administrative supervision over the legality of activities and general acts of the Agency and reference centres in that part of activities for which they are authorised by the decision of the Government shall be performed by the Ministry.

*Annulment and Revoking by Virtue of Supervisory Power*

Article 181

(1) If in the performance of administrative supervision, that is, supervision performed by the environmental inspector, it is established that a decision on the environmental acceptability of a project, decision on integrated environmental protection requirements or a special decision adopted in line with this Act, which is final in the administrative procedure, have apparently violated the substantive provisions of this Act, the Ministry shall annul such an act by virtue of supervisory power.

(2) If in the performance of administrative supervision, that is, supervision performed by the environmental inspector, it is established that a use permit in the part related to integrated requirements, which is final in the administrative procedure, has apparently violated the substantive provisions of this Act, the Ministry shall revoke that part of the use permit by virtue of supervisory power.

(3) If in the performance of supervision it is established that a decision issued by the environmental inspector which is final in the administrative procedure has violated the substantive provisions of this Act, the Ministry shall annul such a decision by virtue of supervisory power.

(4) The decision on annulment or revoking by virtue of supervisory power may be issued within one year from the day on which the act which is being revoked or annulled became final and that period does not include the delivery of the decision.

(5) After the first unsuccessful delivery of the decision on annulment or revoking by virtue of supervisory power of the permit or the decision referred to in paragraph 1 of this Article, the

delivery shall be accomplished by displaying that decision on the Ministry's notice board. A notification thereon is left on the property to which the decision on annulment or revoking refers to.

(6) The decision on annulment or revoking by virtue of supervisory power in the event of the delivery referred to in paragraph 5 of this Article shall be considered as delivered on the day on which it was placed on the notice board.

(7) An appeal against the decision referred to in paragraph 4 of this Article is not permitted, but an administrative dispute may be initiated against it.

## *2 Inspectional Supervision*

### *Performing Inspectional Supervision Activities*

#### Article 182

(1) Inspectional supervision over the implementation of this Act and regulations adopted on the basis thereof is performed by civil servants employed at the Ministry, Directorate for Inspection Services, assigned to posts with authorities to perform inspectional supervision over environmental protection at the Ministry and in branch units of the Ministry, in county seats and outside them, that is, in the seat of the City of Zagreb, if not otherwise prescribed by this Act.

(2) Inspectional supervision in the field of environment is also performed, in the manner prescribed by this Act, by other inspections competent in line with special regulations for the supervision of individual environmental components and protection from effects of environmental burdening (hereinafter: coordinated inspectional supervision).

(3) Inspectional supervision activities are considered as activities for which there are special operational requirements.

### *Requirements for Performing Inspectional Supervision Activities*

#### Article 183

(1) A graduate engineer of mechanical engineering, chemical technology, food biotechnology, natural science and mathematics, agriculture, pharmaceutical-biochemistry, veterinary medicine, forestry, geology and mining with at least ten years of work experience in the field, of which three years on environmental inspection activities, and with the passed state expert examination and expert examination referred to in Article 40 of this Act can be appointed to the position of the head environmental inspector.

(2) A graduate engineer of mechanical engineering, chemical technology, food biotechnology, natural science and mathematics, agriculture, pharmaceutical-biochemistry, medicine, veterinary medicine, forestry, geology and mining and occupational safety with at least ten years of work experience in the field and with the passed state expert examination and expert examination referred to in Article 40 of this Act can be appointed to the position of senior environmental inspector.

(3) A graduate engineer of mechanical engineering, chemical technology, food biotechnology, natural science and mathematics, agriculture, pharmaceutical-biochemistry, medicine, veterinary medicine, forestry, geology and mining and occupational safety with at least five years of work experience in the field and with the passed state expert examination and expert examination referred to in Article 40 of this Act can be appointed to the position of environmental inspector.

(4) A graduate engineer of mechanical engineering, chemical technology, food biotechnology, natural science and mathematics, agriculture, pharmaceutical-biochemistry, medicine, veterinary medicine, forestry, geology and mining and occupational safety with at least three years of work experience in the field and with the passed state expert examination and expert examination referred to in Article 40 of this Act can be appointed to the position of environmental supervisor.

(5) The Minister, that is, the person which he authorises may, due to urgent need or more economical performance of inspectional supervision, in accordance with a special act, give a written order to a (senior) environmental inspector from one branch unit to temporarily perform supervision on the territory of another branch unit.

(6) Posts with inspectional supervision authorities related to environmental protection as well as detailed requirements and their authorities which must be fulfilled by persons occupying those

posts shall be established by the Minister in the Ordinance on the internal organisation of the Ministry.

#### *Official Identity Card and Label*

##### Article 184

(1) The head environmental inspector, senior environmental inspector, environmental inspector and environmental supervisor (hereinafter: the inspector) shall substantiate their official capacity, identity and authorities by an official identity card and label.

(2) The registry on issued official cards and labels is kept at the Ministry.

(3) The Minister shall prescribe in detail, by an ordinance, the form and content of the card and design of the label referred to in paragraph 1 of this Article, manner of its issuing and use, and manner of keeping the registry on issued official identity cards and labels.

#### *Manner of Performing Inspectional Supervision*

##### Article 185

(1) Inspectors perform supervision in line with the annual work plan and work programme of the environmental inspection, which are harmonised with annual work plans and programmes of other inspections for the purpose of performing coordinated inspectional supervisions.

(2) Annual work plan of the environmental inspection is published on the web site of the Ministry.

(3) The Minister shall establish, in agreement with the minister competent for defence, the content and manner of performing inspectional supervision activities in relation to environmental protection for the needs of the Ministry of Defence.

(4) The Minister shall establish, in agreement with the ministers competent for culture, sea, agriculture, forestry and water management, internal affairs, health and social welfare, and the head inspector of the State Inspectorate, within the scope of those inspectional services, the content and manner of cooperation in the performance of coordinated inspectional supervisions related to environmental protection.

(5) The inspector is not obliged to notify the supervised person that the inspectional supervision will take place, unless he assesses that such a notification is necessary for the purpose of performing the supervision.

#### *Authorities of the Inspector*

##### Article 186

(1) In the inspectional supervision procedure, the inspector is authorised to:

- request and inspect identification documents (identity card, passport and the like) on the basis of which he can establish the identity of the supervised person, as well as other persons who are present at the inspectional supervision,
- enter facilities, buildings, premises and areas (industrial production facilities, installations with plants or devices with associated land on a building plot, and residential, business and business and residential buildings with associated land on a building plot) and inspect them, as well as forests, farmland and other land, temporary construction sites; performance of works, products, equipment, working instruments and tools, mobile devices, vehicles and vessels,
- inspect business documentation that provides insight into business activities of the supervised person concerning the application of this Act (business records, registers, documents, contracts, papers etc.),
- take statements from responsible persons for the purpose of gathering evidence on facts that cannot be directly established, as well as from other persons who are present at the inspectional supervision,
- present a written request to the supervised person to provide accurate and complete data and documentation required for the inspectional supervision,
- establish facts in visual form (photographing, filming by camera, video recording and the like),
- perform sampling of soil, air and waste through an authorised person,

- request a written report from the supervised person on the undertaking of measures ordered in the course of the inspectional supervision, as well as  
- also perform other activities for the purpose of inspectional supervision.

(2) Within the meaning of this Act, business premises are residential and business premises and other areas, means of transport, mobile devices and the like, in which the supervised person performs the concerned activity.

(3) The inspector shall handle the data for which the supervised person proves that they are a business secret in accordance with the specific requirements prescribed for their keeping.

(4) The expenses of the sampling referred to in paragraph 1 subparagraph 7 of this Article shall be covered by the supervised person if the sampling results prove deviations from the prescribed requirements; on the contrary, the expenses shall be covered from the State Budget.

(5) When performing inspectional supervision, the inspector may, temporarily confiscate documentation and items that might serve as evidence in a misdemeanour or court procedure and issue a receipt with accurate data on the confiscated documentation and items until a decision on the committed misdemeanour or a court ruling is reached.

(6) If in the course of inspectional supervision the inspector establishes that he is not authorised to take direct action, he shall immediately inform the competent state administration body and request the initiation of a procedure and the undertaking of prescribed measures in accordance with special regulations.

#### *Obligations of Supervised Persons*

##### Article 187

(1) Supervised persons shall enable the inspector to perform inspectional supervision and ensure the conditions for his uninterrupted work, provide access to all necessary documentation, as well as deliver or prepare additional data required for the performance of inspectional supervision free of charge at the inspector's written request.

(2) If the inspector cannot perform inspectional supervision or establish facts in any other way, supervised persons shall temporarily at the inspector's request halt business operations in the supervised facility during inspectional supervision.

(3) The inspector may also request that the supervised person carry out certain actions after the performance of inspectional supervision, for the purpose of completing the establishment of facts and set a deadline for carrying out that action.

(4) The supervised person has failed to enable inspectional supervision if:

- he fails to enable the performance of inspection at business facilities of the supervised person, that is, competent administrative body,
- he fails to enable access to the requested documentation and papers for the purpose of establishing facts within the deadline established in the minutes on inspectional supervision,
- he fails to deliver, upon a written request and within the prescribed deadline, data and documentation, required for the performance of the supervision,
- he fails to notify measures undertaken for the purpose of removing the established deficiencies,
- he fails to ensure the presence and participation of responsible persons or authorised persons in the inspectional supervision,
- does not allow entry into and inspection of facilities, buildings, premises, areas, plants with installations, equipment and devices, vehicles and other means over which inspectional supervision is performed,
- he fails to carry out the actions referred to in paragraphs 2 and 3 of this Article.

(5) If the inspector encounters physical resistance during his supervision or he expects such resistance with good reason, an authorised person from the competent police department shall provide assistance to the inspector at his request.

#### *Subject of Inspectional Supervision*

##### Article 188

(1) In the course of inspectional supervision, the inspector shall supervise persons who are obligated to implement measures and activities related to environmental protection, fulfilment of

requirements and operating methods of supervised persons, perform direct inspection into general and individual acts, as well as when necessary, undertake measures provided by this Act and regulations adopted on the basis thereof, in order to prevent and reduce pollution and remove consequences of environmental pollution.

(2) When performing inspectional supervision, the inspector shall supervise in particular:

- adoption and implementation of documents related to sustainable development and environmental protection, as well as environmental protection instruments,
- application of environmental quality standards, that is, technical standards of environmental protection for specific products, installations, plants or devices, equipment and production procedures that might cause risk or threat to the environment,
- implementation of environmental protection measures and environmental monitoring prescribed by the decision on the environmental acceptability of a project referred to in Article 79 paragraph 1 of this Act,
- submission of requests by the existing installations referred to in Article 82 paragraph 1 and Article 236 of this Act for issuing integrated environmental protection requirements,
- harmonisation of existing installations operations referred to in Article 82 paragraph 1 and Article 236 of this Act with integrated environmental protection requirements as established by the decision, that is the use permit,
- harmonisation of operation techniques applied in installations referred to in Article 82 paragraph 1 and Article 236 of this Act with the integrated environmental protection requirements as established by the decision, that is use permit,
- significant operational change or reconstruction in installations referred to in Article 82 paragraph 1 and Article 236 of this Act which the operator reports as having environmental impact,
- implementation of operators' obligations in relation to preparation and implementation of measures and activities from the Safety Report,
- fulfilment of the prescribed requirements, activities and safety measures in accordance with approvals issued for the Safety Report,
- prescribed use of the Environmental Protection Label for products, processes or services,
- delivery of the prescribed data and reports for the purpose of the Environmental Protection Information System,
- delivery of a report on the performed environmental monitoring,
- keeping the register on environmental status and delivery of that data to the Registry of Polluters,
- preparation, implementation and monitoring effects of the measures from the restoration programme,
- fulfilment of the requirements prescribed for the performance of professional environmental protection activities by an authorised person,
- implementation of ratified international treaties from the field of environmental protection.

(3) The supervision of installations referred to in Article 70 paragraph 1 and Article 82 paragraph 1 of this Act for which the obligation to obtain integrated environmental protection requirements is prescribed, as well as the supervision of an installation with dangerous substances in quantities that can cause major accidents, is performed by environmental inspectors in coordinated supervision and in the manner prescribed in Article 185 paragraph 4 of this Act.

#### *Inspection Procedure*

##### Article 189

(1) If during inspectional supervision, the inspector establishes the violation of the provisions of this Act and regulations adopted on the basis thereof, he shall initiate, in the line of his duty, the administrative procedure and undertake measures prescribed by this Act and regulations adopted on the basis thereof.

(2) The inspector shall notify the known applicant on the facts established in the course of inspectional supervision within thirty days from the date on which he established the mentioned facts at the latest.

#### *Parties in the Inspection Procedure*

##### Article 190

(1) A party in the inspection procedure, within the meaning of this Act, may be any polluter, developer, operator, authorised person, as well as a county, that is, the City of Zagreb, major city, city and municipality.

(2) If the polluter's place of residence is unknown the party is the owner of the polluted property.

#### *Unknown Polluter*

##### Article 191

(1) If environmental pollution has been caused by an unknown polluter, the party in the inspection procedure is the major city, city or municipality on the territory of which the pollution has been ascertained.

(2) If the inspector establishes that pollution presents a direct threat to people and the environment he shall order, by a decision, a major city, city or municipality to undertake measures for reducing or removing pollution via another person and if a major city, city or municipality fails to do so within the deadline established by the decision, measures shall be undertaken by the county and expenses shall be covered from the budget of the major city, city or municipality.

#### *Inspectional Decision*

##### Article 192

(1) If the inspector establishes a violation of the provisions of this Act and regulations adopted on the basis thereof, he may issue an inspectional decision without hearing the concerned party.

(2) The inspector shall issue the decision referred to in paragraph 1 of this Article within eight days from the date of completing the supervision with the established facts relevant for the issuance of the decision. If the decision is not issued within that deadline, that does not exclude the obligation of its issuing.

(3) If the party's place of residence is unknown, the inspectional decision and conclusion is delivered by being placed on the Ministry's notice board. A notification thereon shall also be left at the location which has been polluted.

(4) The obligation to enforce the inspectional decision and conclusion, and the deadline for filing an appeal or initiating an administrative dispute shall begin to run from the first day after the day of placement on the notice board.

(5) After the first unsuccessful delivery of the inspectional decision and conclusion to the known party in line with the special Act, the delivery shall be performed in the manner prescribed by paragraphs 3 and 4 of this Article.

(6) The decision and conclusion in the event of delivery referred to in paragraph 5 of this Article is considered as delivered on the date of its placement on the notice board.

#### *Emergency Measures*

##### Article 193

(1) In the case of an imminent threat to human lives and health and the environment, the inspector may, pursuant to this Act, verbally order a party to undertake emergency measures for the purpose of preventing further environmental pollution and protection against the imminent threat, that is, when necessary prohibit the operation of the installation until fulfilment of his order, report and request other competent inspections to intervene as well in line with special environmental regulations, and undertake other measures.

(2) The written communication of the verbal order referred to in paragraph 1 of this Article shall be delivered to the party concerned within a period of eight days from the date of issuing the verbal order.

(3) The inspector will not issue the written communication referred to in paragraph 2 of this Article to the party if the emergency measure has been undertaken during inspectional

supervision, that is, prior to forwarding the written communication of the verbal order, which the inspector shall establish and record in his minutes.

(4) The obligation to enforce the verbal order shall begin to run on the third day from the day on which the verbal order was pronounced to the party concerned.

(5) The inspector shall immediately inform the central state administration body competent for safety and rescue as well as the competent police department on the issuance of the decision referred to in paragraph 1 of this Article.

(6) If the polluter is not available or it is not possible to pronounce the emergency measure to him for any reason or if he refuses to undertake it within the given deadline, the inspector shall order by the same decision that the emergency measure be undertaken via another person, at the expense and responsibility of the person undertaking the measure.

#### *Sealing Measure*

##### Article 194

(1) During the performance of inspectional supervision, the inspector may immediately close by sealing the premises, areas or close access to the area where the supervised person performs a specific activity and unable him from using the installation or equipment and other working instruments.

(2) The inspector shall remove the seal referred to in paragraph 1 of this Article when a supervised person takes action in line with the inspectional decision and aligns the performance of his activity with this Act.

(3) If the supervised person continues to perform the activity even after sealing, the inspector shall carry out further prevention with the help of the police which shall remove the concerned party from his business premises.

(4) Removal of the seal is a criminal act pursuant to Article 323 of the Criminal Code.

(5) The Minister shall prescribe, by an ordinance, the manner of sealing premises and working instruments referred to in paragraph 1 of this Article.

#### *Conclusion on Suspension of the Enforcement Procedure*

##### Article 195

If the supervised person has fulfilled the obligation arising from the inspectional decision, or the obligation of enforcement has expired due to any other reason, the inspector shall issue, in the line of duty, a conclusion on the suspension of the enforcement procedure.

#### *Right to an Appeal and Administrative Dispute*

##### Article 196

(1) An appeal against the decision, conclusion on the suspension of the enforcement procedure and conclusion on expenses issued by a branch unit inspector may be filed with the Ministry within fifteen days from the receipt of the decision or conclusion.

(2) If the inspector in a branch unit of the Ministry establishes that the appeal is permitted, timely and submitted by an authorised person, and if he has not replaced the official act contested by the appeal with a new official act, he shall submit, without delay and within a period of five days from the receipt of the appeal at the latest, the appeal along with the file related to the case to the Ministry to be resolved.



(3) An appeal submitted against the decision or conclusion referred to in paragraph 1 of this Article shall not postpone its enforcement.

(4) An appeal referred to in paragraph 3 of this Article shall be resolved by a special commission of the Ministry which is appointed by the Minister.

(5) By way of derogation from paragraph 1 of this Act, an appeal to the Ministry against an inspectional decision or conclusion is not permitted, but administrative dispute may be initiated, but shall not postpone its enforcement.

#### *Inspectional Measures*

##### Article 197

If during inspectional supervision the inspector establishes a violation of the provisions of this Act and/or regulations adopted on the basis thereof, he has the right and obligation to order, by a decision, the supervised person to undertake measures within an adequate deadline for their fulfilment, and in particular:

– prohibition of operation, that is temporary prohibition of the operation of an installation or its part and equipment and/or performance of the activity,

– removal of the established irregularities in the work of the supervised person,

– temporary prohibition of undertaking activities in the production process, – suspension of operation of the installation, – removal of consequences of environmental pollution, that is implementation of measures of the restoration programme, – suspension of works, – prohibition of using dangerous substances, – undertaking of adequate preventive and other measures for the protection of the environment from the dangerous substances,

– in the event of major accidents undertaking measures and procedures in line with the Safety Report and internal plan as well as measures for restoration and prevention of spreading environmental pollution, – undertaking new activities and safety measures which are not included in the Safety Report and internal plan, – removal of irregularities and/or illegalities in the document on sustainable development and environmental protection and/or in its preparation procedure or in its amendments, as well as in its review and adoption, – preparation of a plan for harmonisation of an installation with the technical environmental protection standards, environmental impact study and environmental impact study implementation, environmental protection study, Safety Report or internal plan, – implementation of environmental protection measures and environmental monitoring as established by a decision on the environmental acceptability of the planned project, – proposal for revoking the approval of the Ministry for performing professional environmental protection activities from the authorised person, – proposal for temporary revoking and termination of validity of a use permit in the part related to integrated environmental protection requirements, – proposal for revoking the Environmental Protection Label,

– undertake other measures and actions as well for the purpose of preventing environmental protection in line with this Act and regulations adopted on the basis thereof.

#### *Prohibition of Operation of the Installation and/or Performance of Activity*

##### Article 198

(1) When performing coordinated inspectional supervision, the inspector shall prohibit, by a decision, the company or operator from operating the installation and/or performing the activity if he establishes that:

- he failed to obtain integrated environmental protection requirements as part of his use permit,  
- he has not renewed his use permit in the part concerning the integrated environmental protection requirements,

- he has made a change to or reconstruction of the installation without amending its use permit, that is, integrated environmental protection requirements,

- does not fulfil the prescribed standards of environmental protection quality or technical environmental protection standards for plants, devices, adequate equipment, production processes and specific products that may cause risk or threat for the environment.

(2) In the case referred to in paragraph 1 of this Article the inspector shall immediately and prior to his issuing the decision referred to in paragraph 1 of this Article close by sealing the facilities, premises, that is access to premises, on which the supervised person performs the specific activity and thus unable him from using the installation and equipment and other working instruments.

(3) When performing coordinated inspectional supervision, the inspector shall temporarily prohibit, by a decision, the company or operator from operating the installation and/or performing the activity for a period up to six months if he establishes:

a) that he has failed to obtain environmental impact study for the project,

b) that he has failed to submit the request for obtaining the integrated environmental protection requirements, that is, renewing the use permit in the part related to the integrated environmental protection requirements,

c) considerable increases in quantity or changes to the properties or physical form of a present dangerous substance or change in the production process in which that substance is used.

(4) By the decision referred to in paragraphs 1 and 3 of this Article the inspector shall order the company or operator to undertake measures for removing the established consequences of environmental pollution, shall set the deadline within which it must undertake those measures, establish the manner of enforcement of the inspectional decision via another person and at the same time, warn the company or operator that the enforcement of ordered measures shall be executed within thirty days from the date on which it was established that the company or operator did not take actions in line with the order.

(5) By the decision referred to in paragraph 3 subparagraphs 1 and 2 of this Article the inspector shall warn the company or operator that if a period of six months from the date on which the decision has become final expires and the company or operator has not obtained the integrated environmental protection requirements or renewed the validity of the use permit in the part concerning integrated environmental protection requirements, the prohibition of the operation of the installation, that is, operation of its parts or equipment, and/or the performance of the activity shall cease to be temporary.

*Removal of Irregularities*

Article 199

(1) During coordinated inspectional supervision, the inspector shall order by a decision the removal of irregularities which resulted in deviations from the integrated environmental protection requirements established in the decision on the environmental acceptability of the project and the integrated environmental protection requirements, that is, in the use permit, if he establishes that the company is acting contrary to those requirements.

(2) The inspector shall, by the decision referred to in paragraph 1 of this Article, order the company or operator to apply measures for removing the consequences of environmental pollution and to implement the measures from the restoration programme, shall set an appropriate deadline for harmonisation with the provisions of this Act and the manner of enforcement of the inspectional decision via another person and at the same time warn the company or operator that the enforcement of the ordered measures shall be executed at the latest within thirty days from the date on which it was established that the company or operator did not act in line with the order.

(3) The inspector shall, by the decision referred to in paragraph 1 of this Article, order the inspection of a specific technique, technological process, product, semi-product or raw material if he suspects that they might cause environmental pollution, as well as temporarily prohibit their use until the test results are delivered to him for inspection, and in that case he shall also prohibit the release of pollutants and dangerous substances, waste waters or energy into the air, water or soil in a manner and in a quantity, that is, in concentrations or levels which are higher than those permitted.

(4) When performing inspectional supervision, the inspector may, on the basis of the decision referred to in paragraph 1 of this Article, suspend the operation of an installation if he establishes that it is necessary to test the efficiency of devices which are used for eliminating or purifying pollutants for which standards are not prescribed.

(5) The inspector shall prohibit, by the decision referred to in paragraph 1 of this Article, the operation of the installation, that is, of its part and equipment and/or performance of the activity if a company or operator does not harmonise his activities with the integrated environmental protection requirements from his use permit within the ordered deadline.

#### *Temporary Prohibition of Performing Actions in the Production Process and Prohibition of Handling Dangerous Substances*

##### Article 200

(1) When conducting coordinated inspectional supervision the inspector shall, by a decision, temporarily prohibit the company or operator from performing actions in the production process, as well as from using a technique, technological process, product, semi-product or raw material if he establishes that they are not in line with the provisions of this Act and that they have caused or might cause environmental pollution.

(2) The inspector shall prohibit, by the decision referred to in paragraph 1 of this Article, the company or operator from handling dangerous substances if he establishes that their quantities are higher than those permitted by this Act.

(3) In the case referred to in paragraph 1 of this Article, the inspector shall, prior to issuing the decision referred to in paragraph 1 of this Article, immediately close by sealing the premises, areas or close access to the area where the company or operator performs specific actions in the production process and thus unable it to use installation and equipment and other working instruments.

(4) By the decision referred to in paragraph 1 of this Article the inspector shall order the company or operator measures for removing the established consequences of environmental pollution, that is, the implementation of restoration programme measures, set the appropriate deadline for the purpose of harmonisation with the provisions of this Act and establish the manner of enforcement of the inspectional decision via another person and at the same time warn the company or operator that the enforcement of the ordered measures shall be executed within thirty days from the date on which it was established that the company or operator did not take actions in line with order.

#### *Undertaking Measures in the Event of an Accident*

##### Article 201

(1) When conducting coordinated inspectional supervision in the event of an accident, the inspector shall order, by a decision, a company or operator to immediately apply measures and procedures in line with the Safety Report and internal plan, that is, measures for the prevention of environmental pollution spreading and restoration, as well as undertake measures referred to in Article 193 of this Act.

(2) The inspector shall order, by the decision referred to in paragraph 1 of this Article, the company or operator to inform the public on the performed measures, to conduct analyses of possible deficiencies in the Safety Report, as well as to undertake other necessary measures for reducing environmental damage and establish the manner of enforcement of the inspectional decision via another person and at the same time warn the company or operator that the enforcement of ordered measures shall be executed within three days from the date on which it was established that the company or operator did not take actions in line with the order.

(3) When conducting coordinated inspectional supervision, the inspector shall order, by the decision, the company or operator to undertake new protective activities and measures which are not included in the Safety Report for the purpose of removing consequences of environmental pollution.

(4) The inspector shall order, by the decision referred to in paragraph 3 of this Article, the company or operator to obtain from the Ministry a new approval of the report even before the expiry of the period of five years for which the prior approval has been given, as well as set the appropriate deadline for the purpose of harmonisation with the provisions of this Act and establish the manner of enforcement of the inspectional decision via another person and at the same time warn the company or operator that the enforcement of the ordered measures shall be executed within thirty days from the date on which it was established that the company or operator did not take actions in line with the order.

(5) The inspector shall prohibit, by the decision referred to in paragraphs 1 and 3 of this Article, the company or operator from operating the installation, that is, its part or equipment and/or from performing activities if he, after the expiry of the deadline ordered in that decision, establishes that the company or operator has not taken action in line with the order.

#### *Removal of Irregularities and/or Illegalties in Sustainable Development and Environmental Protection Documents*

##### Article 202

(1) When conducting inspectional supervision, the inspector shall order, by a decision, a county, the City of Zagreb, major city, city or municipality to remove irregularities and/or illegalities found in a sustainable development and environmental protection document and/or in its preparation procedure, in its amendments, as well as its review and adoption.

(2) The inspector shall establish, by the decision referred to in paragraph 1 of this Article, the appropriate deadline within which a county, the City of Zagreb, major city or city and municipality shall remove the established irregularities and/or illegalities.

(3) The inspector shall establish, by the decision referred to in paragraph 1 of this Article, that the Ministry shall revoke the supervised sustainable development and environmental protection document at his proposal, within thirty days from the date on which it has been established that the county, the City of Zagreb, major city, city or municipality have not taken action in line with what was ordered within the prescribed deadline.

(4) When conducting inspectional supervision, the inspector shall order, by a decision, a county, the City of Zagreb, major city, city or municipality to prepare and adopt an environmental protection programme and/or environmental status report if he establishes that the county, City of Zagreb, major city, city or municipality has not prepared and adopted those documents within the prescribed deadline and in line with the provisions of this Act.

(5) The inspector shall establish, by the decision referred to in paragraph 4 of this Article, an appropriate deadline within which the county, City of Zagreb, major city, city or municipality must adopt the environmental protection programme and/or environmental status report.

(6) The inspector shall warn, by the decision referred to in paragraph 4 of this Article, that the Ministry shall on the behalf and at the expense of the county, City of Zagreb or major city initiate the preparation of the sustainable development and environmental protection document at the latest within thirty days from the date on which it was established that it did not take action in line with the order.

#### *Preparation of Environmental Protection Documents and Instruments*

##### Article 203

(1) When conducting inspectional supervision, the inspector shall order a company or operator, by a decision, to prepare the prescribed sustainable development and environmental protection documents or environmental protection instruments if he establishes that it is, pursuant to this Act, obliged to prepare the following:

- a plan for harmonisation of the installation with technical environmental protection standards,
- an environmental impact study for a planned project and implementation of the environmental impact assessment,
- an environmental protection study, and
- a report on installation safety, that is, an internal plan.

(2) The inspector shall establish, by the decision referred to in paragraph 1 of this Article, an appropriate deadline within which a company or operator is obliged to prepare the prescribed sustainable development and environmental protection documents or environmental protection instruments.

(3) The inspector shall also establish, by the decision referred to in paragraph 1 of this Article, the manner of enforcement of the inspectional decision via another person at the latest within thirty days from the date on which it was established that the company or developer did not take actions in line with the order.

#### *Implementation of Environmental Protection Measures and Environmental Monitoring*

##### Article 204

(1) When conducting inspectional supervision, the inspector shall order the company or operator, by a decision, to implement environmental protection measures and environmental monitoring established in the decision on the environmental acceptability of the project if he establishes that the company or operator is acting contrary to that decision.

(2) The inspector shall establish, by the decision referred to in paragraph 1 of this Article, a deadline within which a company or operator is obliged to perform specific environmental protection measures and environmental monitoring.

(3) The inspector shall temporarily prohibit a company or operator, by the decision referred to in paragraph 1 of this Article, from undertaking actions in the production process, from using an installation and equipment that caused environmental pollution if it does not immediately or within the prescribed deadline, act in line with the order and shall establish the manner of enforcement of the inspectional decision via another person at the latest within thirty days from the date on which it was established that the company or operator did not take actions in line with his decision.

#### *Revoking of the Environmental Protection Label*

##### Article 205

The inspector shall propose to the Ministry to revoke by a decision, the Environmental Protection Label awarded to a supervised person if it has been established during inspectional supervision that that person does not act according to the requirements under which the label was awarded or no longer fulfils the prescribed requirements for the award of that label.

#### *Revoking Approval for Performance of Professional Environmental Protection Activities*

##### Article 206

(1) The inspector shall propose to the Ministry to revoke by a decision approval for the performance of professional environmental protection activities given to an authorised person if he, during inspectional supervision, establishes that the authorised person does not fulfil the

requirements prescribed for granting that approval or that he performs professional environmental protection activities contrary to this Act or regulations adopted on the basis thereof.

(2) The inspector shall propose to the Ministry to revoke by a decision the authorisation given to a legal person authorised for performing auditing activities pursuant to this Act, or auditor if he, during inspectional supervision, establishes that that legal person does not fulfil the requirements prescribed for granting that authorisation, or that it performs the environmental protection activities contrary to this Act or regulations adopted on the basis thereof.

(3) An appeal against the decision referred to in paragraphs 1 and 2 of this Article shall not be permitted but administrative dispute may be initiated.

(4) The Commercial court shall in the line of its duty erase the professional environmental protection activities, that is, the auditing activities from the court registry on the basis of a decision with final force and effect referred to in paragraphs 1 and 2 of this Article.

(5) The proposal and decision referred to in paragraphs 1 and 2 of this Article shall also be delivered to the competent professional chamber.

#### *Suspension of Works*

##### Article 207

(1) When conducting inspectional supervision, the inspector shall order, by a decision, a company or operator who is the investor of installation works to suspend the performance of works if he establishes that they are being performed contrary to integrated environmental protection requirements, that is, environmental protection measures established by the decision on environmental acceptability of a project.

(2) In the case referred to in paragraph 1 of this Article, the inspector shall, prior to issuing the decision, immediately close by sealing access to areas in which works are carried out and thus unable a company or operator from using the working instruments.

#### *Temporary Revoking and Termination of Validity of the Use Permit*

##### Article 208

(1) The inspector shall propose to the Ministry to temporary revoke, by a decision, a use permit in the part related to integrated environmental protection requirements, from a company or operator for a period up to six months if during inspectional supervision he establishes:

– that it does not act according to integrated environmental protection requirements from the use permit, which might present a threat to human life and health and/or cause environmental pollution, – that it has made a change or reconstruction of the installation without notifying the Ministry thereon or obtained the acts prescribed pursuant to this Act.

(2) If the company or operator referred to in paragraph 1 of this Article does not undertake the ordered measures for harmonisation with the integrated environmental protection requirements from the use permit within the prescribed deadline, due to which his permit has been temporary revoked, the inspector shall propose to the Ministry to terminate the validity of the use permit in the part related to integrated environmental protection requirements even before the deadline established by that permit.

#### *Revoking the Use Permit by Virtue of Supervisory Power*

##### Article 209

If during inspectional supervision, the inspector establishes that substantive provisions of this Act and/or regulations adopted on the basis of this Act are violated by a use permit in the part related to integrated environmental protection requirements, he shall propose to the Ministry to revoke that part of the permit by virtue of supervisory power.

#### *Enforcement of Inspectional Decisions*

##### Article 210

(1) The expenses of enforcement of an inspectional decision shall be covered from the State Budget until collection of payment from the person to whom the inspectional decision refers.

(2) By way of derogation from paragraph 1 of this Article, and at the request of a local self-government unit on the territory of which the inspectional decision is enforced, the expenses of enforcement of the inspectional decision shall be covered from the budget of that local self-

government unit until collection of payment from the person to whom the inspectional decision refers.

(3) In the case referred to in paragraph 2 of this Article, the expenses of enforcement of the decision shall be covered from person to whom the inspectional decision refers and paid into the budget of that local self-government unit.

(4) If the person to whom the inspectional decision refers does not act in line with the inspector's decision referred to Article 198 paragraphs 1 and 3, Article 199 paragraph 1, Article 200 paragraph 1, Article 201 paragraph 1, Article 202 paragraph 4, Article 203 paragraph 1 and Article 204 paragraph 1 of this Act, the decision shall be enforced via another person at the expense and responsibility of the person to whom the inspectional decision refers.

(5) For the purpose of unobstructed enforcement of the inspectional decision referred to in paragraph 4 of this Article, the competent police department shall previously secure the building, construction site and access to the construction site from people and things during the enforcement of the inspectional decision.

(6) The expenses of the enforcement of an inspectional decision issued to an unknown polluter shall be covered from the State Budget.

#### *Annual Report on Activities*

##### Article 211

(1) The environmental inspection shall prepare an annual report on its activities.

(2) The content of the report referred to in paragraph 1 of this Article shall comprise:

- data and information related to implementation of the work plan and programme,
- data and information related to measures undertaken for the purpose of implementing regulations under the competence of the Ministry,
- joint report on the performed coordinated inspectional supervisions and other activities within the framework of mutual cooperation with other inspections in the area of environmental protection,
- proposals for advancement of inspectional supervision in the field of environmental protection and improvement of environmental status.

(3) The Ministry shall deliver the annual report referred to in paragraph 1 of this Article to the Government.

#### *Public Participation in the Performance of Inspectional Supervision*

##### Article 212

The Ministry shall inform the public on the web site of the Ministry on the following:

- individual inspectional supervisions and activities of the environmental inspection,
- coordinated inspectional supervisions and other activities performed within the framework of mutual cooperation of environmental inspectors and other inspections in the field of environmental protection.

#### *Misdemeanour and Criminal Charges*

##### Article 213

If during inspectional supervision, it is established that this Act and/or regulations adopted on the basis thereof have been violated, the inspector has the right and obligation to immediately:

- issue a misdemeanour order in accordance with a special act,
- file criminal charges for a criminal act to the competent body,
- undertake other measures and perform other actions for which he is authorised pursuant to this Act and special regulation.

##### Article 214

(1) Supervision over the implementation of the provisions referred to in Article 177 of this Act shall be performed by the State Inspectorate.

(2) During coordinated inspectional supervisions, other inspections referred to in Article 182 paragraph 2 of this Act shall also undertake measures pursuant to the provisions of Article 198 paragraph 1 subparagraph 4 and paragraph 3 subparagraph 3, Article 199 paragraph 1, Article 200 paragraph 1, Article 201 paragraph 1 and 3 and Article 204 paragraph 1 of this Act.

## XIV PENAL PROVISIONS

### Article 215

(1) A misdemeanour fine in an amount ranging from HRK 50,000.00 to 200,000.00 shall be imposed on an authorised person or other legal person for:

1. performing professional environmental protection activities without fulfilling the requirements prescribed by this Act (Article 39 paragraph 2),
2. performing professional activities of environmental protection without having obtained approval of the Ministry for the performance of those activities (Article 39 paragraph 3),
3. performing activities of environmental monitoring while having participated in the preparation or having prepared the environmental impact study which defines that environmental monitoring (Article 39 paragraph 4),
4. preparing an environmental impact study of false, inaccurate or ungrounded content or a study which does not fulfil the prescribed requirements in relation to the preparation and content of the study (Article 75 paragraph 4),
5. failing to deliver quality data and information, as well as relevant reports to the Agency for the purpose of the Environmental Protection Information System within the prescribed deadlines and/or failing to ensure undisturbed access to data and use of data for the purpose of the Environmental Protection Information System (Article 128 paragraph 1),

(2) A fine in an amount ranging from HRK 10,000.00 to 15,000.00 shall also be imposed on a responsible person of the authorised person for misdemeanours referred to in paragraph 1 of this Article.

### Article 216

(1) A misdemeanour fine in an amount ranging from HRK 50,000.00 to 300,000.00 shall be imposed on a legal person who audits projects related to environmental protection and is not authorised for that in line with this Act (Article 41 paragraph 1).

(2) A misdemeanour fine in an amount ranging from HRK 10,000.00 to 15,000.00 shall be imposed on an auditor who:

1. audits projects and is not authorised to do so pursuant to this Act (Article 41 paragraph 3),
2. audits a project in the development of which he participated or if that project was completely or partially prepared by the legal person at which the auditor is employed (Article 42 paragraph 1),
3. does not audit a project in the prescribed manner (Article 42 paragraph 2),

(2) The misdemeanour fine referred to in paragraph 1 of this Article may be accompanied by a protective measure of revoking authorisation for auditing projects for a period of three to six months imposed on the auditor, while for a misdemeanour which has been committed for the second time the fine shall be accompanied by the above stated measure for a period ranging from six months to one year.

### Article 217

(1) A misdemeanour fine in an amount ranging from HRK 100,000.00 to 250,000.00 shall be imposed on a legal person in the capacity of a company in the following cases:

1. for failing to prepare the Plan for harmonisation of the installation with the technical environmental protection standards prescribed by this Act or a special regulation and with the measures prescribed by ratified international treaties (Article 53 paragraph 1),
2. for failing to comply with the technical standards and deadlines for the adjustment of the installation prescribed by this Act and special regulations when preparing the Plan referred to in Article 53 paragraph 1 of this Act and/or for failing to comply with the established technical standards and/or deadlines during the implementation of the Plan (Article 53 paragraph 2),
3. for failing to prepare plans and programmes in accordance with this Act and regulations adopted on the basis thereof, that is, in accordance with a special regulation which prescribes



the obligation to prepare those documents in relation to the activity which he performs (Article 53 paragraph 3),

4. the company operator fails to notify the Ministry or failing to notify the Ministry within the prescribed deadline after the issuing of the use permit on putting the installation into operation (Article 92 paragraph 1),

5. for failing to deliver data or failing to report every unforeseen event, type of event or activity in the environment to the Agency, all in accordance with the prescribed provisions on reporting (Article 92 paragraph 2),

6. for failing to deliver the prescribed data within the prescribed deadline referred to in Article 92 paragraph 3 (Article 92 paragraph 3),

7. for failing to notify the Ministry on each planned change in operation of the installation in accordance with Article 92 paragraph 4 of this Act (Article 92 paragraph 4),

8. for failing to undertake preventive measures necessary for reducing and preventing occurrence of major accidents in an installation in which dangerous substances are or will be present, as well as measures for limiting the effect of major accidents on human beings, material assets or the environment (Article 98 paragraph 1),

9. the company operator fails to provide at any time evidence that he has taken all necessary measures in accordance with this Act and implementing regulations of this Act to the Ministry (Article 98 paragraph 2),

10. the company operator establishes the presence of dangerous substances in accordance with Article 98 paragraph 4 of this Act and then fails to notify the Ministry thereon in the prescribed manner (Article 98 paragraph 4),

11. the company operator establishes the presence of dangerous substances in accordance with Article 98, paragraphs 3 and 6 of this Act and then fails to prepare the Safety Report in accordance with this Act, special regulations and available technologies, or fails to prepare it at all (Article 98 paragraph 6),

12. the company operator fails to deliver data and inform the Ministry and the central state administration body in charge of safety and rescue on activities and safety measures which it implements in accordance with the Safety Report and fails to inform legal and natural persons that are likely to be affected by major accidents which can be caused by his installation (Article 104 paragraph 1),

13. the company operator fails to deliver the Safety Report and internal plan to the central state administration body in charge of safety and rescue for the purpose of preparing external plans (Article 107 paragraph 1),

14. the company operator fails to immediately implement the internal plan in the case of an increased risk of the occurrence of a major accident, that is, in the case of the actual occurrence of a major accident (Article 107 paragraph 3),

15. the company operator fails to perform environmental monitoring and deliver data on emission and imission measurements to the Agency in written and electronic form (Article 120 paragraph 5),

16. the company operator fails to ensure measurement of emissions in and from installations, which directly cause environmental pollution, that is, fails to ensure supervision of their environmental impacts and the keeping of records thereon, as well as fails to ensure measurement of imissions, that is, participation in measuring imissions according to the respective share in environmental pollution of the installation he manages and fails to keep records thereon (Article 121 paragraph 3),

17. if the company operator fails to deliver data from the register on monitoring emissions and imissions to the administrative department in a county, that is, the City of Zagreb in the prescribed forms and within the prescribed periods, that is, deadlines (Article 121, paragraph 4),

18. for failing to ensure financial resources for environmental monitoring in accordance with this Act (Article 121 paragraph 5),

19. for failing to prepare, at all or within the deadline prescribed by the Ministry, a restoration programme for eliminating environmental damage caused by exceedances of the emission limit values in accordance with a special regulation (Article 164 paragraph 1),

20. if the company operator fails to obtain the approval of the Ministry for the restoration programme referred to in Article 164 paragraph 1 of this Act, and according to the evaluation of the Ministry, possibly also opinions of other competent state administration bodies (Article 164 paragraph 2),

21. if he is obliged to implement the restoration programme pursuant to this Act, yet after the implementation of restoration measures he fails to ensure environmental monitoring, that is, monitoring the effects of the restoration programme on the environmental status and fails to ensure financial resources for that purpose (Article 167 paragraph 1),

(2) A fine in an amount ranging from HRK 10,000.00 to 15,000.00 shall also be imposed on a natural person in the capacity of a company for the misdemeanour referred to in paragraph 1 of this Article.

(3) A fine in an amount ranging from HRK 5,000.00 to 10,000.00 shall also be imposed on the company operator for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 218

(1) A fine in an amount ranging from HRK 50,000.00 to 200,000.00 shall be imposed on the producer who, before placing a product on the market, fails to fix in the prescribed manner, on the packaging of a product, that is, on the technical documentation of the product, a warning informing the consumer on the environmental impact of the product or its packaging, as well as information regarding the manner of handling the product and its packaging after use (Article 177 paragraph 1).

(2) A fine in an amount ranging from HRK 50,000.00 to 200,000.00 shall also be imposed on the supplier of new vehicles intended for sale or leasing, that fails to make available data on fuel consumption and CO<sub>2</sub> emissions and a guide book at each sale point, including promotional fairs, for the purpose of protecting and informing consumers (Article 177 paragraph 2).

(3) A fine in an amount ranging from HRK 50,000.00 to 200,000.00 shall also be imposed on the dealer who, at sale points, visibly displays labels, posters, promotional material or guide books with labels, symbols and signs which are contrary to those prescribed by environmental protection regulations if their display might confuse the consumer, that is, the potential buyer of a new vehicle (Article 177 paragraph 4).

(4) A fine in an amount ranging from HRK 5,000.00 to 10,000.00 shall also be imposed on the responsible person of the producer for the misdemeanour referred to in paragraph 1 of this Article.

(5) A fine in an amount ranging from HRK 5,000.00 to 10,000.00 shall also be imposed on the responsible person of the supplier for the misdemeanour referred to in paragraph 2 of this Article.

(6) A fine in an amount ranging from HRK 5,000.00 to 10,000.00 shall also be imposed on the responsible person of the dealer for the misdemeanour referred to in paragraph 2 of this Article.

#### Article 219

(1) A misdemeanour fine in an amount ranging from HRK 300,000.00 to 900,000.00 shall be imposed on a legal person in the capacity of a company :

1. for failing to obtain integrated environmental protection requirements in line with this Act and implementing regulations of this Act prior to beginning construction, putting into operation, as well as prior to any major change in operation or reconstruction of an installation intended for the performance of an activity that might cause emissions which pollute the air, soil, water, sea and other environmental components (Article 82 paragraph 1),

2. for failing to undertake all or failing to undertake some of the preventive measures for preventing pollution in accordance with the provisions of Article 83 of this Act during installation operation (Article 83),

3. for putting an installation into regular operation contrary to the provision of Article 91 of this Act (Article 91 paragraphs 1 and 2),

4. if the company operator fails to establish the possible presence or actual presence of dangerous substances, according to types and quantities, that is, quantities which are higher than those permitted and failing to notify the Ministry thereon in the prescribed manner in accordance with Article 98 paragraph 3 of this Act for the purpose of fulfilling the obligations referred to in Article 98 paragraphs 1 and 2 (Article 98 paragraph 3),
5. for performing activities in the installation which include the presence of dangerous substances without having obtained an approval of the Safety Report (Article 100 paragraphs 1 and 2),
6. if the company operator fails to act in accordance with the provision of Article 103 paragraph 1 of this Act (Article 103 paragraph 1),
7. for failing to obtain a new approval of the Safety Report in the case prescribed by Article 103 paragraph 2 of this Act (Article 103 paragraph 2),
8. if the company operator fails to act in accordance with the provisions of Article 105 paragraphs 1, 2 and 3 of this Act in the event of a major accident (Article 105),
9. for causing an environmental hazard, that is, environmental pollution by its actions or oversights and failing to immediately undertake preventive and removal measures in conformity with this Act and the implementing regulations of this Act (Article 159 paragraph 1),
10. if in case of environmental damage the company operator:
  - fails to immediately notify the body competent in accordance with a special regulation on safety and rescue,
  - fails to undertake all possible activities and measures for immediate supervision, limitation, removal and other necessary actions for establishing control over the cause of damage for the purpose of preventing further environmental damages and threats to human health,
  - fails to undertake all necessary measures for removing the damage in accordance with a special regulation (Article 160 paragraph 1).

(2) A misdemeanour fine in an amount ranging from HRK 10,000.00 to 15,000.00 shall be imposed on the natural person in the capacity of a company for the misdemeanour referred to in paragraph 1 of this Article.

(3) A fine in the amount of HRK 10,000.00 shall also be imposed on the operator of the company for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 220

(1) A misdemeanour fine in an amount ranging from HRK 100,000.00 to 250,000.00 shall be imposed on the developer legal person:

1. for failing to perform emission measurements by expert and qualified persons and failing to keep registers thereon, as well as for failing to perform imission measurements by expert and qualified persons, that is, failing to participate in imission measurements, according to its respective share in environmental pollution, as well as failing to participate in monitoring natural and other phenomena caused by environmental pollution concerning a project for which environmental impact assessment is prescribed (Article 121 paragraph 1 subparagraphs 1, 2 and 3).

(2) A fine in the amount of HRK 5,000.00 shall also be imposed on the responsible person of the developer for the misdemeanour referred to in paragraph 1 of this Article.

(3) A fine in the amount ranging from HRK 5,000.00 to 15,000.00 shall also be imposed on the developer natural person for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 221

(1) A fine in the amount of HRK 15,000.00 shall also be imposed on the legal person in the capacity of an authorised person, company, developer or auditor, if it unables the inspector, that is, the inspector competent pursuant to a special act from performing supervision or fails to deliver for inspection all the data and documents necessary for the performance of the supervision within the prescribed deadline (Article 187).

(2) A fine in the amount of HRK 10,000.00 shall also be imposed on the natural person in the capacity of a company, developer or auditor for the misdemeanour referred to in paragraph 1 of this Article.

(3) A fine in the amount of HRK 5,000.00 shall also be imposed on the responsible person of the legal person for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 222

(1) Failure to fulfil of any of the obligations which implementing regulations of this Act prescribe for the company, operator, developer, authorised person, legal person authorised for auditing activities, auditor and polluter, and the failure to fulfil those obligations within the prescribed deadline and in the prescribed manner shall be considered a misdemeanour within the meaning of this Act.

(2) A fine in an amount ranging from HRK 100,000.00 to 800,000.00 shall be imposed on the company, operator, legal person developer, authorised person, legal person authorised for auditing activities, auditor and legal person polluter for the misdemeanours referred to in paragraph 1 of this Article.

(3) A fine in an amount ranging from HRK 3,000.00 to 5,000.00 shall also be imposed on the operator, responsible person of the legal persons referred to in paragraph 2 and auditor for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 223

(1) A misdemeanour procedure cannot be initiated for misdemeanours prescribed by this Act after the expiry of three years from the date on which the misdemeanour was committed.

(2) The pronounced misdemeanour sanctions may not be enforced after the expiry of three years from the date on which the misdemeanour decision became final, while the statute on limitation starts running from the date on which the offender received the final decision through regular delivery, that is, from the date on which the first-instance decision became final.

### XV TRANSITIONAL AND FINAL PROVISIONS

#### Article 224

(1) The Government shall submit to the Croatian Parliament the Proposal of the Strategy for Sustainable Development of the Republic of Croatia referred to in Article 44 paragraph 4 of this Act, within the period of one year from the date of entry into force of this Act at the latest.

(2) The Government shall submit to the Croatian Parliament the Proposal of the Marine Protection Strategy referred to in Article 49 paragraph 4 of this Act, within the period of one year from the date of entry into force of this Act at the latest.

#### Article 225

(1) The Government shall adopt the Environmental Protection Plan of the Republic of Croatia referred to in Article 45 paragraph 4 of this Act within the period of one year from the date of adoption of the Strategy for Sustainable Development of the Republic of Croatia.

(2) The Government shall adopt the Intervention Plan referred to in Article 50 of this Act within the period of one year from the date of entry into force of this Act.

(3) The Government shall adopt the regulations referred to in: Article 57 paragraph 4, Article 71 paragraph 3, Article 82 paragraph 4, Article 97 paragraph 2, Article 117 paragraph 5, Article 123 paragraph 1, Article 127 paragraph 3, Article 137 paragraph 2 and Article 150 paragraph 4 of this Act within one year from the entry into force of this Act.

#### Article 226

The Minister shall pass the regulations referred to in Article 39 paragraph 7, Article 40 paragraph 6, Article 41 paragraph 8, Article 42 paragraph 3, Article 65 paragraph 8, Article 96 paragraph 2, Article 108 paragraph 2, Article 120 paragraph 4, Article 129 paragraph 3, Article 164 paragraph 3 and Article 175 paragraph 5, Article 176 paragraph 5, Article 177 paragraph 5 and 6, Article 184 paragraph 3 and Article 194 paragraph 5 of this Act, within one year from the entry into force of this Act.

#### Article 227

The County Council, that is, the City Council of the City of Zagreb or City Council of a major city shall pass the programme referred to in Article 46 paragraph 3 of this Act within one year from the date of adoption of the Environmental Protection Plan of the Republic of Croatia.

#### Article 228

(1) Until the documents referred to in Article 224, Article 225 paragraphs 1 and 2 and Article 227 of this Act are passed, the environmental protection documents passed pursuant to the Environmental Protection Act (Official Gazette 82/94 and 128/99) apply, and shall remain in force until the appropriate documents are passed pursuant to this Act.

(2) The documents referred to in paragraph 1 of this Article, in line with the provision of that paragraph of this Article, may while in force be amended pursuant to the act on the basis of which they were passed.

(3) Until the implementing regulations referred to in Article 225 paragraph 3 and Article 226 of this Act enter into force, the following regulations adopted pursuant to the Environmental Protection Act (Official Gazette 82/94 and 128/99) shall remain in force, in the part in which they are not contrary to the provisions of this Act:

1. Regulation on sea quality standards on sea beaches (Official Gazette 33/96),
2. Regulation on requirements for granting approval for professional environmental protection activities (Official Gazette 7/97),
3. Regulation on the Environmental Protection Information System (Official Gazette 74/99 and 79/99),
4. Regulation on unit fees, corrective coefficients and detailed criteria and standards for establishing fees for burdening the environment with waste (Official Gazette 71/04),
5. Decision on the requirements for packaging labelling (Official Gazette 155/05, 24/06-corr. and 28/06-corr. corrigendum),
6. Ordinance on the Environmental Pollution Cadastre (Official Gazette 36/96),
7. Ordinance on the Environmental Protection Label (Official Gazette 64/96),
8. Ordinance on the official identity card of an inspector of the environmental inspection of the Ministry of Environmental Protection, Physical Planning and Construction (Official Gazette 1/05),
9. Ordinance on environmental impact assessment (Official Gazette 59/00, 136/04 and 85/06),
10. Ordinance on acknowledgements and awards for achievements in the field of environmental protection (Official Gazette 26/02 and 36/02),
11. Ordinance on the manner and deadlines for calculation and payment of a special environmental fee for motor vehicles (Official Gazette 20/04).

#### Article 229

(1) Regulation on technical environmental protection standards for the emission of volatile organic compounds resulting from the storage and distribution of petrol (Official Gazette 135/06) shall remain in force as a technical regulation within the meaning of the provision of Article 54 paragraph 4 this Regulation shall remain in force until the establishment of new standards in the field of environmental protection which is regulated by that Regulation and in line with the provisions of Article 54 paragraph 6 of this Act.

(2) Until the establishment of the intervention system in environmental protection pursuant to this Act and the special regulation on safety and rescue, the Environmental Protection Intervention Plan (Official Gazette 82/99, 86/99 and 12/01) shall remain in force.

(3) The Intervention Plan in Case of Sudden Sea Pollution in the Republic of Croatia (Official Gazette 8/97) shall remain in force until the adoption of the Intervention Plan referred to in Article 50 of this Act.

#### Article 230

(1) The Government shall establish advisory bodies and other bodies in accordance with the provisions of this Act within six months from the entry into force of this Act.

(2) The Minister shall establish advisory and other bodies in accordance with the provisions of this Act within six months from the entry into force of this Act.

#### Article 231

(1) The Agency shall harmonise its activities with the provisions of this Act within one year from the entry into force of this Act.

(2) Until harmonisation of its activities with the provisions of this Act, the Agency shall continue its operation in accordance with its registered activity.

#### Article 232

(1) Counties and the City of Zagreb shall ensure the performance of activities prescribed by this Act, as well as establish competent administrative bodies for that purpose by the end of the first quarter of 2008.

(2) Counties and the City of Zagreb shall harmonise their statutes, decisions and other general acts on internal structure and internal organisation of their competent administrative bodies with this Act until 15 December 2007.

(3) On 1 January 2008, the counties shall take over the employees, activities and office and other equipment as well as records of the state administration offices in counties which were related to the performance of activities in line with the Environmental Protection Act (Official Gazette 82/94 and 128/99), each from their territory and in accordance with their self-governmental scope in line with a special regulation.

(4) The counties shall assign the employees to their new posts on 1 January 2008.

#### Article 233

(1) Legal persons which have obtained approval for the performance of professional environmental protection activities pursuant to the Environmental Protection Act (Official Gazette 82/94 and 128/99) shall submit to the Ministry an application for the issuance of approval for the performance of those activities in accordance with this Act, within one year from the date of entry into force of the implementing regulation referred to in Article 39 paragraph 7 of this Act.

(2) If they do not submit the application for the issuance of approval for the performance of activities in accordance with this Act within the deadline referred to in paragraph 1 of this Article, the legal person's right to perform professional environmental protection activities shall terminate.

#### Article 234

(1) Natural persons who are employed by an authorised person and perform professional environmental protection activities and have at least 10 years of service at posts connected to environmental protection, that is, natural persons who have worked on professional environmental protection posts in the field of environmental protection until the entry into force of this Act and have at least 10 years of service at those posts, shall be considered as persons who have passed the expert examination in accordance with this Act.

(2) Natural persons who are employed by an authorised person and perform professional environmental protection activities and to whom the provision of paragraph 1 of this Article applies, shall pass the expert examination in accordance with the provisions of this Act within one year from the date of entry into force of the implementing regulation referred to in Article 40 paragraph 6 of this Act.

(3) If they do not pass the expert examination within the prescribed deadline, the right of natural persons referred to in paragraph 2 of this Article to perform professional environmental protection activities at the authorised person shall terminate.

(4) Inspectors with more than five years of service at posts related to environmental inspection shall be considered as persons who have passed the expert examination in accordance with this Act.

#### Article 235

(1) The operator who ascertains the presence of dangerous substances in the installation of the company shall harmonise the installation and its operation with the provisions of this Act within six months from the date of entry into force of the regulation referred to in Article 97 paragraph 2 of this Act.

(2) After the expiry of the prescribed period the company of the operator who does not act in accordance with the provisions of paragraph 1 of this Article, shall be prohibited to operate the installation.

#### Article 236

- (1) The company shall continue its activities with the existing installation until it obtains the decision on integrated environmental protection requirements in line with this Act.
- (2) The decision on integrated environmental protection requirements for the existing installation is issued for the period of 5 years.
- (3) The requirements for obtaining integrated environmental protection requirements for existing installations and manner of issuing that decision, as well as deadlines for fulfilment and application of the requirements from the decision are regulated by the regulation referred to in Article 82 paragraph 4 of this Act.
- (4) The company operator shall prepare, for the existing installation of the company, for which the obligation to obtain the decision on integrated environmental protection requirements is prescribed by this Act, an analysis of the status related to the installation and a study on the manner of harmonisation with the provisions of this Act within three years from the date of entry into force of this Act .
- (5) The company operator shall deliver the status analysis and study referred to in paragraph 4 of this Article to the Ministry for opinion and assessment within the prescribed period.
- (6) After having obtained positive opinion in relation to the analysis and study referred to in paragraph 4 of this Article, the company shall submit, within a period of six months, the request for determining integrated environmental protection requirements for the installation to which analysis and study are related to.
- (7) By way of derogation from the provisions of this Act on the determining of integrated environmental protection requirements, the Ministry may issue a temporary decision on integrated environmental protection requirements for an existing installation to a company at its written request if it assesses, on the basis of the status analysis related to the installation and study on the manner of harmonisation with the provisions of this Act, that the existing installation does not fulfil all the prescribed requirements for the protection of air, soil, water and/or sea and other components for issuing the integrated environmental protection requirements, and it fulfils the requirements prescribed by transitional provisions of special regulations in relation to those environmental components and burdening.
- (8) The period for which the temporary decision referred to in paragraph 7 of this Article is issued shall not be longer than the period established by transitional provisions of special regulations.
- (9) A company of an operator that does not act in line with the provisions of paragraph 4 of this Article after the expiry of the period prescribed in paragraph 4 of this Article and a company which does not harmonise its activities with the provisions of this Act within the prescribed period shall be prohibited by virtue of a special decision to operate the installation.
- (10) Against the decision referred to in paragraphs 7 and 9 of this Article an appeal shall not be permitted but an administrative dispute may be initiated.

#### Article 237

- (1) Proceedings initiated under the provisions of the Environmental Protection Act (Official Gazette 82/94 and 128/99) prior to the entry into force of this Act shall be completed in accordance with the provisions of the former Act.
- (2) Proceedings initiated under the provisions of general acts of local and regional self-government units prior to the entry into force of this Act shall be completed in accordance with the provisions of those regulations.
- (3) Proceedings initiated before a misdemeanour court under the provisions of the Environmental Protection Act (Official Gazette 82/94 and 128/99) prior to the entry into force of this Act shall be completed in accordance with the provisions of the former Act.

#### Article 238

By virtue of the entry into force of this Act the following shall cease to have effect:

- Environmental Protection Act (Official Gazette 82/94 and 128/99),
- Article 4 of the Regulation on the establishment of the Croatian Environment Agency (Official Gazette 75/02),
- Article 20 paragraphs 2, 3, 4, 5 and 6 of the Waste Act (Official Gazette 178/04 and 111/06),

- Article 33 paragraph 1 subparagraph 1 and Article 34 of the Air Act (Official Gazette 178/04).

Article 239

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provision of Article 37 paragraph 3 and Article 72 paragraph 6 of this Act, which shall enter into force on the date of accession of the Republic of Croatia to the European Union.

Class: 351-01/07-01/02 Zagreb, 3 October 2007

CROATIAN PARLIAMENT President of the Croatian Parliament **Vladimir Šeks**, m.p.